



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION AGENDA  
TUESDAY, JULY 28, 2020  
CITY COUNCIL CHAMBERS  
794 THRID STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest are encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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

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

**B. ROLL CALL:**

**Council:** Robert Snow  
Jose "Chuy" Valerio  
Dave Demo  
Karen Burnett  
**Mayor:** Douglas Hatley Jr.

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

**C. PUBLIC COMMENTS:**

**D. REGULAR AGENDA:**

- 1. CONFERENCE WITH LEGAL COUNSEL – Significant Exposure to Litigation pursuant to § 54956.9(b): Two Cases**

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:30 p.m.**



**CITY OF CORNING  
CITY COUNCIL MEETING AGENDA  
TUESDAY, JULY 28, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to 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:**

**Robert Snow  
Jose "Chuy" Valerio  
Dave Demo  
Karen Burnett  
Douglas Hatley Jr.**

**Mayor:**

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

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

**D. INVOCATION: Led by Councilwoman Burnett.**

**E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

1. Update on COVID-19 by City Manager Kristina Miller.

**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.

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

3. Waive the reading and approve the Minutes with any necessary corrections of the July 14, 2020 Closed Session and Regular City Council Meeting.

4. July 22, 2020 Claim Warrant in the amount of \$1,010,853.86.

5. July 22, 2020 Business License Report.

6. Ordinance 689, an Ordinance of the City of Corning adding Chapter 8.23 to Title 8 of the Corning Municipal Code imposing a Vacant Building Monitoring Fee to secure vacant buildings. (Second Reading & Adoption)

7. Ordinance 690, an Ordinance of the City of Corning adding Chapter 8.24 to Title 8 of the Corning Municipal Code regulating Long-Term Boarded and Vacant Buildings. (Second Reading & Adoption)

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

**I. PUBLIC HEARINGS AND MEETINGS:**

8. Rezone 2020-3, Tentative Tract Map 20-1001 (Magnolia Meadows), Jason & Anna Abel: Rezone approximately a 9.95-acre parcel from PD-Planned Development (R-1-8000) to R-1-4000 and create 53 Single Family Residential Lots. Location: West side of Marguerite Avenue just north of the Moon Road/Marguerite Avenue intersection and south of Maywood School. APN: 73-260-22 & 23.

**J. REGULAR AGENDA:**

9. Request City Council direction on Outdoor Dining Permit and other Financial Assistance for Businesses as a result of the COVID-19 State of Emergency.

**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).

**Snow:  
Valerio:  
Demo:  
Burnett:  
Hatley:**

**N. ADJOURNMENT!**

---

**Lisa M. Linnet, City Clerk**

**POSTED: FRIDAY, JULY 24, 2020**

**DUE TO THE COVID-19 LOCAL EMERGENCY THESE MEETINGS WILL BE HELD BY PHONE, TO JOIN THE ZOOM MEETING:**

<https://zoom.us/j/9342948553>  
Or by calling: 1-669-900-9128  
**Meeting ID 934 294 8553**



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION MINUTES  
TUESDAY, JULY 14, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

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

**B. ROLL CALL:**

**Council:** Robert Snow  
Jose "Chuy" Valerio  
Dave Demo  
Karen Burnett  
**Mayor:** Douglas Hatley Jr.

All members of the City Council were present.

**C. PUBLIC COMMENTS: None**

**D. REGULAR AGENDA:**

- 1. CONFERENCE WITH LEGAL COUNSEL – Significant Exposure to Litigation pursuant to § 54956.9(b)  
One Case

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:37 p.m.**

Mayor Hatley announced that there were no reportable actions.

**DUE TO THE COVID-19 LOCAL EMERGENCY THESE MEETINGS WILL BE HELD BY PHONE, TO JOIN THE ZOOM MEETING:**

<https://zoom.us/j/9342948553>  
Or by calling: 1-669-900-9128  
**Meeting ID 934 294 8553**



**CITY OF CORNING  
CITY COUNCIL MEETING AGENDA  
TUESDAY, JULY 14, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**A. CALL TO ORDER: 6:37 p.m.**

**B. ROLL CALL:**

**Council:** Robert Snow  
Jose "Chuy" Valerio  
Dave Demo  
Karen Burnett  
**Mayor:** Douglas Hatley Jr.

All members of the City Council were present.

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

**D. INVOCATION: Led by Councilwoman Burnett.**

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

**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

Councilman Demo noted the background noise.

**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 with any necessary corrections of the June 23, 2020 Closed Session and Regular City Council Meeting.**
3. **July 8, 2020 Claim Warrant in the amount of \$360,031.33.**
4. **July 8, 2020 Business License Report.**
5. **June Wages & Salaries: \$369,036.34.**
6. **March, April, May, & June 2020 Treasurer's Report.**
7. **June 2020 Building Permit Valuation Report in the amount of \$378,322.**
8. **June 2020 City of Corning Wastewater Operations Summary Report.**

Councilor Valerio moved to approve Consent Items 1-8; Councilor Snow seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. 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:**

9. **Public Hearing: Ordinance 689, an Ordinance of the City of Corning adding Chapter 8.23 to Title 8 of the Corning Municipal Code imposing a Vacant Building Monitoring Fee to secure vacant buildings.**

Presented by City Attorney Collin Bogener. He stated that both Ordinances 689 and 690 have been brought forward to deal with long-term vacant buildings not cared for by owners. Mr. Bogener explained that the proposed Ordinances will provide the City with tools for City Code Enforcement necessary in dealing with such properties. He further stated that if approved, Ordinance 689 will allow the City to place a monitoring fee on unmaintained properties vacant for more than 90 days in order to reimburse the City for reasonable costs incurred in dealing with such properties. Mr. Bogener provided information on the fees.

Public Hearing was opened at 6:46 p.m.; with no comments the hearing was closed at 6:46 p.m. Councilman Snow confirmed that the monitoring fees will only cover any City costs associated with the vacant buildings; it will not cover vacant fields.

Councilor Demo moved to introduce for first reading, Ordinance 689, an Ordinance adding Chapter 8.24 to Title 8 of the Corning Municipal Code regulating Long-term Boarded and Vacant Buildings; approve Summary Ordinance 689 for publication purposes; and direct the City Clerk to read the Ordinance by title only. Councilor Burnett seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

10. **Public Hearing: Ordinance 690, an Ordinance of the City of Corning adding Chapter 8.24 to Title 8 of the Corning Municipal Code regulating Long-Term Boarded and Vacant Buildings.**

Presented by City Attorney Collin Bogener who explained that as with Ordinance 689, the purpose of Ordinance No. 690 is to regulate long-term boarded and vacant buildings within the City of Corning. He stated that vacant buildings which are unmanaged and unmaintained by their owners frequently result in blight in the City, and also become an attraction to transients and criminals, including drug users. Additionally, the existence of long-term vacant properties is detrimental to the overall property values in the area in question.

Mr. Bogener stated that the proposed Ordinance prohibits property owners from leaving their property boarded up, regardless of whether the owner boarded up the building or the City boarded it up, for a period of 30 days. It also prohibits the existence of a vacant building for more than a 30 day period, unless: (1) the building is the subject of an active permit for repair or rehabilitation; (2) the building meets all codes, does not contribute to blight, and is actively being offered for sale, lease or rent; or (3) the Building Inspector determines that the building does not contribute to blight based on certain factors.

The property owner will be given a Notice of Violation and have 30 days to remedy the violation. If that occurs within the 30-day time period, no administrative penalties will be imposed; if it is not corrected, then an administrative penalty of no more than \$1,000 per building will be imposed on the owner. Each day will be considered a separate offense. A violation of this Ordinance will also be considered a misdemeanor.

Public Hearing was opened at 6:51 p.m.; with no comments the Public Hearing was closed at 6:52 p.m. Councilman Demo asked at what point should fees not be paid does the City take over the property. Mr. Bogener stated that he is looking into possible ways for the City to recoup funds spent.

Councilor Burnett moved to introduce for first reading, Ordinance 690 adding Chapter 8.24 to Title 8 of the Corning Municipal Code regulating Long-term Boarded and Vacant Buildings; approve Summary Ordinance 690 for publication purposes; and direct the City Clerk to read the Ordinance by Title only. Councilor Snow seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

#### **J. REGULAR AGENDA:**

##### **11. Review and adopt the revised and updated City of Corning Heat Illness Prevention Program.**

Presented by City Manager Miller who stated that the City's Health Insurance Joint Powers Authority (JPA) recommended that the City update the City of Corning Heat Illness Prevention Program and separate this Program from the Illness and Injury Prevention Plan (IIPP). If approved, Managers and Supervisors will be required to provide employees with updated training.

Councilor Snow asked the reason for separating the document from the IIPP. He was informed that it was at the request of the City's JPA for what it believed to be legal reasons.

Councilor Burnett moved to approve the updated and revised 2020 City of Corning Heat Illness Prevention Program and authorize dissemination of the document to City Department Heads and Supervisors. Councilor Demo seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

##### **12. Designation of League of California Cities Voting Delegate and Alternate.**

Presented by City Manager Miller who stated that prior to the League of California Cities Conference, the City is required to designate a City Voting Delegate and Alternate.

Councilor Demo moved to designate Councilor Burnett as Voting Delegate with City Manager Miller as the Alternate. Councilor Valerio seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

##### **13. Review and adopt the revised and updated Illness and Injury Prevention Plan (IIPP).**

Presented by City Manager Miller who stated that this is the same situation as the previous Heat Illness Prevention Program, it has been updated at the request of the JPA and the Heat Illness Prevention Program has been removed and is a separate document. As with the Heat Illness Plan and the changes incorporated within the proposed Plan, Management and Supervisors will be required to provide employee training.

Councilor Demo moved to approve the updated City of Corning Illness and Injury Prevention Plan (IIPP); Councilor Burnett seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

##### **14. Adopt Resolution 07-14-2020-01 and approve the 2020-2021 Program of Service and Annual Budget.**



Presented by City Manager Miller, who stated that as no direction for change was given when introduced at the last meeting, this is the same document. She again stated that this was a very difficult document to create due to current circumstances, however what is presented is fully funded. She emphasized that the City is very fortunate to have the reserves that we have. She stated she will continue to monitor the budget closely. Councilman Snow asked what the balance of the reserves will be following adoption of this budget; City Manager Miller responded stating the combined balance of the General Fund and Measure A Reserves is anticipated to be \$2,489,675 as of June 30, 2021. City Manager Miller stated we are anticipating a drop in General Funds and Measure A income which will affect the amount of revenues the City will receive.

Councilman Snow commended the City Manager on her leadership and direction, Mayor Hatley and Councilors Demo, Valerio, and Burnett concurred.

Councilor Demo moved to adopt Resolution 07-14-2020-01 setting the Appropriation and Expenditure Limits for all City Funds to implement the 2020-2021 Program of Service and Annual Budget; and Councilor Snow seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

**15. Adopt Resolution 07-14-2020-02 establishing the General Fund Appropriations Limit for the City of Corning for Fiscal Year 2020 – 2021 at \$14,536,827.**

Presented by City Manager Miller who stated that this is an annual calculation required by law, this is not the approved City Budget amount.

Councilor Burnett moved, having received the report from the City's consulting Certified Public Accountant, to adopt Resolution No. 07-14-2020-02 establishing an Appropriation Limit for the City of Corning General Fund for Fiscal Year 2020-2021 in the amount of \$14,536,827. Councilman Snow seconded the motion. **Ayes: Hatley, Snow, Valerio, Burnett, and Demo. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

**16. COVID-19 Pandemic Update and request City Council direction for future City Council and Commission Meetings.**

Presented by City Manager Miller who provided recent updates related to COVID-19 and stated that the information is changing daily. As of today, the County posted the following: 4,811 confirmed negative, 121 positives, 24 in isolation, 96 recovered, and 1 death. There are 2 individuals hospitalized with COVID-19 conditions. There are 30 Counties on the State Monitoring List, including our neighboring Glenn County. She further stated that most of our cases are a result of gatherings. She emphasized, to assist our economy please wear your masks and maintain social distancing. Ms. Miller thanked our City Businesses for completing their Reopen Plans through the County and stated that we are sorry for the most recent mandates. She announced that she just sent out a public information release a few hours ago referencing the recent State Mandates as of July 13th. She then listed the mandated restrictions associated with Tehama County and more specifically the City. She then listed the mandated closures for those 30 Counties on the State Monitoring List.

Ms. Miller emphasized that all gatherings must remain to 10 or less from the same household.

Ms. Miller stated that she continues to encourage those businesses struggling to contact either Lisa Linnet or her for assistance information. She then stated methods to support local restaurants to operate outdoor dining and provided methods being utilized by other jurisdictions to support their businesses in incorporating outdoor dining. She mentioned possible restaurants providing meal and delivery to elderly residents, etc. and stated if the Council is interested in some of the suggestions, she would contact the County to see if they would like to join in these efforts. She mentioned possible CDBG (Community Development Block Grant) funding to restaurants for outdoor tables/chairs, shade structures, etc. and stated the funding amount available to the City through this program. She mentioned that she would check into remaining available PPE funding, and also announced that some communities are offering small business loans at zero percent financing up to \$25,000 through their General Fund to assist struggling businesses.

Mayor Hatley stated that as a City we need to do whatever we can do to help, whether through guidance, etc. to support our businesses. Councilor Snow stated he would like the City to reach out to assist qualifying businesses if we can. City Manager Miller stated that she is taking this as a

**THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER**

consensus to create a Program to assist our businesses. She also stated that we may need to hold a Special Meeting next week with the Council to discuss possible options.

City Manager Miller stated that she had signed a Certification stating that we will adhere to the State Mandated protocols, to not do so will jeopardize our current funding sources. That being said, she asked direction on future City Council and Commission Meetings and presented the various options. She emphasized that the combination meetings did not work, i.e. zoom w/Council and limited public present.

**Mayor Hatley:** Stated he would wear the mask to have the meetings in person with limited public present.

**Snow:** Stated he will wear a mask if he has to in order to serve his community, he stated he will not social distance, however when speaking he believes the mask needs to be removed, the public needs to see your facial expressions.

**Valerio:** Likes the Zoom meetings.

**Demo:** Does not like the masks, but he will wear them so that we can meet in person.

**Burnett:** Can we wear the face shields instead of the masks; City Manager Miller stated that would not be allowed. She stated that she has a hard time wearing a mask but will do it in order to have meetings in person.

Demo moved that Mayor and Council meet in person with wearing masks. Councilor Burnett seconded the motion. **Ayes: Hatley, Burnett, and Demo. Absent/Abstain: None. Opposed: Valerio and Snow. Motion was approved by a 3-2 vote.**

**Public Comments was reopened for Timothy Moran.** He spoke about the speeding on Elizabeth Avenue. He stated the traffic monitor machine was brought out for about 3 days, but not on the weekends when it is most prevalent. Councilor Snow stated he has spoken with some of the residents in the area and the road was not repaved to become a racetrack, however we do not have the resources to monitor it 24-7, we are doing the best we can. He further stated that we have to act as a community to make this better, if you have pictures with a license number, please pass the information on to the Police Department. Public Works Consultant Robin Kampmann and Police Chief Fears both responded stating that they would position the traffic monitor in the location on a weekend to obtain additional information.

**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).

**Snow:** None.

**Valerio:** None.

**Demo:** Reported on the July 6, 2020 Tehama County Solid Waste Management Agency Meeting (JPA II) held telephonically. He reported that it appears since people are at home, they are cleaning their properties more. He stated that the Board voted to increase the daily vehicle limits from 250 vehicle to 400 vehicles per day (dumping).

**Burnett:** Stated that they have had two recreational art classes at the Senior Center. It is going great. She also stated she received a call today from a parent who relayed that her child is very happy to see others.

**Hatley:** None.

City Manager Miller reported on the pool recreation.

**N. ADJOURNMENT!: 7:58**

---

Lisa M. Linnet, City Clerk





# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** July 23, 2020

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday July 28, 2020 Council Meeting

---

**PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:**

A.	Cash Disbursements	Ending 06-30-20	\$	59,223.11
B.	Cash Disbursements	Ending 07-23-20	\$	317,059.00
C.	Payroll Disbursements	Ending 07-15-20	\$	634,571.75

**GRAND TOTALS** 1,010,853.86

REPORT.: Jul 23 20 Thursday  
 RUN....: Jul 23 20 Time: 08:36  
 Run By.: LORI SIMS

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-20 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
129637	06/30/20	AHC00	AH CLEARLAKE - RHC	210.00	.00	210.00	5798740	EMPLOYEE PHYSICALS-POOL
				124.00	.00	124.00	5798741	EMPLOYEE PHYSICALS-POOL
				210.00	.00	210.00	5798742	EMPLOYEE PHYSICALS-POOL
				210.00	.00	210.00	5798743	EMPLOYEE PHYSICALS-POOL
				210.00	.00	210.00	5798746	EMPLOYEE PHYSICALS-POOL
				210.00	.00	210.00	5798747	EMPLOYEE PHYSICALS-POOL
				210.00	.00	210.00	5798749	EMPLOYEE PHYSICALS-POOL
			Check Total.....:	1384.00	.00	1384.00		
129638	06/30/20	ATT13	AT&T	757.43	.00	757.43	200611	COMMUNICATIONS-DISPATCH
129639	06/30/20	CSF00	CSFEWBC-VFLSA	2800.00	.00	2800.00	2020-101	FIRE SERVICE AWARDS-FIRE
129640	06/30/20	FIR05	FIRST NATIONAL BANK OMAHA	1930.56	.00	1930.56	200630	MAT & SUPPLIES-
129641	06/30/20	HEN03	HENRY SCHEIN INC.,	135.12	.00	135.12	79194330	SAFETY ITEMS-FIRE
129642	06/30/20	HIN01	HINDERLITER, DE LLAMAS &	300.00	.00	300.00	SIN001591	PROF SVCS-FINANCE
129643	06/30/20	INT15	INTERWEST CONSULTING GROU	4145.00	.00	4145.00	60361	SB2-PROF SVCS SB2-PLANNIN
129644	06/30/20	PRE07	PRECISION WIRELESS SERVIC	900.00	.00	900.00	37292	COMMUNICATIONS-FIRE DISPA
129645	06/30/20	TEH38	TEHAMA COUNTY ANIMAL SERV	11069.31	.00	11069.31	200707	PROF SVCS-ACO
129646	06/30/20	XER00	XEROX CORPORATION	25.54	.00	25.54	010781203	EQUIP MAINT-DISPATCH
129672	06/30/20	CHI14	CHICO STATE ENTERPRISES	5000.00	.00	5000.00	SP003934	GIS SUPPORT-PLANNING
129673	06/30/20	CON08	CONSTELLATION - EXELON GE	15067.26	.00	15067.26	202006	ELECT-
129674	06/30/20	EMP03	EMPOWER TEHAMA	13129.22	.00	13129.22	01312020	COUNSELOR-PROP 47 CYCLE 2
129675	06/30/20	HOM03	HOME DEPOT	126.70	.00	126.70	6180055	MAT & SUPPLIES-POOL
129676	06/30/20	PES01	PESTMASTER SERVICES, INC.	990.79	.00	990.79	252325	TREE/PEST & WEED SPRAY-
				990.79	.00	990.79	257754	TREE/PEST & WEED SPRAY-
			Check Total.....:	1981.58	.00	1981.58		
129677	06/30/20	QUI02	QUILL CORPORATION	275.39	.00	275.39	8102593	OFFICE SUPPLIES-
129678	06/30/20	TEH15	TEHAMA CO SHERIFF'S DEPT	196.00	.00	196.00	07212020	PROF SVCS-POLICE
			Cash Account Total.....:	59223.11	.00	59223.11		
			Total Disbursements.....:	59223.11	.00	59223.11		

REPORT.: Jul 23 20 Thursday  
 RUN....: Jul 23 20 Time: 08:42  
 Run By.: LORI SIMS

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 07-20 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
29543	07/01/20	COR07	CORBIN WILLITS SYSTEMS, I	684.55	.00	684.55	000C007011	EQUIP MAINT-FINANCE
29544	07/01/20	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000C007011	CngChamberComm. Economic
29545	07/01/20	COR18	CORNING SENIOR CENTER	2700.00	.00	2700.00	200701A	SENIOR CENTER-GEN CITY
29546	07/01/20	DEM02	DEMO, DAVID LEWIS	104.70	.00	104.70	000C007011	PROF SVCS-FIRE DEPT
29547	07/01/20	MOO07	MOORE & BOGENER, INC.	5525.00	.00	5525.00	000C007011	CONSULTING SVCS-LEGAL SVC
29548	07/01/20	OCH01	OCHOA CLEANING	4905.73	.00	4905.73	000C007011	JANITORIAL SERVICES-
29549	07/01/20	PAT05	PATTERSON PROPERTIES	500.00	.00	500.00	000C007021	MAT & SUPPLIES-REC
29550	07/01/20	PIT01	PITNEY BOWES	187.79	.00	187.79	000C007011	Rents/Leases Finance Dept
29551	07/01/20	SCH16	SCHLERETH, DAYMON WAYNE	54.70	.00	54.70	000C007011	PROF SVCS-FIRE DEPT
29552	07/06/20	3CO00	3CORE, INC.	7500.00	.00	7500.00	20183	ECONOMIC DEVELOPMENT
29553	07/06/20	DM001	DM-TECH	119.90	.00	119.90	202007011	COMMUNICATIONS-GEN CITY
29554	07/06/20	GOL03	GSFM / WFM	2144.94	.00	2144.94	PSSSEN200	EQUIP MAINT-WTR
29555	07/06/20	JOH07	JOHNSTONE, TRACY	21.49	.00	21.49	200706	PANT REIMBURSEMENT-PW ADM
29556	07/06/20	NOR03	NCCSIF	99114.00 33178.50	.00 .00	99114.00 33178.50	2249 2286	LIABILITY INS-GEN CITY WORKMENS COMP-GEN CITY
			Check Total.....:	132292.50	.00	132292.50		
29557	07/06/20	TAY04	TAYLOR, AYL A	30.00	.00	30.00	200706	REC REFUND-REC
29558	07/06/20	TEH06	TEHAMA CO ENVIRON HEALTH	259.00 315.00	.00 .00	259.00 315.00	IN0007073 IN0007296	COUNTY REQ PERMITS-MECH M MAT & SUPPLIES-POOL
			Check Total.....:	574.00	.00	574.00		
29623	07/08/20	AME04	AMERICAN WATER WORKS ASSO	105.00 105.00	.00 .00	105.00 105.00	1818930 1818931	TRAINING/ED-WTR TRAINING/ED-WTR
			Check Total.....:	210.00	.00	210.00		
29624	07/08/20	AND04	ANDERSON, IAN MATTHEW	11.73	.00	11.73	07072020	VEH OP/MAINT-POLICE
29625	07/08/20	BAS01	BASIC LABORATORY, INC	37.20 135.80	.00 .00	37.20 135.80	2006557 2006625	ProfServices Water Dept ProfServices Water Dept
			Check Total.....:	173.00	.00	173.00		
29626	07/08/20	COP01	COPWARE, INC.	170.00	.00	170.00	07072020	TRAINING/ED-POLICE
29627	07/08/20	COR11	CORNING SAFE & LOCK	13.47	.00	13.47	0702A	MAT & SUPPLIES-REC
29628	07/08/20	GRA02	GRAINGER, W.W., INC	23.51 13.20	.00 .00	23.51 13.20	958187313 958205483	MAT & SUPPLIES-PARKS MAT & SUPPLIES-PARKS
			Check Total.....:	36.71	.00	36.71		
29629	07/08/20	INF00	INFRAMARK, LLC	61964.74	.00	61964.74	52783	PROF SVCS-
29630	07/08/20	VCA01	VCA VALLEY OAK VETERINARY	378.58	.00	378.58	854213613	K9 PROGRAM-POLICE
29632	07/06/20	GAB00	GABBARD, BRYAN	75.00	.00	75.00	200708	REC INSTRUCTOR-REC
29633	07/16/20	CAL35	CALIFORNIA BUILDING STAND	52.00	.00	52.00	2020-0714	SB 1473/BUILDING & SAFETY
29634	07/16/20	HOP00	HOPKINS, MARISSA ANN	50.00	.00	50.00	200716	REC INSTRUCTOR - REC
29635	07/16/20	PAT04	PATTON, JACQUELINE	90.00	.00	90.00	200716	REC INSTRUCTOR - REC
29636	07/16/20	WEB02	WEBSTER, WAYNE C.	60.00	.00	60.00	200716	REC INSTRUCTOR - REC
29647	07/21/20	ATT13	AT&T	757.43	.00	757.43	200711	COMMUNICATIONS-DISPATCH
29648	07/21/20	ATT17	AT&T	58.85	.00	58.85	200630	COMMUNICATIONS-FIRE
29649	07/21/20	BAS01	BASIC LABORATORY, INC	92.80 135.80 92.80 135.80	.00 .00 .00 .00	92.80 135.80 92.80 135.80	2006866 2006870 2007132 2007133	ProfServices Water Dept ProfServices Water Dept ProfServices Water Dept ProfServices Water Dept
			Check Total.....:	457.20	.00	457.20		
29650	07/21/20	CAM02	FERGUSON ENTERPRISES INC.	433.15	.00	433.15	1559277	MAT & SUPPLIES-WTR
29651	07/21/20	CHI15	CHIP	54462.00	.00	54462.00	200720	DEVELOPER REIMB-STR

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
129652	07/21/20	COM01	COMPUTER LOGISTICS, INC	2860.00	.00	2860.00	81690	EQUIP MAINT-
				200.00	.00	200.00	81715	EQUIP MAINT-DISPATCH
			Check Total.....:	3060.00	.00	3060.00		
129653	07/21/20	COM06	COMCAST	23.75	.00	23.75	200710	COMMUNICATIONS-PW ADMIN
129654	07/21/20	COR11	CORNING SAFE & LOCK	8.08	.00	8.08	0710	MAT & SUPPLIES-BLD MAINT
129655	07/21/20	CRO05	CROSS PETROLEUM	468.23	.00	468.23	CL98060	MAT & SUPPLIES-
129656	07/21/20	DOW01	DOWN RANGE	1045.55	.00	1045.55	355106	SAFETY ITEMS-POLICE
129657	07/21/20	ESO00	ESO SOLUTIONS, INC.	695.25	.00	695.25	ESO-36837	COMP/EQUIP/SOFT-FIRE
129658	07/21/20	EWI00	EWING	691.55	.00	691.55	12107527	LANDSCAPE MAINT-PARKS
129659	07/21/20	GRA02	GRAINGER, W.W., INC	161.20	.00	161.20	958035602	SMALL TOOLS-FIRE
				49.55	.00	49.55	959224588	BLD MAINT-POLICE
			Check Total.....:	210.75	.00	210.75		
129660	07/21/20	LIF00	LIFE-ASSIST, INC.	404.58	.00	404.58	1015753	SAFETY ITEMS-FIRE
129661	07/21/20	LIN01	LINCOLN AQUATICS, INC.	1012.24	.00	1012.24	SN044523	MAT & SUPPLIES-POOL
129662	07/21/20	MUN03	MUNNELL & SHERRILL, INC.	10.80	.00	10.80	343004	MAT & SUPPLIES-
129663	07/21/20	PAC27	PACE SUPPLY CORP	504.08	.00	504.08	086190748	MAT & SUPPLIES-WTR
129664	07/21/20	PGE09	PG&E	205.63	.00	205.63	200715	ELECT-STONEFOX L&L-21, D2
129665	07/21/20	PGE2A	PG&E	42.92	.00	42.92	200715	ELECT-BLUE HERON CT
129666	07/21/20	RED00	RED BLUFF DAILY NEWS	130.98	.00	130.98	6501527	PRINT/ADVERT-CITY CLERK
129667	07/21/20	SCP00	SCP DISTRIBUTORS LLC	805.84	.00	805.84	SN044522	MAT & SUPPLIES-WTR
129668	07/21/20	TAN00	T AND S DVBE, INC.	341.40	.00	341.40	20-1461	SIGN REPLACEMENT-STR
129669	07/21/20	TEH06	TEHAMA CO ENVIRON HEALTH	424.00	.00	424.00	IN0007153	REQ PYMTS COUNTY-WWTP
129670	07/21/20	TON00	TONY'S REFRIGERATION, INC	176.00	.00	176.00	63082	EQUIP MAINT-FIRE
129671	07/21/20	VER02	VERIZON WIRELESS	190.05	.00	190.05	995777840	PROP 30-MDC
129679	07/23/20	CRO05	CROSS PETROLEUM	1040.81	.00	1040.81	CL98061	VEH OP/MAINT-POLICE
129680	07/23/20	DHT00	DH TOOLS INC	36.10	.00	36.10	072220160	SMALL TOOLS-
129681	07/23/20	GRA02	GRAINGER, W.W., INC	44.50	.00	44.50	959495758	MAT & SUPPLIES-BLD MAINT
				63.88	.00	63.88	959681537	MAT & SUPPLIES-PARKS
			Check Total.....:	108.38	.00	108.38		
29682	07/23/20	HEN03	HENRY SCHEIN INC.,	90.08	.00	90.08	79652631	SAFETY ITEMS-FIRE
29683	07/23/20	HOP00	HOPKINS, MARISSA ANN	120.00	.00	120.00	200721	REC INSTRUCTOR-REC
29684	07/23/20	PGE01	PG&E	24528.84	.00	24528.84	200710	Electricity General City-
29685	07/23/20	QUI02	QUILL CORPORATION	18.72	.00	18.72	8337733	COVID 19-GEN CITY
				427.05	.00	427.05	8505139	OFFICE SUPPLIES-
				47.40	.00	47.40	8511677	OFFICE SUPPLIES-
				144.36	.00	144.36	8587688	MAT & SUPPLIES-
			Check Total.....:	637.53	.00	637.53		
29686	07/23/20	ROJ00	ROJAS, IVAN	90.00	.00	90.00	200721	REC INSTRUCTOR-REC
29687	07/23/20	SCH01	LES SCHWAB TIRE CENTER	976.73	.00	976.73	611003632	VEH OP/MAINT-POLICE
29688	07/23/20	SCP00	SCP DISTRIBUTORS LLC	949.84	.00	949.84	SN045082	MAT & SUPPLIES-WTR
29689	07/23/20	TEH11	TEHAMA CO TAX COLLECTOR	78.63	.00	78.63	200721	TAXES-AIRPORT
29690	07/23/20	WAL02	WALKER PRINTING	151.22	.00	151.22	38443	OFFICE SUPPLIES-
			Cash Account Total.....:	317059.00	.00	317059.00		
			Total Disbursements.....:	317059.00	.00	317059.00		
			Cash Account Total.....:	.00	.00	.00		

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
12008	07/01/20	BAN03	POLICE OFFICER ASSOC.	325.00	.00	325.00	C00701	POLICE OFFICER ASSOC
12009	07/01/20	BAN06	BANNER BANK	1061.69	.00	1061.69	C00701	HSA DEDUCTIBLE
12010	07/01/20	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	C00701	WITHHOLDING ORDER
12011	07/01/20	EDD01	EMPLOYMENT DEVELOPMENT	4148.72	.00	4148.72	C00701	STATE INCOME TAX
				1290.88	.00	1290.88	1C00701	SDI
			Check Total.....:	5439.60	.00	5439.60		
12012	07/01/20	FED00	FEDERAL PAYROLL TAXES (EF	12024.24	.00	12024.24	C00701	FEDERAL INCOME TAX
				15895.22	.00	15895.22	1C00701	FICA
				3717.44	.00	3717.44	2C00701	MEDICARE
			Check Total.....:	31636.90	.00	31636.90		
12013	07/01/20	HEA05	HEALTHIEST YOU	18.00	.00	18.00	C00701	HEALTHIEST YOU
12014	07/01/20	ICM01	ICMA RETIREMENT TRUST-457	4479.81	.00	4479.81	C00701	ICMA DEF. COMP
				185.00	.00	185.00	1C00701	ICMA DEF. COMP ER PD
			Check Total.....:	4664.81	.00	4664.81		
12015	07/01/20	PERS1	PUBLIC EMPLOYEES RETIRE	22501.36	.00	22501.36	C00701	PERS PAYROLL REMITTANCE
12016	07/01/20	PERS4	Cal Pers 457 Def. Comp	3753.48	.00	3753.48	C00701	PERS DEF. COMP.
				520.00	.00	520.00	1C00701	PERS DEF. COMP. ER P
			Check Total.....:	4273.48	.00	4273.48		
12017	07/01/20	TEH16	TEHAMA COUNTY SHERIFF'S O	110.89	.00	110.89	C00701	WageOrder F#20000149
12018	07/01/20	VAL06	VALIC	2748.55	.00	2748.55	C00701	AIG VALIC P TAX
				225.00	.00	225.00	1C00701	AIG VALIC P TAX ER P
			Check Total.....:	2973.55	.00	2973.55		
12030	07/15/20	BAN03	POLICE OFFICER ASSOC.	325.00	.00	325.00	C00715	POLICE OFFICER ASSOC
12031	07/15/20	BAN06	BANNER BANK	879.37	.00	879.37	C00715	HSA DEDUCTIBLE
12032	07/15/20	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	C00715	WITHHOLDING ORDER
12033	07/15/20	EDD01	EMPLOYMENT DEVELOPMENT	5043.36	.00	5043.36	C00715	STATE INCOME TAX
				1439.31	.00	1439.31	1C00715	SDI
			Check Total.....:	6482.67	.00	6482.67		
12034	07/15/20	FED00	FEDERAL PAYROLL TAXES (EF	14432.01	.00	14432.01	C00715	FEDERAL INCOME TAX
				17950.64	.00	17950.64	1C00715	FICA
				4198.16	.00	4198.16	2C00715	MEDICARE
			Check Total.....:	36580.81	.00	36580.81		
12035	07/15/20	ICM01	ICMA RETIREMENT TRUST-457	4662.13	.00	4662.13	C00715	ICMA DEF. COMP
				185.00	.00	185.00	1C00715	ICMA DEF. COMP ER PD
			Check Total.....:	4847.13	.00	4847.13		
12036	07/15/20	PERS1	PUBLIC EMPLOYEES RETIRE	504816.65	.00	504816.65	C00715	PERS PAYROLL REMITTANCE
12037	07/15/20	PERS4	Cal Pers 457 Def. Comp	3753.48	.00	3753.48	C00715	PERS DEF. COMP.
				520.00	.00	520.00	1C00715	PERS DEF. COMP. ER P
			Check Total.....:	4273.48	.00	4273.48		
12038	07/15/20	TEH16	TEHAMA COUNTY SHERIFF'S O	110.89	.00	110.89	C00715	WageOrder F#20000149
12039	07/15/20	VAL06	VALIC	2748.55	.00	2748.55	C00715	AIG VALIC P TAX
				225.00	.00	225.00	1C00715	AIG VALIC P TAX ER P
			Check Total.....:	2973.55	.00	2973.55		
			Cash Account Total.....:	634571.75	.00	634571.75		
			Total Disbursements.....:	634571.75	.00	634571.75		



Date: Jul 23, 2020  
Time: 9:04 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
ARVEY'S HOT DOGS	1920 SOLANO ST	CORNING, CA 96021	HOT DOG CART	07/22/20
GINGER MASONRY, LP	8188 LINCOLN AVE STE 100	RIVERSIDE, CA 92504	MASONRY SUBCONTRACTOR-OUTSIDE	07/15/20

ITEM NO.: G-6  
ORDINANCE NO. 689, AN ORDINANCE OF THE  
CITY OF CORNING CITY COUNCIL ADDING  
CHAPTER 8.23 TO TITLE 8 OF THE CORNING  
MUNICIPAL CODE IMPOSING A VACANT BUILDING  
MONITORING FEE TO SECURE VACANT  
BUILDINGS (2<sup>nd</sup> Reading & Adoption)

July 28, 2020

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
FROM: KRISTINA MILLER, CITY MANAGER  
COLLIN BOGENER, CITY ATTORNEY 

**SUMMARY:**

Ordinance 689 was introduced to City Council at a Public Hearing held during the July 14, 2020 City Council Meeting. The purpose of this Ordinance No. 689 is to impose a vacant building monitoring fee within the City of Corning. Vacant buildings which are unmanaged and unmaintained by their owners frequently result in blight in the City, and also become an attraction to transients and criminals, including drug users. This results in these individuals leaving drug paraphernalia in the vacant buildings, including used needles, creating a significant health and safety risk for the residents of Corning, as well as City Staff. Additionally, the existence of long-term vacant properties is detrimental to the overall property values in the area in question.

The above discussed issues caused by the existence of vacant buildings result in significant costs to the City for law enforcement response, code enforcement, and related issues. This Ordinance, if passed, would require owners of vacant buildings to pay a monitoring fee to the City during the period of time that the building remains vacant beyond a 90-day period or is boarded up by the City. The monitoring fee itself would be determined through a Resolution by the City Council setting forth the City costs.

Any owner may request a waiver from this code section if the owner has obtained a building permit and is progressing diligently to repair the premises, or the building meets all applicable codes and is being actively offered for sale, lease or rent.

**RECOMMENDATION:**

**MAYOR AND COUNCIL:**

- **ADOPT ORDINANCE 689, AN ORDINANCE OF THE CITY OF CORNING ADDING CHAPTER 8.24 TO TITLE 8 OF THE CORNING MUNICIPAL CODE REGULATING LONG-TERM BOARDED AND VACANT BUILDINGS;**
- **APPROVE SUMMARY ORDINANCE 689 FOR PUBLICATION PURPOSES; AND**
- **DIRECT THE CITY CLERK TO PUBLISH AS REQUIRED THE ORDINANCE SUMMARY.**

**ATTACHMENTS**

**Exhibit "A" Proposed Ordinance No. 689 and Summary Ordinance 689**

## **ORDINANCE 689**

### **AN ORDINANCE OF THE CITY OF CORNING CITY COUNCIL ADDING CHAPTER 8.23 TO TITLE 8 OF THE CORNING MUNICIPAL CODE IMPOSING A VACANT BUILDING MONITORING FEE TO SECURE VACANT BUILDINGS**

**WHEREAS**, the City Council of the City of Corning seeks to prevent blight in both residential and non-residential neighborhoods due to the failure of owners of vacant buildings to maintain and manage their property; and

**WHEREAS**, unmanaged and unmaintained vacant buildings create a liability for the neighborhoods of Corning as they often attract transients and criminals, including drugs users, who leave junk and debris at these properties, including illegal drug paraphernalia, which cause a health and safety risk to the citizens of Corning. These individuals also use primitive heating techniques for their drug use and for cooking, leading to a high risk of fire for the building and adjacent properties; and

**WHEREAS**, long term vacant buildings are detrimental to the economic health and property value of the area in which they are located; and

**WHEREAS**, The City Council of the City of Corning seeks to utilize its police powers to protect the health, safety, and general welfare of its citizens by enacting an Ordinance imposing a vacant building monitoring fee for the purpose of securing vacant buildings;

**NOW, THEREFORE**, the City Council of the City of Corning does ordain as follows:

**SECTION 1.** Chapter 8.23 "VACANT BUILDING MONITORING FEE AND SECURING OF VACANT BUILDINGS" is hereby added to Title 8, "HEALTH AND SAFETY" as follows:

#### **Chapter 8.23 VACANT BUILDING MONITORING FEE AND SECURING OF VACANT BUILDINGS**

Sections:

8.23.010 Findings - vacant buildings.

8.23.020 Definitions.

8.23.030 Vacant or boarded building monitoring fee.

8.23.040 Securing vacant buildings.

8.23.050 Authority to designate agent to resume utility service.

8.23.060 Penalties.

Section 8.23.010 Findings - vacant buildings.

The City Council finds as follows: Vacant buildings are a major cause and source of blight in residential and nonresidential neighborhoods. This is particularly true when the owner of the vacant building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings often attract transients and criminals, including drug users. Use of vacant buildings by transients and criminals, who frequently employ primitive cooking or heating methods, creates a risk of fire for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values. Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor the status of vacant buildings, so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. City departments involved in such monitoring include the Police, Public Works and Building Departments and the Code Enforcement Division.

There is a substantial cost to the City for monitoring vacant buildings (whether or not those buildings are boarded up) which should be borne by the owners of the vacant buildings.

#### Section 8.23.020 Definitions.

The definitions contained in this section shall govern the construction of this Chapter.

- A. **Blight** shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.
- B. **Boarded building or boarded up** shall mean a building, any of the doors or windows of which have been covered with plywood or other material.
- C. **Vacant building or vacant** shall mean a building which is without a legal resident or occupant or which is not being put to a lawful commercial or industrial use.

#### Section 8.23.030 Vacant or boarded building monitoring fee.

- A. **Fee imposed.** There is hereby imposed upon every owner of a vacant or boarded building a monthly vacant or boarded building monitoring fee in an amount to be set by Resolution of the City Council. The fee shall not exceed the estimated reasonable cost of monitoring the vacant or boarded building and shall be used solely for that purpose. The fee shall be payable as to any building, residential or non-residential, which:
  - 1. Is boarded up by voluntary action of the owner or as the result of enforcement activities by the City, or
  - 2. Is vacant for more than ninety (90) days for any reason.
- B. **Fee waiver.** The vacant or boarded building monitoring fee may be waived by the building official upon a showing by the owner that:
  - 1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy, or
  - 2. The building meets all applicable codes and is actively being offered for sale, lease or rent.
- C. **Procedure.** The vacant or boarded building monitoring fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the County Assessor. Any owner billed may apply for a waiver on the grounds set forth in subsection (B) of this section by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the Building Official within thirty (30) days after the billing is mailed to the owner. The Building Official shall review the written statement and may contact the owner to discuss the application for waiver. The Building Official shall prepare a written decision which shall be mailed to the owner. Any owner who disagrees with the decision of the Building Official relating to an application for waiver may appeal by submitting a written appeal hearing request to the City Clerk within thirty (30) days of receipt of the Building Official's decision. The hearing shall be set and conducted by the Appeals Board pursuant to section 2.48 of this code.
- D. **Collection.** If the fee is not paid within sixty (60) days after billing, or within sixty (60) days after the decision of the Building Official or the Hearing Officer, the fee may be collected through a lien or a special assessment pursuant to this code.

#### Section 8.23.040 Securing vacant buildings.

The City Manager or designee may impose such requirements to secure the property as deemed reasonably necessary to protect the public health, safety, and welfare. The City Manager or designee shall notify the affected property owner of the decision to impose specific securing requirements in writing. Any owner who disagrees with the decision of the City Manager relating to any specific securing requirements may appeal by submitting a written appeal hearing request to the City Clerk within thirty (30) days of receipt of the written notice imposing specific securing requirements on the property.

#### Section 8.23.050 Authority to designate an agent to resume utility service.

The owner of a vacant building may designate in writing to City an agent to authorize the resumption of city utility service to the property. However, this section shall not be interpreted to reduce or eliminate outstanding debts, fees or costs the owner or agent may be required to pay prior to city utility service connection.

**Section 8.23.060 Penalties.**

Unless otherwise expressly provided, the remedies, procedures and penalties provided by this Chapter are cumulative to each other and to any others available under state law or other city ordinances.

This Ordinance shall take effect 30 days after its final passage, the welfare of the City of Corning requiring it.

The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on July 14, 2020, and enacted at a regular meeting of the City Council of the City of Corning held on July 28, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

**Douglas Hatley Jr., Mayor**

**ATTEST:**

---

**Lisa M. Linnet, City Clerk**



**SUMMARY OF ORDINANCE NO. 689 OF THE CITY OF CORNING, CALIFORNIA,  
ADDING CHAPTER 8.23 TO TITLE 8 OF THE CORNING MUNICIPAL CODE IMPOSING A  
VACANT BUILDING MONITORING FEE TO SECURE VACANT BUILDINGS**

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 689 introduced by the Corning City Council on July 14, 2020 and scheduled for consideration of adoption on July 28, 2020 at its meeting held in the City Council Chambers 794 Third Street, Corning, California.

The purpose of Ordinance No. 689 is to regulate long term vacant and boarded up buildings. The Ordinance, if adopted, would impose a monitoring fee upon owners of vacant when the building remains vacant for more than 90-days. It would not apply if the owner is diligently working to make repairs or sell, lease, or rent the property.

A certified copy of the full text of the Ordinance is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. This Ordinance was introduced to the City Council of the City of Corning at a regular meeting held on July 14, 2020 and it to be considered for adoption at a regular City Council meeting held on July 28, 2020.

Lisa Linnet, Corning City Clerk

**ITEM NO.: G.7  
ORDINANCE NO. 690, AN ORDINANCE OF  
THE CITY OF CORNING ADDING CHAPTER  
8.24 TO TITLE 8 OF THE CORNING  
MUNICIPAL CODE REGULATING LONG-TERM  
BOARDED AND VACANT BUILDINGS (2<sup>nd</sup>  
Reading & Adoption)**

**July 28, 2020**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**  
**FROM: KRISTINA MILLER, CITY MANAGER**  
**COLLIN BOGENER, CITY ATTORNEY**

**SUMMARY:**

Ordinance 690 was introduced to City Council at a Public Hearing during the July 14, 2020 City Council Meeting. The purpose of Ordinance No. 690 is to regulate long-term boarded and vacant buildings within the City of Corning. Vacant buildings which are unmanaged and unmaintained by their owners frequently result in blight in the City, and also become an attraction to transients and criminals, including drug users. This results in these individuals leaving drug paraphernalia in the vacant buildings, including used needles, creating a significant health and safety risk for the residents of Corning, as well as City Staff. Additionally, the existence of long-term vacant properties is detrimental to the overall property values in the area in question.

The proposed Ordinance prohibits property owners from leaving their property boarded up, regardless of whether the owner boarded up the building or the City boarded it up, for a period of 30 days. It also prohibits the existence of a vacant building for more than a 30 day period, unless: (1) the building is the subject of an active permit for repair or rehabilitation; (2) the building meets all codes, does not contribute to blight, and is actively being offered for sale, lease or rent; or (3) the Building Inspector determines that the building does not contribute to blight based on certain factors.

The property owner will be given a Notice of Violation and have 30 days to remedy the violation. If that occurs within the 30-day time period, no administrative penalties will be imposed; if it is not corrected, then an administrative penalty of no more than \$1,000 per building will be imposed on the owner. Each day will be considered a separate offense. A violation of this Ordinance will also be considered a misdemeanor.

**RECOMMENDATION:**

**MAYOR AND COUNCIL:**

- **ADOPT ORDINANCE 690, AN ORDINANCE OF THE CITY OF CORNING ADDING CHAPTER 8.24 TO TITLE 8 OF THE CORNING MUNICIPAL CODE REGULATING LONG-TERM BOARDED AND VACANT BUILDINGS;**
- **APPROVE SUMMARY ORDINANCE 690 FOR PUBLICATION PURPOSES; AND**
- **DIRECT THE CITY CLERK TO PUBLISH AS REQUIRED THE ORDINANCE SUMMARY.**

**ATTACHMENTS**

**Exhibit "A" Proposed Ordinance No. 690 and Summary Ordinance 690**

## **CORNING ORDINANCE NO. 690**

### **AN ORDINANCE OF THE CITY OF CORNING CITY COUNCIL ADDING CHAPTER 8.24 TO TITLE 8 OF THE CORNING MUNICIPAL CODE REGULATING LONG-TERM BOARDED AND VACANT BUILDINGS**

**WHEREAS**, the City Council of the City of Corning seeks to prevent blight in both residential and non-residential neighborhoods due to the failure of owners of vacant buildings to maintain and manage their property; and

**WHEREAS**, unmanaged and unmaintained vacant buildings create a liability for the neighborhoods of Corning as they often attract transients and criminals, including drugs users, who leave junk and debris at these properties, including illegal drug paraphernalia, which cause a health and safety risk to the citizens of Corning. These individuals also use primitive heating techniques for their drug use and for cooking, leading to a high risk of fire for the building and adjacent properties; and

**WHEREAS**, long term vacant buildings are detrimental to the economic health and property value of the area in which they are located; and

**WHEREAS**, The City Council of the City of Corning seeks to utilize its police powers to protect the health, safety, and general welfare of its citizens by enacting an Ordinance imposing a vacant building monitoring fee for the purpose of securing vacant buildings;

**NOW, THEREFORE**, the City Council of the City of Corning does ordain as follows:

**SECTION 1.** Chapter 8.24 "LONG-TERM BOARDED AND VACANT BUILDINGS" is hereby added to Title 8, "HEALTH AND SAFETY" as follows:

#### **Chapter 8.24 LONG-TERM BOARDED AND VACANT BUILDINGS**

Sections:

8.24.010 Findings - vacant and boarded buildings.

8.24.020 Definitions. 8.22.030 Long-term boarded and vacant building prohibited.

8.24.040 Permitted time periods to commence and correct violations.

8.24.050 Notice of violation.

8.24.060 Opportunity for a hearing.

8.24.070 Extension

8.24.080 Inspection of premises.

8.24.090 Administrative penalty.

8.24.100 Administrative penalty - factors.

8.24.110 Payment of administrative penalty.

Section 8.24.010 Findings - vacant and boarded buildings.

The City Council finds as follows:

- A.** Vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings which are boarded, substandard or unkempt properties, and long-term vacancies discourage economic development and retard appreciation of property values.
- B.** It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.
- C.** One vacant property which is not actively and well maintained and managed can be the core and cause of spreading blight.

#### Section 8.24.020 Definitions.

The definitions contained in this section shall govern the construction of this Chapter.

- A. "Blight" shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.
- B. "Boarded building" or "boarded up" shall mean a building whose doors or windows have been covered with plywood or other material.
- C. "Vacant building" or "vacant" shall mean a building which is without a resident or occupant or which is not being put to a lawful commercial or industrial use.

#### Section 8.22.030 Long-term boarded and vacant building prohibited.

- A. The owner of any boarded building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the City, shall cause the boarded building to commence rehabilitation for occupancy within thirty (30) days after the building is boarded.
- B. No person shall allow a building designed for human use or occupancy to stand vacant for more than thirty (30) days, unless one of the following applies:
  - 1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
  - 2. The building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent.
  - 3. The building official determines that the building does not contribute to, and is not likely to contribute to, blight because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:
    - a. Maintenance of landscaping and plant materials in good condition.
    - b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.
    - c. Regular removal of all exterior trash, debris and graffiti.
    - d. Maintenance of the building in continuing compliance with all applicable codes and regulations.
    - e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity.

#### Section 8.24.040 Permitted time periods to commence and correct violations.

- A. Any owner of a boarded building in violation of subsection 8.24.030(A) or any owner of a vacant building in violation of subsection 8.24.030(B) shall commence any corrections or repairs necessary to comply with this Chapter within thirty (30) days of the date of the issuance of the notice of violation. The date of the issuance of the notice of violation shall be the date the notice of violation is mailed to the property owner or posted on the property as provided for in section 8.24.050, whichever is earlier. Provided the property owner diligently pursues corrections or repairs to completion, no administrative penalties shall be imposed. In the event the property owner does not request a hearing or commence corrections within thirty (30) days of the date of the issuance of the notice of violation, the City may impose administrative penalties as provided for in section 8.24.090. In the event the property owner requests a hearing, the thirty (30) day correction commencement period shall be suspended from the date of the request until such time as the hearing officer renders a decision. Upon the issuance of the hearing officer's decision, the property owner shall have the balance of the original thirty (30) day period to commence any necessary corrections or repairs before administrative penalties accrue.

- B.** Prior to the expiration of the thirty (30) day correction commencement period, the property owner shall submit a rehabilitation plan to the building official. The rehabilitation plan shall include the following:
1. A statement outlining the property owner's plan for remedying each of the conditions described in the notice of violation as constituting a violation of this Chapter.
  2. The expected timeline for completing any necessary corrections or repairs.
- C.** Once the property owner commences corrections or repairs, the owner shall work diligently to ensure such corrections or repairs are completed in a timely manner. In no case shall such repairs or corrections take longer than ninety (90) days from the date of the issuance of the notice of violation, sixty (60) days from the end of the thirty (30) day correction commencement period or any extension as provided for in section 8.24.070, whichever is later. In the event a property owner does not comply with this subsection, the City may impose administrative penalties as provided for in section 8.24.090.

#### Section 8.24.050 Notice of violation.

- A.** The Code Enforcement Officer or his or her designee shall issue a notice directed to the record owner of the premises. The notice shall contain:
1. The street address and such other description as is required to identify the premises.
  2. A statement specifying the conditions which constitute a violation of this Chapter.
  3. A statement that administrative penalties may begin to accrue upon the expiration of the thirty (30) day correction commencement period if the property owner does not begin to make corrections or repairs to remedy any violations of this Chapter. The statement shall state that the thirty (30) day correction commencement period begins on the date of the issuance of the notice of violation. The statement shall identify the date of issuance.
  4. A statement that the property owner must submit a rehabilitation plan specifying how the conditions constituting a violation of this Chapter will be remedied and the expected timeline for doing so.
  5. A statement notifying the property owner that he or she may request a hearing within twenty (20) calendar days of the mailing of the notice to dispute the existence of any violation or to show cause why an administrative penalty should not be assessed in accordance with this code. The statement shall notify the property owner that the thirty (30) day correction commencement period shall be suspended from the date of a request for a hearing until such time as the hearing officer renders a decision.
  6. A statement advising the owner that he or she has the option of voluntarily correcting the condition(s) which violate the provisions of this Chapter prior to the imposition of administrative penalties. If the owner chooses to correct the conditions, the corrections must be completed prior to the expiration of the ninety (90) day correction completion period or any applicable extension, whichever is later. The owner must advise the code enforcement officer in writing that he or she will correct the conditions and the date of completion. The code enforcement officer or his or her designee will inspect the premises on the completion date, and if the conditions have been corrected, no administrative penalties will be assessed.
  7. A statement notifying the property owner that he or she may request an extension as provided for in section 8.22.070. B. The notice of violation, and any amended or supplemental notice, shall be served either by personal delivery or by return receipt mailing upon the record owner at his or her address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the code enforcement officer. A copy of the notice any amended or supplemental notice shall also be posted on the building.

#### Section 8.24.070 Extension



The building official may, upon request of the owner of the premises grant a thirty (30) day extension from the expiration of the ninety (90) day correction completion period for good cause shown. The building official may grant one (1) extension for each property in violation of this Chapter. Administrative penalties shall not accrue during the extension period.

#### Section 8.24.080 Inspection of premises.

- A. If the property owner requests a hearing, the hearing officer may, with the consent of the owner, inspect the building and premises involved in the hearing prior to, during or after the hearing, provided that:
  - 1. Notice of such inspection shall be given to the parties before the inspection is made;
  - 2. The parties are given an opportunity to be present during the inspection; and
  - 3. The hearing officer shall state for the record during the hearing, if requested, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.
- B. The owner shall have a right to rebut or explain the matters stated by the hearing officer pursuant to subsection (A) either for the record during the hearing or by filing a written statement within five (5) days after the hearing for inclusion in the hearing record.
- C. An inspection warrant or the owner(s) consent to inspect the building and surrounding properties is required unless such inspection can be made from areas in which the general public has access or with permission of other persons authorized to provide access to the property on which the building is located.

#### Section 8.24.090 Administrative penalty.

- A. Any owner of a boarded building which remains boarded in violation of subsection 8.24.030(A) or any owner of a building which remains vacant in violation of subsection 8.24.030(B) beyond the time period for remediation allowed who fails to commence corrections or repairs within the correction commencement period allowed for in subsection 8.24.040(A) shall be liable for administrative penalties.
- B. Any owner of a boarded building which remains boarded in violation of subsection 8.24.030(A) or any owner of a building which remains vacant in violation of subsection 8.24.030(B) beyond the correction completion period allowed for in subsection 8.24.040(C) or any extension as provided for in section 8.24.070, whichever is later, shall be liable for administrative penalties.
- C. Any violation of section 8.24.030 shall be a misdemeanor. Any administrative penalty imposed pursuant to this chapter shall be in an amount not to exceed \$1,000 per building for each violation. Each and every day, or portion thereof, of continuing violation shall constitute a separate and distinct offense.

#### Section 8.24.100 Administrative penalty - factors.

In setting the penalty, the building official shall consider factors including, but not limited to: the severity, extent and length of time in which the blighting conditions have existed on the property; the owner's efforts, or lack thereof, to remedy the problem; staff time and costs incurred in investigating the conditions; and the extent, if any, to which an administrative penalty would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building.

#### Section 8.24.110 Payment of administrative penalty.

- A. Upon the expiration of the thirty (30) day correction commencement period, the ninety (90) day correction completion period or any applicable thirty (30) day extension, whichever is applicable, the City may send the property owner a letter notifying him or her of any administrative penalties being imposed. The City shall send a letter each and every time administrative penalties are imposed. The administrative penalty shall become due and

payable within thirty (30) days of the mailing of the letter notifying the property owner of the administrative penalty.

- B. If the administrative penalty is not timely paid, the City may initiate action to collect the penalty by the remedies and procedures provided for in this code.
- C. An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the 31st day following the date the penalty is due and payable as provided for in subsection (A) of this section.

This Ordinance shall take effect 30 days after its final passage, the welfare of the City of Corning requiring it.

The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on July 14, 2020, and enacted at a regular meeting of the City Council of the City of Corning held on July 28, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

**Douglas Hatley Jr., Mayor**

**ATTEST:**

---

**Lisa M. Linnet, City Clerk**

**SUMMARY OF ORDINANCE NO. 690 OF THE CITY OF CORNING, CALIFORNIA,  
ADDING CHAPTER 8.24 TO TITLE 8 OF THE CORNING MUNICIPAL CODE  
REGULATING LONG TERM VACANT AND BOARDED BUILDINGS**

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 690 introduced by the Corning City Council on July 14, 2020 and scheduled for consideration of adoption on July 28, 2020 at its meeting held in the City Council Chambers 794 Third Street, Corning, California.

The purpose of Ordinance No. 690 is to regulate long term vacant and boarded up buildings. The Ordinance, if adopted, would prohibit property owners within the City limits from leaving buildings boarded up and vacant for more than 30-days. If the owner does not remedy the issue within that 30-day period, then administrative penalties can be pursued against the owner.

A certified copy of the full text of the Ordinance is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. This Ordinance was introduced to the City Council of the City of Corning at a regular meeting held on July 14, 2020 and it to be considered for adoption at a regular City Council meeting held on July 28, 2020.

Lisa Linnet, Corning City Clerk

**ITEM NO: I-8**

**Rezone 2020-3, Tentative Tract Map 20-1001 Jason & Anna Abel; Rezone an approximately 9.95-acre parcel from R-1-8000 to R-1-4000 and create 53 Single Family Residential lots.**

**July 28, 2020**

**TO: PLANNING COMMISSION OF THE CITY OF CORNING**  
**FROM: KRISTINA MILLER, CITY MANAGER**  
**CHRISSE MEEDS, PLANNER 1**



**PROJECT DESCRIPTION & LOCATION:**

Rezone 2020-3, Tract Map 20-1001: Jason & Anna Abel (Magnolia Meadows) propose to rezone approximately 9.95 acres from a PD, Planned Development to a R-1-4000, Single Family Residential, 4,000 sq. ft. minimum lot size and subdivide the parcel into 53 parcels. Located on the west side of Marguerite Avenue just north of the Moon Road/Marguerite Avenue intersection and south of Maywood School. APN: 073-260-022 & 023

The R-1-4000, Small Lot Designation was reviewed by the Planning Commission on April 21, 2020. On June 23, 2020, the City Council approved Ordinance 688 allowing reduced lot sizes to 4,000 sq. ft. on interior lots and 4,500 sq. ft. on corners.

**GENERAL PLAN LAND USE DESIGNATION:**

Multi-Family Residential.

**ZONING DESIGNATION:**

PD, Planned Development (existing) R-1-4000 (proposed).

**Planning Commission Recommendation:**

On June 16, 2020, the Corning Planning Commission recommended to the Corning City Council to approve the Rezone 2020-2 on a 3 – 0 vote. On the same date the Planning Commission reviewed the Magnolia Meadows Tentative Subdivision Map that showed 61 Single Family Residential (SFR) lots and recommended on a 3.- 0 vote the City Council approve the Tentative Subdivision Map. There has been a modification to the map since that date. The modification is a reduction in lots from 61 to 53 SFR lots to allow for slightly larger lot sizes, but still fall within the small lot subdivision guidelines. The changes proposed do not warrant further Planning Commission review.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

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

In 2004 when a Tentative Tract Map for the Green Garden Subdivision was being considered for approval, Staff completed a CEQA Initial Study that identified certain potentially significant effects that could be attributable to the development of this project. Staff determined that those effects could be substantially lessened by the imposition of mitigation measures and conditions. Prior to approving the Green Garden Subdivision, the City Council adopted the Mitigated Negative Declaration and a Notice of Determination filed for the project.

CEQA Section 15162 Subsequent EIR's and Negative Declarations reads as follows:

- (a) When an EIR has been certified, or a Negative Declaration adopted for a Project, no subsequent EIR shall be prepared for that Project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
- (1) Substantial changes are proposed in the Project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation Measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Green Garden Subdivision proposed to create a 61parcel Subdivision in a Planned Development Zoning District at the same location of Tentative Tract Map 20-1001. The Development proposed 13 conventional Single-family residential parcels, and 48 forty (40) foot-wide parcels where two dwelling units would share a common wall at a property line. The project also had a common paved parking lot in the southwest corner of the project site.

Tentative Tract Map 20-1001 proposes to create the same number of parcels as the previously approved Green Garden Subdivision. The City adopt a Mitigated Negative Declaration for the Green Garden Subdivision and a Notice of Determination was filed with the Tehama County Clerk & Recorder. There is no evidence in the record of what would be considered substantial changes to the project that would require additional environmental analysis.

**DISCUSSION:**

Pursuant to Section 16.09.010 (E) of the Corning Municipal Code (CMC), "the Planning Commission of the City shall act as the advisory agency to the City Council. It is charged with making investigations and reports on the design and improvements of proposed divisions of land. The Planning Commission shall make investigations and conduct hearings regarding the approval of Tentative Maps and make its written report on the Tentative Map directly to the City Council." Final approval, including establishing design standards for public improvements of a Tentative Subdivision Map is the responsibility of the City Council pursuant to Section 16.09.010 (F) of the CMC.

**CONSISTENCY WITH GENERAL PLAN & ZONING:**

The Site is designated MFR, Multi-Family Residential on the General Plan Land Use Map. Current zoning is PD, Planned Development, proposed zoning is R-1-4,000. In the General Plan, maximum densities in a Multi-Family Residential Land Use designation are 28 units per acre, neither the existing zoning, and previous project or proposed zoning exceed the maximum density, so the Projects are consistent with the General Plan and Residential Use is consistent with the current and proposed zoning.

**Staff recommended the following Factual Subfindings & Legal Findings for consideration by the Commission, pursuant to the California Environmental Quality Act (CEQA), and Section 66474 (A thru G) of the California Government Code.**

**Factual Subfinding #1:**

An initial study analyzing the environmental impacts associated with Green Garden Subdivision was prepared, a Mitigated Negative Declaration filed, circulated through the CEQA process, and adopted by the Corning City Council. A Notice of Determination was filed with the Tehama County Clerk & Recorder.

**Legal Finding #1:**

For Rezone 2020-3 and Tentative Tract Map 20-1001, the City of Corning Planning Commission is acting as an advisory body to the Corning City Council. The Planning Commission finds that the Initial Study filed for the Green Garden Subdivision analyzed the environmental impacts associated with the project and that identified impacts have been mitigated to a Less than Significant Level. Tract Map 20-1001 is proposes to create the same number of residential parcels and there is no substantial evidence in the light of the whole record of any changes in the project that would require additional environmental analysis, therefore Rezone 2020-3 and Tentative Tract Map 20-1001 is exempt from CEQA pursuant to Section 15162.

**Factual Sub finding #2:**

Rezone 2020-3 and Tentative Tract Map 20-1001 propose to rezone from PD, Planned Development to R-1-4,000 and subdivide the approximately 9.95 acres of land into 53 single family residential parcels. This would create a residential density of approximately 6.1 parcels per acre.

**Legal Finding #2:**

Rezoning to single family residential and subdividing the approximately 9.95 acres, as proposed by Tentative Tract Map 20-1001, into 53 single family residential parcels does not exceed the maximum densities of 28 parcels per acre as depicted in the Land Use Element of the General Plan, therefore both projects are consistent with the General Plan.

**Factual Sub finding #3**

Tentative Tract Map 20-1001 is subject to Mitigation Measures from previous environmental analysis of this site, and Conditions of Approval that direct the design and improvements of the Project to meet the requirements of adopted Mitigation Measures and applicable Municipal Codes adopted by the City of Corning.

**Legal Finding #3:**

That the design and improvements associated with the creation of 53 single-family residential parcels are consistent with the Land Use Element of the 2014-2034 Corning General Plan.

**Factual Sub finding #4:**

The site and location of Tentative Tract Map 20-1001 is in an area that is relatively flat and where the construction of roads and building pads will not present any physical difficulties for Development.

**Legal Finding #4:**

The site of Tentative Tract Map 20-1001 is located adjacent to Marguerite Ave. and has terrain that is physically suitable for the establishment of residential development.

**Factual Sub finding #5:**

The Developer will be required to extend City Water and Sewer to serve the parcels. Additionally, the Developer will be required to upgrade the existing roads, including constructing new roads to serve the parcels.

**Legal Finding #5:**

The City of Corning Municipal Water and Sewer Service has sufficient capacity to serve the proposed residential development along the west side of Marguerite Ave. Road improvements to Marguerite Ave. and the construction of interior roads to serve the parcels will provide adequate upgrades to the existing transportation system for additional traffic generated by the project.

**Factual Sub finding #6:**

Previous environmental analysis of the site concluded that with adopted Mitigation Measures, that have also been incorporated into the Conditions of Approval for Tentative Tract Map 20-1001, that any impacts to Biological Resources, including Fish and Wildlife, have been reduced to a Less than Significant Impact.

**Legal Finding #6:**

That the design of Tentative Tract Map 20-1001, or the proposed improvements associated with the development of 53 residential parcels, are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.

**Factual Sub finding #7:**

Tentative Tract Map 20-1001 proposes to create 53 single family residential parcels in an area of the City designated for residential development and which has accessibility to City Water and Sewer.

**Legal Finding #7:**

The requirement to improve existing roads and construct new roads as well as provide City Water and Sewer to the parcels will not cause any serious public health problems to the existing and future residences of the City.

**Factual Sub finding #8:**

Access to the site and residential parcels will be by Marguerite Ave. and interior roads constructed by the Developer. Public Easements for access to the parcels will be created by recordation of a Final Map.

**Legal Finding #8:**

That the design of Tentative Tract Map 20-1001, or type of improvements associated with the residential development of the parcels, will not conflict with Easements acquired by the public at large, for access through or use of, property within the Subdivision.

**ACTION**

- **MAKE A MOTION TO ACCEPT AND ADOPT THE 8 FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT; AND**
- **APPROVE REZONE 2020-3 AND TENTATIVE TRACT MAP 20-1001 SUBJECT TO THE 45 CONDITIONS AS PRESENTED IN THE STAFF REPORT.**

**OR**

**MAKE A MOTION TO DENY REZONE 2020-3 AND TENTATIVE TRACT MAP 20-1001.**

**ATTACHMENTS:**

- **EXHIBIT "A" RECOMMENDED CONDITIONS OF APPROVAL**
- **EXHIBIT "B" COPY OF TENTATIVE MAP**

## EXHIBIT "A"

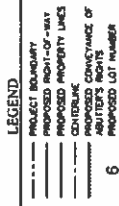
### RECOMMENDED CONDITIONS OF APPROVAL

1. **Subdivision Standards.** Development of Subdivision Map shall be in conformance with the approved Tentative Map and Subdivision Ordinance of the City of Corning, Title 16 of the Corning Municipal Code. Additionally, development must comply with all Federal, State and Local regulations especially the City of Corning Fire and Building Departments.
2. **UNDERGROUND UTILITIES.** All new utilities, including electricity, telephone, gas, and cable television shall be provided to each lot and undergrounded.
3. **FENCING.** Solid 6'-0" tall fencing shall be installed around and between parcels prior to issuance of a Certificate of Occupancy for any residence constructed within the Subdivision.
4. **PARCEL LANDSCAPING.** Front and street-side yards, including that portion of the street right-of-way located behind the sidewalk, shall be landscaped prior to issuance of a Certificate of Occupancy. Landscaping may include any combination of grass, groundcover, shrubs and/or trees and is subject to Planning Department approval. Not fewer than two trees (minimum sizes of 15-gallon) shall be planted within each front yard. Each front and street side yard shall be provided with a permanent method of irrigation for this landscaping. All landscaping and irrigation must comply with the Water Efficient Landscape Regulations as detailed in Section 15.08.055 of the Corning Municipal Code.
5. **RESIDENTIAL FAÇADE STANDARDS.** The City of Corning has an Ordinance/ Policy (CMC 16.21.135) prohibiting the construction of identical homes within sight of each other. The Developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to comply with this Standard. (MM. 1.5).
6. **ROOF-MOUNTED HVAC EQUIPMENT PROHIBITION.** No Heating, Ventilation, or Air Conditioning equipment shall be installed on the roof of any structure.
7. **CULTURAL RESOURCES.** Should cultural resources be unearthed during excavation, all work in the immediate vicinity shall cease and the City of Corning shall be notified. Upon notice, the City or its Consultant shall inspect the site to determine what steps, if any, are necessary to address and mitigate the discovery.
8. **STORMWATER POLLUTION PREVENTION PLAN.** Prior to any site disturbance or earthmoving activities on, or adjacent to the project site, Applicant shall obtain a Construction Stormwater Permit from the Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board. A WDID # must be assigned and provided to the City of Corning.
9. **COMPACTION TESTS:** Prior to issuing any Building Permit for filled lots, the Developer shall provide: 1) A report confirming that the fill has been sufficiently compacted in accordance with the Uniform Building Code or, 2) Engineered Foundation Plans with a statement that the foundation design complies with building code requirement based on soil conditions on the site.
10. **TOPSOIL.** Topsoil shall be stockpiled and redistributed over graded surfaces.
11. **FUGITIVE DUST.** Prior to commencing grading, the Applicant shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District.
12. **SPRINKLE EXPOSED SOILS.** During construction, unprotected soils shall be sprinkled to minimize wind erosion.
13. **COVER EXPOSED SOILS.** Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion.



14. **IMPROVEMENT PLANS.** Complete Improvement Plans and supporting calculations shall be submitted for approval by the City Engineer.
15. **FINISHED SURFACES.** Upon completion of Development, no substantial area shall remain where soils are completely uncovered.
16. **DRAINAGE ANALYSIS.** A registered Civil Engineer or Certified Hydrologist shall prepare a Drainage Analysis to determine the increased runoff resulting from the project and, if necessary, recommend improvements to public storm drainage facilities in accordance with City Standards.
17. **RAINFALL INTENSITY/DURATION CHART.** Engineer or Hydrologist shall utilize the Rainfall and Intensity Design Chart shown as Public Works Standard S-22 for design purposes.
18. **STORMWATER RETENTION.** Project applicant shall provide for on-site retention of the net increase in run-off resulting from the Development during a 25-year storm for a duration of 4 hours. If onsite retention is proposed, the retention facilities shall be sized to contain the run-off resulting from a 100-year storm event.
19. **STORMWATER FACILITIES.** Stormwater retention and conveyance facilities shall be constructed in accordance with Public Works Standards.
20. **LAND USE BARRIER.** The applicant will be required to construct a durable Land Use Barrier (6'-0" high masonry wall or equivalent) along the Maywood Intermediate School boundary that will mitigate noise and land use impacts caused by and/or affecting the proposed Development.
21. **CONSTRUCTION HOURS.** Construction work shall occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. to 6:00 p.m. on weekends and federally observed holidays.
22. **WATER & SEWER LINES.** Install water and sewer pipes per public Works Standard S-11.
23. **WATER SERVICE.** Developer shall install water services and meters for each lot in accordance with Public Works Standard S-20.
24. **LOOPED WATER SYSTEM.** The Developer shall provide a "looped water system" connecting to existing City water facilities at the two street intersection locations with Marguerite Avenue.
25. **SEWER SERVICE.** Developer shall install sewer services for each lot in accordance with Public Works Standard S-21.
26. **STREET NAMES.** Final street names are subject to approval of City Staff and shall appear on the final map.
27. **STREET LIGHTING.** The applicant shall provide street lighting that meets the City Standards.
28. **SEWER TRUNK LINE EXTENSION.** The applicant will be required to extend sewer services from Fig Lane or Moon Rd (which will require a permit from the County and City).
29. **FIRE HYDRANTS.** Fire Hydrants shall be installed in accordance with City Standards and the Uniform Fire Code as adopted by the City. The Developer shall provide the City of Corning with one hydrant repair kit.
30. **STREET DEDICATION.** Offer street right of way for public streets to reach ultimate 60' standard Right of Way width as required.
31. **MARGUERITE AVENUE IMPROVEMENTS.** The west half width of Marguerite Avenue shall be improved in accordance with Public Works Standard S-18, including curb, gutter, and sidewalk and 20'-0" street (half width). Developer shall locate and raise any water valve boxes or sewer manholes that were installed during the initial project.

32. **INTERIOR STREET IMPROVEMENTS.** Interior streets shall be within 56' right of ways and improved in accordance with City of Corning Standard S-18 (40' 2 lane street modified with a reduction in parkway space behind the sidewalk).
33. **STOP SIGNS.** Stop signs shall be placed at both street intersections with Marguerite Avenue.
34. **CROSSWALKS.** Pedestrian crosswalks shall be delineated on all proposed streets intersecting Marguerite Avenue.
35. **NON-ACCESS STRIP.** No direct access onto Marguerite Avenue shall be permitted for Lots 1, 18, 21 or 53. A "Non-access strip" shall be dedicated to the City on the Final Tract Map for this purpose.
36. **DRIVEWAY APPROACHES.** Install driveway approaches per Public Works Standard S-5.
37. **BARRICADE.** The applicant shall construct a barricade as per City Standard No. S-8 at the western terminus of Spruce Road.
38. **NO PARKING ZONE.** The curb along the Marguerite Avenue frontage of proposed parcels 1 and 6 shall be a "No Parking Zone".
39. **Open Burning.** No open burning shall occur on this property unless a Land-Clearing Permit is obtained from the Tehama County Air Pollution Control District.
40. **Wood Burning Stoves.** Wood Burning stoves shall meet U.S. EPA Phase II Standards for certified wood-burning devices to be installed in the Subdivision. Total emissions shall not exceed 7.5 grams per hour from each dwelling.
41. **Exterior Electrical Outlets.** To promote the use of electrical landscape equipment, at least two electrical outlets shall be provided on the exterior walls of each residence.
42. **Disclosure of Nearby Agricultural Operations.** A note shall be affixed to the front sheet of all recorded maps filed for this project. The note shall clearly state that the property is located near agricultural operations and that residents of the development may be adversely affected by dust, noise, odors and overspray of chemical fertilizers and pesticides, and that the City of Corning does not regard such operations as nuisances when conducted with proper and accepted standards.
43. **Landscape and Lighting District.** Prior to recordation of the Final Map, the Developer shall establish (or annex to an existing) a Landscape and Lighting District or other equivalent fund-collecting organization approved by the City of Corning to fund the operation and/or continued maintenance of street lighting, landscape strips in the public right-of-way, stormwater collection and detention facilities. The Project Engineer shall prepare an estimate of the annual maintenance costs for these facilities that shall be made part of the District formation procedure.
44. **Development Impact Fees.** Development of the project residences will require payment of City Development Impact Fees in effect at the time of issuance of the individual Building Permits in order to lessen development impact on City transportation systems and other public facilities and utilities. These fees shall be paid prior to issuance of the Building Permit for each residence.
45. **Postal Boxes.** Provide one or more "Cluster Box Units (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the Improvement Plans for the subdivision.



SUBDIVISION AREA SUMMARY

EXISTING PARCELS	8.54 AC
APN 073-260-022	
APN 073-260-023	
RIGHT-OF-WAY DEVIATION	2.33 AC
SPRUCE AVENUE	
STURMGARTEN DRIVE	
COTTONWOOD COURT	
SINGLE FAMILY	8.54 AC
APN 073-260-022	
TOTAL AREA (LOTS 1-43)	2.71 AC
NUMBER OF LOTS	5928.80 SF
AVERAGE LOT SIZE	53 UNITS/AC
DENSITY	

- ASSESSORS PARCEL NUMBER:
  - APN 073-260-022
  - APN 073-260-023
- EXISTING ZONING:
  - MF1 - MULTIFAMILY RESIDENTIAL
- PROPOSED ZONING:
  - R-1-6000
- EXISTING LAND USE:
  - VACANT LAND
- PROPOSED LAND USE:
  - SINGLE-FAMILY RESIDENTIAL
- UTILITY SERVICE:
  - A. SEWER - CITY OF CORNING
  - B. STORM DRAIN - CITY OF CORNING
  - C. WATER - CITY OF CORNING
  - D. GAS - CITY OF CORNING
  - E. TELEPHONE - AIRT
  - F. CABLE TV - COMCAST

PUBLIC STREET SUBDIVISION MAP  
TENTATIVE SUBDIVISION MAP

MAGNOLIA MEADOWS

FOR  
JASON & ANNA ABEL

A DIVISION OF PARCEL B AND PARCEL C AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 77-3 RECORDED IN BOOK 4 OF PARCEL MAPS, PAGES 159 AND 160 CITY OF CORNING, TEHAMA COUNTY, CALIFORNIA

**RAR**  
ROLLS ANDERSON & ROLLS  
CIVIL ENGINEERS  
18 YOUNG STREET, SUITE 100  
CORNING, CALIFORNIA 96301  
TELEPHONE 530-992-1422

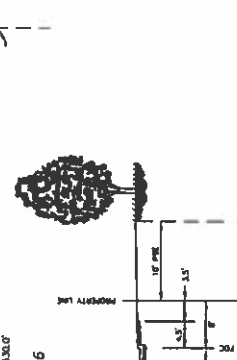
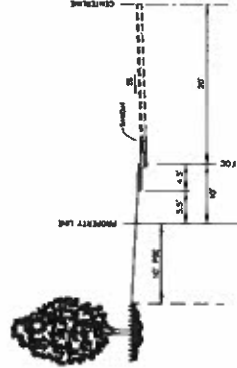
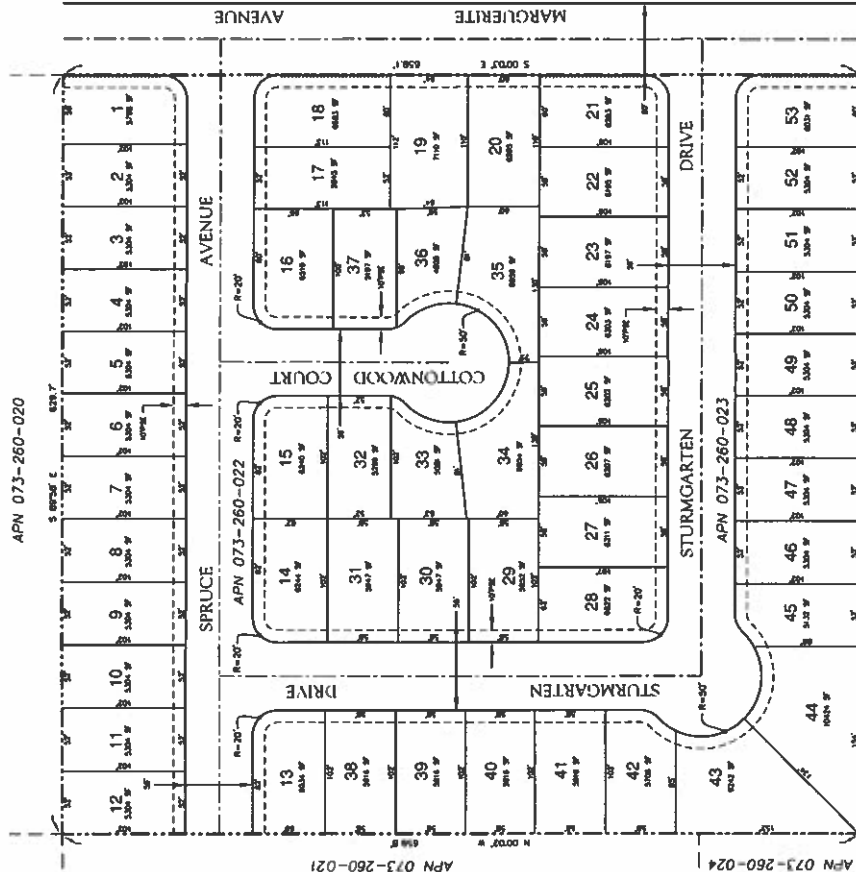
SHEET OF 1

DESIGN MODIFICATIONS

- NON-STANDARD STREET CROSS SECTIONS (SEE RESIDENTIAL TYPICAL SECTION)

NOTES


- THIS PROPOSED SUBDIVISION IS AN UNLINED LAYOUT WITH 43 LOTS. THE PROPOSED ROADS HAVE NOT CHANGED FROM THE PREVIOUS LAYOUT.
- DEVELOPMENT OF THIS PROJECT IS PROPOSED TO BE CONSTRUCTED IN ONE PHASE.
- THE EXISTING SITE HAS BEEN MOVED CHANGED PER THE PREVIOUS LAYOUT. THE EXISTING SITE HAS BEEN MOVED CHANGED PER THE PREVIOUS LAYOUT. THE EXISTING SITE HAS BEEN MOVED CHANGED PER THE PREVIOUS LAYOUT.
- ALL ROADS ARE PROPOSED TO BE PUBLIC.
- THESE SHALL BE 10' WIDE PUBLIC SERVICE EASEMENTS. UTILITY EASEMENTS ARE PROPOSED ALONG SIDE LOT LINES.
- DEVELOPMENT OF THIS PROJECT WILL REQUIRE THE PREPARATION OF DETAILED DRAINAGE AND EROSION CONTROL PLANS SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY OF CORNING.
- SUBDIVISION DRAWING SHALL BE COMPLETED SUCH THAT ALL LOTS ARE LOCATED IN ZONE X AS SHOWN ON FIRM PLAN. 1/4" IN. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- THERE ARE NO PHYSICAL RESTRICTIONS OR CONDITIONS WHICH AFFECT THE USE OF THE PROPERTY.
- DEVELOPMENT OF THIS PROJECT WILL REQUIRE THE PREPARATION OF A STORM WATER POLLUTION PREVENTION PLAN. ALL WALLS GREATER THAN 1.0 FEET IN HEIGHT.
- STORM WATER RUNOFF WILL BE CAPTURED AND PLACED IN CURB CUT LEACH TRENCHES WITH THE OVERFLOW SURFACE DRAINING DOWN MARGUERITE AVENUE.



MARGUERITE TYPICAL SECTION  
NO SCALE

RESIDENTIAL TYPICAL SECTION  
SPRUCE AVENUE, STURMGARTEN DRIVE, COTTONWOOD COURT  
NO SCALE

**ITEM NO.: J-9  
REQUEST CITY COUNCIL DIRECTION  
ON OUTDOOR DINING PERMIT AND  
OTHER FINANCIAL ASSISTANCE FOR  
BUSINESSES AS A RESULT OF THE  
COVID-19 STATE OF EMERGENCY  
July 28, 2020**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**  
**FROM: KRISTINA MILLER, CITY MANAGER**   
**LISA M. LINNET, CITY CLERK**

**SUMMARY:**

City Staff explored options to assist restaurants to easily transition to outdoor dining in light of the State Public Health Officer's order to cease indoor dining operations on July 13, 2020. The attached two applications provide a straightforward process for restaurants to transition to outdoor operations within the public-right-of way or within parking lots or other areas of private property. The application and requirements were reviewed by the City Attorney, Collin Bogener.

This year \$5,000 was budgeted to support material and supply costs associated with Community Events (e.g. Food Truck Tuesday). Given the fact that it is highly unlikely the City will be able to hold a Food Truck Tuesday event this year, Staff requests these funds be permitted to be used to purchase equipment (tables, chairs, awnings, shade structures, etc.) that would then be leased to restaurants at no cost for the duration of the COVID-19 State of Emergency. Staff is requesting an additional allocation of \$5,000, for a total of \$10,000 from General Fund reserves, to 001-6150-3190 to further support businesses. While I am asking for flexibility to provide support based on the specific needs of the business, it will be limited to equipment that would serve a future purpose of the City. For example, tables and chairs would need to be folding in nature so they can be used at future Food Truck Tuesday events. If approved by the City Council, City Attorney Collin Bogener will draft a Standard Lease Agreement. City Planner I, Christina Meeds drafted the attached brochure of equipment that could potentially be leased to businesses.

**FINANCIAL IMPACT:**

Staff is requesting \$5,000 to be allocated from General Fund reserves to 001-6150-3190 to further support businesses in the transition to outdoor operations, for a total of \$10,000.

**BACKGROUND:**

Effective July 13, 2020 the Public Health Officer of the State of California indoor operations in the following sectors were ordered to cease operations:

- Dine-in restaurants
- Wineries and tasting rooms
- Movie theaters
- Family entertainment centers (for example: bowling alleys, miniature golf, batting cages and arcades)
- Zoos and museums
- Cardrooms

At the July 14, 2020 City Council Meeting, Council directed Staff to research means to assist businesses financially impacted by the COVID-19 pandemic.

**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL:**

1. **APPROVE THE TEMPORARY PERMIT PROCESS FOR RESTAURANTS TO TRANSITION TO OUTDOOR DINING WITHIN THE PUBLIC RIGHT-OF-WAY OR WITHIN PRIVATE PROPERTIES; AND**

- 2. WAIVE ALL TEMPORARY OUTDOOR DINING APPLICATION AND PERMIT FEES FOR THE PERIOD OF THE COVID-19 STATE OF EMERGENCY;**
- 3. AUTHORIZE THE LEASE OF EQUIPMENT TO SUPPORT BUSINESS' TRANSITION TO OUTDOOR OPERATIONS;**
- 4. APPROVE THE TRANSFER OF \$5,000 FROM GENERAL FUND RESERVES TO ACCOUNT NUMBER: 001-6150-3190; AND**
- 5. DIRECT STAFF TO DRAFT AND AUTHORIZE THE CITY MANAGER TO EXECUTE EQUIPMENT LEASE AGREEMENTS**



**City of Corning**  
**TEMPORARY USE COVID-19 OUTDOOR DINING**

**This Temporary Use** is intended to assist local Food Establishments to comply with state guidelines regarding operating under recent outdoor dining guidelines while minimizing health and safety risks to employees and customers. The temporary use allows established Food Establishments, currently licensed to operate in Corning, to expand or create outdoor dining areas on private property due to COVID-19.

For any questions regarding the allowance for this temporary use, please contact the Planning Division at (530) 824-7036. Applications may be submitted via email to [cmeeds@corning.org](mailto:cmeeds@corning.org). There is no fee for this temporary permit for the duration of the COVID-19 emergency.

**Business Information**

Organization/Business Name _____
Business Owner Contact Name _____ Phone # _____
Business Owner Mailing Address _____ _____
Business Owner Email _____
Business Tax Number _____

**Property Owner Information**

Shopping Center Name (if applicable) _____	
Property Owner Name _____ Phone # _____	
Property Owner Mailing Address _____ _____	
<i>As the authorized agent of the Property Owner of said Shopping Center, I authorize applicant to utilize the space identified in this application for use as temporary outdoor dining.</i>	
_____	_____
Property Owner	Date

**Restaurant Information**

Shopping Center Name (if applicable) _____
Pre-COVID-19 Seating Capacity: Indoor _____ Outdoor _____ # Parking Spaces _____
Temporary Seating Capacity: Indoor _____ Outdoor _____ # Parking Spaces _____
Use Permit: No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, resolution number: _____
Alcohol Served: No <input type="checkbox"/> Yes <input type="checkbox"/>
Will alcohol be served in a new or modified outdoor seating area? (Y/N) _____

### **Purpose of the COVID-19 Temporary Outdoor Dining**

- ▶ Allows for restaurants to temporarily convert common areas and parking spaces to outdoor dining when located on private property.
- ▶ Tables, chairs, umbrellas, movable barricades and other minor appurtenances may be placed in these areas as allowed and restricted per the standards outlined below.
- ▶ Unenclosed tents (open on four sides) may be utilized for outdoor dining areas as allowed and restricted per the standards outlined below.

### **Who is Eligible?**

- ▶ Restaurants operating at a reduced indoor capacity, with a valid City of Corning business license and all other required licensing.

### **Procedure**

1. Submit this completed form, including property owner authorization and Business Owner signature.
2. Submit a site plan showing the parcel boundary lines, limits of the outdoor dining area, as well as the number and location of tables. This will be reviewed to ensure Fire Department access is not impeded, tables do not conflict with traffic patterns, adequate parking remains available to customers, and ADA compliance.
  - a. Plan MUST show: dimensions of the proposed outdoor dining area, number and size of tables, number of seats per table, spacing between tables, lighting (where applicable), and any other proposed changes. The plan shall indicate the location and number of all usable off-street parking areas under the proposed configuration. If the plan proposal includes a tent, the tent can only be used as a type of roof covering without sides. Dimensions of the tent(s) MUST be provided.
  - b. Plan may be hand-drawn on an aerial photo printed from Google Maps or similar service.
  - c. The business owner is responsible for implementing all industry guidance for re-opening from the California Department of Public Health and Tehama County Public Health Department.
3. Submit general liability insurance of \$1 million per occurrence and \$2 million in the aggregate with additional insured endorsements CG 20 12\* or CG 20 26. Must provide certificate of insurance listing the City of Corning as a named insured and include policy declarations, coverage part, and schedule of forms (endorsement/exclusions list).
4. Where proposed outdoor dining DOES NOT include vehicular use areas, City staff will verify that all required information has been provided and will send a reply email to the business owner stating that the restaurant has been authorized for the temporary outdoor seating arrangement. The email shall list any conditions of approval necessary to meet code requirements or to restore the temporary seating area to its previous state. Upon receipt of that email, the temporary outdoor seating may begin operation. City staff will subsequently visit the establishment to assist the restaurant owner or restaurant manager in assuring compliance with all applicable requirements.
5. Where the proposed outdoor seating DOES include vehicular use areas, City staff will verify that all required information has been provided and will route the proposal for review by the Public Works Department and Fire Marshal. Should the review result in approval, City staff will send a reply email to the business owner stating that the restaurant has been approved for the new/additional outdoor seating. This initial approval email shall include any conditions of approval (if applicable), and provide notification that the operator must call to schedule an inspection

once the temporary seating arrangement has been set up. The restaurant owner or restaurant manager must be present in order to immediately address any compliance issues. Following a passing inspection, City staff shall send a final email stating that the new/additional outdoor seating is approved to begin operation.

6. Any additional conditions or requirements will be included in the final application approval.

#### **Standards for Temporary Use - COVID-19 Outdoor Dining**

1. The temporary use shall be in accordance with all Executive Orders of the Governor, Executive Orders of the City of Corning or County of Tehama, City of Corning Regulations, Tehama County Regulations, and the California Department of Health Regulations.
2. The temporary use shall comply with all applicable Fire Department regulations.
3. Operations authorized are limited solely to temporary outdoor dining on private property. Additional activities or operations other than patron dining are not allowed. No parties or special events.
4. Under no circumstances shall the total pre-COVID-19 seating capacity of an establishment be increased as a result of this authorization. The intent is to mitigate the amount of the reduced indoor seating capacity by allowing additional outdoor seating capacity.
5. Open sided tents may be installed over approved outdoor dining areas for protection from the elements, consistent with applicable building and fire codes. All temporary shade protection structures may be subject to removal at the direction of the Building Division (e.g., in the event of extreme weather).
6. No streets, fire lanes, driveways, access easements, or other shared means for traffic circulation shall be impeded or blocked.
7. A maximum of fifty percent (50%) of the number of normally required parking spaces may be occupied or otherwise rendered unusable by the placement of temporary seating and other features associated with the temporary use. Such maximum may be increased or decreased at the discretion of the City's Public Works Director based on unique site conditions.
8. Outdoor dining areas shall be separated from parking and vehicular use areas by temporary physical barriers (e.g. planters, dividers, chain with stanchion post, etc.).
9. All sidewalks or other pedestrian paths must maintain a minimum five-foot width. A three-foot width shall be permitted where passing areas of at least a five-foot width are located at least every 200 feet
10. A minimum of six feet of distance must be maintained between table groups.
11. Each table group shall be limited to parties of no more than ten (10) individuals.
12. New/additional outdoor seating shall not block any established exits from any building.
13. Seating areas shall not encroach into any required landscaped areas or buffers.
14. Umbrellas, tables, chairs, or tents shall not block any public rights-of-way, fire lanes, hydrants, or ADA parking spaces.
15. ADA parking spaces shall not be used for outdoor dining purposes. All existing ADA access and parking shall be maintained.
16. To ensure that all dining establishments are afforded an equitable opportunity to establish temporary outdoor seating arrangements, no business owner shall be authorized to have outdoor dining on sidewalk space in front of another dining establishment. Outdoor dining areas provided within parking lots shared with another dining establishment shall be limited to the width of the associated tenant suite as determined feasible by the Community Development Director.
17. Temporary outdoor dining shall be allowed within the same hours of operation of the establishment.
18. Any alcohol sales or consumption shall comply with State and local regulations.
19. Permanent plumbing, electrical, and lighting fixtures shall not be installed pursuant to this



authorization. All such temporary improvements shall be properly permitted, as applicable, and removed once social distancing guidelines by the California Department of Public Health are lifted.

20. Any direction by the Fire Marshal to modify or discontinue the temporary use due to safety concerns shall be heeded immediately.
21. All outdoor dining areas must be maintained and kept clean of litter.
22. The temporary outdoor dining authorization may be revoked if compliance with the standards listed above is not maintained.
23. The City reserves the right to require the removal of temporary outdoor dining should it, in the opinion of the City, pose a hazard to the health, safety, and/or welfare of the public.
24. Upon expiration of State order restricting indoor seating capacity, the temporary outdoor dining use shall cease within five days from the date of the order expiration. Following this cessation, the area used for temporary outdoor dining shall be returned to its previous state. If a business should desire to continue outdoor dining, they shall apply for a permanent outdoor dining permit with the City of Corning.

**Conditions of Use:**

25. **Incorporation of Standards for Temporary Use COVID-19 (Outdoor Dining).** The standards for operation of a temporary outdoor dining use and any additional conditions to ensure adherence to same are incorporated herein by this reference. Business Owner expressly agrees to abide by each and every one of these standards and conditions.
  26. **Indemnification.** To the fullest extent permitted by law, during the operative period of this
  27. **Temporary Use, Business shall defend (with counsel of City's choosing), indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Business, its officials, officers, employees, sublessees, consultants or agents in connection with Business's activity under this Temporary Use including without limitation the payment of all consequential damages, expert witness fees and attorneys' fees and other related costs and expenses. Business shall reimburse City and its officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Business's responsibility for such defense and indemnity obligations shall survive the of this Temporary Use for the full period of time allowed by law. The defense and indemnification obligations are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Temporary Use or as determined by the City's Risk Manager. Business's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by City, its directors, officials, officers, employees, agents, or volunteers.**
  28. **Removal or Relocation of Improvements.** Pursuant to the conditions of operation, no fixed improvements are permitted. City reserves the right to order the removal or relocation of any fixed improvements at Business Owner's cost. Business Owner hereby grants to City the right to remove or relocate any such fixed improvements and to come upon Business Owner's premises to effect said removal or relocation if deemed necessary by City. Business Owner waives any claim or right it may have for inverse condemnation, damages, or loss of income or business resulting from said removal. Upon removal or relocation of said improvements, all rights of Business Owner under this agreement shall terminate.
- a. **Duty to Comply with the Law.** Business Owner shall comply with all applicable local, State, and Federal laws and regulations at all times during the effective period of this agreement, including, but not

limited to, laws regarding the obstruction of vehicular traffic, the Americans with Disabilities Act (ADA), California Alcohol Beverage Control (ABC) regulations and orders relating to the service of alcohol, and County health laws regarding provision of food services.

- b. **Insurance.** Business Owner shall procure and maintain for the duration of this Temporary Use for Covid-19 (Outdoor Dining) insurance against claims for injuries to persons or damages to property which may arise from or in connection with this Temporary Use for Covid-19 (Outdoor Dining). The cost of such insurance shall be borne by Business Owner. No later than 7 days after the requested start date of outdoor activities, Business Owner shall provide the City with proof of insurance, satisfactory to the City's Risk Manager, adding the City of Chico as an additional insured on Business Owner's insurance policies. Questions about coverage requirements may be made to [cmeeds@corning.org](mailto:cmeeds@corning.org)
- c. **Alcohol Sales or Service.** If Business Owner proposes to sell or serve alcohol as a part of its outdoor activities, Business Owner shall furnish, along with this Temporary Use for Covid-19 (Outdoor Dining), proof of a liquor liability coverage endorsement or policy. Business Owner shall obtain authorization by ABC for outdoor alcohol service prior to operation and provide documentation of such upon request.
- d. **Violation of Agreement.** Any violation of this Temporary Use for Covid-19 (Outdoor Dining) or any other local, State, or Federal law shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such; violations of this Temporary Use for Covid-19 (Outdoor Dining) or the provisions of the Order may result in the immediate termination of this Temporary Use for Covid-19 (Outdoor Dining) and the cessation of any activities authorized by this Temporary Use for Covid-19 (Outdoor Dining) or the Order. The City shall not be responsible for any liability or damages associated with issuance or revocation of a Waiver, or with the immediate suspension of outdoor Business Establishment activities as provided for under this Order, and the Business Establishment, affiliates, successors, and assigns, in accepting a Waiver agree to release, hold harmless, and defend the City from any such liability.
- e. **No Vested or Ongoing Rights Conferred.** Business Owner understands and agrees that this Temporary Use for Covid-19 (Outdoor Dining) and the Order confer no vested rights to any ongoing or continued activities, and any and all activities authorized by this Temporary Use for Covid-19 (Outdoor Dining) and the Order are temporary in nature and granted solely to enable businesses to operate in compliance with State, County, and local orders regarding social distancing and COVID-19.
- f. **Non-Transferable.** This Temporary Use for Covid-19 (Outdoor Dining) is non-transferable. Only the Business Owner with whom this Temporary Use for Covid-19 (Outdoor Dining) was entered shall be permitted to engage in the activities authorized herein.
- g. **Independent Contractor.** It is understood and agreed that Business Owner, in the performance of this Temporary Use for Covid-19 (Outdoor Dining), will be acting in a wholly independent capacity and not as agent, employee, partner, or joint venturer of City.
- h. **Entire Agreement.** This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations of modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged and duly recorded.

THE UNDERSIGNED AGREES THAT THE PROPOSED ACTIVITIES DESCRIBED ABOVE SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THE TERMS AND CONDITIONS ABOVE, THE ORDER, AND ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL LAWS.

\_\_\_\_\_  
Business Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner  
AUTHORIZED:

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City of Corning, Planning Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Corning Public Works Department

\_\_\_\_\_  
Date

Final Approved Application will include:

- Completed Temporary Use COVID-19 Outdoor Dining application signed by all parties listed above.
- **Attachment B** Additional Conditions Required by the City
- **Attachment C** Complete Insurance Documentation including Additional Insured Endorsement

**APPLICATION FOR PERMIT TO USE THE PUBLIC RIGHT-OF-WAY  
FOR OPERATION OF OUTDOOR CAFE  
(TEMPORARY IMPROVEMENTS)**

The following requirements must be met prior to issuance of permit:

- ◆ Original Application. Please complete sections I, II, III and IV.
- ◆ The initial fee for an Outdoor Cafe permit for Temporary Improvements is waived.
- ◆ Signed conditions of approval.
- ◆ A commercial general liability insurance policy must be obtained.
- ◆ A City of Corning Business License is required. If the business does not already have a business license, one must be obtained from the City's Finance Office, 1108 Solano St. 530-824-7020.
- ◆ A site plan drawn to scale that includes table placement and a photograph of the front of the applicant's restaurant depicting the area within the public right-of-way proposed to be used for the outdoor cafe. Provide sufficient pages/sheets to clearly show this area.
- ◆ An indemnification agreement in a form approved by the City Attorney (see attached).

Additional conditions of approval determined by the director to be applicable may also apply.

If you have any questions, please feel free to contact the City Public Works Department at 824-7029 or by emailing [angela@corning.org](mailto:angela@corning.org)

CITY OF CORNING APPLICATION FOR A LICENSE TO  
CONDUCT A PUBLIC RIGHT OF WAY CAFE

Date application filed: \_\_\_\_\_

INSTRUCTIONS: Prepare one copy of this form, printing or typing accurately and completing the information requested in SECTIONS I, II, and III only. If this form is filled out by an individual for an organization, documentation of the authority under which the applicant is applying must be provided. Attach additional sheets as necessary to fully complete this form. Please refer specifically to the section number for which you are providing supplemental information. Sign and date in the space provided at the end of Section IV. Application should then be submitted for processing to the office of Planning, City hall 794 Third St., Corning, California. If license is approved, you will be requested to sign and date Section IV - Acceptance of License.

SECTION I. APPLICANT INFORMATION:

APPLICANT/AGENT NAME: \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_

PROJECT ADDRESS OR LOCATION:

Mailing Address: \_\_\_\_\_

Telephone: Business: (    ) \_\_\_\_\_ Home (    ) \_\_\_\_\_

SECTION II. ADDITIONAL INFORMATION REQUIRED FOR PUBLIC RIGHT OF WAY CAFES:

APPLICANT'S STATEMENT OF INTENT:

Please describe what you propose to do. (Include days of the week and times of day)

SECTION III. CERTIFICATION OF APPLICANT:

1. Read each of the statements below. After you have read the statements and understand them, please sign and date in the space provided at the end of this section.
  - a. I certify that I have read this application thoroughly, followed any and all instructions, understand its contents and supplied true and correct information herein to the best of my knowledge and belief.
  - b. I understand that falsification or misrepresentation on my part of any of the information that I have supplied above constitutes sufficient grounds for denial of this application, or for revocation of any license which may be hereafter granted, should any of my responses be determined to be false and/or misleading.
  - c. I certify that I will comply with all pertinent provisions of the Corning Municipal Code, and all other applicable laws, rules and regulations.
  - d. I understand that any license which may be granted will be subject to revocation by the City, after due notice to the parties concerned, in the event of any breach by me of any of the conditions under which it was granted.
  - e. For liability coverage purposes, it is my intent and the City of Corning's intent (hereinafter referred to as the "Parties"), that this permit is a written contract between the Parties. Pursuant to the insurance policy related to this permit/written contract, and consistent with the Certificate of Liability Insurance and Additional Insured Endorsements, the Parties hereby attach and incorporate by this reference, the Certificate of Liability Insurance and Additional Insured Endorsements, which are further expressly made a material part of the said permit/written contract between the Parties.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

SECTION IV. ACCEPTANCE OF LICENSE:

This section is to be completed by applicant after granting of license per SECTIONS V and VI below. When applicant has completed this section, he or she will receive a copy of the form and the remaining copies will be distributed as shown below.

"I certify that I accept this license and agree to comply with any and all conditions, including the 'Conditions of Approval' (Exhibit A, attached), which may be a part of the license, and to comply with all applicable provisions of the Corning Municipal Code, as well as the requirements of any other pertinent provisions which may be set forth within the laws of the County of Tehama and/or the State of California."

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

SECTION V. REVIEW AND RECOMMENDATIONS:

1. Recommendations by Police Department:

2. Recommendations by Fire Department:

3. Recommendations by Public Works Department-Operations & Maintenance:

4. Recommendations by Community Development Department-Code Enforcement:

5. Recommendations by Community Development Department-Planning:

SECTION VI. APPLICATION APPROVAL/DENIAL:

Determination by Public Works Director:

Approved \_\_\_\_\_ Approved with modifications \_\_\_\_\_ Denied \_\_\_\_\_

Modifications/Special Conditions: This license expires one year from the date of issuance.

Date of Issue: \_\_\_\_\_

SECTION VII. REVOCATION

The penalty for failure to comply with any of the provisions or conditions of approval will result in revocation of the license.

Appeal of Determination to City Manager:

1. Where the applicant is not satisfied with the action of the City, either due to denial, revocation, or unacceptable conditions, the applicant shall have the right to appeal said action.
2. The appeal must be commenced within 15 days from the postmarked date on which written notice of denial or revocation was received by the City.



CITY OF CORNING CONDITIONS OF APPROVAL -  
PUBLIC RIGHT OF WAY/ OUTDOOR CAFE (TEMPORARY IMPROVEMENTS)

1. This license is valid for the period of the COVID-19 State of Emergency from date of issue. The City retains the right to revoke the permit if the applicant fails to comply with the conditions of the permit.
2. The hours of operation of outdoor cafes shall be limited to the hours of 6:00 a.m. and 11:00 p.m. of the same day.
3. Outdoor cafes shall not obstruct sidewalk pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.
4. None of the furniture or other improvements shall block any exit - 36" minimum width to be maintained at all times.
5. A five-foot minimum paved clear and unobstructed dimension for pedestrian use shall be required that complies with the Americans with Disabilities Act and all requirements for disabled access.
6. Outdoor cafes shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed.
7. Signs not in conformance with the sign ordinance are prohibited.
8. Lighting shall not be affixed to any vehicle, tree, or other city property.
9. No smoking shall be permitted.
10. Any alcohol sales or consumption shall comply with\_ State and local regulations. If Business Owner proposes to sell or serve alcohol as a part of its outdoor activities, Business Owner shall furnish, along with this Application, proof of a liquor liability coverage endorsement or policy. Business Owner shall obtain authorization by ABC for outdoor alcohol service prior to operation and provide documentation of such upon request.
11. Noise produced by any audio equipment or other device used to attract attention to the place where the food or beverage is being sold shall not exceed the noise limits prescribed by state of California of City of Corning laws and regulations. Live amplified music shall not be allowed.
12. Except as permitted by the director, equipment used in the operation of an outdoor cafe in the public right-of-way shall be removed from the public right-of-way when the operation is not in use.

13. Equipment used and improvements built for the operation of an outdoor cafe in the public right-of-way shall be maintained and operated in a safe and sanitary manner and in a manner which does not unreasonably obstruct or interfere with the use of a city public right-of-way.
14. Drainage facilities shall remain clear and operational at all times at the sole expense of licensee and all other public facilities and public utilities shall remain free and clear of all obstacles and obstructions.
15. The sidewalk area within 100 feet of the restaurant and outdoor cafe shall be monitored for trash that may be produced by the operation of an outdoor cafe and the licensee at licensee's sole expense shall be responsible for keeping this area clean.
16. License holder to periodically (once every three months) power wash sidewalk/hardscape in the sidewalk cafe area. Prior to washing, license holder shall sweep and collect debris in area to prevent garbage from going into storm drain. License holder to maintain bricks and sidewalk flat without trip hazards.
17. Appropriate receptacles for trash shall be present in outdoor cafes located in the public right-of-way during all hours of operation and shall be removed from the public right-of-way when the operation is not in use. Receptacles are to be of a type approved by the director. Trash receptacles shall be durable, water tight, non-leaking, flame/fire resistant container(s) of appropriate size and/or quantity that is suitable for the volume of refuse generated by the permittee to eliminate accumulation of waste outside of the container. Receptacles shall be emptied regularly, and maintained in a clean and orderly fashion free of noxious orders.
18. The applicant shall contact Code Enforcement (824-7036) for a final inspection of the sidewalk cafe area to insure compliance with conditions of approval prior to operation of the sidewalk cafe.
19. The licensee shall agree, through the execution of an agreement in a form approved by the City Attorney, to hold the city and its elected officials, officers, employees, and agents harmless from any and all liability arising from operation of the outdoor cafe.
20. Licensee shall provide the City with proof that insurance has been obtained. Insurance coverage shall conform to the following:
  - a. Commercial general liability insurance from one or more U.S. domiciled insurance companies licensed to do business in the State of California with an A.M. Best Company rating of "B" or better, or in the alternative, an unlicensed U.S. domiciled company or companies with a rating of "A", which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence, and \$2,000,000 in the aggregate, with a maximum policy deductible of \$5,000. An Occurrence policy is required.
  - b. Separate policy endorsements attached to the certificate shall also provide that:

1. The City of Corning, its officers, boards and commissions, and members thereof, its employees and agents are covered as additional insureds as respects to any liability arising out of the activities of the named insured.
  2. The insurance coverage afforded by this policy shall be primary insurance as respects to the City of Corning, its officers, officials and employees. Any insurance or self-insurance maintained by the City of Corning, its officers, officials or employees shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to it.
  3. The insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage.
- c. Said insurance coverage shall be executed by an authorized official of the insurer(s).

21. Licenses shall not be transferable in any manner.

- Application/Renewal Fee
- Insurance Certificate
- Copy of current business license or business license number
- Site Plan
- Photograph(s) of the area requested for use as Cafe
- Indemnification Agreement
- No smoking requirement

I have read, understand and will comply with all conditions set forth herein.

---

Signature of Licensee

---

Date

INDEMNIFICATION AGREEMENT REGARDING LICENSE  
AUTHORIZING OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY

THIS INDEMNIFICATION AGREEMENT (Agreement) is made on \_\_\_\_\_, 2020, by \_\_\_\_\_ a(n) \_\_\_\_\_ (Licensee) in regard to the license issued by the City of Corning (City) to Licensee, which authorizes Licensee to operate at an outdoor cafe at the following location:

IN CONSIDERATION OF the issuance of such license, Licensee, by these presents, hereby agrees to hold the City, its boards and commissions and members thereof, its officers, employees and agents, harmless and free from any and all liability, damage or loss arising out of the operation of the Licensee's outdoor cafe where such liability, damage or loss is proximately caused by the negligent or intentional act or omission of Licensee, any officer, employee, customer, or agent of Licensee, or any person who is under Licensee's legal control. Should City or any of its boards or commissions or members thereof, its officers, employees or agents, be named in any suit, or should any claim be made against any of them by suit or otherwise, whether the same be groundless or not, arising out of or relating to any such negligent or intentional act or omission of Licensee, any officer, employee or agent of Licensee, or any person who is under Licensee's legal control, then Licensee shall defend the City, its boards and commissions or members thereof, its officers, employees and agents, and shall indemnify them from any judgment rendered against them, or for any sums paid out in settlement or otherwise, including but not limited to any litigation costs and attorney fees whether incurred by or awarded against any of them.

IN WITNESS WHEREOF, Licensee has executed this Agreement in the City of Corning, County of Tehama, State of California, on the date set forth above.

\_\_\_\_\_  
Licensee

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Collin Bogener, City Attorney

\_\_\_\_\_  
Date

## CITY OF CORNING -

### Insurance Requirements

#### Insurance Submission

The Certificate of Insurance, required endorsements, waivers, and declarations should be sent directly to the City of Corning's Risk Management Office.

The City of Corning's preferred method for certificate submission is email. Emailed certificates should be included with the Application. Certificates that have been emailed should not also be sent in hard copy to the City.

#### Minimum Requirements for all Agreements & Permits

- Certificate of Insurance Listing the City as Named Insured: The City of Corning, its officers, boards and commissions, and members thereof, its employees and agents
- Policy Type: An Occurrence policy is required
- Additional Insured Endorsement: Non-ISO forms must be at least as broad as the specified ISO form listed in the requirements.
- Primary & Non-Contributory Endorsement: Primary and non-contributory language must be endorsed or included in the policy form.
- Notice of Cancellation: Thirty (30) day prior notice of cancellation or material change in coverage. Ten (10) day notice for non-payment of premium is acceptable.



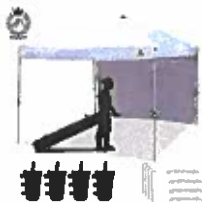
## CORNING OUTDOOR DINING



10 x 20' EZ Pop up Tent  
Steel powder coated legs  
210 D Oxford fabric cover



10 x 15' Pop up Canopy Powder  
coated steel frame with  
waterproof 210D Oxford fabric  
cover



10 x 10' Pop up Canopy with  
one side wall and 4 weight  
bags



6' metal folding picnic table featuring  
a powder coated all weather finish,  
umbrella ready



28\"/>  
Commercial grade  
folding table and chairs

**Available for rent**



6' Heavy duty folding plastic table. NOT umbrella ready



9' Patio Umbrella tilt and crank



10' Solar lighted Umbrella tilt and crank



Triangle Sun Shade, many sizes available made of High Density Polyethylene  
Businesses must supply their own posts

**Setting up and taking down daily will be the responsibility of the business**



**794 Third St.  
www.corning.org**