



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION AGENDA
TUESDAY, OCTOBER 13, 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 LOCAL OFFICIALS:
COVID-19 (State of California Executive Order N-35-20-Order No. 2)

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

POSTED: THURSDAY, OCTOBER 8, 2020



**CITY OF CORNING
CITY COUNCIL MEETING AGENDA
TUESDAY, OCTOBER 13, 2020
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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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: 6:30 p.m.

B. ROLL CALL:

Council:

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

Mayor:

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

D. INVOCATION: Led by Councilor Burnett.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

- 1. Proclamation: National Domestic Violence Awareness Month – October 2020.** Present to accept the Proclamation will be Maggie Michael, Empower Tehama Domestic Violence Victims Advocate.
- 2. PROCLAMATION: October 22, 2020 as "Lights on After School Day".**
- 3. COVID-19 Update by City Manager.**

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

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.

- 4. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 5. Waive the reading and approve the Minutes with any necessary corrections of the following City Council Meetings:**
 - a) September 22, 2020 City Council Meeting; and**

- b) September 28, 2020 Special City Council Meeting.
 - 6. October 7, 2020 Claim Warrant in the amount of \$411,111.30.
 - 7. October 7, 2020 Business License Report.
 - 8. September Wages & Salaries: \$376,232.19.
 - 9. September 2020 Treasurer's Report.
 - 10. September 2020 Building Permit Valuation Report in the amount of \$256,596.
 - 11. September 2020 City of Corning Wastewater Operations Summary Report.
- H. ITEMS REMOVED FROM THE CONSENT AGENDA:**
- I. PUBLIC HEARINGS AND MEETINGS:**
- J. REGULAR AGENDA:**
- 12. Provide Staff direction regarding establishment of a Noise Ordinance.
 - 13. Authorize Public Works to seek proposals for a three-year Street Striping Service Agreement.
 - 14. Provide Staff direction for the installation of the Yost Park playground equipment.
- 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!:**

POSTED: FRIDAY, OCTOBER 9, 2020

**PROCLAMATION
NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH
OCTOBER 2020**

WHEREAS, October is annually recognized as National Domestic Violence Awareness Month.

WHEREAS, approximately 40% of California women experience physical intimate partner violence in their lifetimes, and women 18-24 years of age are significantly more likely to be survivors of physical intimate partner violence than women in other age groups.

WHEREAS, domestic violence affects people of all genders, sexual orientations, ages, cultural, social, religious, and economic groups in the United States, and undocumented individuals, transgender individuals, and people living with disabilities can experience more vulnerability to domestic violence.

WHEREAS, domestic violence has a significant economic impact on women, throughout the country, an estimated 8 million days of paid work is lost because of domestic violence.

WHEREAS, children exposed to domestic violence can experience long-term consequences including difficulty at school, substance abuse, behavioral problems in adolescence and serious adult health problems.

WHEREAS, in 2017, California law enforcement agencies received 169,362 domestic violence related calls, there were 90 domestic violence related homicides, and 8% percent of all homicides were domestic violence related.

WHEREAS, domestic violence programs provide essential, lifesaving services for survivors, their children, and communities. Education, awareness and understanding of domestic violence and its causes, and a need to focus on the individualized needs of domestic violence survivors continues to be needed. Although progress has been made towards prevention and providing support to survivors and their families, important work remains to be done.



NOW, THEREFORE BE IT RESOLVED that I, Robert Snow, as Vice Mayor of the City of Corning, do hereby proclaim the month of **OCTOBER 2020** as “**NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**” in the City of Corning and urge all citizens to join me in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Corning to be affixed this 13th day of October 2020.

Robert Snow, Vice Mayor

ATTEST:

Lisa M. Linnet, City Clerk

PROCLAMATION
OCTOBER 24, 2019
“LIGHTS ON AFTER SCHOOL” DAY

WHEREAS, the City of Corning stands firmly committed to the opportunities offered through the Safe Education and Recreation for Rural Families (SERRF), Expanded Learning Program because they:

- Provide safe, challenging, engaging and healthy learning experiences to 1400 kindergarten through eighth grade students to develop their academic enrichment and recreation skills in coordination with schools to support the Common Core Student Learning Standards.
- Support working families by ensuring their children are safe and productive after the regular school day at all 23 public Tehama County Elementary and Middle Schools; and
- Build stronger communities by involving our students, parents, business leaders and partners in the education of our young people; and
- Promote the Tehama County Department of Education’s commitment to “Sore Higher” by focusing on the California Department of Education’s Quality Standards for Expanded Learning, including healthy choices and behaviors, skill building, and active and engaged learning.

WHEREAS, the SERRF Expanded Learning Program, has established high expectations for student achievement, promoting the importance of college and career readiness for all Tehama County Students.

WHEREAS, “**Lights on After School**”, a national celebration of afterschool programs to be held on October 22nd promotes the critical importance of quality afterschool programs in the lives of children to benefit their families and communities.



NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Corning urge the citizens of Corning to ensure that every child has access to a safe, engaging place where the “**LIGHTS ARE ON**” after school; and

BE IT FURTHER RESOLVED THAT I, Robert Snow as Vice Mayor of the City of Corning, enthusiastically endorse **LIGHTS ON AFTERSCHOOL** and am committed to innovative afterschool programs and activities that ensure that the lights stay on and the doors stay open for all children after school.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Corning to be affixed this 13th day of October 2020.

Robert Snow, Vice Mayor

ATTEST:

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 22, 2020
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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:

All members of the City Council were present except Mayor Hatley.

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

D. INVOCATION: Led by Councilwoman Burnett.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

1. Proclamation: October 4th – 10th 2020 as Fire Prevention Week in the City of Corning.

The Proclamation was read by City Clerk Lisa Linnet and presented to Fire Chief Tom Tomlinson by Vice Mayor Robert Snow. Chief Tomlinson emphasized that it is good to have a fire extinguisher in the kitchen and a working fire alarm.

2. Status update on the Solano Street Remediation provided by City Attorney Collin Bogener.

City Attorney Collin Bogener provided a brief statement on the City's efforts to remediate the issue. He stated that first and foremost, this matter is currently in litigation which limits the details he reports, as that would waive necessary confidentiality in trial and potentially hurt the City's case. The City Council and City Manager want to provide the public with answers to their questions regarding this subject but they are following his direction to keep the matter confidential so as not to jeopardize the case at trial based on a confidentiality waiver.

He stated that in 2015/16 work was performed and completed on Solano Street pursuant to the Solano Streetscape Project. The Project was engineered by City Engineer Ed Anderson and the work was performed by Trent Construction along with some Subcontractors. Shortly after completion of the project, the condition of the street began to subside and deform which resulted in very rough transitions at the intersections. The work is now far worse than it was prior to the project.

The City is alleging that the subsiding and deformity was caused by the negligence of Engineer Ed Anderson, Trent Construction, and Subcontractor Eagle Paving. A lawsuit has been filed by the City against those three parties, and trial has been scheduled for August of 2021 with Judge Thompson in Colusa County. The distant date is due to the fact that Colusa County only has two Judges and COVID-19 has delayed trial setting. Mr. Bogener stated that the lawsuit seeks recovery from the alleged negligent parties for the costs to make the necessary repairs. The parties are also actively trying to mediate the case, which would allow for a sooner resolution.

Mr. Bogener further stated that because litigation can take a very long time to resolve, the City is moving ahead in coordinating the necessary fix for the roadway as opposed to waiting for resolution at trial. The City is working with our Engineers and hope to have an RFP (Request for Proposals) prepared before the end of the year. The RFP Proposal will be brought before the City Council at a regular meeting for approval prior to being sent out.

In conclusion, City Attorney Collin Bogener stated that the City is simultaneously moving forward with fixing the road through the regular route of preparing engineering work and putting the job out to bid; and pursuing the alleged negligent parties in Court to recover the costs associated with the repair. He re-emphasized that although the City is moving forward as diligently as possible, the process is lengthy and will still take some time.

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

Currently to date there have been 508 confirmed cases in Tehama County, those testing positive have been primarily coming from the Corning area. She emphasized the need for everyone to continue wearing masks so that we can get our businesses open.

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

John Richards addressed the Council regarding a need for a noise Ordinance in the City. He referred to an incident last Saturday night which occurred at a residence two blocks from his home. City Manager Miller responded explaining some of the issues that our Police Officers have encountered. Police Chief Fears also responded stating that the Corning Police Department currently enforces California Penal Code Section 415(2) and the California Vehicle Code Section 27007 to address this issue and stated the associated fines/penalties associated with these Code Sections. Vice Mayor Snow stated that this issue can not be addressed tonight, however the Council can direct Staff to look into this. He then asked that it be placed on the next agenda.

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.

4. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
5. **Waive the reading and approve the Minutes with any necessary corrections of the September 8, 2020 Closed Session and Regular City Council Meeting.**
6. **September 16, 2020 Claim Warrant in the amount of \$356,870.45.**
7. **September 16, 2020 Business License Report.**

Councilor Valerio moved to approve Consent Items 4-7; Councilor Burnett seconded the motion.

Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.

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

I. PUBLIC HEARINGS AND MEETINGS:

8. **Public Hearing: Consider objections/appeals from the property owners of 803 Butte Street and 852 Hickory Street and adopt Resolution 09-22-2020-01 declaring a public nuisance on both properties, and authorize the Fire Chief and City Clerk to initiate abatement procedures as outlined in the City's Municipal Code.**

Introduced by Fire Chief Tom Tomlinson who announced that both property owners were sent notices and concluded by stating that neither property has been cleaned up. The Public Hearing was opened at 6:50 p.m.; with no comments the Public Hearing was closed at 6:50 p.m.

Councilor Demo moved to declare that a public nuisance exists on the properties at 803 Butte Street and 852 Hickory Street, that such conditions are seasonal and recurrent nuisances, and authorize the Fire Chief and City Clerk to initiate abatement procedures including, but not limited to issuing misdemeanor violations and civil penalties on these properties/parcels as specified in the City's Municipal Code as well as liens to recoup any costs incurred by the City for the abatement. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

9. **Public Hearing: Addendum and Rezone 2020-2, Tentative Tract Map 20-1000, TK Ranch: Request to rezone approximately 9.95-acre parcel from R-1-8000 to R-1-4000 and subdivide into 47 Single Family Residential Lots. Location: South side of East Carona Avenue approximately 1,328 ft. east of the Marguerite Intersection. APN: 073-120-018.**

Presented by Planner I Christina Meeds who stated that initially Mr. Kay of TK Ranch submitted a Tentative Tract Map 05-1021 to create 35 Single Family Residential Parcels in 2005 which were never completed. A CEQA study was completed by City Staff at that time.

Mr. Kay recently submitted a Rezone 2020-2, to rezone 9.95 acres from R-1-8000 to R-1-4000 and approval of Tentative Tract Map 20-1000 on June 16, 2020 to the City's Planning Commission for an increase in lots from 35 to 61. In response to concerns from neighboring property owners, the Planning Commission continued the June 16th Public Hearing to August 18, 2020 for a traffic study to be prepared to address potential traffic impacts associated with the proposed increase in lots from 35 to 61. The proposed TK Ranch Rezone 2020-2 and Tentative Tract Map 20-1000 traffic study was presented confirming that the Project would have no significant impact, in fact, the updated traffic study indicated an improvement of the level of service due to the installation of the traffic light at Marguerite and Solano Streets since the original study was performed. Two neighbors remained concerned about the proposed rezone to R-1-4000. As a result, there was a lack of a motion on this issue.

As a result of the Planning Commissions lack of a motion, the Developers have resubmitted Rezone 2020-2 and Tentative Track Map 20-1000 with a significant decrease in the number of lots from 61 to 47 with an increase in lot size for consideration. The smallest lot size would be 5,251 sq. ft. and the largest 10,417 sq. ft., the average lot size would be 6,274 sq. ft. This is an increase of 12 lots from the original 35 approved lots. Ms. Meeds stated that the Planning Commission, at the September 15, 2020 Planning Commission Meeting voted in favor of the project 4 to 1 with the added Condition of Approval (#52 to state that Tentative Tract Map 20-1000 is not allowed to have a lot smaller than the proposed minimum 5,251 sq. ft.) , approval of the 8 Factual Subfindings and 9 Legal Findings, and recommended the project to the City Council. She concluded by stating that tonight Staff is requesting City Council approval of the proposed Rezone 2020-2 and Tentative Tract Map 20-1000 subject to the 52 Conditions of Approval and 8 Factual Subfindings and 9 Legal Findings as presented.

Vice Mayor Snow opened the Public Hearing at 7:54 p.m.; Mr. Kay was present and commented that he appreciated the assistance of City Staff on the proposal presented. With no other comment the Public Hearing was closed at 7:55 p.m.

Councilor Demo stated his concern regarding the traffic study, specifically the traffic on East Carona to Oren, this road is bad. Mr. Kay stated that City Manager Miller could best address this. City Manager Miller stated that as Council is aware the City prioritized road/street repairs to those most traveled and in the worst condition. She stated that Oren Avenue was not known to be a City road until recently which is one reason it has not been addressed in the past...as well as the reduced number of homes in that vicinity.

Vice Mayor Snow stated that he also has concerns related to the road. He asked the City Attorney what legal issues could stem from this and stated that he would like to see City staff look into a possible overlay and street widening.

Councilor Demo moved to approve the Addendum to the original Mitigated Negative Declaration as none of the Conditions described in Section 15162 calling for a subsequent analysis have occurred. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

Councilor Demo moved to adopt the 9 Legal Findings and 8 Factual Subfindings as presented in the Staff Report and approve Rezone 2020-2 and Tentative Tract Map 20-1000 subject to the 52 Conditions of Approval as presented in the Staff Report. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

J. REGULAR AGENDA:

- 10. Award Bid for purchase of new 2021 Ford F-350 Pickup for conversion to Mini Attack Chiefs Truck in the amount of \$37,663.34 to Corning Ford and authorize payment from Fire Capital Replacement Fund 076-9500-2301 upon delivery.**

Presented by Fire Chief Tom Tomlinson who stated that Corning Ford was the only bid received. The Bid Notification was printed in the paper and a total of four companies were contacted and provided the Bid Notification.

Councilor Burnett moved to award Bid for a new Ford F-350 Pickup to Corning Ford in the amount of \$37,666.34 and authorize Fire Chief Tomlinson to order the new Ford F350 Pickup and authorize payment upon delivery from Fire Capital Replacement fund 076-9500-2301. Councilor Demo seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

11. Approve Addendum #2 for Agreement between the City and NorthStar for Public Works Consultant Services.

Presented by City Manager Miller who stated that if approved this would be the second extension. She stated that she is very impressed with Mrs. Kampmann's services. She stated that NorthStar is not proposing any rate increases this year. Councilor's Demo and Snow both stated that they have been impressed with Robins work.

Councilor Demo moved to approve Addendum #2 for the Agreement between the City and NorthStar for Public Works Consultant Services. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

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: None.

Burnett: Attended the Tripartite Board Meeting in Red Bluff.

Hatley: Absent.

N. ADJOURNMENT!: 7:10 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
SPECIAL CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 28, 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: 5:30 P.M.

B. ROLL CALL:

Council:

**Robert Snow
Jose "Chuy" Valerio
Dave Demo
Karen Burnett**

Mayor:

Douglas Hatley Jr.

All members were present except Councilor Valerio, Councilor Demo was present via Zoom.

C. PUBLIC COMMENTS: None.

D. REGULAR AGENDA:

1. Approve the City of Corning Small Business Grant Program Guidelines, the Professional Services Agreement with 3CORE for administration of the Grant Program, and the associated Agreement Scope of Work.

Presented by City Manager Miller who stated that at the previous City Council meeting she was directed to create guidelines for the CARES Act Grant funds in the amount of \$94,085 to aid City businesses.

She stated that what is being proposed is somewhat different from what Council directed and she explained why, explaining that she had went back and calculated the timeframe that each business/industry was closed per the State Mandates. When doing so, the result was that almost every business in the City was closed for approximately a minimum of one month. Therefore, in keeping with what she believed to be Councils direction; and following a discussion with two members of the Council to confirm what is believed to be the intent, modifications were made.

She stated that if approved by the City Council, 3CORE would fully administer the Program with some assistance by Council at a NTE cost of \$6,215. The reason for the lower cost to administer the Program is because the City would be piggybacking on the Butte County Program. She then stated the estimated application period and deadlines as well as explaining the three Priorities/criteria to qualify for grant selection. She concluded by listing those business types that would not be eligible to apply.

Councilor Snow moved to approve the proposed Professional Services Agreement with 3CORE in the amount not to exceed \$6,215 and approve the City's Small Business Grant Program and Program Guidelines. Councilor Burnett seconded the motion. **Ayes: Hatley, Snow, Burnett, and Demo. Absent: Valerio. Opposed/Abstain: None. Motion was approved by a 4-0 vote with Valerio absent.** Councilor Snow then moved to cover the grant administration costs out of the City's General Fund Reserves. Councilor Burnett seconded the motion. **Ayes: Hatley, Snow, Burnett, and Demo. Absent: Valerio. Opposed/Abstain: None. Motion was approved by a 4-0 vote with Valerio absent.**

2. Discuss and select the location for one of the two Prop. 68 Park Development Grant Applications.

Presented by City Manager Kristina Miller. She stated that the State is offering a 4th and final round of Prop. 68 Grant funds with the applications due on December 14, 2020, if funded the projects must be completed by March of 2025. The minimum award is \$200,000 and the maximum is 8.5 million. We are required to have a minimum of 5 meetings and the State recommends these meetings be held remotely or at Park site. The meetings will be held to select the proposed park amenities and each meeting will address different aspects related to the proposed Park. She announced that the Council already approved resubmittal of an application for the location on Solano Street between Third and Fourth for one of the two applications. She stated that the three sites before the Council are the locations that:

1. Best meet the grant criteria;
2. Property Owners are willing to sell; and
3. Are willing to discuss the sale of their property at fair market value (the grant will not allow the City to pay more than fair market value).

The first option is the southeast corner of Toomes & Blackburn, 10.17 acres. This Property meets the criteria for addition of equipment, it also has a drainage issue currently onsite that we could address. The draw back is that this is a hot property; it is currently up for sale and has a lot of interest.

The second option is between Divisadero and McLane, 5.9 acres. It is adequate in size, is close to the High School, and is a competitive site for the grant. If this site were to be selected, the City would probably need to pave Divisadero which would not be funded by the grant.

Option three is located on Edith Avenue & Blackburn and is 4.79 acres. It is located directly across from Salado Orchard Apartments and also scores well.

It was stated that the cost might be lower on the three properties presented because there would not be cost for remediation of fuel tanks. Mayor Hatley asked about the location across from City Hall, with that application would we will still be submitting for the facilities listed in the previous application; City Manager Miller responded stating that due to the increased costs of cement, the City might have to remove one of the lower priority amenities. She explained that should we remove a priority item we would be required to have additional meetings for this site.

An audience member asked about traffic impacts; in response she was informed that within the grant application process an Environmental Impact Report would have to be completed.

Councilor Snow recommended Divisadero and McLane due to the proximity to schools, and because the residential building seems to be happening in that direction. Mayor Hatley and Council Members Demo and Burnett agreed.

Councilor Snow moved to choose the property between Divisadero and McLane. Councilor Burnett seconded the motion. **Ayes: Hatley, Snow, Burnett, and Demo. Absent: Valerio. Opposed/Abstain: None. Motion was approved by a 4-0 vote with Valerio absent.**

Planner 1 Christina Meeds announced that the first meeting will be at 5:30 pm. on October 12th via zoom and there will be a table at the Olive Festival. Councilor Snow asked if the meetings had to be held remotely, or can they be held in person; City Manager Miller stated that it is highly suggested to have the meetings remotely, or outdoors at site.

E. ADJOURN: 6:30 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: October 7, 2020

SUBJECT: Cash Disbursement Detail Report for the
Tuesday October 13, 2020 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 09-30-20	\$	61,171.52
B.	Payroll Disbursements	Ending 09-29-20	\$	127,603.93
C.	Cash Disbursements	Ending 10-07-20	\$	145,800.55
D.	Payroll Disbursements	Ending 10-06-20	\$	76,535.30

GRAND TOTAL \$ 411,111.30

REPORT.: Sep 30 20 Wednesday
 RUN...: Sep 30 20 Time: 13:47
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 09-20 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
029964	09/17/20	COR12	CORNING FORD MERCURY, INC	39383.41	.00	39383.41	09172020	VEH REPLAC-CAP IMPROV
029965	09/23/20	ATT13	AT&T	757.43	.00	757.43	200911	COMMUNICATIONS-DISPATCH
029966	09/23/20	BAS01	BASIC LABORATORY, INC	303.00 100.80 46.40	.00 .00 .00	303.00 100.80 46.40	2009237 2009452 2009453	ProfServices Water Dept ProfServices Water Dept ProfServices Water Dept
			Check Total.....	450.20	.00	450.20		
029967	09/23/20	BDI00	BDI	54.18	.00	54.18	950144966	MAT & SUPPLIES-
029968	09/23/20	COM01	COMPUTER LOGISTICS, INC	3214.17	.00	3214.17	81832	COMP REPLAC-POLICE
029969	09/23/20	CRO05	CROSS PETROLEUM	1135.52	.00	1135.52	CL00240	VEH OP/MAINT-
029970	09/23/20	HOM03	HOME DEPOT	53.32	.00	53.32	1180334	PARK IMP FUND-PARK SPEC P
029971	09/23/20	INT15	INTERWEST CONSULTING GROU	7068.75	.00	7068.75	62933	SB2-PROF SVCS SB2-PLANNIN
029972	09/23/20	PAY01	PAYGOV.US LLC	2270.53	.00	2270.53	544	COVID 19-FINANCE
029973	09/23/20	PGE09	PG&E	205.63	.00	205.63	200915	ELECT-STONEFOX L&L-Z1, D2
029974	09/23/20	PGE2A	PG&E	42.92	.00	42.92	200915	ELECT-BLUE HERON CT
029975	09/23/20	PGE2B	PG&E	547.74	.00	547.74	7951303-2	SOLAR-WWTP
029976	09/23/20	QUI02	QUILL CORPORATION	174.64	.00	174.64	10349471	OFFICE SUPPLIES-
029977	09/23/20	RED15	RED TRUCK ROCK YARD, LLC	166.24 33.25	.00 .00	166.24 33.25	1183 1184	PARK IMP FUND-PARK SPEC P PARK IMP FUND-PARK SPEC P
			Check Total.....	199.49	.00	199.49		
029978	09/23/20	SCP00	SCP DISTRIBUTORS LLC	698.19	.00	698.19	SN049405	MAT & SUPPLIES-WTR
029979	09/23/20	SUN01	SUNRISE ENVIRONMENTAL	331.28	.00	331.28	114392	MAT & SUPPLIES-FIRE
029980	09/23/20	TUP00	TUPES, KEVIN	1832.45 1170.00 520.00	.00 .00 .00	1832.45 1170.00 520.00	99LIFTSTA CLARKWELL PEACHWELL	WELL TELEMETRY-WTR CAP IM WELL TELEMTRY-WTR CAP IMP WELL TELEMETRY-WTR CAP IM
			Check Total.....	3522.45	.00	3522.45		
029981	09/30/20	HEN05	HENDERSON, OLIVIA	60.00	.00	60.00	200930	REC INSTRUCTOR-REC
029982	09/30/20	HOP00	HOPKINS, MARISSA ANN	300.00	.00	300.00	200930	REC INSTRUCTOR-REC
029983	09/30/20	MAH02	MAHUTGA, DANIEL	125.00	.00	125.00	200930	REC INSTRUCTOR-REC
029984	09/30/20	WEB02	WEBSTER, WAYNE C.	180.00	.00	180.00	200930	REC INSTRUCTOR-REC
029985	09/30/20	\A007	ERNEST ABEYTIA	13.41	.00	13.41	000C00901	MQ CUSTOMER REFUND FOR AB
029986	09/30/20	\D034	FIONA DELFORGE	35.92	.00	35.92	000C00901	MQ CUSTOMER REFUND FOR DE
029987	09/30/20	\K009	REBECCA KING	273.11	.00	273.11	000C00901	MQ CUSTOMER REFUND FOR KI
029988	09/30/20	\L061	CORINA & KEITH LEMOS	74.23	.00	74.23	000C00901	MQ CUSTOMER REFUND FOR LE
			Cash Account Total.....	61171.52	.00	61171.52		
			Total Disbursements.....	61171.52	.00	61171.52		
			Cash Account Total.....	.00	.00	.00		

REPORT.: Sep 30 20 Wednesday
 RUN.: Sep 30 20 Time: 13:47
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CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 09-20 Bank Account.: 1025

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 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
12136	09/23/20	BAN03	POLICE OFFICER ASSOC.	325.00	.00	325.00	C00922	POLICE OFFICER ASSOC
12137	09/23/20	BAN06	BANNER BANK	845.22	.00	845.22	C00922	HSA DEDUCTIBLE
12138	09/23/20	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	C00922	WITHHOLDING ORDER
12139	09/23/20	EDD01	EMPLOYMENT DEVELOPMENT	5037.44	.00	5037.44	C00922	STATE INCOME TAX
				1354.96	.00	1354.96	1C00922	SDI
			Check Total.....	6392.40	.00	6392.40		
12140	09/23/20	FED00	FEDERAL PAYROLL TAXES (EF	14130.79	.00	14130.79	C00922	FEDERAL INCOME TAX
				16909.30	.00	16909.30	1C00922	FICA
				3954.60	.00	3954.60	2C00922	MEDICARE
			Check Total.....	34994.69	.00	34994.69		
12141	09/23/20	ICM01	ICMA RETIREMENT TRUST-457	4175.05	.00	4175.05	C00922	ICMA DEF. COMP
				185.00	.00	185.00	1C00922	ICMA DEF. COMP ER PD
			Check Total.....	4360.05	.00	4360.05		
12142	09/23/20	PERS1	PUBLIC EMPLOYEES RETIRE	23727.13	.00	23727.13	C00922	PERS PAYROLL REMITTANCE
12143	09/23/20	PERS4	Cal Pers 457 Def. Comp	3316.90	.00	3316.90	C00922	PERS DEF. COMP.
				520.00	.00	520.00	1C00922	PERS DEF. COMP. ER P
			Check Total.....	3836.90	.00	3836.90		
12144	09/23/20	TEH16	TERAMA COUNTY SHERIFF'S O	110.89	.00	110.89	C00922	WageOrder F#20000149
12145	09/23/20	VAL06	VALIC	2867.76	.00	2867.76	C00922	AIG VALIC P TAX
				225.00	.00	225.00	1C00922	AIG VALIC P TAX ER P
			Check Total.....	3092.76	.00	3092.76		
12148	09/29/20	AFL01	AMERICAN FAMILY LIFE	1077.38	.00	1077.38	C00930	AFLAC INS. PRE TAX
				142.16	.00	142.16	1C00930	AFLAC INS. AFTER TAX
			Check Total.....	1219.54	.00	1219.54		
12149	09/29/20	BLU02	BLUE SHIELD OF CALIFORNIA	16723.41	.00	16723.41	C00930	MEDICAL INSURANCE
12150	09/29/20	EDD01	EMPLOYMENT DEVELOPMENT	11.27	.00	11.27	C00929	STATE INCOME TAX
				10.34	.00	10.34	1C00929	SDI
			Check Total.....	21.61	.00	21.61		
12151	09/29/20	FED00	FEDERAL PAYROLL TAXES (EF	79.59	.00	79.59	C00929	FEDERAL INCOME TAX
				128.26	.00	128.26	1C00929	FICA
				30.00	.00	30.00	2C00929	MEDICARE
			Check Total.....	237.85	.00	237.85		
12152	09/29/20	OEU01	OPERATING ENGINEERS #3	26362.00	.00	26362.00	C00930	MEDICAL INSURANCE
12153	09/29/20	OEU02	OPERATING ENG. (DUES)	325.00	.00	325.00	C00930	UNION DUES MGMNT
				780.00	.00	780.00	1C00930	UNION DUES POLICE
				549.00	.00	549.00	2C00930	UNION DUES DISPATCH
				826.00	.00	826.00	3C00930	UNION DUES-MISC
			Check Total.....	2480.00	.00	2480.00		
12154	09/29/20	PRI04	PRINCIPAL PLIC-SBD GRAND	1674.19	.00	1674.19	C00930	DENTAL INSURANCE
				268.03	.00	268.03	1C00930	VISION INSURANCE
				793.80	.00	793.80	2C00930	LIFE INSURANCE
			Check Total.....	2736.02	.00	2736.02		
			Cash Account Total.....	127603.93	.00	127603.93		
			Total Disbursements.....	127603.93	.00	127603.93		

REPORT.: Oct 07 20 Wednesday
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CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-20 Bank Account.: 1020

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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
029989	10/01/20	COR07	CORBIN WILLITS SYSTEMS, I	684.55	.00	684.55	000C010011	EQUIP MAINT-FINANCE
029990	10/01/20	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000C010011	CngChamberComm. Economic
029991	10/01/20	DEM02	DEMO, DAVID LEWIS	104.70	.00	104.70	000C010011	PROF SVCS-FIRE DEPT
029992	10/01/20	MOO07	MOORE & BOGENER, INC.	5525.00	.00	5525.00	000C010031	CONSULTING SVCS-LGL SVCS
029993	10/01/20	OCH01	OCHOA CLEANING	4905.73	.00	4905.73	000C010011	JANITORIAL SERVICES-
029994	10/01/20	PAT05	PATTERSON PROPERTIES	500.00	.00	500.00	000C010021	MAT & SUPPLIES-REC
029995	10/01/20	PIT01	PITNEY BOWES	187.79	.00	187.79	000C010011	Rents/Leases Finance Dept
029996	10/01/20	ROD10	RODRIGUEZ, JESENIA	75.00	.00	75.00	201001	REC INSTRUCTOR-REC
029997	10/01/20	SCH16	SCHLERETH, DAYMON WAYNE	54.70	.00	54.70	000C010011	PROF SVCS-FIRE DEPT
029998	10/07/20	ACC00	ACCESS INFORMATION MANAGE	210.65	.00	210.65	8395066	EQUIP MAINT-GEN CITY
029999	10/07/20	AIR00	AIRGAS USA, LLC	58.07	.00	58.07	997443250	MAT & SUPPLIES-FIRE
030000	10/07/20	ARA02	ARAMARK UNIFORM SERVICES	90.76 90.76 90.76 90.76	.00 .00 .00 .00	90.76 90.76 90.76 90.76	637659677 637671492 637684525 637696995	MAT & SUPPLIES-BLD MAINT MAT & SUPPLIES-BLD MAINT MAT & SUPPLIES-BLD MAINT MAT & SUPPLIES-BLD MAINT
			Check Total.....	363.04	.00	363.04		
030001	10/07/20	ATT02	AT&T	1011.37	.00	1011.37	15370116	COMMUNICATIONS-
030002	10/07/20	ATT15	AT&T MOBILITY	690.86	.00	690.86	09272020	COMMUNICATIONS-
030003	10/07/20	ATT17	AT&T	78.80	.00	78.80	200930	COMMUNICATIONS-FIRE
030004	10/07/20	BAN07	BANNER COMMUNICATIONS	1312.00	.00	1312.00	9931	VEH REPLAC-CAP IMPROV
030005	10/07/20	BAS01	BASIC LABORATORY, INC	542.40 135.80 135.80	.00 .00 .00	542.40 135.80 135.80	2009634 2009743 2010020	ProfServices Water Dept ProfServices Water Dept ProfServices Water Dept
			Check Total.....	814.00	.00	814.00		
030006	10/07/20	BDI00	BDI	68.92	.00	68.92	950147800	MAT & SUPPLIES-
030007	10/07/20	CEN14	CENTER FOR EVALUATION & R	840.00	.00	840.00	202004	DATA COLL & EVAL-PROP 47
030008	10/07/20	COR08	CORNING LUMBER CO INC	424.06	.00	424.06	200925	MAT & SUPPLIES-
030009	10/07/20	COR11	CORNING SAFE & LOCK	21.55	.00	21.55	0755	BLD MAINT-SENIOR CENTER
030010	10/07/20	CRO05	CROSS PETROLEUM	992.90 357.86	.00 .00	992.90 357.86	CL00614 CL00993	MAT & SUPPLIES- VEH OP/MAINT-FIRE
			Check Total.....	1350.76	.00	1350.76		
030011	10/07/20	DEP03	DEPT OF TRANS/CAL TRANS	4291.29	.00	4291.29	21002809	Equip.Maint. St&Trf Light
030012	10/07/20	DM001	DM-TECH	119.90	.00	119.90	202010011	COMMUNICATIONS-GEN CITY
030013	10/07/20	DUN00	DUNCAN, TRISHA	43.09	.00	43.09	09302020	OFFICE SUPPLIES-DISPATCH
030014	10/07/20	FIR11	FIRST NATIONAL BANK OMAHA	6569.80	.00	6569.80	200928	SAFETY ITEMS-
030015	10/07/20	FIR13	FIRST NATIONAL BANK OMAHA	16.08	.00	16.08	200928	OFFICE SUPPLIES-PW ADMIN
030016	10/07/20	FIR16	FIRST NATIONAL BANK OMAHA	733.01	.00	733.01	200928	MAT & SUPPLIES-
030017	10/07/20	FLE02	FLEMING, JOHN E.	2035.50	.00	2035.50	2020-10/1	PROF SVCS-BLD & SAFETY
030018	10/07/20	GRA02	GRAINGER, W.W., INC	71.20 11.74	.00 .00	71.20 11.74	966829865 966864542	MAT & SUPPLIES-POOL MAT & SUPPLIES-PARKS
			Check Total.....	82.94	.00	82.94		
030019	10/07/20	GRE06	GREG'S HEATING & A/C	650.00	.00	650.00	22932	MAT & SUPPLIES-WTR
030020	10/07/20	HIN01	HINDERLITER, DE LLAMAS &	3467.33 384.04	.00 .00	3467.33 384.04	SIN003388 SIN003733	PROF SVCS-FINANCE PROF SVCS-FINANCE
			Check Total.....	3851.37	.00	3851.37		
030021	10/07/20	INF00	INFRAMARK, LLC	62107.34	.00	62107.34	55776	PROF SVCS-
030022	10/07/20	INL01	INLAND BUSINESS SYSTEMS	84.90	.00	84.90	IN1624221	COMMUNICATIONS-
030023	10/07/20	JMB01	JMB OIL COMPANY	780.40	.00	780.40	244339	VEH OP/MAINT-
030024	10/07/20	KN100	KNIFE RIVER CONSTRUCTION	1029.94 907.48 603.17	.00 .00 .00	1029.94 907.48 603.17	237709 237710 237994	A/C CITYWIDE-STR A/C CITYWIDE-STR A/C CITYWIDE-STR
			Check Total.....	2540.59	.00	2540.59		
030025	10/07/20	LNC01	LN CURTIS & SONS	334.03	.00	334.03	INV424890	SAFETY ITEMS-FIRE

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CITY OF CORNING
 Cash Disbursement Detail Report
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
030025	10/07/20	LNC01	LN CURTIS & SONS	1355.62	.00	1355.62	INV425688	EQUIP REPLAC-FIRE CAP REP
			Check Total.....	1689.65	.00	1689.65		
030026	10/07/20	MCC07	MCCOY'S HARDWARE & SUPPLY	521.54	.00	521.54	200927	MAT & SUPPLIES-
030027	10/07/20	MGT00	MGT OF AMERICA, INC.	550.00	.00	550.00	38450	PROF SVCS-GEN CITY
030028	10/07/20	MIL11	MILL CREEK VETERINARY	70.00	.00	70.00	127662	FERAL CAT PROGRAM-ACO
030029	10/07/20	MIS01	MISSION LINEN SUPPLY	265.07	.00	265.07	513238186	MAT & SUPPLIES-PARK
030030	10/07/20	NAP01	NAPA AUTO PARTS	657.90	.00	657.90	200925	MAT & SUPPLIES-
030031	10/07/20	NOR47	NORTHSTAR	10312.50	.00	10312.50	76381	PROF SVCS-PW ADMIN
				131.25	.00	131.25	76382	PROF SVCS-ENGINEERING
			Check Total.....	10443.75	.00	10443.75		
050032	10/07/20	PES01	PESTMASTER SERVICES, INC.	990.79	.00	990.79	269149	TREE/PEST & WEED SPRAY-
030033	10/07/20	PGE01	PG&E	1172.79	.00	1172.79	201002	ELECT-
030034	10/07/20	PGE04	PG&E	591.84	.00	591.84	200929	TranspFacility-
030035	10/07/20	PGE05	PG&E	1282.09	.00	1282.09	200929	FIRE-ELECT & GAS
030036	10/07/20	PGE08	PG&E	262.48	.00	262.48	200929	MAT & SUPPLIES-REC
030037	10/07/20	PGE2A	PG&E	104.88	.00	104.88	200924	ELECT-CORNING COMMUNITY P
				192.98	.00	192.98	200928	ELECT-MCDONALD, CASSANDRA,
				126.55	.00	126.55	200929	ELECT-CLELAND PROP
				60.48	.00	60.48	200928A	ELECT-MARTINI PLAZA
			Check Total.....	484.89	.00	484.89		
030038	10/07/20	PGE2B	PG&E	8509.26	.00	8509.26	200928	ELECT-WWTP
030039	10/07/20	QUI02	QUILL CORPORATION	215.39	.00	215.39	10738202	SAFETY ITEMS-FIRE
030040	10/07/20	RED15	RED TRUCK ROCK YARD, LLC	29.49	.00	29.49	1186	PARK IMP FUND-PARK SPEC P
				59.52	.00	59.52	1187	PARK IMP FUND-PARK SPEC P
				59.52	.00	59.52	1188	PARK IMP FUND-PARK SPEC P
				139.43	.00	139.43	1189	PARK IMP FUND-PARK SPEC P
				139.43	.00	139.43	1191	PARK IMP FUND-PARK SPEC P
				16.62	.00	16.62	1192	PARK IMP FUND-PARK SPEC P
			Check Total.....	444.01	.00	444.01		
030041	10/07/20	REY01	REYNOLDS, DONALD C.P.A	3750.00	.00	3750.00	28273	PROF SVCS-FINANCE
030042	10/07/20	S&L00	S & L BREWER ENTERPRISES	250.00	.00	250.00	20CORN09	K9 PROGRAM-POLICE
030043	10/07/20	SCP00	SCP DISTRIBUTORS LLC	912.34	.00	912.34	SN050410	MAT & SUPPLIES-WTR
030044	10/07/20	SOU02	S.B.R.P.S.T.C.	695.00	.00	695.00	131990INV	TRAIN/ED-POLICE
030045	10/07/20	TAN00	T AND S DVBE, INC.	224.73	.00	224.73	20-2438	MAT & SUPPLIES-
				1036.04	.00	1036.04	20-2463	MAT & SUPPLIES-SWR
			Check Total.....	1260.77	.00	1260.77		
030046	10/07/20	THO01	THOMES CREEK ROCK CO	249.58	.00	249.58	201001	PARK IMP FUND-PARK SPEC P
030047	10/07/20	TPX00	TPX COMMUNICATIONS	646.07	.00	646.07	134920383	COMMUNICATIONS-
030048	10/07/20	USA01	USA BLUE BOOK	551.18	.00	551.18	374804	MAT & SUPPLIES-WTR
030049	10/07/20	VAL04	VALLEY TRUCK & TRACTOR CO	427.96	.00	427.96	1028019	MAT & SUPPLIES-PARKS
030050	10/07/20	WAT07	WATCO EQUIPMENT INC	4718.44	.00	4718.44	55341	EQUIP REPLAC-FIRE CAP REP
			Cash Account Total.....	145800.55	.00	145800.55		
			Total Disbursements.....	145800.55	.00	145800.55		
			Cash Account Total.....	.00	.00	.00		

REPORT : Oct 07 20 Wednesday
 RUN : Oct 07 20 Time: 15:07
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CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 10-20 Bank Account.: 1025

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 ID #: PY-DP
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
12160	10/06/20	AIR01	AIRMEDCARE NETWORK	455.00	.00	455.00	C01006	AIRMEDCARE NETWORK
12161	10/06/20	BAN03	POLICE OFFICER ASSOC.	325.00	.00	325.00	C01006	POLICE OFFICER ASSOC
12162	10/06/20	BAN06	BANNER BANK	845.22	.00	845.22	C01006	HSA DEDUCTIBLE
12163	10/06/20	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	C01006	WITHHOLDING ORDER
12164	10/06/20	EDD01	EMPLOYMENT DEVELOPMENT	4567.40	.00	4567.40	C01006	STATE INCOME TAX
				1313.31	.00	1313.31	1C01006	SDI
			Check Total.....	5880.71	.00	5880.71		
12165	10/06/20	ENL01	ENLOE MEDICAL CENTER	420.00	.00	420.00	C01006	ENLOE FLIGHTCARE
12166	10/06/20	FED00	FEDERAL PAYROLL TAXES (EF	12994.87	.00	12994.87	C01006	FEDERAL INCOME TAX
				16200.10	.00	16200.10	1C01006	FICA
				3788.76	.00	3788.76	2C01006	MEDICARE
			Check Total.....	32983.73	.00	32983.73		
12167	10/06/20	HEA05	HEALTHIEST YOU	9.00	.00	9.00	C01006	HEALTHIEST YOU
12168	10/06/20	ICM01	ICMA RETIREMENT TRUST-457	4175.05	.00	4175.05	C01006	ICMA DEF. COMP
				185.00	.00	185.00	1C01006	ICMA DEF. COMP ER PD
			Check Total.....	4360.05	.00	4360.05		
12169	10/06/20	PERS1	PUBLIC EMPLOYEES RETIRE	23922.44	.00	23922.44	C01006	PERS PAYROLL REMITTANCE
12170	10/06/20	PERS4	Cal Pers 457 Def. Comp	3322.04	.00	3322.04	C01006	PERS DEF. COMP.
				520.00	.00	520.00	1C01006	PERS DEF. COMP. ER P
			Check Total.....	3842.04	.00	3842.04		
12171	10/06/20	TEH16	TEHAMA COUNTY SHERIFF'S O	110.89	.00	110.89	C01006	WageOrder F#20000149
12172	10/06/20	VAL06	VALIC	3017.76	.00	3017.76	C01006	AIG VALIC P TAX
				225.00	.00	225.00	1C01006	AIG VALIC P TAX ER P
			Check Total.....	3242.76	.00	3242.76		
			Cash Account Total.....	76535.30	.00	76535.30		
			Total Disbursements.....	76535.30	.00	76535.30		

Date.: Oct 7, 2020
 Time.: 3:25 pm
 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
CORNING FAMILY DENTA	980 SOLANO ST	CORNING, CA 96021	DENTISTRY	10/01/20
ON POINT ELECTRIC	3040 VENTURA ST	ANDERSON, CA 96007	ELECTRICAL CONTRACTOR	10/06/20
RESOLUTE 76	660 SOLANO ST	CORNING, CA 96021	DOG TRAINER	10/01/20
SOUTHERN LANDSCAPE	1961 SCOTT AVE.	CORNING, CA 96021	LAWN MAINTENANCE	10/01/20

CITY OF CORNING
TREASURER'S REPORT
SEPTEMBER 2020

<u>AGENCY</u>		<u>BALANCE</u>	<u>RATE</u>
Local Agency Investment Fund	\$	8,030,839.34	1.47%

Respectfully submitted:

Laura L. Calkins
City Treasurer



Permit Report
09/01/2020 – 09/30/2020

Permit #	Permit Date	Parcel #	Project Address	Owner Name	Permit Type	Project Description	Project Cost
20211	9/29/2020	073-141-002-000	713 Chestnut St.	PRECIADO, ANGELICA	Electrical	MPU to 200A Solar Ready Panel	1,500
20210	9/28/2020	071-074-005-000	1755 Colusa St	Noda Rochelle A	Solar	Residential rooftop solar	21,993
20209	9/24/2020	075-330-006-000	196 Victorian Park	CULBERTSON, JAMES J ETAL TR CULBERTSON FAMILY TR 1	Roof	Tear-off and replace roof	5,000
20208	9/22/2020	075-310-022-000	111 Mooney Ct.	HALAS, CHELSEY R	Roof	Tear off, Re-roof	2,500
20207	9/22/2020	071-052-009-000	411 6TH ST	WOLVERTON, NICHOLAS M & WOLVERTON, ALYSSA D	HVAC	CHANGE OUT 3 TON PKG UNIT ON ROOF	15,583
20206	9/21/2020	073-043-004-000	500 First	MEDINA, MARTHA P & ISMAEL	Building	Add Carport	11,000
20205	9/17/2020	073-164-004-000	1310 East Ave.	CHERLAND, JOHN K & CHERLAND, SHERRY L	Building	2 Br. 1 Bath ADU	47,000
20204	9/17/2020	071-350-017-000	343 La Mesa	GONZALEZ, JOSE MANUEL	Roof		2,000
20203	9/16/2020	071-211-003-000	1842 Elizabeth	WHITE, E MERYL TRUSTEE WHITE SEP PROP TRUST 10/30/	Electrical	Panel Changeout	1,500
20202	9/16/2020	073-112-001-000	523 Walnut St.	FRANER, TIMOTHY M & GREER-FRANER, JANICE L	HVAC	INSTALL 2 ZONE 20K MINI SPLIT SYSTEM	7,379
20201	9/16/2020	069-260-060-000	624 Edith Ave.	OLIVE TREE CORNING PLAZA LLC	HVAC	Install 3 ton, 3 phase pkg unit on roof.	8,223
20200	9/16/2020	075-310-038-000	219 N ALEX LN	TURPIN, GARY & PAMELA J	HVAC	CHANGE OUT 3 TON SPLIT SYSTEM	12,622
20199	9/11/2020	071-211-005-000	1154 Houghton Avenue	RICHARDSON, MICHELLE J	Electrical	100 Amp. Subpanel Replacement	800
20198	9/11/2020	075-310-023-000	131 Money Ct.	BYERS, LESTER D. & BYERS, LINDA M.	ReModel	Deck replacement – CANCELLED-	0



Permit Report
09/01/2020 – 09/30/2020

Permit #	Permit Date	Parcel #	Project Address	Owner Name	Permit Type	Project Description	Project Cost
20197	9/10/2020	069-220-018-000	908 Hwy 99 E corning ca 96021	SHAW, RICHARD ETAL TRS SHAW FAMILY TRUST 12/12/98	ReModel	Asian restaurant	60,000
20196	9/9/2020	071-154-003-000	1809 McKinley	ROMO, CLAUDIO & ALMA	Solar	ADD-ON 1 SOLAR PANEL TO PREVIOUSLY INSTALLED SYSTEM	600
20195	9/8/2020	071-116-006-000	615 4th St.	CERVANTES, GABRIEL RIVERA ETAL	Fire Protection	New Ansul System for Kitchen Hood	1,250
20194	9/8/2020	073-111-005-000	504 Walnut	GONZALEZ, MANUEL & ROSA MARIA	Roof	Add second layer roof	2,000
20193	9/8/2020	071-171-003-000	1315 Marin	COWEE, ROXANNE R	Roof	remove and replace old composition shingles	20,000
20192	9/8/2020	071-102-008-000	1614 Yolo	MIDGLEY, JENNIFER ANN	Roof	replace an existing roof, Tear off	3,600
20191	9/2/2020	073-200-043-000	433 North	BARBO FAMILY TRUST 11/8/17, BARBO, LEONARD F ETAL	Solar	Installation of roof mounted solar PV system	5,720
20190	9/1/2020	073-280-006-000	870 Stonefox	VELAZQUEZ, ARTEMIO DUARTE	Building	32'x10' Covered patio. No sides, unattached to house	3,000
20189	9/1/2020	071-250-020-000	2120 Fig Ln.	OW, QEW JEW TRUSTEE QEW JEW OW REVOC TR 3/23/04	Plumbing	Installing new water service tie in for Trailer Park	23,326
							256,596

Total Records: 23

10/5/2020



**CITY OF CORNING
WASTEWATER OPERATION SUMMARY REPORT
SEPTEMBER 2020**

Below is a summary of the Monthly Operations Report that will be available for City review on October 2020

- 1) Completed monthly reports.
- 2) Attended biweekly Covid-19 awareness meeting.
- 3) Changed flow disk.
- 4) Installed repaired SO₃ analyzer data logger
- 5) Staff meeting to discuss plant operations and issues.
- 6) Changed chart on So₃ analyzer.
- 7) Safety meeting and daily tailgate meeting
- 8) Inspected eyewash and emergency showers.
- 9) Calibrated SO₃ analyzer
- 10) Repaired broken steps in oxidation ditch vaults.

- 11) Cleaned SO2 pump
- 12) Exercised lift station stand –by pump
- 13) Exercised emergency generator.
- 14) Submitted monthly ESMR and DMR
- 16) Completed monthly test on chemical leak detectors.
- 17) Completed monthly receiving water sampling and lab test
- 18) Completed monthly facility inspection.
- 19) Collected samples from truck wash facilities, analyzed for EC levels as required by salinity study.
- 20) Completed OSHA required CL2/SO2 operations and maintenance training
- 21) Attended closing call with OSHA regarding inspection performed on 6/16/2020. Inspection was a Covid-19 inspection and a document Request. No violations were reported.
- 22) Northstate Aggregate on site to haul dry sludge to Ostrom Road Landfill. 17 truckloads were removed.

September, 2020
Domestic Treated Flow Monthly Average = 683,566 GPD

**ITEM NO.: J-12
PROVIDE STAFF DIRECTION REGARDING
ESTABLISHMENT OF A NOISE ORDINANCE**

October 13, 2020

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: KRISTINA MILLER, CITY MANAGER



SUMMARY:

Noise Ordinances are Municipal Laws which limit the allowable noise level(s) at different times of days for different zoning areas (i.e. Residential, Commercial, and Industrial). The maximum allowable noise levels are typically higher during daytime hours and lower during nighttime hours. The Corning Police Department currently enforces California Penal Code Section 415(2) and the California Vehicle Code Section 27007. The City Municipal Code currently does not regulate noise to adequately address quiet hours. After review of Noise Ordinances in two surrounding Cities, and discussion with Police Chief Fears, it appears existing statutory authority suffices.

BACKGROUND:

Penal Code Section 415(2) states a person shall be punished by imprisonment in the County Jail for a period of not more than ninety days, a fine of not more than four hundred dollars (\$400) or both for maliciously and willfully disturbing another person by loud and unreasonable noise. There must be malicious intent. California Vehicle Code Section 27007 states: "no driver of a vehicle shall operate or permit the operation of, any sound amplification system which can be heard outside the vehicle from 50 or more feet when the vehicle is being operated upon a highway, unless that system is being operated to request assistance or warn of a hazardous situation." Highway is defined under California Vehicle Code Section 360 as "a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway included street."

The City has received complaints from a couple of residents regarding loud noises stemming from Neighbor's party, one of the residents attending the September 22nd City Council Meeting suggested a need for a Noise Ordinance in the City. At that time City Manager Kristina Miller responded explaining the issues that our Police Officers have encountered in relation to noise complaints. Police Chief Fears also responded stating that the department currently utilizes State and Vehicle Codes to address these complaints and listed some of the associated penalties. Because the issue had not been placed on the Agenda for that meeting, Vice Mayor Snow directed Staff to research this issue and asked that it be placed on the October 13th City Council Meeting Agenda for discussion.

The Corning Municipal Code currently does not regulate noise to adequately address quiet hours. This was last brought before the City Council on April 26, 2016. at which time Staff presented noise regulations established in the Cities of Chico and Redding. The City Attorney also presented suggestions should the Council wish to move forward with an Ordinance. The Police Chief stated he felt that the California Penal Code and the California Vehicle Code already addresses the issue. By a consensus of the Council, Staff was directed to continue use of the existing Penal and Vehicle Codes and not establish a new Ordinance.

Below is a summary of noise regulations established in the Cities of Chico and Redding that were presented at the April 26, 2016 City Council meeting and believed to still be valid:

- State purpose is to control unnecessary, excessive, and annoying noise

- Define unreasonable noise
- Establish noise measurement methods
- Establish exterior noise limits during certain hours (e.g. residential noise levels are limited to 45 hourly L_{eq}/dB from 10:00 P.M to 7:00 A.M) in residential, commercial, and public zones
- Prohibit certain acts such as loading and unloading, construction or demolition, and domestic power tool use during certain hours.
- Establish limits for stationary and mobile (vehicles and bicycles) sources
- Establish exemptions for emergency work and situations, warning devices, occasional permitted outdoor gatherings/special events, churches and similar organizations, solid waste collection, public works construction projects, public utility facilities, and Federal and State preempted activities.
- Establish noise performance standards
- Establish enforcement procedures (by citizen complaint for stationary sources) and penalties/fines (e.g. \$250 for first offense and up to \$1,000 for third offense)

A quick search did not unveil Noise Ordinances for Shasta and Tehama Counties and the Cities of Red Bluff and Orland. In these instances, the General Plan Noise Element addresses noise for existing problem areas and new uses within its goals, policies, and implementation measures. Implementation measures identified in the Noise Element in the Corning General Plan (attached) do not address complaints from vehicles. This being said, in discussion with Police Chief Fears he does not feel the City needs to adopt further noise regulations as the existing Penal Code Section 415(2) and California Vehicle Code Section 27007 give the Police Department the necessary enforcement authority. At this time, I do not feel further action is necessary.

RECOMMENDATION:

THAT THE CITY COUNCIL:

- Provide direction to Staff regarding establishment of a City of Corning Noise Ordinance.

Chapter 9.38**NOISE****Section:**

- 9.38.010 Declaration of policy.**
- 9.38.015 Application and enforcement of chapter.**
- 9.38.020 Definitions.**
- 9.38.030 Residential property noise limits.**
- 9.38.040 Commercial and industrial property noise limits.**
- 9.38.050 Public property noise limits.**
- 9.38.052 General noise regulations.**
- 9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.**
- 9.38.056 Noise from vehicles and bicycles.**
- 9.38.060 Categorical exemptions.**
- 9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.**
- 9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.**
- 9.38.090 Appeal.**
- 9.38.100 Enforcement.**
- 9.38.130 Violations - Penalties.**
- 9.38.140 Violations - Additional remedies - Injunction.**

9.38.010 Declaration of policy.

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Chico require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to regulate and control the adverse effect of such noises on citizens under any conditions of use, especially those conditions of use which have the most severe impact upon the auditory senses of any person. (Prior code §28.1 (Ord. 1106 (part)))

9.38.015 Application and enforcement of chapter.

- A. The provisions of this chapter shall apply to noises from any and all sources in the city except for noises originating from a city park or playground as defined in Chapter 12.04 of this code which shall be regulated in the manner provided for by the park rules and regulations adopted in Chapter 12R.04 of this code.
- B. This chapter shall only be enforced after a citizen complaint has been received except section 9.38.056 regarding noise from vehicles and bicycles which may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer. (Ord. 1961; Ord. 2195, Ord. 2414)

9.38.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. **Bicycle.** "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- B. **dB.** "dB" means decibel as herein defined.
- C. **dBA.** "dBA" means decibels measures on an A-weighted scale, as herein defined in the subsection entitled "Noise level."
- D. **Decibel.** "Decibel" or "dB" means a unit measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).
- E. **Emergency response activities.** "Emergency response activities" means activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.
- F. **Highway.** "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- G. **Noise level.** "Noise level" means the level of noise measured in decibels on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 or Type 2 sound-level-meters as defined in the most recent American National Standard Specifications. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used.

For outside measurements the microphone shall not be less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and shall be protected from the effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices; for inside measurements, the microphone shall be at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be determined.

- H. **Noise, Unreasonable.** "Unreasonable noise" means noise produced by human voice, machine, animal, or device, or any combination thereof, that is so loud, unnecessary, excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood, unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes discomfort or annoyance to any reasonable person of normal sensitivity residing or working in the area.
- I. **Property Plane.** "Property plane" means a vertical plane including the property line which determines the property boundaries in space.
- J. **Vehicle.** "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Prior code §28.2 (Ord. 1106 (part); Ord. 2195, Ord. 2414)

9.38.030 Residential property noise limits.

- A. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds, at any point outside of the property plane, seventy (70) dBA between the hours of seven a.m. and nine p.m. or sixty (60) dBA between the hours of nine p.m. and seven a.m.
- B. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or

devices or any combination of same, on multifamily residential property, a noise level more than sixty (60) dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located .

(Prior code §28.3 (Ord. 1106 (part), Ord. 1707 §1); Ord. 2195)

9.38.040 Commercial and industrial property noise limits.

No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds seventy (70) dBA.

(Prior code §28.4 (Ord. 1106 (part), Ord. 1707 §2); Ord. 2195)

9.38.050 Public property noise limits.

Except as otherwise provided in this chapter, no person shall produce, suffer or allow to be produced on public property, by human voice, machine, animal, or device, or any combination of same, a noise level that exceeds sixty (60) dBA at a distance of 25 feet or more from the source.

(Prior code §28.5 (Ord. 1106 (part), Ord. 1499 §1, Ord. 1707 §3); Ord. 2195)

9.38.052 General noise regulations.

- A. This section contains an entirely separate and independent method of determining whether a violation of this chapter has occurred. No person shall willfully or negligently make, produce, suffer, or allow to be produced, at any time, any unreasonable noise. Enforcement of this section shall not require the use of a sound level meter.
- B. A violation of this section shall be proven by reference to one or more of the following criteria:
1. The volume or loudness of the noise (measured by the distance away from the source at which the noise can be clearly heard);
 2. The pitch or frequency of the noise;
 3. Whether the nature of the noise is usual or unusual;
 4. Whether the origin of the noise is natural (i.e., not caused or produced by a person or persons) or unnatural;
 5. The tonal or rhythmic quality of the noise;
 6. Whether the noise is recurrent, intermittent, or constant;
 7. Whether the noise is from a commercial or noncommercial activity;
 8. If the noise is from a commercial activity, whether the particular use is permitted in the area, and whether the noise could be reasonably expected to derive from the use;
 9. Whether the noise is a necessary attribute of a particular use (i.e., routine solid waste collection or a properly functioning mechanical device);
 10. The proximity of the noise to residential sleeping facilities;
 11. The proximity of the noise to offices or places of work;
 12. The number of persons affected, or the density of inhabitation of the area;
 13. The nature or zoning of the area within which the noise emanates or in which the impact of the noise occurs;
 14. The amount and type of background noise, if any;
 15. The time of the day or night the noise occurs (indicating the relationship of the noise to the normal activities that occur at a given time);
 16. The day of the week; and
 17. The duration of the noise.

(Ord. 2195)

9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.

- A. When an enforcement officer responds to an initial citizen complaint of unreasonable noise and perceives activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer shall give a verbal or written warning specifying those activities or circumstances to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.
- B. Notwithstanding the above, an enforcement officer is not required to issue a warning and may issue a citation for a violation of section 9.38.030, 9.38.050 or 9.38.052 under any of the following circumstances:
 1. The enforcement officer has received two or more distinct citizen complaints of unreasonable noise regarding the same location, activities or circumstances; or
 2. The noise occurs between the following hours:
 - a. 10:00 p.m. Sunday and 7:00 a.m. Monday;
 - b. 10:00 p.m. Monday and 7:00 a.m. Tuesday;
 - c. 10:00 p.m. Tuesday and 7:00 a.m. Wednesday;
 - d. 10:00 p.m. Wednesday and 7:00 a.m. Thursday;
 - e. 10:00 p.m. Thursday and 7:00 a.m. Friday; or
 - f. 12:01 a.m. and 7:00 a.m. on Saturday and Sunday.
- C. If, during the 180-day period following the issuance of warning pursuant to paragraph A above, another citizen complaint concerning unreasonable noise at the same location is received, the complaining citizen may be asked to fill out and sign a statement form stating the manner in which the citizen was disturbed and agreeing to appear as a witness at trial. If the enforcement officer thereafter corroborates the assertion of the complainant that section 9.38.030, 9.38.050 or 9.38.052 was or continues to be violated within the 180-day period, either by obtaining a signed statement form so stating from an individual residing at an address different from that of the complainant or by perceiving activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer may issue a citation to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.
- D. A warning issued pursuant to paragraph A above shall be binding upon all existing residents of the property subject to the warning but shall not be binding upon future residents not residing on the property at the time the warning is issued.
- E. If no other individual can be found to whom a citation can be issued for the second or continuing violation, a citation may be issued for the first violation to the individual to whom the warning was issued on the first response.

(Ord. 2195, Ord. 2298, Ord. 2331)(Ord. 2434, §1)

9.38.056 Noise from vehicles and bicycles.

- A. No person shall use or operate any sound amplification system in or on a vehicle located within a public park, within a public parking lot, or on any other public property other than a highway within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle nor shall any person use or operate any such sound amplification system on or in a vehicle located on private property where the sound amplification system is

audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a sound amplification system in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.

- B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.
- C. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when a vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

(Prior code §28.12 (Ord. 1106 (part), Ord. 1765 §2); Ord. 2195, Ord. 2414)

9.38.060 Categorical exemptions.

The following activities or sources of noise are exempt from the provisions of this chapter:

- A. **Alarms and Warning Devices.** Any aural alarms or warning devices, including but not limited to fire alarms, burglar alarms and emergency vehicle sirens and air horns. However, if a standard or minimum noise level is prescribed for a particular type of aural alarm or warning device by the laws or regulations of the State of California, the noise emitted from such alarm or warning device shall not exceed such standard or minimum level by more than three (3) dBA.
- B. **Construction and Alteration of Structures.** Notwithstanding any other provision of this chapter, between the hours of ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days, construction, alteration or repair of structures shall be subject to one of the following limits:
 1. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.
 2. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.
- C. **Emergency Response Activities.** Noise from emergency response activities.
- D. **Special Events at Which No Mechanical or Amplifying Equipment is Employed.** Noise from special events conducted lawfully and without the use of sound of any kind that is mechanically produced or amplified or focused by any means.
- E. **Audio Equipment Used by Public Safety Officers.** Noise from audio equipment used or operated by public safety officers in the performance of their duties.

(Prior code §28.6 (Ord. 1106 (part), Ord. 1456, Ord. 1499 §2, Ord. 1765 §4); Ord. 2195)

9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.

- A. A conditional noise permit may be granted to temporarily exempt a particular source of noise from one or more provisions of this chapter if the applicant can show that, notwithstanding the application of all available noise abatement techniques, the immediate compliance by the applicant with one or more requirements of this chapter would be impractical or unreasonable. The term of a noise permit shall not exceed six months, provided that the term may be renewed upon a further showing of good cause and that any extension is

conditioned upon a schedule of compliance with the requirements of this chapter, including the details of methods to effectuate that compliance.

- B. Applications for a conditional noise permit shall be made to the department assigned by the city manager to process such permits upon a form provided therefor. Such application shall be processed in the following manner:
1. The city manager or the assigned department is empowered to deny any such application.
 2. The city manager of the assigned department is empowered to approve an application subject to such conditions or limitations deemed advisable, taking into consideration the purpose and intent of this chapter, which approval shall be submitted to the city council at its next regular meeting. If the council does not reject the conditional approval by the city manager or the assigned department, then following the council meeting, the city manager or the assigned department will issue to the applicant the proposed conditional noise permit.
- C. This section shall apply to public agencies, including the city. However, the city manager or assigned department may issue a conditional noise permit to a public agency upon good cause shown and without referral to the city council if the proposed activity subject to the permit involves public health, safety, welfare or benefit.

(Prior code §28.7 (Ord. 1106 (part), Ord. 1499 §3); Ord. 2195)

9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.

- A. The public works director may issue a permit exempting from the requirements of this chapter any special event conducted on public property at which noise is produced by any mechanical or amplifying equipment which will, or is likely to, exceed the noise limits imposed by this chapter if the director determines that:
1. The event is of interest to a substantial number of persons residing in the city;
 2. The event is open to all persons residing in the city, subject only to the payment of a reasonable fee, if any, by those persons attending the event; and
 3. Compliance with this chapter would unreasonably interfere with the conduct of the event.
- B. Applications for a permit under this section shall be filed with the director at least 14 days prior to the date the special event is to take place. Such application shall be in the form prescribed by the director and shall contain the name of the person or persons sponsoring the event, a description of the event, the date and times the event is scheduled to take place, and such other information as may be required by the director.
- C. Following the filing of an application for a permit under this section, the director shall issue a permit granting such exemption if the director finds that such special event complies with all the requirements of this section. However, in approving and issuing such permit the director may impose reasonable conditions on the conduct of the special event, including limitations on the dates and times during which the event may take place, limitations on the level of noise produced at the event which shall not be more stringent than the limitations on noise produced on public property hereinbefore provided by this chapter, and a requirement that the permittee take reasonable measures as may be prescribed by the director to mitigate the adverse effect of the noise produced at the event.

(Prior code §28.8, Ord. 1106 (part), Ord. 1499 §4, Ord. 2054, Ord. 2136 §3, Ord. 2195, Ord. 2364 §99, Ord. 2439 §73)

9.38.090 Appeal.

Any person aggrieved by the decision of any administrative officer empowered to administer the provisions of this chapter, except a decision to issue an administrative or criminal citation, may appeal the decision of any such officer to the city council in accordance with the provisions of Chapter 2.80 of this code.

(Prior code §28.9 (Ord. 1106 (part)), Ord. 2004 §9, Ord. 2195)

9.38.100 Enforcement.

The city manager shall assign to an appropriate department or departments the duty of enforcing this chapter, and such departments are empowered to issue administrative or criminal citations for violations.

(Prior code §28.10 (Ord. 1106 (part)), Ord. 2195)

9.38.130 Violations - Penalties.

Any person violating, or causing or permitting a violation of, any of the provisions of this chapter is guilty of an infraction and shall be punished by a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense. These minimum fines include the base fine and any and all fines, fees and assessments imposed by the Butte County Superior Court. A separate offense is committed for each and every hour or part of an hour during which any such violation is committed or caused or permitted to continue. Each offense is punishable separately from every other offense.

(Prior code §28.13 (Ord. 1106 (part)), Ord. 2195) (Ord. 2434 §2)

9.38.140 Violation - Additional remedies - Injunction.

As an additional remedy, any violation of the provisions of this chapter is hereby declared to be a public nuisance and the city attorney is authorized to file an action to abate such nuisance in a court of appropriate jurisdiction in the manner provided by law.

(Prior code §28.14 (Ord. 1106 (part), Ord. 1707 §5))

18.40.100 - Noise standards.

- A. Purpose.** The purpose of this chapter is to:
1. Control unnecessary, excessive and annoying noise;
 2. Protect the public health, safety and welfare;
 3. Declare that creating, maintaining or causing noise in excess of the limits prescribed by this chapter is a public nuisance and shall be punishable as such.
- B. General Noise Regulations.** Notwithstanding any other provision of this chapter and in addition thereto, it is unlawful for any person to willfully or negligently make or continue or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.
- C. Factors of Determination.** The factors which will be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to, the following:
1. The sound level of the alleged objectionable noise;
 2. The sound level of the ambient noise;
 3. The nature and zoning of the area within which the noise emanates;
 4. The time of day or night the noise occurs;
 5. Whether the noise is continuous, recurrent or intermittent.
- D. Noise Measurement.** Noise shall be measured utilizing the hourly energy-equivalent noise level (L_{eq}).
- E. Noise Limits.** The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). The ambient noise varies throughout the community, depending upon proximity to streets and the type of area land uses. The maximum sound levels shall be determined as follows:
1. **Exterior Noise Limits.**
 - a. The noise standards for the various categories of land use as set forth in Schedule 18.40.100-A, unless otherwise specifically indicated, shall apply to all such property within a designated zone. No person shall operate or cause to be operated, any source of sound at any location within the incorporated city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any other property, either incorporated or unincorporated, to exceed the noise standard for that land use specified in Schedule 18.40.100-A.
 - b. If the measured ambient level is above that permissible, the allowable noise exposure standard shall be increased to reflect the actual ambient noise level.
Schedule 18.40.100-A describes the noise standard for emanations from any source as measured on adjacent properties:

Schedule 18.40.100-A: Exterior Noise Standards

Receiving Land Use Category	Time Period	Noise Level (Hourly L_{eq} /dB)
Residential	10 p.m.—7 a.m.	
	7 a.m.—10 p.m.	
Office/commercial	10 p.m.—7 a.m.	
	7 a.m.—10 p.m.	
Industrial	10 p.m.—7 a.m.	
	7 a.m.—10 p.m.	

Industrial noise shall be measured at the property line of any nonindustrial district.

F. Prohibited Acts. The following acts are hereby prohibited:

1. **Loading and Unloading.** Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of ten p.m. and seven a.m. in such a manner as to cause a noise disturbance across a residential real property line;
2. **Construction or Demolition.**
 - a. Operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work in or within five hundred feet of a residential district such that the sound creates a noise disturbance across a property line during the following times:
 - i. May 15 through September 15: Between the weekday hours of seven p.m. and six a.m. and weekends and holidays between eight p.m. and nine a.m.
 - ii. September 16 through May 14: Between the weekday hours of seven p.m. and seven a.m. and weekends and holidays between eight p.m. and nine a.m.
3. **Domestic Power Tools and Equipment.** Operation or permitting the operation, of any mechanically powered saw, lawn or garden tool or similar outdoor tool between ten p.m. and seven a.m. on weekdays (or nine p.m. and eight a.m. on weekends and legal holidays) so as to create a noise disturbance across a residential or commercial real property line.

G. Emergency Exemptions. The provisions of this chapter shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency;
2. The emission of sound in the performance of emergency work.

H. Miscellaneous Exemptions.

1. **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire and ambulance sirens, shall be exempted from the provisions of this chapter.
2. **Outdoor Activities.** The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided that such events are conducted pursuant to a permit or license issued by the city relative to the staging of such events.
3. **Churches and Other Similar Organizations.** Any churches or other similar organization which use unamplified bells, chimes or other similar devices are exempt from the provisions of this chapter so long as the church or other similar organizations play such between the time period of seven a.m. and ten p.m. and the playing period does not exceed thirty minutes in any one hour.
4. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste and recyclable materials by the city of Redding shall be exempt from the provisions of this chapter.

Receiving Land Use Category	Time Period	Noise Level (Hourly L_{eq} /dB)
Residential	10 p.m.—7 a.m.	
	7 a.m.—10 p.m.	
Office/commercial	10 p.m.—7 a.m.	
	7 a.m.—10 p.m.	
Industrial	10 p.m.—7 a.m.	
	7 a.m.—10 p.m.	

Industrial noise shall be measured at the property line of any nonindustrial district.

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 - a. Operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work in or within five hundred feet of a residential district such that the sound creates a noise disturbance across a property line during the following times:
 - i. **May 15 through September 15:** Between the weekday hours of seven p.m. and six a.m. and weekends and holidays between eight p.m. and nine a.m.
 - ii. **September 16 through May 14:** Between the weekday hours of seven p.m. and seven a.m. and weekends and holidays between eight p.m. and nine a.m.
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4. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste and recyclable materials by the city of Redding shall be exempt from the provisions of this chapter.

5. **Public Works Construction Projects.** Street, utility and similar construction projects undertaken by or under contract to the city of Redding, county of Shasta or state of California or a public utility regulated by the California Public Utilities Commission.
 6. **Public Utility Facilities.** Facilities including, but not limited to, sixty-cycle electric power transformers and related equipment, sewer lift stations, municipal wells and pumping stations.
 - I. **Federal and State Preempted Activities.** Any other activity shall be exempt from the provisions of this chapter to the extent regulation thereof has been preempted by state or federal laws.
- (Ord. 2343 § 2 (part), 2005)

18.40.110 - Performance standards—Citywide.

The following performance standards shall apply to all use classifications in all zoning districts:

- A. **Noise.** No use shall create noise levels which exceed the standards of Section 18.40.100 of this chapter.
 1. **Director May Require Acoustic Study.** For new uses that, in the opinion of the director, may not meet the standards of the noise element, the director may require that an acoustical analysis be prepared. The analysis shall, at a minimum, conform to the following standards:
 - a. Analysis shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.
 - b. Noise levels shall be documented with sufficient sampling periods and locations to adequately describe local noise conditions and noise sources.
 - c. Existing and projected noise levels shall be estimated in terms of L_{eq} and L_{dn} or CNEL. Levels shall be compared to the existing ambient noise levels.
 - d. Mitigation shall be recommended, giving preference to site planning and design rather than noise barriers, where feasible.
 - e. Noise exposure after the prescribed mitigation measures have been implemented shall be estimated.
 2. **Noise Attenuation Measures.** The approving authority may require the incorporation into a project of any noise-attenuation measures deemed necessary to ensure that noise standards are not exceeded, including, but not limited to, noise walls exceeding maximum height limits and minimum setbacks of the zoning district.
- B. **Vibration.** No use, activity or process shall produce vibrations that are perceptible without instruments at one or more property lines of a site.
- C. **Odors.** No use, process or activity shall produce objectionable odors detectable by a reasonable person that are perceptible without instruments at the property lines of an "R" district.
- D. **Hazardous and Extremely Hazardous Materials.** The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations, the California Fire and Building Codes, and any other applicable laws.
- E. **Heat and Humidity.** Uses, activities and processes shall not produce any emissions of heat or humidity at the property line that cause material distress, discomfort or injury to a reasonable person.
- F. **Electromagnetic Interference.** Uses, activities and processes shall not cause electromagnetic interference with normal radio, television or telephone reception in "R" districts or with the function of other electronic equipment beyond the property line of the site on which they are situated.

(Ord. 2343 § 2 (part), 2005)

FS-(5) Identify geographical areas or population groups experiencing noticeable crime victimization in order to improve effectiveness of crime prevention efforts and commit resources, as appropriate, to these areas for assistance.

HAZARDOUS MATERIALS

Goal Reduce and control the adverse effects of hazardous materials on the public's health, safety and welfare.

Objectives

HM-1 Protect life and property from contact with hazardous materials through site design and land use regulations and storage and transportation standards.

HM-2 Protect life and property in the event of the accidental release of hazardous materials through emergency preparedness planning.

Policies

HM-a The City shall maintain an emergency preparedness plan for hazardous materials.

Implementation Measures

HM-(1) Promote greater community awareness and preparedness by working with business associations, homeowners' associations, community groups and utilities.

HM-(2) Coordinate emergency drills with all affected operating departments including, local and County Fire, Law Enforcement, Public Services, Public Works, Finance, and Emergency Medical Services.

HM-(3) Design critical public facilities to remain operative during emergencies.

NOISE

Goal Minimize excessive, objectionable or harmful noise impacting existing and future residents and land uses.

Objectives

N-1 Protect noise sensitive areas through regulation of new noise-generating development.

N-2 Protect noise sensitive new development from existing and future noise generators by regulations encouraging each to locate within compatible noise environments.

N-3 Protect established noise-generating development from noise sensitive new development.

Policies

N-a New development shall use appropriate site planning and building design to reduce undesirable noise impacts. The noise sensitivity of land uses as established in *Table N-1* shall be used in the location of new development, preparation of general plan amendments and specific plans.

The interpretive guidelines in Table N-1 shall not be applied mechanically, but with the degree of flexibility required in each case to achieve a sound and feasible land use decision. However, in no case shall a residential land use be located where the existing noise environment, combined with the measured or calculated noise reduction of the type of structure under consideration, makes it impossible to maintain an interior noise environment at or below 45dBA CNEL.

TABLE N-1			
NOISE SENSITIVITY STANDARDS			
New Land Use	Outdoor Activity Area - Ldn	Interior Activity Area- Ldn/Peak Hour Leq¹	Notes
All Residential	60-65	45	2,3,4
Transient Lodging	65	45	5
Hospitals & Nursing Homes	60	45	6
Theaters & Auditoriums	-	35	
Churches, Meeting Halls, Schools, Libraries, etc.	60	40	
Office Buildings	65	45	7
Commercial Buildings	65	50	7
Playgrounds, Parks, etc.	70	-	
Industrial Facilities	65	50	7

Notes:

1. For traffic noise Ldn and peak-hour Leq values are estimated to be approximately similar. Interior noise level standards are applied within noise-sensitive areas of the various land uses, with windows and doors in the closed positions.
2. Outdoor activity areas for single-family residential uses are defined as back yards. For large parcels or residences with no clearly defined outdoor activity area, the standard shall be applicable within a 100 foot radius of the residence.
3. For multi-family residential uses, the exterior noise level standard shall be applied at the common outdoor recreation area, such as at pools, play areas or tennis courts. Where such areas are not provided, the standards shall be applied at individual patios and balconies of the development.
4. Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.
5. Outdoor activity areas of transient lodging facilities include swimming pool and picnic areas.
6. Hospitals are often noise-generating uses. The exterior noise level standards for hospitals are applicable only at clearly identified areas designated for outdoor relaxation by either hospital staff or patients.
7. Only the exterior spaces of these uses designated for employee or customer relaxation have any degree of sensitivity to noise.

N-b The planning and design of improvements in the circulation systems shall consider their noise impacts on adjacent land uses and shall include measures to mitigate significant noise impacts.

N-c Adhere to the "Corning Municipal Airport Master Plan Land Use Compatibility Guidelines" with respect to access, land uses, noise and safety measures. Coordinate with the Tehama County Airport Land Use Commission regarding projects that may impact, or may be impacted, by airport operations.

Implementation Measures

N-(1) Where noise mitigation measures are anticipated to be needed based on a review of a project, require that project applicants secure the services of a qualified acoustical engineer to perform a detailed technical study and to advance mitigation measures.

N-(2) Where site conditions permit, require noise buffers along the California Northern Railroad for all new adjoining developments that are subject to unacceptable noise levels.

- N-(3)** Site-specific railroad noise studies shall be prepared for noise sensitive development projects anticipated to be affected by railroad noise.
- N-(4)** Control noise at the source through use of insulation, berms, building design and orientation, buffer yards, staggered operating hours, and other techniques; where necessary, use noise barriers to attenuate noise to acceptable levels; require that barriers are landscaped to reduce negative visual impacts on the community.
- N-(5)** Encourage noise attenuation programs that avoid visible sound walls, where practical. Open space, parking, accessory buildings, frontage roads, and landscaping can be used to buffer development from noise.
- N-(6)** The maximum noise exposure from Corning Municipal Airport operations that shall be considered normally acceptable for residential areas is 60 dBA CNEL.
- N-(7)** Request Caltrans to provide freeway sound walls adjacent to residential areas where existing noise levels exceed 65 dB, consistent with State standards and Caltrans' priorities for community noise abatement.

F. COMMUNITY DEVELOPMENT

LAND USE

Goal Promote a development pattern which will accommodate, consistent with the other objectives of the Plan, the growth which will be experienced during the planning period (2014-2034), and as such period is extended by future revisions of the Plan.

Objectives

- LU-1** Guide development in a pattern that will provide opportunities for present and future residents to enjoy the variety of living environments, which currently exist, which are served by the full range of urban services.
- LU-2** Guide development in a pattern that will minimize land use conflicts between adjacent land uses.
- LU-3** Guide development in a pattern that will establish an acceptable balance between public facility and service costs and public revenues derived from new development.
- LU-4** Fashion a development pattern whose implementation mechanisms such as zoning, subdivision, and other regulations, explicitly define a relationship between public and private expectations and responsibilities concerning land use that is based on the following principles:
 - Public programs shall recognize both the expectations of individual property owners to be able to use their lands as they desire and the responsibility of government to provide a regulatory climate, which does not impede reasonable private expectations.
 - Property owners shall recognize public programs emphasizing that land be used in a responsible manner that does not adversely affect either adjacent property owners or the community values of the citizens of the City.

These Sections of the Chico Municipal Code have been updated since 2016 to read as follows:

9.38.015 Application and enforcement of chapter.

A. The provisions of this chapter shall apply to noises from any and all sources in the city except for noises originating from a city park or playground as defined in Chapter 12.04 of this code which shall be regulated in the manner provided for by the park rules and regulations adopted in Chapter 12R.04 of this code.

B. The provisions of this chapter may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer.

(Ord. 1961; Ord. 2195, Ord. 2414, Ord. 2472 §2)

9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.

A. When an enforcement officer responds to an initial citizen complaint of unreasonable noise and perceives activities or circumstances that violate section [9.38.030](#), 9.38.050 or 9.38.052, the officer shall give a verbal or written warning specifying those activities or circumstances to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.

B. Notwithstanding the above, an enforcement officer is not required to issue a warning and may issue a citation for a violation of section [9.38.030](#), 9.38.050 or 9.38.052 under any of the following circumstances:

1. The enforcement officer has responded to two or more incidents of unreasonable noise regarding the same location, activities, or circumstances; or
2. The noise occurs between the following hours:
 - a. 10:00 p.m. Sunday and 7:00 a.m. Monday;
 - b. 10:00 p.m. Monday and 7:00 a.m. Tuesday;
 - c. 10:00 p.m. Tuesday and 7:00 a.m. Wednesday;
 - d. 10:00 p.m. Wednesday and 7:00 a.m. Thursday;
 - e. 10:00 p.m. Thursday and 7:00 a.m. Friday; or
 - f. 12:01 a.m. and 7:00 a.m. on Saturday and Sunday.

C. Once a violation of any provision of this chapter has been verified by a police officer or other authorized person, the owner(s) of the property where the violation occurred may be subject to a violation of this chapter for allowing a subsequent violation of this chapter to occur on the property within 180 days after the date of the previous violation, provided the property owner has received written notification from the city of the previous violation and at least fourteen days have passed since the date the notification was mailed to the property owner(s).

D. A warning issued pursuant to paragraph A above shall be binding upon all existing residents of the property subject to the warning but shall not be binding upon future residents not residing on the property at the time the warning is issued.

E. If no other individual can be found to whom a citation can be issued for the second or continuing violation, a citation may be issued for the first violation to the individual to whom the warning was issued on the first response.

(Ord. 2195, Ord. 2298, Ord. 2331; Ord. 2434 §1, Ord. 24

9.38.056 Noise from vehicles and bicycles.

Publisher's Note: This Section has been **AMENDED** by new legislation (Ord. 2548, adopted 2-11-2020). The text of the amendment will be incorporated below when the ordinance is codified.

A. No person shall use or operate any sound amplification system in or on a vehicle located within a public park, within a public parking lot, or on any other public property other than a highway within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle nor shall any person use or operate any such sound amplification system on or in a vehicle located on private property where the sound amplification system is audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a sound amplification system in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.

B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.

C. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when a vehicle is at rest, or when a situation endangering life, health, or property is not imminent

D. Restriction of use or operation of any sound amplification system as prohibited within Section [9.38.056](#) B shall not apply to the downtown core bounded by 1st Street to the north, 5th Street to the south, Salem Street to the west and Wall Street to the east unless a complaint is first received of excessive noise resulting from any sound amplification system on a bicycle. (Prior code §28.12 (Ord. 1106 (part), Ord. 1765 §2); Ord. 2195, Ord. 2414, Ord. 2548 §1)

9.38.060 Categorical exemptions.

The following activities or sources of noise are exempt from the provisions of this chapter:

A. Alarms and Warning Devices. Any aural alarms or warning devices, including but not limited to fire alarms, burglar alarms and emergency vehicle sirens and air horns. However, if a standard or minimum noise level is prescribed for a particular type of aural alarm or warning device by the laws or regulations of the State of California, the noise emitted from such alarm or warning device shall not exceed such standard or minimum level by more than three (3) dBA.

B. Construction and Alteration of Structures.

1. Notwithstanding any other provision of this chapter, between the hours of ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days, construction, alteration or repair of structures shall be subject to one of the following limits:

a. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.

b. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.

2. Notwithstanding any other provision of this chapter, including but not limited to subsection B.1 of this section, for new residential development projects, or construction, alteration or repairs taking place in commercial or industrial zones between June 15 - September 15, of each calendar year, work will be allowed between the hours of 10:00 a.m. and 6:00 p.m. on

Sundays and holidays, and 6:00 a.m. and 9:00 p.m. on other days. Construction, alteration or repairs of structures shall be subject to one of the following limits:

a. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.

b. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.

C. Emergency Response Activities. Noise from emergency response activities.

D. Special Events at Which No Mechanical or Amplifying Equipment is Employed. Noise from special events conducted lawfully and without the use of sound of any kind that is mechanically produced or amplified or focused by any means.

E. Audio Equipment Used by Public Safety Officers. Noise from audio equipment used or operated by public safety officers in the performance of their duties.

(Prior code §28.6 (Ord. 1106 (part), Ord. 1456, Ord. 1499 §2, Ord. 1765 §4); Ord. 2195, Ord. 2472 §4)

9.38.130 Violations - Penalties.

A. Any person violating, or causing or permitting a violation of, any of the provisions of this chapter is guilty of an infraction and shall be punished by a fine in the amount set forth by resolution of the city council pursuant to section [1.15.050](#) of this code. These minimum fines include the base fine and any and all fines, fees and assessments imposed by the Butte County Superior Court. A separate offense is committed for each and every hour or part of an hour during which any such violation is committed or caused or permitted to continue. Each offense is punishable separately from every other offense.

B. The administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines for noise violations are established pursuant to [Chapter 1.15](#) of this code.

C. A violation of this chapter shall be a misdemeanor and may be enforced by the filing of a criminal action by the city attorney if:

1. Within thirty (30) days from the issuance of a written citation, a second noise complaint is received from a citizen complainant;

2. A citizen complainant fills out and signs a statement form stating the manner in which the citizen was disturbed; and

3. The citizen complainant is willing to appear in court to testify if the charges are contested.

D. Subsection C shall not be applicable to a property owner when they do not reside or occupy the property where the noise violation has occurred and the property owner is entitled to receive rent or other valuable consideration for the use of the property, A property owner that meets the above conditions and continues to allow violations of this chapter shall be guilty of an infraction and may be subject to civil or administrative enforcement in accordance with [Chapter 1.15](#) of this code. The city may defer or delay administrative action against any property owner who can demonstrate due diligence in preventing future noise violations, such as evicting those responsible for such violations.

(Prior code §28.13 (Ord. 1106 (part)), Ord. 2195) (Ord. 2434 §2, Ord. 2472 §5)

**ITEM NO.: J-13
AUTHORIZE PUBLIC WORKS TO
SEEK PROPOSALS FOR A THREE-
YEAR STREET STRIPING SERVICE
AGREEMENT**

October 13, 2020

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

**FROM: KRISTINA MILLER, CITY MANAGER
ROBIN KAMPMANN, PE; PUBLIC WORKS/CITY ENGINEER CONSULTANT**

SUMMARY:

Staff requests Council authorization to seek proposals for a three-year Street Striping Service Agreement to provide routine striping removal and placement to City Streets.

For a full list of services see the attached scope of work.

BACKGROUND:

The previous Agreement expired December 30, 2012. At that time, the current Public Works Director choose not to obtain an Agreement, to just obtain services when needed through a Request for Proposals (RFP) process. The lack of an Agreement and the extensive amount of work it requires to prepare project specific RFP's has led to street striping maintenance falling behind. This 3-year Agreement will allow this condition to be corrected.

FINANCIAL:

Street striping service is included in each budget in the amount of \$25,000 under account 114-9220-3000; Thermo Plastic/Streets.

RECOMMENDATION:

**MAYOR AND COUNCIL AUTHORIZE PUBLIC WORKS TO SEEK PROPOSALS
FOR A THREE-YEAR STREET STRIPING SERVICE AGREEMENT.**



Contract for City Services
3-YEAR PAVEMENT STRIPING SERVICES

THIS AGREEMENT, made and entered into as of this, 1st day of January 2021, by and between The City of Corning, hereinafter called the OWNER or CITY, and _____, hereinafter called the CONTRACTOR.

RECITALS

- 1) OWNER seeks to have pavement striping and/or removal work performed within the jurisdictional area of the City.
- 2) CONTRACTOR seeks to provide services for pavement striping and/or removal within the jurisdiction of OWNER.
- 3) The parties agree that these services will be performed during the term of this agreement and will done at the request of OWNER at locations within the City.

WITNESSETH, that, for the considerations in the recitals and hereinafter mentioned, the Owner and Contractor agree as follows:

ARTICLE I. These Special Provisions, the Bid Proposal, and General Conditions, attached hereto and the Plans and Specifications per site projects incorporated herein by express reference are a material part of this contract and are expressly incorporated herein as though fully set forth in this paragraph. These documents are collectively marked EXHIBIT "A".

Contractor's Obligations:

- a. Contractor shall safely and in a workmanlike manner, with the materials approved and indicated herein, provide pavement striping and/or removal upon request of the City at locations specified by the City. All work will be performed between 7:00 a.m. and 6:00 p.m. of each workday so that noise associated with the work will not be an annoyance to nearby property owners.
- b. With regard to the foregoing work, the Contractor shall supply all labor and materials to provide pavement striping and/or removal work requested by the City, removing equipment and materials upon completion.
- c. Contractor shall obtain a City Encroachment Permit approved by the Public Works Director for each specific project.

ARTICLE II. Term. The term of this Agreement shall be three (3) years, starting at the date fully executed and ending three years thereafter.

ARTICLE III. Payment. The Owner agrees to pay the Contractor for the performance of the Contract, subject to additions and deductions provided therein at the prices listed in Exhibit "A", and the Contractor agrees to receive and accept said payment as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement, and for all loss or damage arising out of the nature of the aforesaid work or from the action of the elements and from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by Owner, and for all risks of every description connected with the work, and for all expenses incurred by or in consequence of the suspension or discontinuance of the work, and for well and faithfully completing the work and the whole thereof in the manner and according to the Contract Documents and the requirements of the Public Works

Director under them to wit: As shown on the Proposal attached hereto as Exhibit "A" and incorporated herein.

All payments will be made in full based upon the agreed rates per lineal/square foot, legends and/or grindings upon satisfactory completion of each specific job. However, should performance not have been satisfactory as determined by the Public Works Director, as hereinafter specified, the City may reserve unto itself such funds from amounts otherwise payable to the Contractor as the Public Works Director deems appropriate for purposes of insuring proper performance and/or hiring other striping companies to complete the contract.

The City reserves unto itself, the right to reject any or all performance hereunder and to require touchup services to the City's satisfaction. Such touchup services shall be performed by the Contractor without further compensation from the City.

The acceptance of the final payment by the Contractor shall constitute a waiver of all claims by him except those previously made in writing and still unsettled.

ARTICLE IV. Schedule. The Contractor and Public Works Director shall produce a schedule for each specific project start date after the date of execution of the Contract. He/She shall diligently prosecute the same to completion within 30 days of start of each specific project.

ARTICLE V. Licensing, Insurance & Labor Code Requirements. The Contractor shall keep himself fully informed of all existing and future State and Federal laws and all Municipal Ordinances and/or regulations of the City of Corning which in any manner affect those engaged in or employed in the work he performs for the City, or the materials used in such work, or which in any way affects the conduct of such work and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. Contractor must comply with all provisions of the Immigration Reform and Control Act and of the California Labor Code.

a. Contractor agrees to secure and maintain a general liability insurance policy in a sum not less than \$1,000,000.00 during the term of the Contract Agreement and any extension thereto and shall name the City of Corning as an additional insured under the general liability insurance policy. Contractor shall also secure and maintain, during the term of the Contract Agreement, Automobile Liability Insurance at limits competitive in the construction industry of like kind, which shall be applicable and cover those vehicles operating on the project, and any transfer obligation to/from the project, as well as keep fully insured, at his own expense, all persons employed by him in connection with this Agreement as required by Workman's Compensation and Insurance (California Labor Code Section 3200 et seq.), and shall protect, defend and hold the City free and harmless from all liabilities that may arise by reason of the injuries to any of the employees of the Contractor who are injured while performing any labor employed in carrying out the provisions of this agreement.

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

b. Contractor shall purchase and maintain a City of Corning Business License and any other applicable license issued by the State of California required for such work that is valid and effective at all times during the term of this Agreement.

c. A contractor and/or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5.

d. In accordance with the provisions of Section 1770, and following, of the Labor Code of the State of California, the City of Corning has ascertained that the general prevailing rate of wages applicable to the locality in which the work is to be done will be listed in the "General Prevailing Wage Rates as determined by the Director of Industrial Relations," which is on file at City Hall and available from the California Department of Industrial Relations Internet website at www.dir.ca.gov.

e. It is mandatory that the Contractor to whom the contract is awarded and any subcontractor under him pay not less than said specified rates to all persons employed by them or either of them in the execution of the contract. The successful bidder shall post a copy of such determination at the job site and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

f. Contractor will be required to keep on file with the City a Performance Bond covering all projects for the duration of the Contract and for one year after completion and acceptance of the final project.

ARTICLE VI. Indemnity, Defense, and Hold Harmless. Contractor agrees to indemnify, defend, and hold the City of Corning harmless from any and all losses, liability, damages, injury (to person or property), fines, fees, penalties, and/or other damages that arises, in any way, under the terms of the Contract Agreement and/or any alleged and/or actual negligent act, intentional act, or other circumstance caused by or performed by Contractor, its agents, subcontractors, and/or employees. The obligations of this provision do not apply to injury, loss, damage, or other harm that arises from the sole and absolute negligence and/or intentional act of the City of Corning, its agents and/or employees.

ARTICLE VII. Termination of Contract. Should contractor fail to perform satisfactorily during term of this Agreement, City reserves to itself the right to cancel any remaining portion of said contract upon thirty days written notice to Contractor, by notice in writing provided to Contractor at his usual place of business. Should Contractor breach any of the terms and conditions of this contract, or violate any laws, the City reserves unto itself the right to direct Contractor to immediately cease performance and then terminate this contract thereafter, upon thirty days written notice, and pay contractor such amounts as he may then be entitled to on a pro-rata basis (pro-rated according to amount of work satisfactorily completed).

ARTICLE VIII. Authority of Public Works Director. The Public Works Director shall be the City's representative in deciding any and all questions which may arise as to the quality or acceptability of the work performed, all questions which arise as to the acceptable fulfillment of the contract on the part of the Contractor and all questions as to claims and compensation.

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

ARTICLE IX. Integration and Modification. The Contract Agreement, its exhibits and attachments are the operative contract of the parties; there being no other written or oral agreements. Any modifications to this Agreement must be in writing and signed by all parties.

ARTICLE X. Savings Clause. Should any one part of this Agreement be deemed illegal or invalid, all other provisions shall remain valid and enforceable so long as the Agreement's purpose is not materially altered.

ARTICLE XI. Ability to Contract. Contractor represents and warrants that it has taken all necessary actions to bind the corporation as set forth in the Contract Agreement and any addendum thereto.

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

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

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

If during the performance of Contractor's work Contractor, its agents, or employees discover a dangerous condition that presents a possible danger to the general public, or is otherwise reasonably perceived by Contractor as a danger to the public, Contractor shall immediately notify Public Works of the condition and if necessary shall post a warning at the area presenting such condition to warn the general public of the same and thereafter safely and timely resolve the condition or until such time as the Public Works Department can assess or otherwise address the condition.

ARTICLE XIII. Attorney Fees and Costs: In the event that legal action arises out of the terms or conditions contained in this Agreement, the prevailing party therein shall be entitled to a reasonable award of attorney fees and costs.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands on the date below written.

CITY OF CORNING:

Approved as to form:

Kristina Miller,
City Manager

City Attorney
City of Corning

Date

Date

CONTRACTOR:

By (signature)

Contractor

By and Title (printed)

Address

Date

Telephone Number

E-Mail Address

Approved by Collin: 7/2/18
Updated: 2/12/2020 _____

LEGAL NOTICE

NOTICE OF REQUEST FOR BIDS FOR
3-YEAR PAVEMENT STRIPING SERVICES
IN THE CITY OF CORNING

NOTICE IS HEREBY GIVEN that pursuant to the order of the City Council of the City of Corning, Request for Bids will be received by the City Clerk of the City of Corning at 794 Third Street, Corning, CA 96021 until 1:30 p.m. on November 18, 2020 for the following:

- Providing pavement striping and/or removal services within the Corning City limits. (Bidding documents and specifications may be obtained at Corning City Hall located at 794 Third Street, Corning, the City of Corning Web Page: www.corning.org listed under Public Information, www.CIPIlist.com or Exchanges)

Request for Proposals shall be submitted in sealed envelopes plainly marked on the outside "SEALED BID – 3-YEAR PAVEMENT STRIPING SERVICES CONTRACT - DO NOT OPEN". All Proposals submitted will be opened and read promptly following the 10:30 a.m. proposal closing period. Proposal results will be presented November 24, 2020 at the 6:30 p.m. Corning City Council meeting for award.

No proposal will be accepted from a Contractor who is not currently licensed in accordance with the provisions of Chapter 9, Division III of the Business and Professions Code.

Lisa M. Linnet
City Clerk

PUBLISH: 10/22/2020
10/29/2020



PUBLIC WORKS

**PROPOSAL FORM:
3-YEAR PAVEMENT STRIPING SERVICES CONTRACT**

The City of Corning is requesting Proposals for a State of California licensed Pavement Striping Contractor. This Contractor will be responsible for the pavement striping and/or removal at various locations throughout the City. The price quoted will be in effect for a three-year period beginning January 1, 2021 and ending December 31, 2023.

Item	Unit	Per Unit Cost
Thermoplastic Caltrans A20A Detail 2	LF	
Thermoplastic Caltrans A20A Detail 8	LF	
Thermoplastic Caltrans A20A Detail 9	LF	
Thermoplastic Caltrans A20A Detail 22	LF	
Thermoplastic Caltrans A20B Detail 27B	LF	
Thermoplastic Caltrans A20B Detail 32	LF	
Thermoplastic Caltrans A20D Detail 38	LF	
Thermoplastic Caltrans A20D Detail 38B	LF	
Thermoplastic Caltrans A20D Detail 39	LF	
Thermoplastic Caltrans A20D Detail 39A	LF	
Thermoplastic Caltrans A20D Detail 40	LF	
Thermoplastic Pavement Markings	SF	
Thermoplastic Caltrans A24F Ladder Crosswalk	LF	
Thermoplastic Caltrans A24F Diagonal Crosswalk	LF	
Thermoplastic Caltrans A24F Basic Crosswalk	LF	
4" Thick Painted Parking Stripe (White)	LF	
4" Thick Painted Parking Stripe (Yellow)	LF	
Accessible Parking Space (Including 5' Accessible Isle)	EACH	
Grinding of Existing Striping	SF	

All proposals shall be submitted to the City of Corning, 794 Third Street, Corning California, 96021 by 1:30 pm on November 18, 2020 in an envelope clearly marked "SEALED PROPOSAL – 3-YEAR PAVEMENT STRIPING SERVICES CONTRACT - DO NOT OPEN". All proposals submitted will be opened and read promptly following the 1:30 pm proposal closing. Proposal results will be presented for award at the City Council meeting scheduled for Tuesday, November 24, 2020 at 6:30 pm.

The City of Corning reserves the right to reject any and all proposals submitted or to waive any irregularity. In the event of identical proposals, the City of Corning will be the sole judge of the Company to receive the bid.

Signature of Company Representative

Date

Printed Name of Representative

Company Name

California State Contractors
License Number

Address

DIR #: _____

Phone

A contractor and/or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5.



**SCOPE OF WORK
FOR
PAVEMENT STRIPING AND/OR REMOVAL SERVICES**

Description of Work

Pavement striping and/or removal is to be done on various streets throughout the City of Corning, on an as-needed basis throughout the contract period of January 1, 2021 through December 31, 2023 (3-Years). Contractor is guaranteed a minimum of four (4) hours for each call out.

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

Award of Bid

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

Time of Completion

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

Striping/Markings

All striping and markings shall be per the Section 84 "Markings" of the 2015 Caltrans Standard Specifications.

Remove Pavement Markings, Traffic Stripes, and Pavement Markers

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

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

Traffic Control

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

Contractor shall:

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

Night Work

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

Equipment

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

Preparation

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

Re-striping

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

Quality of Materials and Source of Supply

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

Responsible Representative

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

representative shall be available at all times during regular working hours throughout the contract duration.

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

Employees of Contractor

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

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

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

Public Safety

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

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

Quality Control Program

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

Payment

An individual Purchase Order will be established for each assigned project or task. As individual jobs or groups of jobs are completed, they may be invoiced for payment. Contractor will be required to sign a release for each individual job, before final payment is made.

Certified copies of payroll records for the time period worked shall be submitted to the DIR and provided to the City upon request. Contractor to be paid for actual amount of lineal feet striped and/or removed, based on unit prices quoted.

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

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

Contract Cancellation

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

**ITEM NO.: J-14
PROVIDE STAFF DIRECTION FOR THE
INSTALLATION OF THE YOST PARK
PLAYGROUND EQUIPMENT**

October 13, 2020

**TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CHRISSY MEEDS, PLANNER 1/RECREATION DIRECTOR
ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT**

SUMMARY:

Due to scheduled obligations, the installation of the new playground equipment by Volunteers will not occur until the end of the year at best, or preferably next spring. Staff is asking for Council direction on if they would prefer to wait for the installation to be completed by the Volunteers, or if they would like Staff to proceed with preparing a Request for Proposals (RFP) to obtain a Contractor for the installation.

Should Council direct Staff to seek an RFP, following the RFP preparation, distribution, and receipt of proposals, the earliest the contract would be awarded would be in mid-November, with construction occurring in December. At the time the equipment was ordered the installation cost as proposed by the equipment supplier was \$36,671. Because the City anticipated utilizing Volunteer labor for the installation, the City did not include the \$36,671 in this fiscal year budget for the equipment installation.

The scope of work includes:

- ◆ Installing a custom round 5 steel play system
- ◆ Installing an Arch disc swing, a Seat Spinner and Bucket Spinner
- ◆ Installing (2) eight-foot benches

BACKGROUND:

At the February 2020 Recreation Commission Meeting, Recreation Commissioner Justin Eckenrod volunteered to have his Company, Slater & Son, along with a couple of other local Contractors install the new playground equipment at Yost Park. The new equipment was ordered in March as directed by City Council and received in May. City Public Works Crewmembers removed the old playground equipment and Evan Johnson Construction completed the sidewalk, curb, and gutter to meet ADA guidelines in August 2020. Justin Eckenrod's schedule has not allowed him time to start the installation of the new playground equipment. On September 23rd, Staff had a phone conversation with Justin at which time he informed Staff that at best, his schedule allowed time in November or December however, he stated he would prefer to start the project next spring.

FISCAL IMPACT:

Currently there is \$11,832 remaining in the Parks Capital Outlay Budget account but a portion of these funds will be used to provide materials for the installation of the three remaining fitness stations. Any additional cost for the installation of the Playground Equipment at Yost Park would require a supplemental appropriation from the City's General Fund Reserves.

RECOMMENDATION:

MAYOR AND COUNCIL PROVIDE DIRECTION TO STAFF FOR THE INSTALLATION OF THE YOST PARK PLAYGROUND EQUIPMENT.