



**CITY OF CORNING
CITY COUNCIL MEETING AGENDA
TUESDAY, MARCH 26, 2024
CITY COUNCIL CHAMBERS
794 THIRD STREET**

This is an Equal Opportunity Program; Federal Law prohibits discrimination. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

In compliance with the Americans with Disabilities Act and Title VI. If you need special assistance or translation services to participate in this meeting, please contact the City Clerk's Office at 530/824-7033 or via email at linnet@corning.org. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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

B. ROLL CALL:

**Council: Dave Demo
Jose "Chuy" Valerio
Shelly Hargens
Lisa Lomeli
Mayor: Robert Snow**

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

D. INVOCATION: Led by Councilwoman Shelly Hargens.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the reading and approve the Minutes of the March 12, 2024 City Council Closed Session and Regular meeting with any necessary corrections.**
- 3. March 21, 2024 Claim Warrant in the amount of \$109,811.97.**
- 4. March 21, 2024 Business License Report.**
- 5. Ordinance No. 708, an Ordinance to replace Chapter 5.50 of the Corning Municipal Code relating to permanent and mobile vending in the City of Corning (second reading and adoption).**
- 6. Ordinance No. 709, an Ordinance to amend and add to Chapter 12 of the Corning Municipal Code relating to sidewalk vending in the City of Corning (second reading and adoption).**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

- 7. Public Hearing: Approve proposed Disposal Service CPI Rate Increase of 3.19% to become effective April 1, 2024.**

J. REGULAR AGENDA:

- 8. Approve Change Order #2 in the amount of \$31,258.70 for Builder Solutions Inc. to remove/repave asphalt at intersection of Hoag and Marin Streets for ADA compliance for the West Street School Connectivity Project.**
- 9. Approve Change Order #3 in the amount of \$6,264.88 for Builder Solutions Inc. to add a curb at the southeast corner of West and Marin Streets for the West Street School Connectivity Project.**

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

10. Approve Contract with Lamb Unlimited for the pulverizing, grading, and compacting of the Clark Park Parking Lot in the amount of \$41,980.
 11. Approve contract with Beard's Custom Cabinets, Inc. for the construction and installation of new cabinets/workstations at the Police Department in the amount of \$15,134.64.
 12. Adopt Resolution 03-26-2024-01 calling for the Municipal Election and requesting it be consolidated with the County's November 5, 2024 Statewide General Election.
- K. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- L. **COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:**
- M. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:** City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).
- Demo:
Valerio:
Hargens:
Lomeli:
Snow:
- N. **ADJOURNMENT:**

POSTED: FRIDAY, MARCH 22, 2024



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION MINUTES
TUESDAY, MARCH 12, 2024
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council: Dave Demo
Jose "Chuy" Valerio
Shelly Hargens
Lisa Lomeli
Mayor: Robert Snow

All members of the City Council were present.

C. PUBLIC COMMENTS: None.

D. REGULAR AGENDA:

1. PUBLIC EMPLOYMENT: City Manager Performance Review
Pursuant to Government Code Section 54957(b) and 54957.6

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:35pm, Mayor Snow reported that the City Council met in Closed Session to complete the City Manager's Performance Review and will reconvene following the City Council meeting.



**CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, MARCH 12, 2024
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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A. CALL TO ORDER: 6:35 p.m.

B. ROLL CALL:

Council: Dave Demo
Jose "Chuy" Valerio
Shelly Hargens
Lisa Lomeli
Mayor: Robert Snow

All members of the City Council were present.

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

D. INVOCATION: Led by Councilor Hargens

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None.

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

Lorna Ramsay from Upstate CA Film Commission addressed the City Council providing information and stats on films utilizing north state locations, facilities, residents, etc. in 2023.

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

1. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
2. **Waive the reading and approve the following meetings with any necessary corrections.**
 - a. **February 27, 2024 Special City Council Study Session and Regular City Council Meeting;**
 - b. **February 28, 2024 Special City Council Fee Schedule Study Session Meeting.**
3. **March 7, 2024 Claim Warrant in the amount of \$544,776.39.**
4. **March 7, 2024 Business License Report.**
5. **February 2024 Wages & Salaries: \$438,390.94.**
6. **February 2024 Treasurer's Report.**
7. **February 2024 Building Permit Valuation Report in the amount of \$581,915.**
8. **February 2024 City of Corning Wastewater Operations Summary Report.**
9. **Approve purchase of 80 water meters to replace existing meters in the amount of \$15,096.90.**
10. **Authorize staff to seek proposals for a 3-year Palm Tree & Street Tree pruning and stump removal service.**

Councilor Valerio moved to approve Consent Items 1-10; Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None; motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS:

Mayor Snow announced that Item I-12 relating to Ordinance 709 would be addressed first and that he would be abstaining from participating in the discussion and vote on this item due to a possible conflict of interest. He then left the Council Chambers at 6:42pm.

12. **Public Hearing: Ordinance 709, an Ordinance to amend and add to Chapter 12 of the Corning Municipal Code relating to Sidewalk Vending in the City of Corning. (Introduction & 1st Reading)**

Presented by City Attorney Collin Bogener who stated that on December 12, 2023, the City of Corning City Council initiated a temporary moratorium to allow staff time to write two ordinances; one specifically for Sidewalk vending, and one for Mobile vending. It was stated that Sidewalk Vending is much more regulated under Senate Bill 946 (SB 946); whereas Mobile Vending is not regulated by the state. Proposed Ordinance 709 follows along with the State guidelines initiated in SB 946.

The Public Hearing was opened at 6:40pm; with no comments the Public Hearing was closed at 6:40pm.

Councilor Demo moved to direct the City Clerk to read the Ordinance by title and approve Ordinance 709 to amend Chapter 12 and add Section 12.20 "Sidewalk Vending" to the Corning Municipal Code and Adopt Ordinance 709, an Ordinance for Sidewalk Vending in the city of Corning. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Hargens, Valerio, and Lomeli. Opposed/Absent/Abstain: None; motion was approved by a vote of 5-0.**

11. **Public Hearing: Ordinance 708, an Ordinance to replace Chapter 5.50 of the Corning Municipal Code relating to permanent and Mobile Vending in the City of Corning. (Introduction & 1st Reading)**

Mayor Snow announced that he would be abstaining from discussion and vote on this item due to possible conflict of interest, he turned the meeting over to Vice Mayor Dave Demo and left the City

Council Chambers at 6:42pm. City Planner Chrissy Meeds stated on December 9, 2023 the City Council passed an emergency moratorium on the issuance of mobile vending permits to allow staff time to conduct research and draft new ordinances to separate the Street vending and the Mobile vending. Since that date, City Staff has:

- Conducted research and attended a roundtable discussion about issues/concerns associated with, or caused by, mobile vending businesses in many cities throughout California. As a result, Staff put together a list of the most common ideas from other Cities for the Planning Commission and City Council to consider.
- On January 16, 2024, a Joint Meeting of the City Council and the Planning Commission was held to discuss options within a new Mobile Food Vending Ordinance.
- On February 27th Ordinance 708 for brought before the City Council during a public study session for consideration and discussion; with no comments received, staff is presenting Ordinance 708 for introduction tonight. If approved, the Ordinance will be brought back to City Council on March 26th for adoption and if adopted will become effective 30 days from the adoption date and all current Mobile Vendors will be given 30 days from that date to come into compliance with the Ordinance.

Councilor Lomeli confirmed that the presentation was understood by any Mobile Vendors in the audience. The Public Hearing was opened at 6:43pm; with no comments the hearing was closed at 6:43pm.

Councilor Hargens moved to direct the City Clerk to read the Ordinance by title and approve Ordinance 708 to replace Chapter 5.50 of the Corning Municipal Code and adopt Ordinance 708, an Ordinance for permanent and mobile vending in the City of Corning. Councilor Lomeli seconded the motion. **Ayes: Demo, Hargens, Valerio, and Lomeli. Opposed/Absent: None; Abstain: Sno; motion was approved by a vote of 4-0 with Snow abstaining.**

Councilor Snow re-entered the meeting at 6:46pm.

J. REGULAR AGENDA:

13. Accept \$1,000 donation from Corning Rotary to Corning Recreation Department to fund the purchase of the Jr. Cardette Uniforms.

Presented by Recreation Coordinator Chrissy Meeds who stated she was contacted by Corning Rotary with the generous offer of \$1,000 to be used towards the purchase of uniforms for participants in the Recreation Departments Jr. Cardette Program. The total cost for the purchase of 44 uniforms in various sizes was \$1,099.91. These uniforms will remain with the Recreation Department.

Councilor Demo moved to accept the generous donation of \$1,000 from Corning Rotary for the purchase of uniforms for the participants in the Corning Jr. Cardette's Recreation Program. Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None; motion was approved by a 5-0 vote.**

14. Adopt Resolution No. 03-12-2024-01, a Resolution setting fees for "Free Swim Day" Sponsorship.

Presented by Recreation Coordinator Chrissy Meeds who briefed the Council on the success of the pilot program and announced the proposed fees.

Councilor Hargens moved to adopt Resolution 03-12-2024-01 setting standardized fees for Free Swim Day Sponsorships at the City of Corning's Teddy Pohler's City Pool. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None; motion was approved by a 5-0 vote.**

15. Seek direction on Support for Smokefree Housing request.

City Manager Brant Mesker introduced this item and referenced the PowerPoint Presentation presented at the February 13, 2024 City Council meeting by Communities Energized for Health regarding the benefits of smokefree housing. He stated he was asked by a City Council Member to bring this item back to Council for discussion and possible action, he now seeks Council direction on this matter.

Councilor Valerio stated he fully supports this Program and would like the City to adopt an Ordinance prohibiting smoking within residences in multi-housing units to eliminate exposure of secondhand smoke to children, pregnant women, and the elderly.

Councilor Hargens clarified that what is being sought is an Ordinance declaring no smoking in Multi-housing units (Apartments, etc.). She stated she is torn on this issue; children, pregnant women, and the elderly should not have to live in a residence and be unwelcomely exposed to secondhand smoke. She also doesn't think the City should be taking away the rights of people within their residence.

Mayor Snow and Councilor Demo both stated that they were torn also and could understand arguments on both sides.

Councilor Lomeli asked if the City would incur any costs associated with the enactment and enforcement of an Ordinance; she was informed no, that the City would not be tasked with the Ordinance enforcement; the property owner would be responsible for enforcement. Representatives from Communities Energized for Health stated their organization would provide some assistance by supplying informational materials, etc. Councilor Lomeli then stated she was not in favor of taking away people's rights.

The discussion concluded with a consensus of four (4) opposing and one (1) in support of an Ordinance prohibiting smoking or vaping in Multi-housing Units in the City of Corning. Staff were directed not to move forward with the development of an Ordinance.

16. Declare Community Easter Egg Hunt a Community Event and approve a \$500 donation from the City's Community Events Fund.

Due to a conflict of interest as Councilor Lomeli is the event organizer, she recused herself from participating in the discussion/vote and left the City Council Chambers at: 7:15pm. Presented by City Manager Brant Mesker who noted that this event is widely attended and a benefit to the Community.

Councilor Demo moved to declare the Corning Community Easter Egg Hunt a Community Event, request that the City be recognized as event donor, and allocate \$500 with a requirement that purchase receipts showing the use of the donated funds be presented to the City. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Hargens, and Valerio. Opposed/Absent: None. Abstain: Lomeli; motion was approved by a vote of 4-0 with Lomeli abstaining.** Councilor Lomeli re-entered the meeting at 7:19pm.

17. Approve and adopt the HHAP (Homeless Housing Assistance and Prevention) Action Plan and authorize the City Manager to sign the Multi-Jurisdictional Memorandum of Understanding (MOU).

Presented by City Manager Brant Mesker who explained that this is round 5 of the State's Homeless Housing Assistance and Prevention Grant Program (HHAP) and the application is due March 27, 2024. Both Tehama CoC and Tehama County are eligible applications and awarded funds will be disbursed by the State in two installments. There is currently \$856,554.82 in funding available. Information was provided on how past funding was spent.

HHAP is a formula grant program administered through the California Interagency Council on Homelessness (Cal ICH). The program focuses on the homelessness response system including housing, shelter, services, and systems/regional coordination. Tehama County (County) and Tehama County Continuum of Care (CoC) are the HHAP-5 eligible applicants.

Mayor Snow asked how much of the funding received would be provided or utilized in the Corning area as in past most resources seem to be located in Red Bluff making access for Corning area residents difficult. He was informed that south County is a planned priority.

Councilor Hargens moved to:

- a) Approve and adopt the Regionally Coordinated Homelessness Action Plan (Plan) which is a requirement of the Homeless Housing Assistance and Prevention Round 5 (HHAP-5) grant program; and

- b) Authorize the City Manager to sign the Multi-Jurisdictional Memorandum of Understanding (MOU) between the County of Tehama the Cities of Corning, Red Bluff, and Tehama, the Tehama County Continuum of Care, and the Vitality Project as the Administrative Entity for the Continuum of Care regarding the HHAP-5 Grant Program.

Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION: None

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

Demo: Reported on attendance at the Senior Center Meeting which was also attended by the City Manager and Police Chief. He also reported that the Mayor, Councilwoman Hargens and himself attended the recent Corning Chamber of Commerce Business Forum which was well attended and very informational especially for those interested in starting up a new business.

Lomeli: Reported on her attendance at recent the Tehama County Community Action Agency Meeting (TCCA).

Hargens: Reported on here attendance at both the Tehama County Sanitary Landfill Agency Meeting, and Corning Chamber of Commerce Business Forum & Quarterly Meeting.

Valerio: Had no reports.

Snow: Thanked the Corning Chamber of Commerce for holding such and informational Business Forum for the Community and he encouraged Small Businesses to reach out to the Chamber. He announced that the Corning Chamber of Commerce plans to have quarterly meetings such as the business forum recently presented.

N. ADJOURNMENT: 7:30pm and the City Council adjourned to reconvene the Closed Session. The Closed Session concluded at 7:43pm with no reportable actions.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: March 21, 2024

SUBJECT: Cash Disbursement Detail Report for the
Tuesday March 26, 2024 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A. Cash Disbursements Ending 03-20-24 \$ 109,811.97

GRAND TOTAL \$ 109,811.97

REPORT.: Mar 21 24 Thursday
 RUN....: Mar 21 24 Time: 09:25
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 03-24 thru 03-24 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
036750	03/07/24	FIR05	FIRST NATIONAL BANK OMAHA	83.06	240227	CREDIT CARD-
036751	03/07/24	FIR10	FIRST NATIONAL BANK OMAHA	103.45	240227	COMMUNICATIONS-DISPATCH
036752	03/07/24	FIR11	FIRST NATIONAL BANK OMAHA	421.38	240227	CREDIT CARD-
036753	03/07/24	FIR16	FIRST NATIONAL BANK OMAHA	743.10	240227	CREDIT CARD-
036754	03/07/24	FIR20	FIRST NATIONAL BANK OMAHA	1277.20	240227	CREDIT CARD-
036755	03/08/24	EDD02	EMPLOYMENT DEVELOPMENT DE	2463.09	L14267088	UNEMPLOYMENT INS-GEN CITY
036756	03/08/24	PGE01	PG&E	2258.16	240304	ELECT-
				682.50	240304A	ELECT-
			Check Total.....	2940.66		
036757	03/08/24	PGE04	PG&E	577.37	240304	TranspFacility-
036758	03/08/24	PGE05	PG&E	3003.33	240304	FIRE-ELECT & GAS
036759	03/08/24	LAC01	LACY, CLINT	367.50	240329	REC INSTRUCTOR-REC
036760	03/11/24	BIG02	BIG VALLEY SANITATION, IN	125.00	130364	BLD MAINT-SENIOR CENTER
036761	03/11/24	CAR12	CARREL'S OFFICE SOLUTIONS	18.31	AR62536	MAT & SUPPLIES-LIBRARY
036762	03/11/24	ENT02	ENTERPRISE-RECORD, MERCUR	193.00	006809798	MAT & SUPPLIES-FIRE
				837.00	006811934	RECRUITMENT-POOL
			Check Total.....	1030.00		
036763	03/11/24	GAY02	GAYNOR TELESYSTEMS, INC	68.00	000044005	COMMUNICATIONS-DISPATCH
036764	03/11/24	MAR13	MARTINEZ, MARIA	392.00	240213	REC INSTRUCTOR-REC (HEELS DANCE CLASS)
036765	03/11/24	MEN08	MENDES SUPPLY COMPANY	218.31	R070317	MAT & SUPPLIES-PARKS
036766	03/11/24	MOO07	MOORE & BOGENER, INC.	8137.50	14841	CONSULTING SVCS-LGL SVCS
036767	03/11/24	NOR47	NORTHSTAR	7381.25	82168	PROF SVCS-PW ADMIN
036768	03/11/24	QUI02	QUILL CORPORATION	86.18	37418935	COMP/EQUIP/SOFT-FIRE DISPATCH
036769	03/11/24	SCH01	LES SCHWAB TIRE CENTER	83.56	00501652	VEH OP/MAINT-
036770	03/11/24	SHA02	SHASTA CASCADE CHAPTER IC	50.00	240308	ASSOC DUES-BLD & SAFETY
036771	03/11/24	UBE00	UBEO WEST LLC	27.96	4429732	EQUIP MAINT-DISPATCH
036772	03/11/24	VER02	VERIZON WIRELESS	228.06	995805162	PROP 30-MDC
036773	03/14/24	COM06	COMCAST	13.28	240309	COMMUNICATIONS-PW ADMIN
036774	03/14/24	DUR01	DURHAM PUMP	24833.23	0215983IN	WELL REPAIRS-WTR CAP IMPROV (EDITH WELL)
036775	03/14/24	IMA02	IMAGE TREND	7425.00	INV106756	COMP/EQUIP/SOFT-FIRE
036776	03/14/24	LUM00	LUMINACE AGGREGATOR LLC	8827.49	218295	ELECT-
036777	03/14/24	PIT01	PITNEY BOWES	186.29	240301	EQUIP LEASE-FINANCE
036778	03/14/24	STE10	STERICYCLE, INC.	1284.28	800650132	PROF SVCS-DISPATCH
036779	03/14/24	SIE06	SIERRA-SACRAMENTO VALLEY	105.00	240314	TRAINING/ED-FIRE
036780	03/15/24	BRI02	BRISENO, NICOLAS	280.00	240308	REC INSTRUCTOR-REC (YOUTH BASKETBALL)
036781	03/15/24	DEL05	DE LARA, ALAN	280.00	240308	REC INSTRUCTOR-REC (YOUTH BASKETBALL)
036782	03/15/24	HIN01	HINDERLITER, DE LLAMAS &	1378.48	SIN036519	PROF SVCS-FINANCE
				877.52	SIN036577	PROF SVCS-FINANCE
			Check Total.....	2256.00		
036783	03/15/24	PAC29	PACE ANALYTICAL SERVICES,	234.56	240200528	PROF SVCS-WTR DEPT
				167.06	240200628	PROF SVCS-WTR DEPT
			Check Total.....	401.62		
036784	03/15/24	PIN00	PINTOR, ERICK	280.00	240308	REC INSTRUCTOR-REC (YOUTH BASKETBALL)
036785	03/15/24	RAK00	RAKER, KAIDAN K.	280.00	240308	REC INSTRUCTOR-REC (YOUTH BASKETBALL)
036786	03/18/24	BOR00	BORER, NATHANIEL MATTHEW	675.00	240316	REC INSTRUCTOR-REC (YOUTH BASKETBALL)
036787	03/18/24	DEP03	DEPT OF TRANS/CAL TRANS	4337.03	24005361	Equip.Maint. St&Trf Light
036788	03/18/24	KNI00	KNIFE RIVER CONSTRUCTION	1097.92	300027	A/C CITYWIDE-STR
036789	03/18/24	MEN07	MENDOZA, BENTLEY	200.00	240309	REC INSTRUCTOR-REC
036790	03/18/24	PGE09	PG&E	235.65	240315	ELECT-STONEFOX L&L-Z1, D2

REPORT.: Mar 21 24 Thursday
 RUN....: Mar 21 24 Time: 09:25
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 03-24 thru 03-24 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
036791	03/18/24	PGE2A	PG&E	55.95	240315	ELECT-BLUE HERON CT
036792	03/18/24	PIT05	PITNER, LESLEY J	990.00	240316	REC INSTRUCTOR-REC (YOUTH BASKETBALL)
036793	03/18/24	ROD10	RODRIGUEZ, JESENIA	1500.00	240315	REC INSTRUCTOR-REC (COORDINATOR)
				270.00	240315A	REC INSTRUCTOR-REC
			Check Total.....	1770.00		
036794	03/19/24	ATT13	AT&T	723.89	240311	COMMUNICATIONS-DISPATCH
036795	03/19/24	CHI06	CHICO POWER EQUIPMENT	256.24	455411	MAT & SUPPLIES-
036796	03/19/24	COR02	CORNING OBSERVER	72.70	240404	COMMUNICATIONS-GEN CITY
036797	03/19/24	DOW01	DOWN RANGE	1229.80	680182	SAFETY ITEM-POLICE
036798	03/19/24	DUK00	DUKES DESIGNS LLC	167.76	031224-	SAFETY ITEMS-FIRE
036799	03/19/24	PLA06	PLACEWORKS, INC.	2882.50	83102	PROF SVCS-PLANNING
036800	03/19/24	QUI02	QUILL CORPORATION	629.22	37556607	OFFICE SUPPLIES-FIRE
036801	03/19/24	VAL11	VALLEY PACIFIC PETROLEUM	1274.82	24-741129	MAT & SUPPLIES-
				1632.19	24-741130	VEH OP/MAINT-
				171.11	24-741131	VEH OP/MAINT-FIRE
			Check Total.....	3078.12		
036802	03/20/24	ALP00	ALPHA & OMEGA DRAIN CLEAN	393.08	013465	Bldg Maint-Police
036803	03/20/24	ATT15	AT&T MOBILITY	913.98	240219	Communications-
036804	03/20/24	BRI02	BRISENO, NICOLAS	280.00	240322	Rec Instructor-Rec (Youth Basketball)
036805	03/20/24	DEL05	DE LARA, ALAN	280.00	240322	Rec Instructor-Rec (Youth Basketball)
036806	03/20/24	FIF00	FIFTH ASSET, INC	8000.00	DB2004507	Prof Servcs-Finance
036807	03/20/24	GRE06	GREG'S HEATING & A/C	750.00	26039	Bld Maint-Bld Maint (Senior Center)
036808	03/20/24	JMB01	JMB OIL COMPANY	883.04	262296	Veh Opr/Maint-
036809	03/20/24	JON02	ROBERT C. JONES INSURANCE	973.85	240319	Prof Serv-WWTP
036810	03/20/24	PGE2B	PG&E	220.47	8280647-2	Solar-WWTP
036811	03/20/24	PIN00	PINTOR, ERICK	280.00	240322	Rec Instructor-Rec (Youth Basketball)
036812	03/20/24	RAK00	RAKER, KAIDAN K.	280.00	240322	Rec Instructor-Rec (Youth Basketball)
036813	03/20/24	SCH01	LES SCHWAB TIRE CENTER	218.00	100502791	Veh Opr/Maint-Police
036814	03/20/24	SCP00	SCP DISTRIBUTORS LLC	2167.96	SN112816	Material/Supplies-Pool
				-970.00	SN112968CC	Material/Supplies-
			Check Total.....	1197.96		
036815	03/20/24	SUN01	SUNRISE ENVIRONMENTAL	339.10	144993	Material/Supplies-Park
036816	03/20/24	WAL02	WALKER PRINTING	95.14	44397	Printing/Advertising-Dispatch
036817	03/20/24	XER00	XEROX CORPORATION	27.11	020939293	Equipment Maint-Dispatch
			Cash Account Total.....	109811.97		
			Total Disbursements.....	109811.97		
			Cash Account Total.....	.00		

Date.: Mar 21, 2024
Time.: 9:21 am
Run by: LORI SIMS

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMBM

Business Name	Address	CITY/STATE/ZIP	Business Desc	Bus Start Date
ALVAREZ LANDSCAPING	912 3RD ST	CORNING, CA 96021	YARD WORK	03/11/24
CAMPOS LANDSCAPING	250 N TOOMES AVE APT 209	CORNING, CA 96021	GENERAL YARDWORK	03/11/24
CORNING SMOKE & VAPE	620 EDITH AVE	CORNING, CA 96021	SMOKE AND VAPE STORE	03/11/24
EL TACO ASADO TAQUER	1515 HIGHWAY 99W STE C	CORNING, CA 96021	TAQUERIA SHOP	03/11/24
POWER UP SOLUTIONS L	590 MENLO DR STE 5	ROCKLIN, CA 95765	ELECTRICAL WORK	03/11/24
THE M	1124 SOLANO ST	CORNING, CA 96021	ART/ARTISAN CLASSES	03/11/24
UTA RESIDENTIAL HOME	4265 HIGHWAY 99W #24	ORLAND, CA 95963	HANDY MAN-NO JOBS OVER \$500	03/11/24

**ITEM NO.: G-5
ORDINANCE NO 708, AN ORDINANCE TO
REPLACE CHAPTER 5.50 OF THE
CORNING MUNICIPAL CODE RELATING
TO PERMANENT AND MOBILE VENDING
IN THE CITY OF CORNING (2nd Reading
& Adoption)**

March 26, 2024

**TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: BRANT MESKER, CITY MANAGER
CHRISSE MEEDS, PLANNER II**

BACKGROUND:

At the October 17, 2023, Planning Commission Meeting, staff was directed to research Street Vending Ordinances in other cities. On December 9, 2023, the City Council passed an emergency moratorium on the issuance of mobile vending permits to allow staff time to conduct research and draft new ordinances to separate the Street Vending and the Mobile Vending.

Since that date, City Staff has conducted research, and attended a roundtable discussion about issues/concerns associated with, or caused by, mobile vending businesses in many cities throughout California. There were more than 200 cities represented in the roundtable discussion that have either just recently updated their mobile vending ordinances or are in the middle of updating ordinances.

Staff put together a list of the most common ideas from other cities for the Planning Commission and City Council to pull from to revise the Mobile Vending Ordinance that will best address the needs we have as a City.

A joint meeting was held between the Planning Commission and the City Council to discuss options within a new mobile food vending ordinance on January 16, 2024.

Ordinance 708 was brought back to City Council as a last study session on February 27th with no comment staff has moved forward and has Ordinance 708 before you this evening. If passed all current mobile vendors will be given 30 days from adoption to come into compliance with Ordinance 708.

RECOMMENDATION:

- **DIRECT CITY CLERK TO READ THE ORDINANCE BY TITLE;**
- **ADOPT ORDINANCE 708 TO REPLACE CHAPTER 5.50 OF THE CORNING MUNICIPAL CODE AND ADOPT ORDINANCE 708, AN ORDINANCE FOR PERMANENT AND MOBILE VENDING IN THE CITY OF CORNING; AND**
- **ADOPT ORDINANCE 708 SUMMARY FOR PUBLICATION.**

ORDINANCE NO. 708

AN ORDINANCE OF THE CITY COUNCIL OF CORNING, CALIFORNIA AMENDING CHAPTER 5.50 OF THE CORNING MUNICIPAL CODE RELATED TO PERMANENT AND MOBILE FOOD TRUCK VENDORS

WHEREAS, the City of Corning, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Article XI, section 7 of the California Constitution grants the City broad discretionary power to "make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws"; and

WHEREAS, the City Council finds that mobile vending vehicles, also called food trucks, have been increasingly prevalent in recent years, but can create some health and safety concerns in their operation, including an increase in congestion and may endanger both motorists and the food truck patrons; and

WHEREAS, mobile vending businesses also create blight and noise in residential neighborhoods and commercial corridors; and

WHEREAS, mobile vending businesses, which includes those selling food, dry goods, and ice cream, attract attention in residential areas and cause residents to congregate around vehicles, often in the street, and frequently blocking or obstructing public roads and/or sidewalks; and

WHEREAS, mobile vending businesses have increased problems near schools, parks, and recreational facilities where children are present, and the operator of the mobile vending unit may not have the capacity to move in a timely manner; and

WHEREAS, the act of looking for prospective buyers while operating a food vending vehicle may make the operator less attentive to pedestrian and vehicular traffic and when done on public roadways this poses obvious traffic and safety risks to the public, which the City seeks to prevent; and

WHEREAS, mobile vendors usually have box like trucks that create line of sight problems for motorists if they are parked within 100 feet of an intersection, and using horns, whistles and other attention-getting sounds, mobile vending businesses can cause noise pollution in residential area; and

WHEREAS, for the health, safety, and welfare conditions set forth in this Ordinance, the City seeks to regulate the use of mobile vending vehicles, or food trucks, within the City of Corning.

NOW, THEREFORE, the City Council of the City of Corning, California does hereby ORDAIN as follows:

Section 1. Chapter 5.50 "STREET VENDING" of Title 5 "BUSINESS TAXES, LICENSES AND REGULATIONS" is hereby repealed and replaced in its entirety with the following:

CHAPTER 5.50 – MOBILE VENDING VEHICLES

5.50.010 – Purpose

[TO BE COMPLETED]

5.50.020 – Definitions

City- City of Corning

Mobile Truck

Mobile Truck Site- the location of operation of the Mobile Truck, which must be a commercial zoned property.

Vendor- the operator of the Mobile Truck

5.50.030 – Semi-Stationary Mobile Truck Requirements

A semi-stationary or semi-permanent Mobile Truck shall comply with the following requirements:

- A. Mobile Truck Site must have Class-II road base and appropriate lighting.
- B. Mobile Truck must have access to a toilet and handwashing facility within 200-feet of the Mobile Truck Site (California Retail Food Code) during the Mobile Trucks' business hours. Portable toilets are not allowed.
- C. Mobile Truck shall not use or permit use of parking spaces on the Mobile Truck Site if doing so will adversely affect the on-site parking available for primary use as determined by the City.
- D. Hours of operation at an approved Mobile Truck Site shall be no earlier than 7:00 AM and no later than 10:00 PM and the vehicle shall be moved each night out of public view.
- E. There shall be no more than one motorized Mobile Food Truck within 300-feet of each other.
- F. Mobile Truck shall be entirely self-sufficient regarding gas, water, and telecommunications.
- G. The Vendor shall not discharge or allow discharge of items from any Mobile Truck onto the sidewalk, gutter, storm inlets, or streets. The Vendor shall not dispose or allow the disposal of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of the vendor.
- H. Proof of current vehicle registration and insurance must be maintained by the Vendor of the Mobile Truck at all times.
- I. Site plan with dimensions, indicating the location of all existing buildings, structures, driveways, parking spaces, traffic controls, and improvements, the location where the proposed vending activity and improvements will be located upon the site.
- J. No permanent signs are permitted. Vendors may use a sandwich board or one flag sign to advertise if it does not impede the path of travel by foot, bicycle, vehicle and shall not be placed in the City right of way.
- K. Mobile Trucks shall only operate at the location approved by the City.
- L. Mobile vendors shall ensure that all customer queuing, waiting areas or lines do not block, hinder, interfere with pedestrian thoroughfare of a minimum of 48 inches of accessible path or travel on the sidewalk or vehicular traffic along, over, or across public or private property.
- M. Mobile vendors shall not use any portable cooking equipment, gas fueled appliance, wood burning ovens, or any open flame unless approved and permitted

by the Fire Chief at the Corning Volunteer Fire Department and the County Environmental Health Department.

- N.** During an urgent or emergency public safety event or incident, including but not limited to, a traffic accident, crime scene, medical emergency, gas leak, natural disaster, fire, on-site construction, road work or related work on a capital improvement project, the City may temporarily require the Mobile Truck to relocate to another location to protect the public's safety, health, or welfare.
- O.** Vendors shall not sell or vend any of the following pursuant to this Chapter:
 - 1. live animals,
 - 2. adult oriented material depicting, describing, or relating to anatomical areas or specified sexual activities,
 - 3. alcohol, Cannabis, Marijuana, or tobacco products that contain nicotine or any product used to smoke (or vape) nicotine, cannabis, or marijuana.
 - 4. weapons, including knives, guns, or explosive devices; airsoft guns, paintball guns, BB devices or imitation firearms.
 - 5. pharmaceuticals, Illegal or counterfeit merchandise, or any other food or merchandise or products prohibited by local, state, and federal laws.
 - 6. mobile Vendors are not allowed to use or operate or permit to be played, used, or operated, any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing of sound including horns, bells, whistles, or any other noise making device.
- P.** Mobile Truck shall not be allowed to park within 300 feet of a brick-and-mortar food/drink service business.
- Q.** Mobile Truck shall not be allowed to park within 500-feet of a school, farmer's market, special event, place of worship, child day care facility, recreation facility, or City Park without written consent from the property owner.
- R.** Mobile Truck shall not be allowed to do business in any location where the posted speed limit is greater than 35 mph. unless a turning lane is established.
- S.** Only one mobile vendor is allowed on any one individual private property at any given time.
- T.** All Mobile vendors are required to apply for a Conditional Use Permit and have their case heard in front of the Planning Commission.
- U.** No mobile vending in a residential zone.
- V.** All current Mobile Trucks in existence prior to enactment of this ordinance will be considered permissible non-compliant uses.
- W.** If a mobile vendor leaves a grandfathered location for more than 30 days the grandfathered location becomes void.

5.50.40 – Non-Stationary Mobile Truck Requirements

- A.** Mobile vendors shall only conduct vending operations in the area or route approved by the City.
- B.** Any mobile vendor that is vending in the City for longer than one hour during any 24-hour period must be legally parked within 200-feet of a readily available restroom that has been approved by the City. The mobile vendor operator must provide written evidence to the City that they have permission for the use of the restrooms.

- C. Any mobile vending vehicle in a residential zone shall move continuously except when necessary to complete a sales transaction but must not exceed a maximum of 10 minutes.
- D. Vending may only occur when the mobile vending vehicle is legally parked. Mobile vendors shall comply with the California Vehicle Code along with Title 10 (vehicles and traffic) and Title 12 of the Corning Municipal Code (streets, sidewalks, and public places) including all posted signage related to parking, stopping, standing, loading/unloading zones, fire lanes, red curbs and or any other restrictions always.
- E. Mobile vending vehicles shall park in a manner which ensures that customers shall be able to order and pick up safely without stepping into a parking space, into a street, or into a landscaped area.
- F. Mobile vendors shall not utilize portable generators unless approved by the Fire Chief of the Corning Volunteer Fire Department.
- G. Mobile vendors shall only use a minimum number of light fixtures necessary for safe operation of the mobile vending activity. The mobile vendor shall not display flashing neon or electric display signs so as not to distract drivers and draw attention to the mobile vendor.
- H. For public safety concerns, including but not limited to pedestrian, vehicular, public, and mobile vendor safety, no mobile vending vehicle shall stop, park, or stand to make a sales transaction from the following locations, or within the number of feet designated below from the nearest portion of the following locations:
 1. Within 50 feet of any street intersection
 2. Within 50 feet of any traffic control device (including traffic signals and traffic signs)
 3. Within 50 feet of a fire hydrant.
 4. On any designated emergency vehicle access way
 5. Within 50 feet of any driveway or driveway apron
 6. Within 50 feet of a marked crosswalk
 7. Within 50 feet of a curb return or curb ramp
 8. Within 50 feet of any loading or unloading zone, parking space, or access ramp or parking space designed for individuals with disabilities.
 9. Within 50 feet of a bus stop, taxi stand, bus bench or bus shelter.
 10. Within 50 feet of any entrance, fire escape or emergency exit of any business during the hours that business is open to the public.
 11. Within 50 feet of another mobile vendor or sidewalk vendor
 12. Within 50 feet of a parking lot
 13. Within 50 feet of any railroad crossing or train tracks
 14. Within 50 feet of any outdoor dining
 15. Within 500 feet of any Emergency Operations Center
 16. When the posted speed limit is greater than 25 mph.
- I. Mobile Vending at an active Construction site is allowed as long as the active construction site that has a valid City building permit in a commercial, Industrial or Residential zone with written consent from the person who is legally in control of the property where the lawful construction activity with a valid City building permit has been issued for the property. The sole purpose of the mobile vendor is exclusively for the vending to the construction employees. The mobile vendor may not be parked for more than one hour and must be parked on private property.

5.50.50 – Exemptions to Mobile Truck Requirements

- A.** This Chapter shall not apply to a person delivering goods, wares, merchandise, groceries, or prepared foods upon order of, or by agreement with, a customer from a fixed store, restaurant, or other fixed place of business, distribution, or warehouse.
- B.** This shall not apply to mobile vendors participating in any organized community event or a sidewalk vendor licensed through the City pursuant to Chapter 12.35 of the Corning Municipal Code.
- C.** The City may review and approve mobile vending activities as part of a special event and/or as a concessionaire conducted by a permitted mobile vendor on City property operated under the rules and regulations of this chapter.
- D.** This shall not apply to any mobile food truck currently doing business in the City at the time this ordinance goes into effect. Once a non-conforming truck moves from its location for more than 30 days its permissible non-conforming status will be extinguished for that location.

5.50.060 - Mobile Truck Applicable Process

Every person, prior to engaging in, conducting, operating, maintaining, advertising, or carrying on the business as a mobile vendor (Semi Permanent, Moving, or Sidewalk Vending) shall file an application with the City. Such application shall be accompanied by a non-refundable permit application fee in the amount established by resolution of the City Council, and shall contain, at a minimum, the following information:

- A.** The legal name, date of birth, current mailing address and telephone number of the operator who will be solely responsible for the Mobile Vending Vehicle Permit regardless of that person being employed or engaged by another individual or a business or using a mobile vending vehicle owned by another individual or a business. The operator must be at least 18 years old.
- B.** If the operator is an agent of an individual, company, partnership, corporation, or other entity, the name, current telephone, email, and business address of the principal.
- C.** A copy of the operator's government-issued photo Identification, California driver license or identification number, which shall not be available to the public and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order.
- D.** The legal name, date of birth, current mailing address and telephone number of all persons who will be employed by the operator who will work as a mobile vendor.
- E.** A copy of any employee's government-issued photo Identification, California driver license or identification number, which shall not be available to the public and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order.
- F.** Whether the operator tends to vend food, merchandise, or both.
- G.** If the mobile vendor is selling food, a description of the type of food to be sold, and whether such foods are prepared onsite or are prepackaged offsite.
- H.** If selling merchandise, a description of the merchandise to be sold.
- I.** The hours of operation per day and the day(s) per week which the operator proposes for vending activities.
- J.** Vehicle make, model, year, body type, license plate number, VIN.

- K.** If handling food, a certification of a food handler course
- L.** The operator shall maintain and provide proof of insurance with a minimum policy of one million per occurrence.

5.50.070 – City Review of Application

- A.** The City shall determine within 30 calendar days review of the submission of any Mobile Vending Permit to determine if the application contains all the required documentation. Any application that is missing required documentation or is not accompanied by the required fee shall be deemed incomplete and will not be processed.
- B.** Investigation and Findings, upon receipt of a complete Mobile Vending Permit application the City shall conduct a thorough investigation of the application and shall make a determination upon the application in 30 days. The City may request supplemental information to make a determination.
- C.** The City shall approve the issuance of a mobile vending permit unless it is determined that any of the following disqualifications exist:
 - 1.** The operator has failed to submit any of the information, documentation, or fees required.
 - 2.** The operator does not possess all federal, state, and local permits, licenses, certificates, and/or approvals required to engage in the activity subject to the permit.
 - 3.** The operator has made one or more materially false, misleading, or fraudulent misstatements or misrepresentations in the application or supplemental information.
 - 4.** The conduct of the mobile vendor will unduly interfere with traffic or residents to the quiet and peaceful enjoyment of their property, or otherwise be detrimental to the public peace, health, safety, or general welfare.
 - 5.** The conduct of such mobile vending will require the diversion of police officers or firemen.

5.50.080 – Denial of Permit

If a Mobile Vending Permit is denied, the operator will receive a written letter of notification along with the grounds for denial and will be mailed to the operator address listed on the application.

5.50.090 – Term of Permit

A mobile vending permit shall automatically expire at the end of the year issued.

Any operator who has been issued a Mobile Vending Permit and seeks to continue vending must renew it before the end of January 31. If not renewed prior to Jan 31 the Mobile Vending Permit will become null and void.

5.50.100 – Appeal of Denial or Revocation

- A.** Any person who has been denied a Mobile Vending Permit or who has had a mobile vending permit revoked may appeal such determination to the City Council, by filing a request for an appeal with the City Clerk and tendering a filing and appeal fee as set by resolution of the City Council, within 30 days of notice.
- B.** Appeals shall be in writing addressed to the City Clerk and include name, current mailing address, and telephone number of the appellant, the date of the denial or

revocation letter, a statement as to all grounds for appeal in sufficient detail to enable the City Council to understand the nature of the controversy and a signature of the appellant under penalty of perjury as to the contents of the request for appeal.

- C. An appeal should be scheduled for a public hearing within 30 days.
- D. The City shall give notice to the appellant of the hearing time and location of the hearing.
- E. If the City Council chooses to overturn the decision, they shall state the specific reasons for the reversal.

5.50.110 – Conditions on Mobile Truck Permit

- A. Mobile vendors shall adhere to all operating conditions and requirements set forth in this chapter, and all restrictions, limitations, and operating requirements set forth in this chapter shall constitute conditions upon any Mobile Vending Permit issued.
- B. The conditions, restrictions and operating requirements set forth in this chapter are intended to protect the health, welfare and public safety of vendors, their patrons, and the general public for reasons including but not limited to:
 - 1. Reducing exposure to pedestrian versus vehicle contact
 - 2. Ensuring better visibility of drivers entering or exiting driveways
 - 3. Protecting access to public right-of-way by disabled persons to comply with the Americans with Disabilities Act
 - 4. Ensuring safe pedestrian pathways in areas commonly utilized by pedestrians.
 - 5. Preventing the appearance of “marketplace” vending which is more likely to generate crowding on public sidewalks that would impede pedestrians and accessible use of sidewalks by disabled persons.
 - 6. Reducing the chance pedestrians will enter vehicular right of ways or block the entrance or exit to a business.
 - 7. Reducing the danger that children will enter into traffic and be injured or killed trying to reach a vendor especially near schools, day care facilities, parks and recreational facilities.
 - 8. Reducing unnecessary or unanticipated slowing of vehicles approaching on-ramps, immediately adjacent to curb and sidewalk, or exiting freeway off-ramps where drivers are merging into oncoming traffic which is likely to cause accidents.
 - 9. Reducing the possibility that drivers will be distracted in their line of site by a vendor in the way of oncoming traffic.
 - 10. Causing visual distraction to the driving public such as lighting.
 - 11. Causing excessive noise that disturbs the peace.
 - 12. Eliminating litter, refuse and food waste from the public right of way and
 - 13. Reducing the likelihood of contamination deposited into the City’s storm drain system.

5.50.120 – Enforcement

- A. Violations deemed a nuisance. It is unlawful and declared a public nuisance for any owner, operator, person to operate, conduct, or maintain a mobile vending vehicle contrary to the provisions of this chapter.

- B. Any owner, operator or person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000.00, or by imprisonment in the County jail not exceeding 6 months, or by both; except the District Attorney, in their discretion, may prosecute a violation of this chapter as an infraction subject to the penalties in this code.
- C. Administrative citations may be issued for violations of the provisions of this chapter.

SECTION 2. CEQA. The City Council finds and determines for the reasons stated in the recitals, that adoption of this Ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) of the CEQA Guidelines.

Section 3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 26th day of March, 2024

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

I, Lisa M. Linnet, City Clerk of the City of Corning do hereby certify that the foregoing is a true and correct copy of Ordinance 708. This Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **March 12, 2024**, and adopted at a regular meeting of the City Council held on **March 26, 2024**. Ordinance 708 was published in a newspaper of general circulation within the required legal guidelines.

ATTEST:

**Lisa M. Linnet
City Clerk**

SUMMARY ORDINANCES 708 AND 709

SUMMARY ORDINANCES 708 AND 709 OF THE CITY OF CORNING AMENDING CHAPTER 5.50 TO BE RETITLED AS "MOBILE VEHICLE VENDING" TO REGULATE FOOD TRUCKS AND ADDING CHAPTER 12.20 "SIDEWALK VENDING" WHICH WILL REGULATE VENDORS OPERATION ON CITY SIDEWALKS

Pursuant to Government Code Section 36933(c), the following constitutes a summary of **Ordinance No's. 708 & 709**, both introduced by the Corning City Council on March 12, 2024 and adopted on March 26, 2024 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

The City Council of the City of Corning adopted Ordinance No. 708 regulating non-brick and mortar vendors, which include food trucks and non-motorized sidewalk vendors. Chapter 5.50 will be amended to be retitled as "MOBILE VEHICLE VENDING" which will regulate mobile vehicle vendors, also know as food trucks, within the City limits. This will include regulation of the permit process for the vehicles as well as health and safety concerns for their operation.

The City Council of the City of Corning adopted Ordinance No. 709 which will add Chapter 12.20 "SIDEWALK VENDING" to the Corning Municipal Code regulating non-vehicle vendors operating on the public sidewalks within the City to ensure compliance with Senate Bill 946.

A certified copy of the full text of both Ordinances is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. These Ordinances shall be in full force and effective thirty (30) days after adoption and shall be published and posted as required by law. Both Ordinances were introduced by the City Council of the City of Corning on March 12, 2024 and adopted on March 26, 2022.

Lisa M. Linnet, Corning City Clerk

Posted at Corning City Hall and Published on or before April 10, 2024.

**ITEM NO.: G-6
ORDINANCE NO 709, TO AMMEND AND
ADD TO CHAPTER 12 OF THE
CORNING MUNICIPAL CODE
RELATING TO SIDEWALK VENDING IN
THE CITY OF CORNING. (2nd Reading &
Adoption)**

March 26, 2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM: BRANT MESKER, CITY MANAGER 
CHRISSE MEEDS, PLANNER II**

BACKGROUND:

In September of 2018, California Governor Brown signed Senate Bill (SB) 946 into law, which regulates certain sidewalk vending activities.

On December 12, 2023, the City of Corning City Council initiated a temporary moratorium to allow staff time to write two ordinances; one specifically for Sidewalk vending, and one for Mobile vending.

Sidewalk vending is much more regulated under the Senate Bill 946 (SB 946), whereas Mobile vending is not regulated by the State.

Ordinance 709 follows along with the State guidelines initiated in SB 946.

RECOMMENDATION:

- **DIRECT THE CITY CLERK TO READ THE ORDINANCE BY TITLE;**
- **APPROVE TO AMMEND CHAPTER 12 AND ADD SECTION 12.20 "SIDEWALK VENDING" TO THE CORNING MUNICIPAL CODE AND ADOPT ORDINANCE 709 – AN ORDINANCE FOR SIDEWALK VENDING IN THE CITY OF CORNING; AND**
- **ADOPT ORDINANCE 709 SUMMARY FOR PUBLICATION.**

ORDINANCE NO. 709

AN ORDINANCE OF THE CITY OF CORNING ESTABLISHING RULES AND REGULATIONS FOR SIDEWALK VENDING

WHEREAS, on September 17, 2018, California Governor Brown signed Senate Bill ("SB") 946 into law, which regulates and decriminalizes certain sidewalk vending activities; and

WHEREAS, the City undertook an extensive review of vending activities in light of SB 946, including the separation of sidewalk vending regulations from the broader regulations associated with food trucks; and

WHEREAS, the City of Corning seeks to adopt an ordinance complying with the requirements of SB 946 while also imposing regulations essential to protect the health, safety, and welfare of its residents, workers, businesses, and visitors; and

WHEREAS, the City Council further finds that the regulations are necessary to ensure compliance with the federal American with Disabilities Act of 1990 and other disability standards.

NOW, THEREFORE, the City Council of the City of Corning, California does hereby ORDAIN as follows:

Section 1. Chapter 12.20 "SIDEWALK VENDING" is hereby added to Title 12 "STREETS, SIDEWALKS AND PUBLIC PLACES" as follows:

12.20.010- Purpose

The City of Corning seeks to adopt a sidewalk vending Ordinance in conformity with Government Code Section 51036, et seq. allowing such vending to occur within the City's jurisdiction, subject to other provisions of federal, state, and local law.

12.20.020- Definitions

For purposes of this section, the following words or phrases shall have the following meanings:

Cart- Collectively, a Stationary Cart or a Mobile Cart.

Citation- An Administrative Citation issued pursuant to Chapter 1.22 of this Code.

City- The City of Corning, a municipal corporation.

Food- Any type of edible substance or beverage.

Goods or Merchandise (Merchandise)- Any item that is not Food.

Mobile Cart- A piece of equipment used for vending, which is mobile, has no motor and is capable of being propelled by a single Person.

Person or Persons- One or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit or any other activity.

Sidewalk- Any surface in the public right-of-way provided for the exclusive use of pedestrians.

Stationary Cart- A piece of equipment used for Vending, as specified in the Rules and Regulations, which has no motor and is not mobile, except when being pushed, carried, or transported to and from a space on the Sidewalk on a daily basis.

Vend, Vends or Vending- To sell, offer for sale, expose, or display for sale, solicit offers to purchase, or to barter Food or Merchandise, or to require someone to negotiate, establish or pay a fee before providing Food or Merchandise, even if characterized as a donation.

Vending License (License)- A written City approval required for each person who Vends in the City.

Vending Permit (Permit)- A written City approval required for each Cart used for Vending in the City.

Vendor- A Person who Vends.

12.20.030- Permit and License

1) License.

- (a)** Every Person who engages in Vending is a Vendor and must first obtain, and at all times maintain, a valid License.
- (b)** Every Vendor must Vend in compliance with the terms and conditions of the License.
- (c)** To apply for a License, the Vendor must present a valid identification, such as a State of California identification, any other government-issued identification card and provide the following information:
 - (1)** The name, address, and telephone number of the Vendor.
 - (2)** Proof of liability insurance in an amount no less than \$50,000;
 - (3)** A Vendor who sells Food, in addition to the requirements of this subdivision, shall certify completion of a food handler course and present a copy of the course completion certificate.
- (d)** A License must be renewed every year, prior to expiration.
- (e)** No License is transferable.
- (f)** The Vendor shall comply with all requirements of Tehama County Environmental Health during all times that the License is in effect.
- (g)** The applicant must pay an application or renewal fee to the City which shall be \$250.00 per year.

2) Permit.

- (a)** Every Cart used for Vending must obtain and display a valid Permit. Every Cart must be placed and used at all times in compliance with the terms and conditions of the Permit and all other applicable laws and regulations.
- (b)** An applicant for a Permit shall present a valid identification, such as a State of California identification or any other government-issued identification and provide the following information:
 - (1)** The name, address, and telephone number of the Vendor.
 - (2)** A complete list of the types of Food or Merchandise that will be sold.
 - (3)** The hours per day and days per week during which Sidewalk Vending will be conducted.

- (4)** An application for placement of a Stationary Cart in a commercial or industrial area of the City shall contain the proposed location, marked by major cross streets, and either the north, south, east or west side of the street and a photo or sketch of that location. An application for a Mobile Cart in a residential area of the City shall contain a sketch showing the route the Vendor will travel.
- (5)** Proof of liability insurance.
- (c)** A Person may apply for a maximum of three separate Permits.
- (d)** A Permit must be renewed every year, prior to expiration. The Vendor shall pay an application and renewal fee for the permit, which shall be \$250.00 per year.
- (e)** No Person may Vend by placing an object on the Sidewalk unless it has a Permit. The Permit must be attached onto the Cart and be posted where visible.
- (f)** A Permit is not transferable to another Cart, location, or route.

12.20.040- Additional Requirements

1. At all times, a Vendor must remain in compliance with the provisions of the Corning Municipal Code.
2. Every Vendor who Vends with a Cart must be in possession of a valid License and the Cart must display a valid Permit.
3. No more than two Stationary Carts with approved Permits may be used to Vend on the Sidewalk of a single block face within commercial and industrial area Sidewalks of the City.
4. A Vendor may not use a Stationary Cart to Vend in a residential area. Only a Mobile Cart may be used to Vend in a residential area.
5. A Vendor who Vends in a residential area with a Mobile Cart shall move continuously, except when making a sale, which must not last longer than 10 minutes.
6. Every Cart must not exceed a length of 72 inches, a width of 54 inches, or a height, including roof or awning, of 78 inches. A Permit application may request, and the City may approve, a small table for condiments to be used in conjunction with a Cart selling Food.
7. A Food Vendor must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public. A Vendor may not dispose of customer trash in existing trash receptacles on Sidewalks.
8. A Vendor must maintain a clean and trash-free 10-foot radius from the Vendor's Cart during hours of operation and must leave the area clean by the approved closing time.
9. No Cart, condiment table or Vendor's trash receptacle may be left on the Sidewalk after the Vendor's approved closing time.
10. No Cart shall be chained or fastened to any pole, sign, tree, or other object in the public right-of-way or left unattended by the Vendor.
11. Vending within 500 feet of any K-12 school is prohibited from 6:00 a.m. through 6:00 p.m.
12. Vending of illegal or counterfeit Merchandise is prohibited.

13. Vending at a City special event, farmers' market, swap meet, or street fair market is prohibited.
14. Vending in a City park or facility when there is an exclusive agreement in place with the City is prohibited. Vending in a City park or facility between the hours of 10:00 p.m. and 8:00 a.m. is prohibited.
15. Vending of services is prohibited.
16. Vendors shall comply with the Americans with Disabilities Act (ADA) and shall not block any ADA path of travel.
17. Vendor shall possess a valid California Department of Tax and Fee Administration seller's permit.

12.20.050- Placement of Carts

1. Vending Food or Merchandise on City Sidewalks shall be prohibited:
 - (a) Within 5 feet of a marked crosswalk.
 - (b) Within 15 feet of the curb return
 - (c) Within 10 feet of any fire hydrant, fire call box or other emergency facility.
 - (d) Within 5 feet ahead and 45 feet to the rear of a sign designating a bus stop.
 - (e) Within a marked bus zone.
 - (f) Within 5 feet of a bus bench.
 - (g) Within 15 feet of a driveway or driveway apron.
 - (h) Within 18 inches from the edge of the curb
 - (i) Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than 6 feet, or impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
 - (j) On City Owned property without prior City approval.
2. Notwithstanding any specific prohibitions in this subsection, no vendor shall install, use, or maintain a Cart where placement endangers the safety or persons or property.

12.20.060- Penalties

General Violations- A violation of this ordinance is punishable by the following:

- 1) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
- 2) An administrative fine not exceeding two hundred dollars (\$200) for each additional violation within one year of the first violation.
- 3) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

Failure to Obtain Permit- If a vendor fails to obtain a sidewalk vending permit from the City, vending on the sidewalk without a permit may be punishable by the following in lieu of the administrative fines set forth in Section 1 above:

- 1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
- 2) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
- 3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

- 4) The City may rescind the permit issued to a Vendor upon the fourth violation or any subsequent violation.

12.20.070- Severability

If any provision, paragraph, word, or section of this article is held to be invalid by a court of competent jurisdiction, the remains provisions, paragraphs, words, and sections will not be affected and remain in full force and effect.

SECTION 2. CEQA. The City Council finds and determines for the reasons stated in the recitals, that adoption of this Ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) of the CEQA Guidelines.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 26th day of March, 2024

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

I, Lisa M. Linnet, City Clerk of the City of Corning do hereby certify that the foregoing is a true and correct copy of Ordinance 709. This Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **March 12, 2024**, and adopted at a regular meeting of the City Council held on **March 26, 2024**. Ordinance 709 was published in a newspaper of general circulation within the required legal guidelines.

ATTEST:

**Lisa M. Linnet
City Clerk**

SUMMARY ORDINANCES 708 AND 709

SUMMARY ORDINANCES 708 AND 709 OF THE CITY OF CORNING AMENDING CHAPTER 5.50 TO BE RETITLED AS "MOBILE VEHICLE VENDING" TO REGULATE FOOD TRUCKS AND ADDING CHAPTER 12.20 "SIDEWALK VENDING" WHICH WILL REGULATE VENDORS OPERATION ON CITY SIDEWALKS

Pursuant to Government Code Section 36933(c), the following constitutes a summary of **Ordinance No's. 708 & 709**, both introduced by the Corning City Council on March 12, 2024 and adopted on March 26, 2024 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

The City Council of the City of Corning adopted Ordinance No. 708 regulating non-brick and mortar vendors, which include food trucks and non-motorized sidewalk vendors. Chapter 5.50 will be amended to be retitled as "MOBILE VEHICLE VENDING" which will regulate mobile vehicle vendors, also know as food trucks, within the City limits. This will include regulation of the permit process for the vehicles as well as health and safety concerns for their operation.

The City Council of the City of Corning adopted Ordinance No. 709 which will add Chapter 12.20 "SIDEWALK VENDING" to the Corning Municipal Code regulating non-vehicle vendors operating on the public sidewalks within the City to ensure compliance with Senate Bill 946.

A certified copy of the full text of both Ordinances is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. These Ordinances shall be in full force and effective thirty (30) days after adoption and shall be published and posted as required by law. Both Ordinances were introduced by the City Council of the City of Corning on March 12, 2024 and adopted on March 26, 2022.

Lisa M. Linnet, Corning City Clerk

Posted at Corning City Hall and Published on or before April 10, 2024.

ITEM NO.: J-7
PUBLIC HEARING AND ACTION ON
REQUEST FOR DISPOSAL SERVICE
CPI RATE INCREASE OF 3.19%

March 26, 2024

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: BRANT MESKER, CITY MANAGER
LISA M. LINNET, ADMINISTRATIVE SERVICES MANAGER LMJ

SUMMARY:

The rate increase proposed is 3.19% and includes a decrease of 0.51% for fuel. The rate increase is based upon the methodology described in Section 3.4 of the Refuse Collection Agreement. The increase for residential customers with 96-gallon service will be from \$28.39 to \$29.30 per month, an increase of \$0.91. Should residents have excess capacity, they may choose to downsize their current 96-gallon cart to a 64-gallon cart at \$26.97 per month, for a monthly savings of \$2.33. The Senior Citizen rate for the smaller 32-gallon roller cart will rise from \$14.19 to \$14.64 per month, an increase of \$0.45 per month. The cost of commercial service is based on service level and would also increase by 3.19% (same as the residential rate). Rates are detailed in Exhibit E of the Agreement (attached). If approved, the new rates will become effective April 1, 2024.

The annual CPI increase, and Fuel Cost adjustments are specifically addressed within the Agreement (copy of applicable section attached as Exhibit "A"). As a result of the Agreement approved by the City Council on December 22, 2020, Staff scheduled the matter for Council consideration and sent out notices of the hearing to all utility customers.

Commercial rates vary by service need (size/frequency of service).

BACKGROUND:

The Refuse Collection Agreement between the City of Corning and Corning Disposal provides for an annual rate increase equal to the Consumer Price Index for the 12-month period ending on the prior September 30th. The Consumer Price Index (CPI) indicates that inflation for this period is 3.70%, and a fuel cost adjustment of -0.51%, for a total rate increase as previously mentioned of 3.19% (Exhibits C & D). The last rate increase was approved by the City Council on March 28, 2023 and effective on April 1, 2023.

NOTICE:

Notices (Exhibit "B") of this hearing were sent to all utility customers on January 15, 2024 in accordance with Proposition 218, the "Right to Vote on Taxes Act". All protests received to date are attached.

RECOMMENDATION:

MAYOR AND COUNCIL, HAVING CONDUCTED THE PUBLIC HEARING AND RECEIVED ALL PROTESTS; APPROVE THE PROPOSED DISPOSAL SERVICE RATE INCREASE OF 3.19%, AS SHOWN ON THE RATE SCHEDULE ATTACHED AS EXHIBIT "C" TO BECOME EFFECTIVE APRIL 1, 2024.

EXHIBIT "A"

3.4 Annual CPI Rate Adjustment.

Commencing on April 1, 2021 and on April 1 annually thereafter, the rates set forth on Exhibit C shall, subject to CITY Council review to confirm calculations, be adjusted by a percentage equal to the percent change in the average Consumer Price Index for All Urban Consumers, U.S. city average, All Items ("CPI"), as published by the Bureau of Labor Statistics, for the 12-month period ending the previous September 30. Not later than November 30 of each year, CONTRACTOR shall notify the CITY of its intent to increase the rate and provide the rate computations and a proposed new schedule. The CITY Manager shall promptly schedule the request for a rate adjustment on the next CITY Council agenda at which action could be taken in accordance with all applicable laws and regulations.

3.5 Fuel Cost Adjustment.

In addition to the CPI and other rate adjustments provided by this Section, the rates in Schedule C may be further adjusted for changes in fuel costs associated with performance of the services hereunder in the manner provided below:

- (a) Not later than November 30 of each year, CONTRACTOR shall notify the CITY of any intent to seek a fuel cost adjustment. CITY may also by such date each year notify CONTRACTOR of its intent to seek a fuel cost adjustment. CONTRACTOR, on its own initiative or at the request of the CITY, shall then submit to CITY a written proposal for a fuel cost rate adjustment, including a report detailing the calculations in accordance with the formula agreed to below. Within thirty (30) days after CONTRACTOR provides the CITY with such proposal and report, the CITY shall notify the CONTRACTOR in writing as to whether the CITY accepts such information as complete or specifying any respect in which the CITY deems such information incomplete or deficient. CITY and CONTRACTOR shall attempt in good faith to review such information and complete all its deliberations in connection therewith within ninety (90) days from the date of submittal of the proposal and report to the CITY. The effective date for any such increase, if approved, shall be April 1.
- (b) The fuel cost adjustment shall be calculated by the following formula:
$$(1 + ((\text{Fuel Cost Change} - \text{CPI Change}) \times \text{Fuel Percentage})) \times \text{Old Rate} = \text{New Rate}$$

The terms used in the preceding formula shall have the following meanings:
"Fuel Cost Change" means, for No. 2 diesel fuel, the average price for California No 2-diesel fuel for the twelve (12) month period immediately preceding the submission of a proposal and report by the CONTRACTOR divided by such average price for the immediately preceding 12-month period average price for the calendar year preceding the most recent calendar year. The price used to compute the Fuel Cost Change shall be the price reported by the United States Department of Energy, Energy Information Administration. In the event that price is no longer reported, the parties will designate a new methodology for determining the price based on comparable data. The parties will meet to determine this designation as soon as practically possible. For fuels other than No. 2 diesel, the CONTRACTOR shall calculate the change in fuel cost using the same time periods and a reasonably comparable fuel price index.

"CPI Change" means the average CPI (defined in Section 3.4) for the most recently completed calendar year divided by such average price for the calendar year preceding the most recent calendar year.

"Fuel Percentage" means the CONTRACTOR's total cost for diesel fuel (or such other fuel as is employed by CONTRACTOR) incurred during the most recent calendar year divided by CONTRACTOR's total operating revenue for such calendar year, in both cases calculated for CONTRACTOR's operations district that includes the CITY.

"Old Rate" means each of the rates on Exhibit C, as they may have been previously adjusted or amended.

"New Rate" means the new rate calculated pursuant to the preceding formula that will replace the Old Rate.

This rate adjustment for fuel costs shall be in addition to, and not in lieu of, any other rate increase to which CONTRACTOR may be entitled under this Agreement. Under no circumstances may an adjustment for fuel costs reduce a rate below the base rates as specified in Exhibit C, as increased for changes pursuant to this Section 3. Adjustments for fuel costs shall only be made to increase or reduce (but not below zero) prior adjustments for fuel costs. In addition to the preceding limitations on fuel cost adjustments, the percentage increase or decrease in the New Rate from the Old Rate in any single adjustment for fuel costs shall not exceed 2%.

Notice to Property Owners Proposed Annual CPI Increase for Disposal Service

Each year Corning Disposal Company may request a Refuse Customer Rate Increase limited to the past year's Consumer Price Index (CPI). A Public Hearing on their proposed rate increase of 3.19% which includes a decrease of 0.51% for fuel will be held on **Tuesday, March 26, 2024**. The proposed rates for residents & Senior Citizens are shown in the box below. This increase would amount to \$0.91 for 96-gal cart residential customers, \$0.45 for Senior Citizens service per month. **If approved, new rates will become effective April 1, 2024.**

This Hearing gives the City Council and the Public the opportunity to discuss and object to the proposed rate increase, but, according to the contract, "the City Council shall not unreasonably withhold" the rate increase.

Corning Disposal's Service includes yard waste pickup, street sweeping, recycling, and scheduled large household item pickups per customer per year at no additional cost. A second recycling cart can also be provided free of charge for residential accounts. Recycling is also included for commercial accounts.

Monthly Service Charges for both Residential and Commercial customers is proposed to increase by 3.19%.

<u>Current Monthly Rate</u>	<u>Proposed Rate</u>
\$28.39 for a 96 gal. roller cart	\$ 29.30
\$26.14 for a 64 gal. roller cart	\$ 26.97
\$14.19 for a 32 gal. Senior Citizen Cart	\$ 14.64
\$ 6.68 Additional recycling/Green Waste Cart	\$ 6.89

Commercial Rates will go up by 3.19%. The Commercial 96-gal roller cart will be set at \$29.18.

Since City' Municipal Code requires all residents to take the disposal service at the negotiated fee, the City believes it must inform every property owner and conduct a public hearing to receive any fee protests. Please contact City Hall at 530-824-7033 if you have questions.

Only Written Protests filed by Property Owners will be counted. If a majority protests, the rate increase will not be enacted. Written protests should be sent to: City Clerk, 794 Third St., Corning, CA 96021 and must be received by March 26, 2024 for presentation at the Public Hearing. Written protests may also be personally delivered to the Hearing. Protests must include the name, address, and the Assessor's Parcel Number of your property.

Notice of Public Hearing

The City Council encourages you to attend the **Public Hearing**, Tuesday, March 26, 2024, at 6:30 PM, to be held in the City Council Chambers, 794 Third Street, Corning, California.



CITY OF CORNING
RATE SCHEDULE
 Effective April 1, 2024

CPI	FUEL	Total Adj.
3.70%	-0.51%	3.19%

RESIDENTIAL RATES	Current Rate	CPI Adjustment	Fuel Adjustment	New Rate Effective April 1, 2024
Cart Rates				
Roller Carts (64-Gallon)	\$26.14	\$0.967	(\$0.133)	\$26.97
Roller Carts (96-Gallon)	\$28.39	\$1.050	(\$0.145)	\$29.30
Senior Citizen Roller Cart (32-Gallon)	\$14.19	\$0.525	(\$0.072)	\$14.64
Up to 2 - 64 Gallon Recycling and 1 - 96 Gallon Green Waste Carts (included)	\$0.00	N/A	N/A	\$0.00
Additional Recycling or Green Waste Carts	\$6.68	\$0.247	(\$0.034)	\$6.89

COMMERCIAL AND MULTI-FAMILY RATES	Current Rate	CPI Adjustment	Fuel Adjustment	New Rate Effective April 1, 2024
Cart Rates				
Roller Cart - 1X Week	\$28.28	\$1.046	(\$0.144)	\$29.18
Bin Rates				
1 Yard - 1X Week	\$90.40	\$3.345	(\$0.461)	\$93.28
1.5 Yard - 1X Week	\$126.39	\$4.676	(\$0.645)	\$130.42
1.5 Yard - 2X Week	\$231.26	\$8.557	(\$1.179)	\$238.64
2 Yard - 1X Week	\$162.50	\$6.013	(\$0.829)	\$167.68
2 Yard - 2X Week	\$319.84	\$11.834	(\$1.631)	\$330.04
2 Yard - 3X Week	\$408.14	\$15.101	(\$2.082)	\$421.16
3 Yard - 1X Week	\$231.26	\$8.557	(\$1.179)	\$238.64
3 Yard - 2X Week	\$413.81	\$15.311	(\$2.110)	\$427.01
3 Yard - 3X Week	\$535.89	\$19.828	(\$2.733)	\$552.98
4 Yard - 1X Week	\$303.42	\$11.227	(\$1.547)	\$313.10
4 Yard - 2X Week	\$518.09	\$19.169	(\$2.642)	\$534.62
4 Yard - 3X Week	\$700.65	\$25.924	(\$3.573)	\$723.00
4 Yard - 4X Week	\$949.31	\$35.124	(\$4.841)	\$979.59
6 Yard - 1X Week	\$413.81	\$15.311	(\$2.110)	\$427.01
6 Yard - 2X Week	\$700.67	\$25.925	(\$3.573)	\$723.02
6 Yard - 3X Week	\$987.39	\$36.533	(\$5.036)	\$1,018.89
6 Yard - 4X Week	\$1,244.12	\$46.032	(\$6.345)	\$1,283.81
6 Yard - 5X Week	\$1,500.85			\$1,548.73
Recycling				
1st Recycle Container up to 2 yards per week are included with service	\$0.00	\$0.000	\$0.000	\$0.00
Larger Recycle Bins (First Container)				
3 Yard Recycle Bin (Additional 1 Yard Charge)	\$51.01	\$1.887	(\$0.260)	\$52.64
4 Yard Recycle Bin (Additional 2 Yard Charge)	\$73.72	\$2.728	(\$0.376)	\$76.07
6 Yard Recycle Bin (Additional 4 Yard Charge)	\$128.06	\$4.738	(\$0.653)	\$132.15
Additional Recycle Carts				
Each Additional 64 Gallon Recycle Cart	\$25.42	\$0.941	(\$0.130)	\$26.23
Additional Recycle Bins				
Each Additional 2 Yard Recycle Bin	\$73.72	\$2.728	(\$0.376)	\$76.07
Each Additional 3 Yard Recycle Bin	\$105.35	\$3.898	(\$0.537)	\$108.71
Each Additional 4 Yard Recycle Bin	\$128.06	\$4.738	(\$0.653)	\$132.15
Each Additional 6 Yard Recycle Bin	\$174.43	\$6.454	(\$0.890)	\$179.99

Extra Pickup Rates				
Roller Cart Extra Pickup (Same Day)	\$15.00			\$15.00
1 Yard - Extra Pickup	\$19.77	\$0.731	(\$0.101)	\$20.40
1.5 Yard - Extra Pickup	\$27.66	\$1.023	(\$0.141)	\$28.54
2 Yard - Extra Pickup	\$35.58	\$1.316	(\$0.181)	\$36.72
3 Yard - Extra Pickup	\$50.61	\$1.873	(\$0.258)	\$52.22
4 Yard - Extra Pickup	\$66.43	\$2.458	(\$0.339)	\$68.55
6 Yard - Extra Pickup	\$90.61	\$3.353	(\$0.462)	\$93.50
Temporary Bin Rate				
4 Yard "BIN-A-DAY" 3 Day Rental	\$130.05	\$4.812	(\$0.663)	\$134.20

ROLL OFF BIN RATES	Current Rate	CPI Adjustment	Fuel Adjustment	New Rate Effective April 1, 2024
Temporary Drop Box Rates				
20 Yard Haul - includes 3 tons*	\$612.42	\$22.660	(\$3.123)	\$631.96
30 Yard Haul - includes 3 tons*	\$686.63	\$25.405	(\$3.502)	\$708.53
Compactor Rates				
Compactor Haul Rate - Any Size - does not include tonnage**	\$467.02	\$17.280	(\$2.382)	\$481.92

*Disposal over 3 tons are charged actual disposal charges from Tehama County/Red Bluff Landfill

**Customer owned. Actual tonnage is charged from Tehama County/Red Bluff Landfill

ANCILLARY RATES	Current Rate	CPI Adjustment	Fuel Adjustment	New Rate Effective April 1, 2024
Residential				
Extra Pickup on non-service day	Not Available	N/A	N/A	Not Available
Go back charge (same day)	\$57.78	\$2.138	(\$0.295)	\$59.62
Contamination charge: Recycle & Organics	\$18.72	\$0.693	(\$0.095)	\$19.32
Overfull Container: all material types	\$18.72	\$0.693	(\$0.095)	\$19.32
Replace lost or stolen cart	\$109.16	\$4.039	(\$0.557)	\$112.64
Replace or Exchange damaged container (not caused by WM)	\$109.16	\$4.039	(\$0.557)	\$112.64
Account reactivation charge (from bad pay) - no delivery	\$57.78	\$2.138	(\$0.295)	\$59.62
Account reactivation charge (from bad pay) - w/ delivery	\$102.73	\$3.801	(\$0.524)	\$106.01
Late Payment charge	2.5% of balance (\$5.00 min.)	N/A	N/A	2.5% of balance (\$5.00 min.)
Commercial				
Contamination charge: Recycle	\$64.60	\$2.390	(\$0.329)	\$66.66
Overfull Container: all material types	\$87.71	\$3.245	(\$0.447)	\$90.51
Long walk service. Up to 100 feet	\$12.65	\$0.468	(\$0.065)	\$13.05
Long walk service. 101 to 200 feet	\$25.29	\$0.936	(\$0.129)	\$26.10
Replace lost or stolen cart	\$109.16	\$4.039	(\$0.557)	\$112.64
Replace or Exchange damaged container (not caused by WM)	\$109.16	\$4.039	(\$0.557)	\$112.64
Account reactivation charge (from bad pay) - no delivery	\$57.78	\$2.138	(\$0.295)	\$59.62
Account reactivation charge (from bad pay) - w/ delivery	\$102.73	\$3.801	(\$0.524)	\$106.01
Late Payment charge	2.5% of balance (\$5.00 min.)	N/A	N/A	2.5% of balance (\$5.00 min.)
Roll Off				
Roll Off Trip Charge	\$192.64	\$7.128	(\$0.982)	\$198.79
Per Day rental charge after seven days	\$14.35	\$0.531	(\$0.073)	\$14.81
Per hour relocation charge	\$35.85	\$1.326	(\$0.183)	\$36.99
Late Payment charge	2.5% of balance (\$5.00 min.)	N/A	N/A	2.5% of balance (\$5.00 min.)



CITY OF CORNING
Public Education Budget Adjustment

Previous Budget	Adj.	New Budget Effective April 1, 2024
\$11,403.20	3.70%	\$11,825.12

Historical		
Period	Change	Budget
4/1/2021 through 3/31/2022	N/A	\$10,000.00
4/1/2022 through 3/31/2023	5.39%	\$10,539.00
4/1/2023 through 3/31/2024	8.20%	\$11,403.20

112 Public Education and Outreach; Diversion
(a) Public Education and Outreach CONTRACTOR will develop, implement (at no additional cost to CITY or service recipients), and spend up to \$10,000 annually exclusive of CONTRACTOR personnel costs subject to an annual adjustment as described in Section 3-4 an Outreach, Public Education and Diversion Plan which shall be submitted and updated annually to the CITY by October 15th for the following calendar year for review, comment and approval (which will not be unreasonably withheld or delayed), and shall include but not be limited to information with respect to AB 939 diversion goals, AB 341 covered generator compliance, Bulky Goods pick-ups, backyard composting, Yard Waste programs and the importance of the safe disposal of Household Hazardous Waste as further detailed in Exhibit E. Such outreach program shall also include notifying all covered AB 341, AB 1826 and SB 1383 generators as required by related regulations, of the requirements of the applicable law.



CITY OF CORNING

Franchise Fee Adjustment - Effective April 1, 2024

Previous Franchise Fee	Adj.	New Franchise Fee Effective April 1, 2024
\$6,432.56	3.19%	\$6,637.76

Historical		
Period	Change	Franchise Fee
4/1/2021 through 3/31/2022	N/A	\$5,500.00
4/1/2022 through 3/31/2023	5.47%	\$5,800.85
4/1/2023 through 3/31/2024	10.89%	\$6,432.56

Section 1.B – Franchise Fee: To reimburse the CITY for the cost of monitoring CONTRACTOR compliance and administering the solid waste collection system, CONTRACTOR shall pay to the CITY Five Thousand Five Hundred Dollars and No. 100 (\$5,500) per month during the initial five-year term of this Agreement. Such fee shall be paid by CONTRACTOR to the CITY on or before the tenth (10th) day of each month during the term of this Agreement. The franchise fee amount shall be adjusted each year, on the same date that CONTRACTOR receives an Annual CPI Rate Adjustment under Section 3.6, by a percentage equal to the year-over-year change in average CPI-U based on the 12-month period ending the previous September 30. The CITY shall have the right to renegotiate such fee prior to approving any extension option under this Agreement.



**CITY OF CORNING
CPI CALCULATION**

CPI for All Urban Consumers (CPI-U)

Series Id: CUUR0000SA0
Not Seasonally Adjusted
Series Title: All items in U.S. city average, all urban consumers, not seasonally adjusted
Area: U.S. city average
Item: All items
Base Period: 1982-84=100

Index Point Change	
Prior Year CPI - Sep-22	296.808
Current CPI - Sep-23	307.789
Change	10.981
CPI % Change	3.70%

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2020	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.28	260.388	260.229	260.474	258.811
2021	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.31	276.589	277.948	278.802	270.97
2022	281.148	283.716	287.504	289.109	292.296	296.311	296.276	296.171	296.808	298.012	297.711	296.797	292.655
2023	299.17	300.84	301.836	303.363	304.127	305.109	305.691	307.026	307.789				

3.4 **Annual CPI Rate Adjustment.** Commencing on April 1, 2021 and on April 1 annually thereafter, the rates set forth in Exhibit C-1, all subject to CITY Council review to confirm calculations, be adjusted by a percentage equal to the percent change in the average Consumer Price Index for All Urban Consumers, U.S. city average - All Items (CPI-U), as published by the Bureau of Labor Statistics, for the 12 month period ending the previous September 30. Not later than November 30 of each year, CONTRACTOR shall notify the CITY of its intent to increase the rate and provide the rate computations and a proposed new schedule. The CITY Manager shall promptly schedule the request for a rate adjustment to the next CITY Council agenda at which action could be taken in accordance with all applicable laws and regulations.



**CITY OF CORNING
FUEL COST ADJUSTMENT CALCULATION**

Corning Disposal Cost/Revenue October 2022 to September 2023 Actuals	
Fuel Cost	\$524,852
Operating Revenue	\$8,654,403
Fuel as a % of Revenue	6.06%

Adjustment Calculation:	
Diesel % Change	-4.68%
CPI % Change	3.70%
Net % Change	-8.38%
Fuel as a % of Operating Revenue	6.06%
Adjustment Factor	-0.51%

Information for Basis of Calculation:	
Diesel (cents per gallon)	
Oct-22 - Sep-23	\$5.435
Oct-21 - Sep-22	\$5.702
Change	(\$0.267)
% Change	-4.68%

CPI	
Sep-23	307.789
Sep-22	296.808



Diesel Fuel History

Source:

<https://www.eia.gov/petroleum/gas/diesel/>

Data 2: M Diesel Prices - All Types

Date	California No 2 Diesel Retail Sales by All Sellers (Dollars per Gallon)	12 Month Average
Oct-2021	4.481	



Area Financial Data

	Fuel	Fuel Tax Credit	Net Fuel	Total Operating Revenue
Oct-22 thru Sep-23	535,344.52	(10,492.67)	\$524,852	8,654,403.38

RECEIVED

FEB 12 2024


SPRINGFIELD CITY CLERK

REAGARDING PROPERTY- 1167 WEST STREET, corning ca 96021 (parcel number 071231012000)

RE: Objection to Proposed Utility Rate Increases

Ladies and Gentlemen, I am writing this letter to object to the increase in the utility rates. This increase would adversely affect most, those with the lowest earnings and the retired and elderly. I myself are on a fixed income and this incomes does not reflect proportionately my fixed income increases, thus this utility increase will make me poorer and unable to make my everyday essential purchases like food, water, and medications possible. Please reject this increase and find better ways to improve our current management and make our systems more efficiency with technology or change to process to make this cheaper for all of us.

Very truly yours,

 2-7-2024
Jose Robles

ITEM NO.: J- 8
APPROVE CHANGE ORDER #2 IN THE
AMOUNT OF \$31,258.70 FOR BUILDER
SOLUTIONS INC. TO REMOVE AND
REPAVE THE ASPHALT AT THE
INTERSECTION OF HOAG AND MARIN
STREETS FOR THE WEST STREET
SCHOOL CONNECTIVITY PROJECT TO
OBTAIN ADA COMPLIANCE

March 26th, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: BRANT MESKER, CITY MANAGER *BM*
ELIJAH STANLEY, PUBLIC WORKS DIRECTOR *ES*

SUMMARY:

Staff has received a change order request from Builder Solutions Inc. for the West Street School Connectivity Project in the amount of \$31,258.70. Per the request submitted by Builder Solutions Inc. the 2,300 SF of existing asphalt will be removed and replaced to obtain the proper ADA slope for the crosswalks at the intersection of Hoag and Marin Streets. Due to the proximity to the school and bus loading area, they expect it to take 3 days to complete the work. The installation of the crosswalks per the plan will create excessive running slopes that are outside of the City Standards and not ADA compliant.

Builder Solutions Inc. has provided a breakdown of the work they are proposing to be done in the area mentioned. (See attached request letter from Builder Solutions Inc.) The approval of this change order would bring the total project cost for construction to \$631,972.89. The work associated with this change order will be done on a time and material basis and will not exceed the \$31,258.70 as proposed.

BACKGROUND:

Builder Solutions, Inc. was awarded this project at the June 27, 2023 City Council Meeting after being determined to be the lowest responsive and responsible bidder in the amount of \$575,977.02.

FINANCIAL:

The City of Corning was awarded an ATP Grant for the West Street School Connectivity Project. The grant funding awarded for the construction portion of the project is \$1,009,000.00. The funding is located in account 9007-118-7710. The cost of the proposed change order can be covered by the approved grant funding and there will be no impact to the City's General Fund.

RECOMMENDATION:

THAT MAYOR AND COUNCIL APPROVE CHANGE ORDER #2 IN THE AMOUNT OF \$31,258.70 FOR BUILDER SOLUTIONS INC. TO PAVE EXTRA AREAS FOR THE WEST STREET SCHOOL CONNECTIVITY PROJECT.

CONTRACT CHANGE ORDER

Order No. 2

Date: March 26, 2024

Contract for: West Street Elementary School Connectivity Project

Owner: City of Corning, 794 Third Street, Corning, CA 96021

To: Builder Solutions, Inc., 3001 East Center St, Anderson, CA 96007

You are hereby requested to comply with the following changes from the contract plans and specifications.

Description of Changes	DECREASE In Contract Price	INCREASE In Contract Price
------------------------	-------------------------------	-------------------------------

Contract Change Order Request:

CCO 2-1:

Remove additional asphalt and material to flatten the path of travel of the cross walks crossing Marin Street at the intersection of Hoag Street and placing additional material to pave it back.

• Bid Item 1	Additional Traffic Control	\$1,000/day	3 days	\$3,000.00
• Bid Item 4	Remove Base & Surfacing	\$97.20/cy	70.7 cy	\$6,872.40
• Bid Item 6	Class 2 Aggregate Base	79.68/cy	70.7 cy	\$5,633.67
• Bid Item 7	Hot Mix Asphalt Type A	\$554.67/ton	28.4 tons	<u>\$15,752.63</u>

Total: \$31,258.70

Net Change: \$31,258.70

JUSTIFICATIONS:

Builder Solutions submitted RFI-004 regarding the current running slope of 10% for the path of travel for the two crosswalks crossing Marin Street at Hoag Street. Per the response of the City Engineer to achieve proper 5% ADA slope the asphalt needs to be removed up to the centerline.

The original contract total \$575,977.02 including this and any previous change orders will be increased by \$55,995.87 for a new total of: \$631,972.89.

This document will become a supplement to the Contract and all provisions will apply hereto.

Requested: _____
City of Corning

Date: _____

Recommended: _____
Robin Kampmann, PE
City Engineer

Date: _____

Accepted: _____
Builder Solutions, Inc.

Date: _____

Change Order Request CCO#2

West Street School Connectivity Project

Removing additional asphalt and material to flatten the path of travel of the cross walks crossing Marin Street at the intersection of Hoag street, and placing additional material to pave it back

Builder Solutions Inc submitted RFI-004 for the slope of the path of travel for the two cross walks crossing Marin Street at Hoag Street. The current running slope is 10%. Per the Cities response to RFI-004 the path of travel in the cross walks can be reduced to the required 5% running slope if the "the north half of Marin Street adjacent to fCR 3 and CR 4 is removed and replaced to the centerline the slope from the ramp to the centerline will be within the 5% cross slope. A copy of RFI-004 is attached to this change order request. " Builder Solutions Inc will use a laser level to check and verify this. The laser level will be used to measure the elevation difference between lip of gutter and existing centerline of the road and a tape will be used to measure the distance from the lip of gutter to the centerline of the road. Under this response the area to have the existing asphalt removed is 92ft (Sta 13+20 to Sta 14+12) by 25ft (distance lip of gutter to centerline) for an area of 2,300sf. Material will be removed and replaced to get the proper grade for the path of travel. Because of the close proximity to the school and bus loading area we figure it will take 3 days to do the work. The areas and volumes of materials are calculated below. The established unit costs for the job were used for the increased quantities.

These areas are; Asphalt

Hot Mix Asphalt Type A

	Area	Depth		
Volume of HMA (cy)	2300 sf	0.167 ft	384.1 cf	14.2 cy
Tons of HMA =	14.2 cy	2 ton/cy		28.4 ton

Remove Base & Surfacing

Volume of HMA (cy)	2300 sf	0.83 ft	1909 cf	70.7 cy
--------------------	---------	---------	---------	---------

Class 2 Agg Base

Volume of HMA (cy)	2300 sf	0.83 ft	1909 cf	70.7 cy
--------------------	---------	---------	---------	---------

Change Order Quantity and Cost Summary

Item #	Description	Qty	Unit Price	Extended
1	Additional Traffic Control	3 days	\$ 1,000.00 /day	\$ 3,000.00
4	Remove Base & Surfacing	70.7 cy	\$ 97.20 /cy	\$ 6,872.40
6	Class 2 Agg Base	70.7 cy	\$ 79.68 /cy	\$ 5,633.67
7	Hot Mix Asphalt Type A	28.4 tons	\$ 554.67 /ton	\$ 15,752.63

Total Change Order Cost

\$ 31,258.70

REQUEST FOR INFORMATION No. 004

PROJECT: West Street School Connectivity Project
CONTRACT No. 118-77727-9008
SUBJECT: Path of Travel Cross Walks @ CR 3 & CR 4
SPECIFICATION SECTION:
DRAWING NUMBER: C-2
ATTN: Robin Kampmann

DATE: 2/12/24

SENT BY: Thomas Adams Jr.

REQUEST FOR INFORMATION:

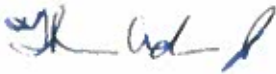
The existing asphalt on Marin Street at CR 3 and CR 4, Hoag Street, has a high crown and we do not think we can get the path of travel for the crosswalks to be ADA compliant. At CR 3 going toward CR 5 the existing asphalt ten feet out from the lip of gutter is one foot higher than the lip of gutter which is a 10% slope. The crown of the street is still going up at this point. A similar situation exists at CR 4 going toward CR 6. Typical the cross slope of a tangent section roadway/street is 2%, but our measurements show the cross slope on this street to be near 10%.

Note 7 on Sheet D-1 states "AC PAVEMENT LIMITS SHOWN ARE APPROXIMATE. CONTRACTOR SHALL REMOVE & REPLACE ENOUGH PAVEMENT TO CONSTRUCT ADA COMPLIANT CROSSWALKS THAT HAVE A MAXIMUM OF 5% RUNNING SLOPE AND 1.5% CROSS SLOPE."

With the existing conditions on the street, we do not think it is possible to get the running slope of the crosswalks down to the 5% ADA requirement without removing the asphalt all the way across the street. This would create a significant dip in the roadway.

Please advise on how to proceed with this situation.

Thank you,



CEO

2/12/24

Signed: _____
Name, Title

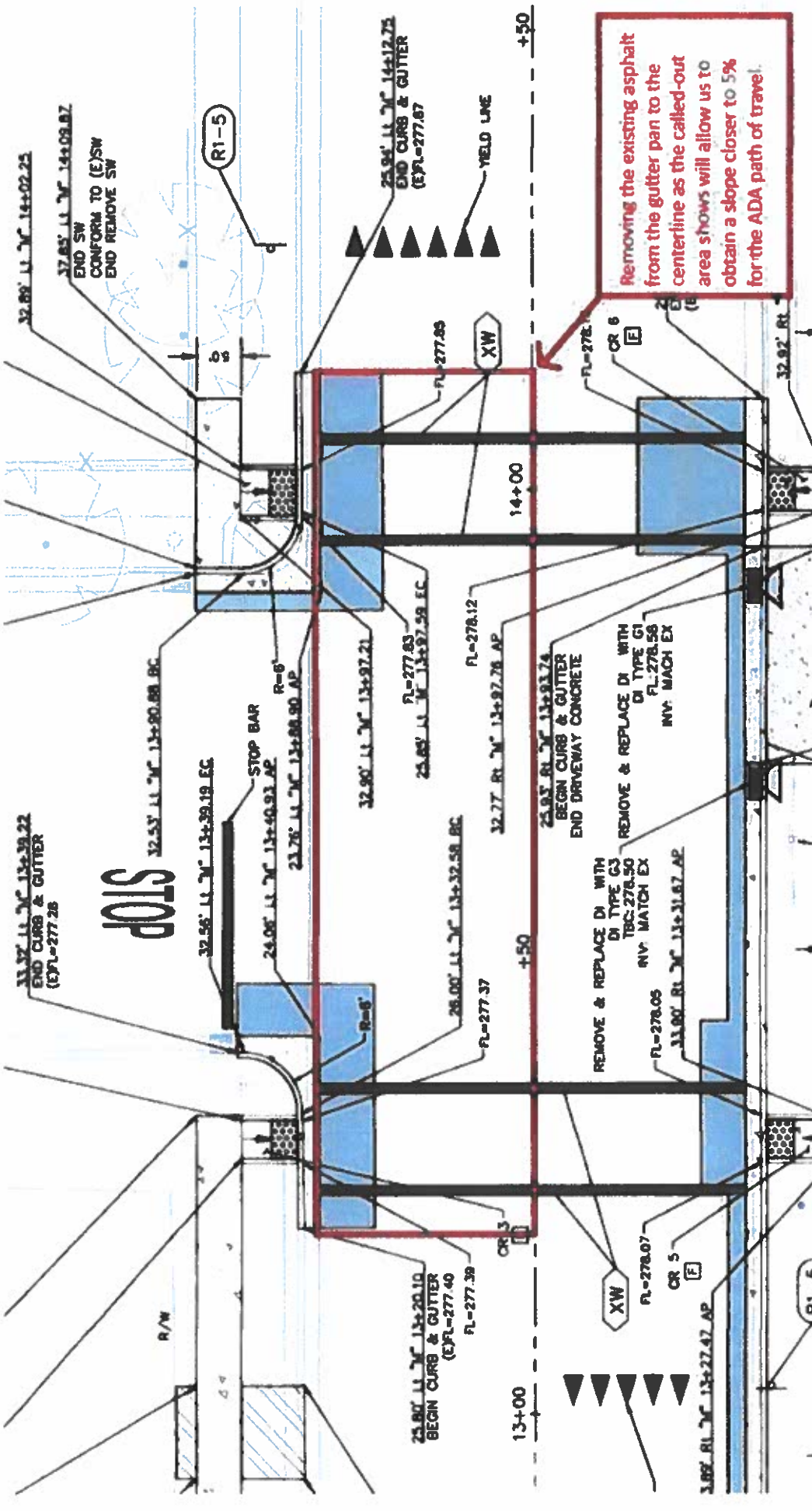
Date: _____

Schedule Impacts: YES _____ NO TBD
Cost Impacts: YES _____ NO TBD

RESPONSE:

After field investigation it appears that if the north half of Marin Street adjacent to CR 3 and CR4 is removed and replaced to the centerline the slope from the ramp to the centerline will be within the 5% cross slope. See the attached exhibit for the limits of pavement removal.

Answered by:
Signed: 
(name),(title)



STOP

Removing the existing asphalt from the gutter pan to the centerline as the called-out area shows will allow us to obtain a slope closer to 5% for the ADA path of travel.

32.88' LI "C" 14+02.25
 37.85' LI "C" 14+09.87
 END SW
 CONFORM TO (E)SW
 END REMOVE SW

25.94' LI "C" 14+12.75
 END CURB & GUTTER
 (E)FL=277.67

YIELD LINE

33.37' LI "C" 13+39.22
 END CURB & GUTTER
 (E)FL=277.26

32.53' LI "C" 13+80.88 BC

32.55' LI "C" 13+39.19 EC

STOP BAR

24.08' LI "C" 13+40.93 AP

23.76' LI "C" 13+88.90 AP

32.90' LI "C" 13+97.21

FL=277.83

25.85' LI "C" 13+97.59 EC

FL=278.12

32.77' RI "C" 13+97.78 AP

25.83' RI "C" 13+93.74

BEGIN CURB & GUTTER
 END DRIVEWAY CONCRETE

REMOVE & REPLACE DI WITH DI TYPE G3
 TBC 278.50
 INV: MATCH EX
 FL=278.05

REMOVE & REPLACE DI WITH DI TYPE G1
 FL=278.58
 INV: MATCH EX

33.80' RI "C" 13+31.67 AP

FL=278.07

CR 5

33.86' RI "C" 13+27.47 AP

CR 2

32.92' RI

13+00

+50

14+00

+50

XW



FL=277.89

CR 6

FL=278.12

ITEM NO.: J- 9
APPROVE CHANGE ORDER #3 IN THE
AMOUNT OF \$6,264.88 FOR BUILDER
SOLUTIONS INC. TO ADD A CURB AT
THE SOUTHEAST CORNER OF WEST
STREET AND MARIN STREET FOR THE
WEST STREET SCHOOL CONNECTIVITY
PROJECT

March 26, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: BRANT MESKER, CITY MANAGER 
ELIJAH STANLEY, PUBLIC WORKS DIRECTOR 

SUMMARY:

Staff has received a change order request (extra work cost estimate) from Builder Solutions Inc. for the West Street School Connectivity Project in the amount of \$6,264.88. Per the request (estimate) submitted by Builder Solutions Inc. a curb needs to be added at the southeast corner of the intersection of West Street and Marin Street to reduce the current tripping hazard.

Builder Solutions Inc. has provided a breakdown of the work they are proposing to be done in the area mentioned. (See attached request letter from Builder Solutions Inc.) The approval of this change order would bring the total project cost for construction to \$638,237.77. The work associated with this change order will be done on a time and material basis and will not exceed the \$6,264.88 as proposed.

BACKGROUND:

Builder Solutions, Inc. was awarded this project at the June 27, 2023 City Council Meeting after being determined to be the lowest responsive and responsible bidder in the amount of \$575,977.02.

FINANCIAL:

The City of Corning was awarded an ATP Grant for the West Street School Connectivity Project. The grant funding awarded for the construction portion of the project is \$1,009,000.00. The funding is located in account 9007-118-7710. The cost of the proposed change order can be covered by the approved grant funding and there will be no impact to the City's General Fund.

RECOMMENDATION:

THAT MAYOR AND COUNCIL APPROVE CHANGE ORDER #3 IN THE AMOUNT OF \$6,264.88 FOR BUILDER SOLUTIONS INC. TO ADD A CURB AT THE SOUTHEAST CORNER OF WEST STREET AND MARIN STREET FOR THE WEST STREET SCHOOL CONNECTIVITY PROJECT.

CONTRACT CHANGE ORDER

Order No. 3

Date: March 26, 2024

Contract for: West Street Elementary School Connectivity Project

Owner: City of Corning, 794 Third Street, Corning, CA 96021

To: Builder Solutions, Inc., 3001 East Center St, Anderson, CA 96007

You are hereby requested to comply with the following changes from the contract plans and specifications.

Description of Changes	DECREASE In Contract Price	INCREASE In Contract Price
------------------------	-------------------------------	-------------------------------

Contract Change Order Request:

CCO 3-1:

Add curb at the southeast corner of the intersection of West Street and Marin Street to reduce the tripping hazard present at this corner.

- Add Curb at Back of Walk CR 9 \$6,264.88

<u>Total:</u>	<u>\$6,264.88</u>
---------------	-------------------

<u>Net Change:</u>	<u>\$6,264.88</u>
--------------------	-------------------

JUSTIFICATIONS:

The addition of this curb is needed to mitigate the current tripping hazard at this corner.

The original contract total \$575,977.02 including this and any previous change orders will be increased by \$62,260.75 for a new total of: \$638,237.77.

This document will become a supplement to the Contract and all provisions will apply hereto.

Requested: _____
City of Corning

Date: _____

Recommended: _____
Robin Kampmann, PE
City Engineer

Date: _____

Accepted: _____
Builder Solutions, Inc.

Date: _____

Builder Solutions Inc.

EXTRA WORK COST ESTIMATE

Job: West Street School Connectivity Project

Owner: City of Corning

Date: 3/19/2024

Description of Work: Add curb at the back of walk at CR 9, southeast corner of the intersection of West Street and Marin Street to reduce the tripping hazard present at this corner. Approximately 40 feet of 6 inch wide by 1 foot tall curb. The back of the curb to be backfilled and dressed.

Direct Cost:	\$4,952.47
Overhead Cost @ 15%	\$742.87
Subtotal Direct Cost Plus Overhead	\$5,695.34
Profit @ 10%	\$569.53

Total Cost Of Extrawork \$6,264.88

Item #	Item Description	Bid Qty	Bid Unit	Labor Cost	Equip Cost	Truck Cost	Matl. Cost	Sub Cost	Item Total Cost	Item Unit Cost
1 Added Curb at Back of Walk CR 9										
Sub Items		Qty	Unit	Labor Cost	Equip Cost	Truck Cost	Matl. Cost	Sub Cost	Total Cost	
1 1a	Excavate & Grade for Curb	1		\$422.70	\$130.00	\$0.00	\$0.00	\$0.00	\$552.70	\$552.70
2 1b	Form Curb	40 lf		\$1,126.45	\$93.33	\$0.00	\$0.00	\$0.00	\$1,319.79	\$32.99
3 1c	Pour Curb	1 cy		\$1,280.06	\$757.58	\$0.00	\$0.00	\$0.00	\$2,437.64	\$2,437.64
4 1d	Stripe Curb	40 lf		\$176.00	\$130.00	\$0.00	\$0.00	\$0.00	\$306.00	\$7.65
5 1c	Grade Slope behind Curb	1		\$211.35	\$125.00	\$0.00	\$0.00	\$0.00	\$336.35	\$336.35
				\$3,216.56	\$1,235.91	\$0.00	\$500.00	\$0.00	\$4,952.47	\$4,952.47

Sub Item #1

Item# 1a

Item Description
Excavate & Grade for Curb

Labor Cost	\$422.70
Equipment Cost	\$130.00
Trucking Cost	\$0.00
Material Cost	\$0.00
Sub. Cost	\$0.00
Total Cost	\$552.70
Unit Cost	552.7

Bid Qty	Bid Units	Total Cost	Bid Unit Cost
1	1s	\$552.70	\$552.70
Actual Qty	Actual Units	Total Cost	Actual Unit Cost
1	0	\$552.70	\$552.70

Production Unit/Hour Duration Hours hrs

Labor & Equipment Hourly Cost	Cost
Labor SubTotal	\$211.35
Equip. SubTotal	\$65.00
Labor & Equipment Total	\$276.35

LABOR (Employee Name)	Group	S.T. Rate	Qty	Subtotal	EQUIPMENT	Rate	Qty	SubTotal
Operator (Foreman)	OP01	\$132.62	0	\$	3/4 Ton Pickup	15.00	0	\$
Operator (Mini Excavator)	OP06	\$123.35	1	\$ 123.35	Mini Excavator	65.00	1	\$ 65.00
Laborers (Skilled)	LAB01	\$88.00	1	\$ 88.00				\$
Labor Total				\$ 211.35				\$ 65.00

Trucking	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$
			\$	\$

MATERIAL, SERVICE, & MISC	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$
			\$	\$

Subcontractor	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$
			\$	\$

Sub Item #2

Item# 1b
 Item Description
 Form Curb

Bid Qty	Bid Units	Total Cost	Bid Unit Cost
40	ft	\$1,319.79	\$32.99
Actual Qty	Actual Units	Total Cost	Actual Unit Cost
40	ft	\$1,319.79	\$32.99

Labor Cost	\$1,126.45
Equipment Cost	\$93.33
Trucking Cost	\$0.00
Material Cost	\$100.00
Sub. Cost	\$0.00
Total Cost	\$1,319.79
Unit Cost	32.99466667

Duration Hours hrs

Production Unit/Hour

Qty ft

Labor & Equipment Hourly Cost	Cost
Labor SubTotal	\$422.42
Equip. SubTotal	\$35.00
Labor & Equipment Total	\$457.42

LABOR (Employee Name)	Group	S.T. Rate	Qty	Subtotal	EQUIPMENT	Rate	Qty	SubTotal
Operator (Foreman)	OP01	\$132.62	1	\$ 132.62	3/4 Ton Pickup	15.00	1	\$ 15.00
Laborer w/Flat Head (skilled)	LAB01	\$88.00	1	\$ 88.00	1 ton Flatbed	20.00	1	\$ 20.00
Cement Mason	CEM01	\$100.90	2	\$ 201.80				\$ -
				\$ -				\$ -
				\$ -				\$ -
Labor Total				\$ 422.42				\$ 35.00

Trucking	Quantity	Unit	Unit Cost	Total
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -

MATERIAL, SERVICE, & MISC	Quantity	Unit	Unit Cost	Total
Lumber	1	ls	\$100.00	100.00
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -

Subcontractor	Quantity	Unit	Unit Cost	Total
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -

Sub Item #3

Item# 1c
Item Description Pour Curb

Labor Cost	\$1,280.06
Equipment Cost	\$757.58
Trucking Cost	\$0.00
Material Cost	\$400.00
Sub. Cost	\$0.00
Total Cost	\$2,437.64
Unit Cost	2437.636364 cy

Bid Qty	Bid Units	Total Cost	Bid Unit Cost
1	cy	\$2,437.64	\$2,437.64
Actual Qty	Actual Units	Total Cost	Actual Unit Cost
1	cy	\$2,437.64	\$2,437.64

Production Unit/Hour 0.33 Duration Hours 3 hrs

Labor & Equipment Hourly Cost	Cost
Labor SubTotal	\$422.42
Equip. SubTotal	\$250.00
Labor & Equipment Total	\$672.42

LABOR (Employee Name)	Group	S.T. Rate	Qty	Subtotal	EQUIPMENT	Rate	Qty	SubTotal
Operator (Foreman)	OP01	\$132.62	1	\$ 132.62	3/4 Ton Pickup	15.00	1	\$ 15.00
Laborer w/Fit Rack (Skilled)	LAB01	\$88.00	1	\$ 88.00	3/4 Ton Pickup	15.00	1	\$ 15.00
Current Mason	CEM01	\$100.90	2	\$ 201.80	Excavator	110.00	2	\$ 220.00
				\$ -				\$ -
				\$ -				\$ -
				\$ -				\$ -
Labor Total				\$ 422.42				\$ 250.00

Trucking	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$

MATERIAL, SERVICE, & MISC	Quantity	Unit	Unit Cost	Total
Buy Concrete	1	cy	\$150.00	\$ 150.00
Short load	1	hr	\$250.00	\$ 250.00
			\$ -	\$ -
Total				\$ 400.00

Subcontractor	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$

Sub Item #4

Item# 1d
 Item Description
 Stripe Curb

Bid Qty	Bid Units	Total Cost	Bid Unit Cost
0		\$306.00	#DIV/0!
Actual Qty	Actual Units	Total Cost	Actual Unit Cost
40	lf	\$306.00	\$7.65

Production Unit/Hour Duration Hours Hrs

Labor & Equipment Hourly Cost	Cost
Labor SubTotal	\$176.00
Equip. SubTotal	\$130.00
Labor & Equipment Total	\$306.00

Labor Cost	\$176.00
Equipment Cost	\$130.00
Trucking Cost	\$0.00
Material Cost	\$0.00
Sub. Cost	\$0.00
Total Cost	\$306.00
Unit Cost	7.65 lf

LABOR (Employee Name)	Group	S.T. Rate	Qty	Subtotal	EQUIPMENT	Rate	Qty	SubTotal
Operator (Foreman)	OP01	\$132.62		\$	3/4 Ton Pickup	15.00	0	\$
Laborer w/Full Rack (Skilled)	LAB01	\$88.00	2	\$ 176.00	Mini Excavator	65.00	2	\$ 130.00
Cement Mason	CEM01	\$100.90		\$				\$
				\$				\$
				\$				\$
				\$				\$
				\$				\$
Labor Total				\$ 176.00				\$ 130.00

Trucking	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$
			\$	\$

MATERIAL, SERVICE, & MISC	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$
			\$	\$

Subcontractor	Quantity	Unit	Unit Cost	Total
			\$	\$
			\$	\$
			\$	\$

Sub Item #5

Item# 1c
 Item Description
 Grade Slope behind Curb

Bid Qty	Bid Units	Total Cost	Bid Unit Cost
1	ls	\$336.35	\$336.35
Actual Qty	Actual Units	Total Cost	Actual Unit Cost
1	0	\$336.35	\$336.35

Labor Cost	\$211.35
Equipment Cost	\$125.00
Trucking Cost	\$0.00
Material Cost	\$0.00
Sub. Cost	\$0.00
Total Cost	\$336.35
Unit Cost	336.35

Qty Production Unit/Hour Duration Hours hrs

Labor & Equipment Hourly Cost	Cost
Labor SubTotal	\$211.35
Equip. SubTotal	\$125.00
Labor & Equipment Total	\$336.35

LABOR (Employee Name)	Group	S.T. Rate	Qty	Subtotal	EQUIPMENT	Rate	Qty	SubTotal
Operator (Foreman)	OP01	\$132.62	0	\$ -	3/4 Ton Pickup	\$ 15.00	0	\$ -
Operator (Mini Excavator)	OP06	\$123.35	1	\$ 123.35	3/4 Ton Pickup	\$ 15.00	1	\$ 15.00
Laborers (Skilled)	LAB03	\$88.00	1	\$ 88.00	Excavator	\$ 110.00	1	\$ 110.00
				\$ -				\$ -
				\$ -				\$ -
				\$ -				\$ -
Labor Total				\$ 211.35				\$ 125.00

Trucking	Quantity	Unit	Unit Cost	Total
			\$ -	\$ -
			\$ -	\$ -

MATERIAL, SERVICE, & MISC	Quantity	Unit	Unit Cost	Total
			\$ -	\$ -
			\$ -	\$ -

Subcontractor	Quantity	Unit	Unit Cost	Total
			\$ -	\$ -
			\$ -	\$ -

**ITEM NO: J-10
APPROVE CONTRACT WITH LAMB
UNLIMITED FOR THE PULVERIZING,
GRADING, AND COMPACTING OF THE
CLARK PARK PARKING LOT IN THE
AMOUNT OF \$41,980.00**

March 26, 2024

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: BRANT MESKER, CITY MANAGER 
ELIJAH STANLEY, PUBLIC WORKS DIRECTOR 

SUMMARY:

The Clark Park Parking Lot pavement is in bad condition and needs repair. The Public Works Department would like to address this by breaking the reclamation of the parking lot into phases. The first phase will include pulverizing, grading, and compacting the parking lot. This will provide a quick and effective solution for the upcoming sporting events at Clark Park. The resurfacing of the parking lot will be addressed within the next phase of the project. A request to bid was sent out to local contractors for Phase 1 of the Clark Park Parking Lot Reclamation Project. Attached you will find the bid documents along with the awarded contractors' bid.

FINANCIAL:

During the fiscal year 2023/2024 budgeting process, staff budgeted \$250,000 for the resurfacing of the Clark Park Parking Lot. The proposed agreement for Phase 1 with Lamb Unlimited for the price of \$41,980.00 would not exceed the budgeted amount of \$250,000.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE THE:

- **APPROVE AGREEMENT WITH LAMB UNLIMITED AS THE LOWEST RESPONSIBLE BIDDER FOR PHASE 1 CLARK PARK PARKING LOT PROJECT AT A COST NOT TO EXCEED \$41,980.00; AND**
- **AUTHORIZE CITY MANAGER TO SIGN A CONTRACT**

AGREEMENT

THIS AGREEMENT IS MADE AND ENTERED INTO as of this **26th day of March, 2024** by and between the **City of Corning**, a Municipal Corporation, hereinafter referred to as "**City**" and **Lamb Unlimited**, hereinafter referred to as "**Contractor**". It is hereby agreed by and between the parties that Contractor shall build and install new cabinets/workstations, as hereinafter more particularly described hereafter.

1. CONTRACTOR'S OBLIGATION:

- a. Contractor shall safely perform the upgrade of the Clark Park Parking Lot. Such improvement shall be done safely and in a workmanlike manner with the materials approved and as indicted herein. Location and improvements are as described on the **Invitation to Bidders** attached hereto and incorporated by this reference. The City reserves the right to reject any or all performance hereunder and to require touchup and/or follow-up services to the City's satisfaction and without further compensation.
- b. Contractor shall, during the term of this Contract, maintain a valid City of Corning Business License.
- c. Contractor must, at all times during the term of this contract, be a state-licensed contractor in the following categories throughout the term of this agreement: Classification 'A' – 'General Engineering'.

2. COMPENSATION / TERM:

For those services as outlined in **Clark Park Parking Lot Upgrade Phase 1 – Scope of Work:**

- a. Hereto the City shall pay to the Contractor the sum of **\$41,980.00** unless terminated under Section 3.
- b. City will pay Contractor upon completion of the project. However, should performance not be satisfactory as determined by the Public Works Director, as hereinafter specified, the City may retain and use such funds as the Public Works Director deems appropriate for purposes of ensuring proper performance and/or hiring other general engineering companies to complete to the City's satisfaction the contract.

3. TERMINATION:

Should contractor fail to perform satisfactorily as herein set forth, City reserves to itself the right to cancel any remaining portion of said contract upon thirty days written notice to Contractor, by notice in writing provided to Contractor at his usual place of business. Should Contractor breach any of the terms and conditions of this contract, or violate any laws, especially those relative to negligent behavior that puts the public at risk, the City reserves unto itself the right to direct Contractor to immediately cease performance and then terminate this contract thereafter, upon thirty days written notice, and pay contractor such amounts as he may then be entitled to on a pro-rata basis (pro-rated according to amount of work satisfactorily completed).

4. PAYMENTS:

The acceptance of the final payment by the Contractor shall constitute a waiver of all claims by him.

5. SUSPENSION OF WORK:

The Public Works Director shall have authority to suspend the work wholly or in part for such period as he may deem necessary to investigate complaints regarding improper or unsafe use of equipment.

6. AUTHORITY OF PUBLIC WORKS DIRECTOR:

The Public Works Director shall be the City's representative in deciding any and all questions that may arise as to the quality or acceptability of the work performed, all questions that arise as to the acceptable fulfillment of the contract on the part of the Contractor, and all questions as to claims and compensation. The City Manager is also authorized to act as the City's representative at any time with respect to this agreement. Contractor is an independent contractor; therefore, the City will not be supervising the work performed or directing Contractor how to do his work but will be expecting the Contractor to perform all work agreed upon in a safe and professional manner according to the terms of this agreement.

7. LAWS TO BE OBSERVED:

The Contractor shall keep himself fully informed of all State, Federal and Municipal Ordinances and/or regulations of the City of Corning which in any manner affect those engaged in or employed in the work, or the materials used in the work, or which in any way affect the conduct of the work and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. **Contractor must comply with all provisions of the Immigration Reform and Control Act and of the California Labor Code which includes the requirements of the prevailing wage laws and the obligation to register with the Department of Industrial Relations.**

8. LABOR DISCRIMINATION:

No discrimination shall be made in the employment of persons in this project because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex of such persons. Violation of this section shall subject Contractor to penalties referenced in **Section 1735** of the **Labor Code**.

9. RESPONSIBILITY FOR DAMAGES:

Neither the City of Corning, the City Council, nor the City Staff, shall be responsible or accountable in any manner for any loss or damage that may happen during the work or any part thereof; or for any materials or equipment used in performing the work; or for injury or damage to any person or persons, either workers or the public; or for damage to adjoining property from any cause whatsoever.

10. LIABILITY INSURANCE:

The Contractor shall secure and maintain in full force and effect, during the term of this agreement and for one year thereafter, a valid comprehensive public liability and property damage insurance policy listing the City as additional insured in the following amounts:

- a. \$2,000,000.00 for death or injury to any person arising out of any incident or accident;
- b. \$50,000.00 for property damage arising out of any one incident or accident.

11. WORKMAN'S COMPENSATION INSURANCE:

Contractor at all times shall keep fully insured, at his own expense, all persons employed by him in connection with this **Agreement** as required by Workman's Compensation and Insurance (California Labor Code Section 3200 et seq.), and shall hold the City free and harmless from all liabilities that may arise by reason of the injuries to any of the employees of the Contractor who are injured while performing at work any labor necessary to carry out the provisions of this agreement.

12. CERTIFICATION OF INSURANCE AND CANCELLATION THEREOF:

The Contractor shall keep on file with the City a Certificate of Insurance duly executed by the Contractor's insurance carrier or carriers, which shall serve as evidence of the continued existence of said insurance policies. The Contractor's insurance carriers shall be required to give the City thirty (30) days written notice prior to the cancellation of the Contractor's Insurance.

13. INDEMNITY, DEFENSE AND HOLD HARMLESS:

The Contractor shall indemnify, defend and save harmless the City of Corning, the City Council, and the City Staff from any suits, claims, liability, loss, damages, fines, penalties, settlements or actions brought by any person or entity for, or on account of, any injuries or damage arising from, or related to in any way, the work performed, or not performed, as set forth in this contract no matter how removed. The City may retain so much of the money due the Contractor as shall be considered necessary until disposition has been made of such suits or claims for damages as aforesaid.

Any defense obligation arising from this contract requires retention of qualified legal counsel of no less than five years of experience in the area of contract litigation.

14. ACCIDENTS:

The Contractor shall provide at the site of the project such equipment and medical facilities as are necessary to supply first aid service to anyone who may be injured in connection with the work.

The Contractor must promptly report in writing to the City all accidents whatsoever arising out of, or in connection with the performance of the work, whether on or adjacent to the job site, which caused death, personal injury, or property damages, giving full details and statements of witnesses. In addition, if death or serious injuries or serious damages are caused, the accident shall be reported to the City immediately by telephone or messenger.

15. SAFETY:

In accordance with generally accepted practices, the Contractor will be solely and completely responsible for the conditions of the job site(s), including safety of all persons and property during the performance of the work. This requirement will apply continuously and not be limited to normal working hours.

17. CONTRACTOR AGREEMENT:

Contractor agrees to perform the services between the hours of 7:00 a.m., and 6:00 p.m., on any day.

18. RENEWAL OF CONTRACT:

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

19. NON-EMPLOYEE STATUS:

Contractor agrees and affirms that nothing in this agreement causes or creates an employer/employee relationship between City and Contractor.

CITY OF CORNING:

CONTRACTOR:

By: Brant Mesker, City Manager

By: Contractor (Signature)

Date

By and Title (Printed)

Date

Contractor's Address

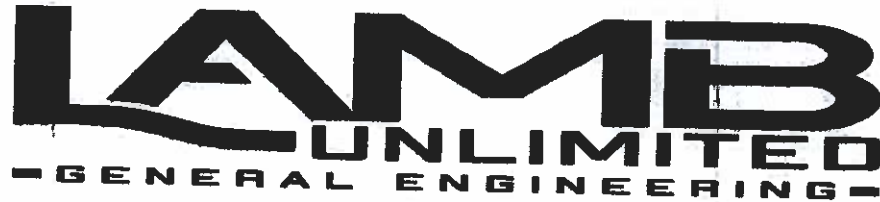
Contractor's Address

APPROVED AS TO FORM:

Contractor's Phone Number

Collin Bogener, City Attorney

Contractor's Email Address



Ca Lic #1052556

DIR#1000572023

CSB#2013900

Proposal and Contract

To:	City of Corning	From:	Lamb Unlimited General Engineering
Attn:	Director of Public Works		Cody Lamb
Address:		Address:	PO Box 190
City, State, Zip		City, State, Zip	Corning, CA 96021
Email:	estanley@corning.org	Email:	Codylamb613@yahoo.com
Phone:		Phone:	(530)518-9082
Fax:		Fax:	
Proposal Date:	3/20/23		
Project:	Clark Park Parking Lot Pulverization and Grading		

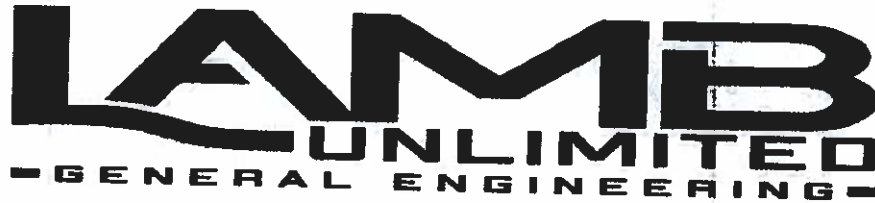
Scope of Work: *Work to include pulverizing, grading, and compacting as described in the invitation to bid sent on 3/13/24.*

Total: \$41,980.00

Excluding: note 2 on the provided site plan, removing and replacing existing Estil Clark Park Sign, import of additional materials, export of excess materials, bonds

This Proposal shall be considered all inclusive

See Next Page P.1 of 2



Ca Lic #1052556

DIR#1000572023

CSB#2013900

Items of work not specifically described shall be considered excluded.

Exclusions:

Survey/Staking

Engineering

Material Testing

Permits

Bonds

Terms and Conditions:

- 1) Unless otherwise noted, this contract excludes: Bonds, permits, engineering, survey/staking, materials testing, QA/QC, hazardous materials, and erosion control.
- 2) Subgrade Conditions: Unless noted otherwise, Lamb Unlimited has bid this job not expecting to encounter adverse subsurface conditions, such as: rock, springs, clay, hardpan, un-marked underground utilities, wet or otherwise unsuitable soils or hazardous materials. In the event such conditions are encountered, the parties shall equitably adjust the contract price to provide for any increases resulting from such conditions.
- 3) Lamb Unlimited will be excused for any delay beyond his reasonable control. These delays may include, but are not limited to Acts of God, weather conditions, acts of public authority, labor disputes, act of Owner, or any other unforeseen conditions.
- 4) All accounts are due and payable within 10 days of the date of each invoice. Finance charges on delinquent or past due accounts is a fixed amount of two percent (2%) per month on the principal balance, which is equal to an annual percentage rate of twenty-four percent (24%). In the event of a dispute regarding completion or acceptance of the work, a maximum withholding of 150% of the disputed amount is allowed by law (Business Professional Code 7108.5; Civil Code 3260.1).

Owner Authorization:

Authorized Signature

Authorized Print & Title

Date

Lamb Unlimited General Eng.



Signature

Owner

Title

3/20/24

Date

**ITEM NO: J-11
APPROVE CONTRACT WITH BEARD'S
CUSTOM CABINETS, INC. FOR THE
CONSTRUCTION AND INSTALLATION
OF NEW CABINETS/WORKSTATIONS IN
THE AMOUNT OF \$15,134.64**

MARCH 26, 2024

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM: BRANT MESKER, CITY MANAGER 
CRAIG BASSETT, CHIEF OF POLICE **

SUMMARY:

The Corning Police Department is remodeling a room into a new Patrol Office. The currently empty space was previously used as a filing and storage room. Bids were received from three contractors; however, the lowest bidding contractor will not be able to start construction of the new cabinets/workstations until May. The second lowest bidding contractor would be able to start construction immediately. The pricing difference between the two lowest bidders is \$1,470.90.

The entire project is being funded by the Cal Cops Grant, at no cost to the City. Corning Police Department is requesting City Council approval to contract with Beard's Custom Cabinets, Inc., due to time constraints of the grant funding. All funds must be expended in the 23/24 Fiscal Year. Contracting with Beards's will keep the project on the short timeline and within the budget that is remaining of the Cal Cops grant funds.

FINANCIAL:

The City of Corning Police Department was approved to accept unencumbered funds from the Cal Cops Grant in the amount of \$52,110.01 at the February 27, 2024 City Council meeting.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE:

- **APPROVE THE CONTRACT WITH BEARD'S CUSTOM CABINETS, INC. FOR THE CONSTRUCTION AND INSTALLATION OF NEW CABINETS/WORKSTATIONS IN THE AMOUNT OF \$15,134.64; AND**
- **AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT.**

AGREEMENT

THIS AGREEMENT IS MADE AND ENTERED INTO as of this **26th day of March, 2024** by and between the **City of Corning**, a Municipal Corporation, hereinafter referred to as “City” and **Beards Custom Cabinets, Inc.**, hereinafter referred to as “Contractor”. It is hereby agreed by and between the parties that Contractor shall build and install new cabinets/workstations, as hereinafter more particularly described hereafter.

1. CONTRACTOR’S OBLIGATION:

- a. Contractor shall safely perform the construction and installation of new cabinets/workstations for the New Patrol Room Project. Such improvement shall be done safely and in a workmanlike manner with the materials approved and as indicated herein. Drawings, specifications, and improvements are as described in Exhibit A and attached hereto and incorporated by this reference. The City reserves unto itself the right to reject any or all performance hereunder and to require touch-up and/or follow-up services to the City’s satisfaction and without further compensation.
- b. Contractor shall, during the term of this Contract, maintain a valid City of Corning Business License.
- c. Contractor must, at all times during the term of this contract, be a state-licensed contractor in the following categories throughout the term of this agreement: Classification C-6.

2. COMPENSATION / TERM:

For those services as outlined in **New Patrol Room Project – Scope of Work:**

- a. Hereto the City shall pay to the Contractor the sum of **\$15,134.64** unless terminated under Section 3.
- b. City will pay Contractor upon completion of the project. However, should performance not be satisfactory as determined by the Chief of Police, as hereinafter specified, the City may retain and use such funds as the Chief of Police deems appropriate for purposes of ensuring proper performance and/or hiring other contractors to complete to the City’s satisfaction the contract.

3. TERMINATION:

Should contractor fail to perform satisfactorily as herein set forth, City reserves to itself the right to cancel any remaining portion of said contract upon thirty days written notice to Contractor, by notice in writing provided to Contractor at his usual place of business. Should Contractor breach any of the terms and conditions of this contract, or violate any laws, especially those relative to negligent behavior that puts the public at risk, the City reserves unto itself the right to direct Contractor to immediately cease performance and then terminate this contract thereafter, upon thirty days written notice, and pay contractor such amounts as he may then be entitled to on a pro-rata basis (pro-rated according to amount of work satisfactorily completed).

4. PAYMENTS:

The acceptance of the final payment by the Contractor shall constitute a waiver of all claims by him.

5. SUSPENSION OF WORK:

The Chief of Police shall have authority to suspend the work wholly or in part for such period as he may deem necessary to investigate complaints regarding improper or unsafe use of equipment.

6. AUTHORITY OF CHIEF OF POLICE:

The Chief of Police shall be the City's representative in deciding any and all questions that may arise as to the quality or acceptability of the work performed, all questions that arise as to the acceptable fulfillment of the contract on the part of the Contractor, and all questions as to claims and compensation. The City Manager is also authorized to act as the City's representative at any time with respect to this agreement. Contractor is an independent contractor; therefore, the City will not be supervising the work performed or directing Contractor how to do his work but will be expecting the Contractor to perform all work agreed upon in a safe and professional manner according to the terms of this agreement.

7. LAWS TO BE OBSERVED:

The Contractor shall keep himself fully informed of all State, Federal and Municipal Ordinances and/or regulations of the City of Corning which in any manner affect those engaged in or employed in the work, or the materials used in the work, or which in any way affect the conduct of the work and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. **Contractor must comply with all provisions of the Immigration Reform and Control Act and of the California Labor Code which includes the requirements of the prevailing wage laws and the obligation to register with the Department of Industrial Relations.**

8. LABOR DISCRIMINATION:

No discrimination shall be made in the employment of persons in this project because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status or sex of such persons. Violation of this section shall subject Contractor to penalties referenced in **Section 1735** of the **Labor Code**.

9. RESPONSIBILITY FOR DAMAGES:

Neither the City of Corning, the City Council, nor the City Staff, shall be responsible or accountable in any manner for any loss or damage that may happen during the work or any part thereof; or for any materials or equipment used in performing the work; or for injury or damage to any person or persons, either workers or the public; or for damage to adjoining property from any cause whatsoever.

10. LIABILITY INSURANCE:

The Contractor shall secure and maintain in full force and effect, during the term of this agreement and for one year thereafter, a valid comprehensive public liability and property damage insurance policy listing the City as additional insured in the following amounts:

- a. \$2,000,000.00 for death or injury to any person arising out of any incident or accident;
- b. \$50,000.00 for property damage arising out of any one incident or accident.

11. WORKMAN'S COMPENSATION INSURANCE:

Contractor at all times shall keep fully insured, at his own expense, all persons employed by him in connection with this **Agreement** as required by Workman's Compensation and Insurance (California Labor Code Section 3200 et seq.), and shall hold the City free and harmless from all liabilities that may arise by reason of the injuries to any of the employees of the Contractor who are injured while performing at work any labor necessary to carry out the provisions of this agreement.

12. CERTIFICATION OF INSURANCE AND CANCELLATION THEREOF:

The Contractor shall keep on file with the City a Certificate of Insurance duly executed by the Contractor's insurance carrier or carriers, which shall serve as evidence of the continued existence of said insurance policies. The Contractor's insurance carriers shall be required to give the City thirty (30) days written notice prior to the cancellation of the Contractor's Insurance.

13. INDEMNITY, DEFENSE AND HOLD HARMLESS:

The Contractor shall indemnify, defend and save harmless the City of Corning, the City Council, and the City Staff from any suits, claims, liability, loss, damages, fines, penalties, settlements or actions brought by any person or entity for, or on account of, any injuries or damage arising from, or related to in any way, the work performed, or not performed, as set forth in this contract no matter how removed. The City may retain so much of the money due the Contractor as shall be considered necessary until disposition has been made of such suits or claims for damages as aforesaid.

Any defense obligation arising from this contract requires retention of qualified legal counsel of no less than five years of experience in the area of contract litigation.

14. ACCIDENTS:

The Contractor shall provide at the site of the project such equipment and medical facilities as are necessary to supply first aid service to anyone who may be injured in connection with the work.

The Contractor must promptly report in writing to the city all accidents whatsoever arising out of, or in connection with the performance of the work, whether on or adjacent to the job site, which caused death, personal injury, or property damages, giving full details and statements of witnesses. In addition, if death or serious injuries or serious damages are caused, the accident shall be reported to the City immediately by telephone or messenger.

15. SAFETY:

In accordance with generally accepted practices, the Contractor will be solely and completely responsible for the conditions of the job site(s), including safety of all persons and property during the performance of the work. This requirement will apply continuously and not be limited to normal working hours.

16. CONTRACTOR AGREEMENT:

Contractor agrees to perform the services between the hours of 7:00 a.m., and 6:00 p.m., on any day.

17. RENEWAL OF CONTRACT:

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

18. NON-EMPLOYEE STATUS:

Contractor agrees and affirms that nothing in this agreement causes or creates an employer/employee relationship between City and Contractor.

CITY OF CORNING:

CONTRACTOR:

By: Brant Mesker, City Manager

By: Contractor (Signature)

Date

By and Title (Printed)

Date

Contractor's Address

Contractor's Address

APPROVED AS TO FORM:

Contractor's Phone Number

Collin Bogener, City Attorney

Contractor's Email Address



PROPOSAL SUMMARY SHEET
PROJECT: Police Department Custom Cabinet & Installation

COMPANY	ADDRESS	PROJECT TOTAL
Beard's Custom Cabinets, Inc.	821 Twin View Blvd. Redding, CA 96003	\$15,134.64
Andrew Brundage Cabinetry DBA Andrews Custom Cabinetry	1244 Redwood Blvd. Redding, CA 96003	\$13,663.74
Cabinet Solutions	1856 Keystone Ct., Unit B Redding, CA 96003	\$20,102.70

P R O P O S A L

Beard's Custom Cabinets, Inc.
 821 Twin View Blvd.
 Redding Ca, 96003
 www.beardscustomcabinets.com
 1-530-244-1248
 1-530-2444-4888 (Fax)
 Tim Beard & Junior Beard(Contact)

Account: Open

Contractor:

Customer: Chief Craig Basset
 City of Corning police dep
 jmcintyre@corningpd.org
 1-530-355-3984
 Mcintyre, Jason(Contact)

DEAR SIR:

I PROPOSE TO FURNISH ALL MATERIALS AND PERFORM ALL LABOR NECESSARY TO COMPLETE THE FOLLOWING:

Room Name: Office Cabinets.

Door Style: Euro Slab Door
 Upper Door Style: Euro Slab Door
 Exterior Material: Paint Grade Maple, Melamin
 Interior Material: *5/8 All Melamine Interio

Items	Quantity		Price
BASE	22.17	lineal feet	2546.50
UPPER	23	lineal feet	2698.97
Drawer Boxes	13		889.96
Adjustable Shelves	42.62	lineal feet	193.21
DOORS	46.55	square feet	1261.30
DRAWER FRONTS	20.76	square feet	541.59
Finished Ends	29.1	square feet	269.38
Moldings	56.45	lineal feet	297.76
FILE DRAWERS VERT.	2		171.33
Labor	1		190.47
FILE DRAWER HORZ.	2		220.10
Grey Color	1		152.38
BZ70.0320 DRAWER SOFT	13		202.93
Del/install	1		1428.57
			=====
Room Total:			\$ 11064.45

Beard's Custom Cabinets, Inc.

WHITE FINISHING

4070.19

Subtotal: \$ 15134.64

Bid Total: \$ 15134.64

Proposal good until: 4/05/2024
Terms: 1 Day net

ALL OF THE ABOVE WORK TO BE COMPLETED IN A SUBSTANTIAL AND WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES FOR THE SUM OF Fifteen - thousand one hundred thirty-four and 64/100 DOLLARS (\$ 15,134.64).
PAYMENTS TO BE MADE 50% DOWN AT START OF JOB (\$ _____)

AS THE WORK PROGRESSES TO THE VALUE OF ONE HUNDRED PERCENT (100%) THE ENTIRE AMOUNT OF THE CONTRACT TO BE PAID WITHIN ONE (1) DAY AFTER COMPLETION.

A SERVICE CHARGE OF 2% PER MONTH (ANNUAL RATE OF 24%) WILL BE CHARGED ON PAST DUE BALANCES COMMENCING THE FIRST DAY FOLLOWING THE DUE DATE. FURTHERMORE, CUSTOMER AGREES TO PAY ATTORNEYS FEES AND COSTS OF COLLECTION IF REQUIRED. CONTRACT IS NONCANCELABLE BY EITHER PARTY EXCEPT BOTH PARTIES AGREE IN WRITING. RESPECTFULLY SUBMITTED BY, T. M. Beard

ACCEPTANCE

YOU ARE HEREBY AUTHORIZED TO FURNISH ALL MATERIALS AND LABOR REQUIRED TO COMPLETE THE WORK MENTIONED IN THE ABOVE PROPOSAL, FOR WHICH _____ AGREE TO PAY THE AMOUNT MENTIONED IN SAID PROPOSAL, AND ACCORDING TO THE TERMS THEREOF ACCEPT: X DATE 3/5/2024

"NOTICE TO OWNER"

(Section 7019 - Contractors License Law)

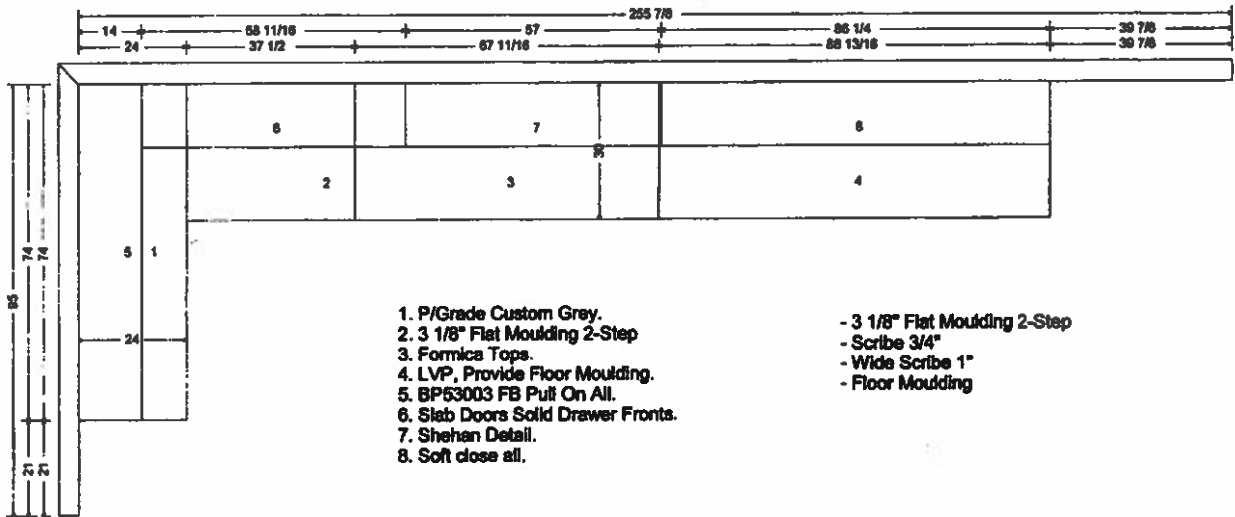
Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, material man or other person who helps to improve your property and is not paid for his labor services or material, has a right to enforce his claim against your property. Under the law, you may protect yourself against such claims by filing, before commencing such work of improvement, an original contract for the work of improvement or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. The said bond shall be in an amount not less than fifty (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in the said contract.

Contractors are required by law to be licenced and regulated by the Contractors State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is: Contractors' State License Board, 1020 N Street, Sacramento, California 95814. You the buyer, may cancel this transaction at any time prior to midnight of the third business day after

Beard's Custom Cabinets, Inc.

the date of this transaction.

* END OF PROPOSAL *



1. P/Grade Custom Grey.
2. 3 1/8" Flat Moulding 2-Step
3. Formica Tops.
4. LVP, Provide Floor Moulding.
5. BP53003 FB Pull On All.
6. Slab Doors Solid Drawer Fronts.
7. Shehan Detail.
8. Soft close all.

- 3 1/8" Flat Moulding 2-Step
- Scribe 3/4"
- Wide Scribe 1"
- Floor Moulding

JDM

Beard's Custom Cabinets, Inc.

821 Twin View Blvd.
 Redding Ca, 96003
 www.beardscustomcabinets.com
 Phone: 1-830-244-1248 Fax: 1-830-2444-4888

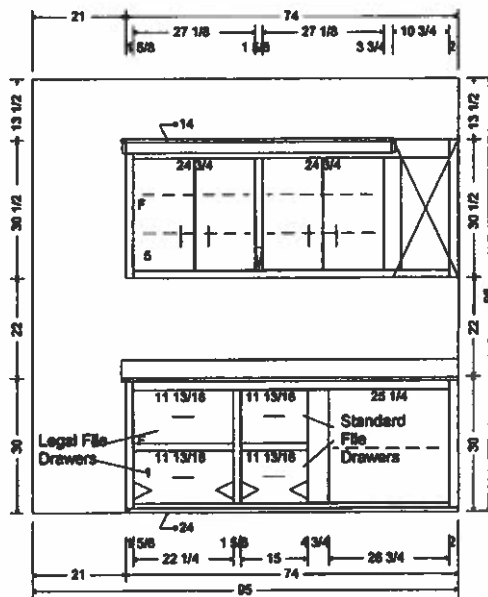
Mcintyre, Jason

Office Cabinets. Room 1

Floorplan

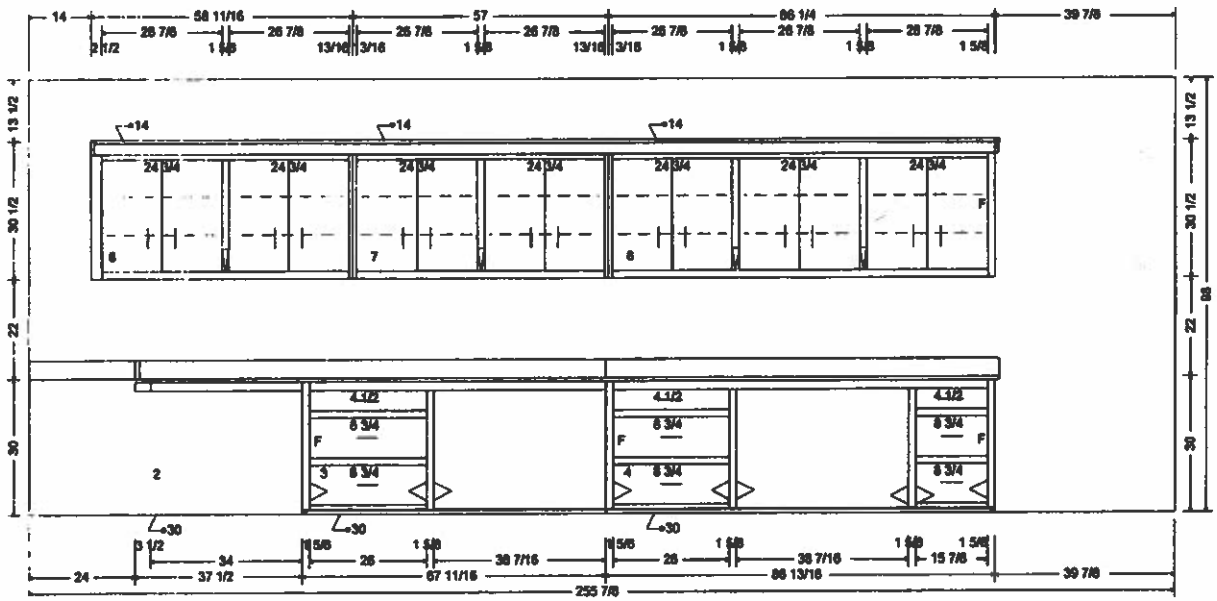
Current Date: Mar 05, 2024

Scale: 3/8"=1'



JDM

Beard's Custom Cabinets, Inc. 821 Twin View Blvd. Redding Ca, 96003 www.beardscustomcabinets.com Phone: 1-800-244-1248 Fax: 1-830-2444-4888	Mcintyre, Jason		Elevation - Wall 1	
	Office Cabinets. Room 1		Current Date: Mar 05, 2024	Scale: 3/8"=1'



JDM

Beard's Custom Cabinets, Inc.

821 Twin View Blvd.
 Redding Ca, 96003
 www.beardscustomcabinets.com
 Phone: 1-830-244-1248 Fax: 1-830-2444-4888

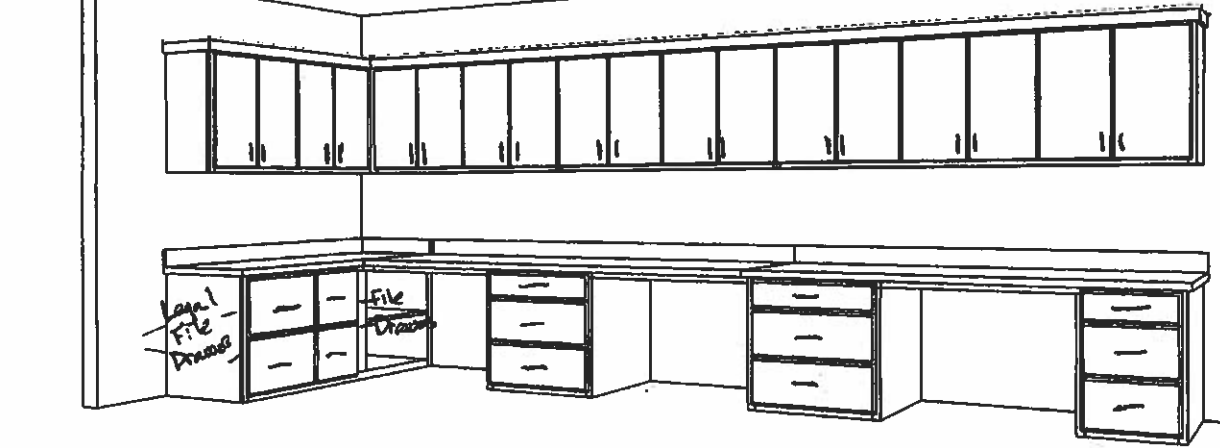
Mcintyre, Jason

Office Cabinets. Room 1

Elevation - Wall 2

Current Date: Mar 05, 2024

Scale: 3/8"=1'





JDM

Beard's Custom Cabinets, Inc.
821 Twin View Blvd.
Redding, CA, 96003

Mcintyre, Jason
Office Cabinets. Room 1

Perspective
Current Date: Mar 05, 2024 | Scale: NTS

ITEM NO.: J-12
ADOPT RESOLUTION 04-26-2022-02,
CALLING FOR THE MUNICIPAL
ELECTION AND REQUESTING IT BE
CONSOLIDATED WITH THE
COUNTY'S NOVEMBER 5, 2024
STATEWIDE GENERAL ELECTION
March 26, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBER
FROM: BRANT MESKER, CITY MANAGER 
LISA M. LINNET, CITY CLERK 

BACKGROUND

Every two years the City holds their election for new officers. In 1985, the Corning City Council adopted Ordinance No. 428 consolidating our elections with the statewide General Election, which is held on the first Tuesday after the first Monday in November on even numbered years. Each election year the Council adopts a Resolution calling the date of the election, which this year will be on November 5, 2024, and requesting that it be consolidated with the County's Statewide General Election.

The attached Resolution also requests that the Tehama County Board of Supervisors authorize the County Elections Department to provide election associated services to the City in connection with the Statewide General Election.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT RESOLUTION NO. 03-26-2024-01 CALLING FOR THE MUNICIPAL ELECTION AND REQUESTING THAT IT BE CONSOLIDATED WITH THE COUNTY'S STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024.

RESOLUTION NO. 03-26-2024-01
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CORNING, CALLING FOR THE MUNICIPAL
ELECTION AND REQUESTING THAT IT BE CONSOLIDATED WITH
THE COUNTY'S STATEWIDE GENERAL ELECTION
ON NOVEMBER 5, 2024

WHEREAS, the City of Corning adopted Ordinance No. 428 on February 13, 1985, consolidating its elections with the statewide General Election which is held on the first Tuesday after the first Monday in November on even numbered years; and

WHEREAS the City of Corning is calling the Election for November 5, 2024 and requesting that it be consolidated with the County's Statewide General Election; and

WHEREAS the City of Corning is requesting that the Tehama County Board of Supervisors authorize the County Elections Department to provide Services to the City of Corning in the conduct of the Statewide General Election; and

WHEREAS the following Citywide contests will be placed on the November 5, 2024 Ballot:

Mayor for the Full Term	Two Years
Member, City Council for the Full Term:	Four Years
Member, City Council for the Full Term:	Four Years
City Clerk for the Full Term:	Four Years
City Treasurer for the Full Term:	Four Years

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Corning hereby calls the Election for November 5, 2024 to be consolidated with the County's November 5, 2024 Statewide General Election.

—————

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning held on March 26, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

I, Lisa M. Linnet, City Clerk of the City of Corning, California, DO HEREBY CERTIFY that the foregoing Resolution No. 03-26-2024-01 was duly introduced, approved, and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 26^h day of March, 2024 by the votes listed above.

Lisa M. Linnet, City Clerk