



**CITY COUNCIL
CLOSED SESSION AGENDA
TUESDAY, AUGUST 9, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

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

B. ROLL CALL:

Council:

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

Mayor:

C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code § 54956.8

Property: 930 N. Marguerite Avenue

Agency Negotiator: Kristina Miller, City Manager

Negotiating Parties: Airport Building and Ground Lease

Under Negotiation: Terms of Lease



**CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, AUGUST 9, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET**

OR

VIA ZOOM

<https://us06web.zoom.us/j/9342948553?pwd=WFF2OVdjZnhldTZKRvJwZ1FSTFFtUT09>

Meeting ID: 934 294 8553, Passcode: 01252022

OR BY PHONE at (720) 707- 2699

Meeting ID: 934 294 8553, Passcode: 01252022

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

B. ROLL CALL:

Council:

**Dave Demo
Karen Burnett
Shelly Hargens
Jose "Chuy" Valerio**

Mayor:

Robert Snow

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

D. INVOCATION: Led by Councilor Burnett.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: .

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

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

1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.
2. Waive the reading and approve the Minutes of the July 26, 2022 Regular City Meeting with any necessary corrections:
3. August 3, 2022 Claim Warrant in the amount of \$1,284,079.61.
4. July 2022 Wages & Salaries: \$424,605.27.
5. August 3, 2022 Business License Report.
6. July 2022 Treasurer's Report.
7. July Building Permit Valuation Report in the amount of \$682,312.
8. July 2022 City of Corning Wastewater Operations Summary Report.
9. Authorize payment of Invoice No. 1 to Walberg, Inc. in the amount of \$298,549.34 for the Solano Street Improvement Project.

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

J. REGULAR AGENDA:

10. Ordinance 699, an Ordinance amending Chapter 5.50 of the Corning Municipal Code pertaining to Street Vending. (Introduction and 1st Reading)
11. Ordinance 701, an Ordinance adopting the Initiative Measure relating to amendment of the Hwy. 99W Specific Plan to remove the Initiative Area to allow development of a Grocery Store and Drive-thru Coffee Shop. (Introduction and 1st Reading)
12. Accept Final Tract Map 2022-01 for the Magnolia Meadows Subdivision.
13. Authorize City Manager and City Attorney to negotiate and execute a Memorandum of Understanding with the County of Tehama to provide staffing for water distribution to residents in unincorporated areas within 5 miles of City Hall.
14. Provide Staff Direction on exploring Agreement with Corning Union High School District for potential extended pool season.

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:

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

Demo:
Burnett:
Hargens:
Valerio:
Snow:

N. ADJOURNMENT:

POSTED: FRIDAY, AUGUST 5, 2022

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER



**CORNING CITY COUNCIL
MEETING MINUTES
TUESDAY, JULY 26, 2022
CITY COUNCIL CHAMBERS IN PERSON
AT 794 THIRD STREET
OR
VIA ZOOM AT:**

<https://us06web.zoom.us/j/9342948553?pwd=WFF2OVdJZnhldTZKRvJwZ1FSTFFUT09>

Meeting ID: 934 294 8553, Passcode: 01252022

OR BY PHONE AT (720) 707- 2699

Meeting ID: 934 294 8553, Passcode: 01252022

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

B. ROLL CALL:

**Council: Dave Demo
Karen Burnett
Shelly Hargens
Jose "Chuy" Valerio
Mayor: Robert Snow**

All members of the City Council were present,

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

D. INVOCATION: Led by Councilor Burnett.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

Julie Johnson, on behalf on someone working in the Community stated that there are concerns about the planters within the Solano Street Project area, specifically as they will affect those parking and possible difficulties for mothers loading and unloading children. She also stated concerns related to maintenance of the planters.

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the reading and approve the Minutes of the following meetings with any necessary corrections:**
 - a. July 12, 2022 City Council Closed Session & Regular Meetings; and**
 - b. July 13, 2022 Emergency City Council Meeting.**
- 3. July 20, 2022 Claim Warrant in the amount of \$806,379.94**
- 4. July 20, 2022 Business License Report.**
- 5. Authorize payment of Invoice #23372 in the amount of \$2,336.31 to R.E.Y. Engineers for the West Street School ATP Connectivity Project Engineering and Environmental Services.**
- 6. Authorize payment of Invoice #23373 in the amount of \$1,166.44 to R.E.Y. Engineers for the Olive View ATP Connectivity Project Engineering and Environmental Services.**

Councilor Valerio moved to approve Consent Items 1-6; Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None**I. PUBLIC HEARINGS AND MEETINGS: None****J. REGULAR AGENDA:**

7. **Approve Agreement with Alliance Environmental Services, Inc. in the amount of \$11,184 to provide required lead and asbestos testing on recently acquired buildings prior to demolition as part of the Proposition 68 Park Development and Community Revitalization Grant.**

Presented by City Manager Kristina Miller who stated that the lead and asbestos testing is necessary prior to demolition of the existing buildings to confirm if any lead or asbestos is present so if present it is disposed of property. She stated that this is necessary to keep the project moving and that the associated costs are grant funded. She then announced that there is a typo in the Agreement Title and clarified stating that this is a "Professional Services Agreement", not a "Consultant Services Agreement". It was confirmed, if approved they can begin testing in a week. It was then suggested by the mayor to the City Manager's authorization to sign Contract Amendments up to an additional \$11,000 if needed.

Councilor Demo moved to authorize Staff to:

- Approved Agreement with Alliance Environmental Services Inc. to provide the City with lead and asbestos testing and reporting services at a cost of \$11,184; and
- Authorize the City Manager to sign Contract Amendments up to an additional \$11,000.

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

8. **Approve and authorize the City Manager to sign the proposed Amendment extending the existing Janitorial Services Contract with Alejandra Ochoa for 3-years at the negotiated amount of \$4,370 per month.**

Presented by City Manager Kristina Miller who stated that Mrs. Ochoa currently provides these services and recommended approval and appropriation of funds to finance the contract increase of \$363. She stated that she doesn't believe that we could obtain a contract for less than this amount. She confirmed that Staff is happy with the services currently being provided.

Councilor Hargens moved to:

- Approve and authorize the City Manager to sign the 3-year Janitorial Contract Extension Amendment for Janitorial Services with Alejandra Ochoa, DBA Ochoa Cleaning at \$4,370 per month, and
- Authorize appropriation of \$4,370 from General Fund Reserves to cover increased costs.

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

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.**L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION: None.****M. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).**

Demo: Announced he attended the movie in the Park at Northside Park; it was well attended. He commended those that put the event on. Audience member Jerry Lequia stated the area was cleaned up following the event.

Burnett: Announced it is BUNKO Time at the Senior Center again; tickets are available.

Hargens: Stated her meeting was cancelled.

Valerio: Stated Lisa Lomelli did an amazing job coordinating the "Movie in the Park" Event.

Snow: Thanked the Public Works Crew; they have done a great job cleaning Yost Park,

N. ADJOURNMENT: 6:47 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: August 3, 2022

SUBJECT: Cash Disbursement Detail Report for the
Tuesday August 9, 2022 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

| | | | | |
|----|-----------------------|-----------------|----|------------|
| A. | Cash Disbursements | Ending 06-30-22 | \$ | 472.50 |
| B. | Cash Disbursements | Ending 07-29-22 | \$ | 49,437.53 |
| C. | Payroll Disbursements | Ending 07-28-22 | \$ | 730,664.53 |
| D. | Cash Disbursements | Ending 08-03-22 | \$ | 503,505.05 |

GRAND TOTAL\$ 1,284,079.61

REPORT.: Jul 21 22 Thursday
RUN...: Jul 21 22 Time: 10:14
Run By.: LORI SIMS

CITY OF CORNING
Cash Disbursement Detail Report
Check Listing for 06-22 thru 06-22 Bank Account.: 1020

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

| Check Number | Check Date | Vendor Number | Name | Net Amount | Invoice # | Description |
|--------------------------|---------------|------------------|------------------------|---------------|-----------|--------------------|
| 013400 | 06/30/22 | EC005 | ECORP CONSULTING, INC. | 472.50 | 97173 | PROF SVCS-PLANNING |
| | | | | ----- | | |
| Cash Account Total..... | | | | 472.50 | | |
| | | | | ----- | | |
| Total Disbursements..... | | | | 472.50 | | |
| | | | | ===== | | |

REPORT.: Jul 29 22 Friday
 RUN...: Jul 29 22 Time: 14:31
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 07-22 thru 07-22 Bank Account.: 1020

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

| Check Number | Check Date | Vendor Number | Name | Net Amount | Invoice # | Description |
|--------------|------------|---------------|---------------------------|---------------------|-----------------------|--|
| 033276 | 07/22/22 | 3CO00 | 3CORE, INC. | -7500.00 | 20215Au | Ck# 033276 Reversed |
| 033401 | 07/21/22 | FLE02 | FLEMING, JOHN E. | 2062.50 | 2022/7-21 | PROF SVCS-BLD & SAFETY |
| 033402 | 07/21/22 | GAR00 | GARCIA, ROY | 15.00 | 07202022 | TRAINING/ED-POLICE |
| 033403 | 07/21/22 | LEE00 | LEE, JACQUELINE PATTON | 240.00 | 220723 | REC INSTRUCTOR-REC |
| 033404 | 07/22/22 | CIT03 | CITY OF CORNING | 600.00 | BAU0018 | CDBG CV2&3-ASST-EMERGENCY RESP (ADAN BAUTISTA) |
| 033405 | 07/22/22 | PRY03 | DAVID PRYATEL | 15.00 | 07222022 | TRAINING/ED-POLICE |
| 033406 | 07/22/22 | ECO05 | ECORP CONSULTING, INC. | 877.50 | 96816A | PROF SVCS-PLANNING |
| 033407 | 07/25/22 | CRA12 | CRAIG, SCOTT | 249.00 | 220725 | MAT & SUPPLIES-SWR |
| 033408 | 07/25/22 | HAW05 | HAWK ANALYTICS, LLC | 5995.00 | INV25507 | SAFETY ITEMS-POLICE |
| 033409 | 07/25/22 | KIN14 | KINETICS ACADEMY OF DANCE | 352.50 | 220724 | REC INSTRUCTOR-REC |
| 033410 | 07/25/22 | PEN01 | PENDERGRAFT, JAMES | 60.00 | 220722 | PANT REIMBURSEMENT-PW ADMIN |
| 033411 | 07/26/22 | TEH08 | COUNTY OF TEHAMA | 50.00 | 220726 | MAT & SUPPLIES-PLANNING |
| 033412 | 07/28/22 | BEN01 | BENBOW, W.B. | 572.00 | 00000530 | WELL TELEMETRY-WTR CAP IMPROV |
| 033413 | 07/28/22 | COM01 | COMPUTER LOGISTICS, INC | 3060.00 | 83505 | EQUIP MAINT- |
| 033414 | 07/28/22 | COR08 | CORNING LUMBER CO INC | 1161.18 | 220625 | MAT & SUPPLIES- |
| 033415 | 07/28/22 | FMR01 | FM RICHELIEU ENGINEERING | 440.00 | 2022-2701 | PROF SVCS-BLD & SAFETY |
| 033416 | 07/28/22 | HOM03 | HOME DEPOT | 95.04 | 7021851 | MAT & SUPPLIES-PARKS |
| 033417 | 07/28/22 | IMA01 | IMAGE SALES, INC. | 22.84 | 0073016IN | SMALL TOOLS-POLICE |
| 033418 | 07/28/22 | L&T00 | L & T TOWING | 291.50 | 22-09354 | VEH OP/MAINT-POLICE |
| 033419 | 07/28/22 | LIN01 | LINCOLN AQUATICS, INC. | 3768.66 -1130.00 | SN086310 SN086561C | MAT & SUPPLIES-POOL MAT & SUPPLIES-POOL |
| | | | Check Total..... | 2638.66 | | |
| 033420 | 07/28/22 | PAC29 | PACE ANALYTICAL SERVICES, | 176.37 | 220788-28 | PROF SVCS-WTR DEPT |
| 033421 | 07/28/22 | PGE01 | PG&E | 33690.32 | 220721 | Electricity General City- |
| 033422 | 07/28/22 | PGE2B | PG&E | 283.49 | 8118058-0 | SOLAR-WWTP |
| 033423 | 07/28/22 | RED12 | REDDING FREIGHTLINER, | 182.63 | X10107600 | VEH OP/MAINT-FIRE |
| 033424 | 07/28/22 | SCH01 | LES SCHWAB TIRE CENTER | 1300.95 | 00436917 | VEH OP/MAINT- |
| 033425 | 07/28/22 | XER00 | XEROX CORPORATION | 24.03 | 016701165 | EQUIP MAINT-DISPATCH |
| 033426 | 07/28/22 | COR08 | CORNING LUMBER CO INC | 1523.22 | 220725 | MAT & SUPPLIES- |
| 033427 | 07/29/22 | GAB00 | GABBARD, BRYAN | 270.00 | 220729 | REC INSTRUCTOR-REC |
| 033428 | 07/29/22 | WEB02 | WEBSTER, WAYNE C. | 210.00 | 220730 | REC INSTRUCTOR-REC |
| 033429 | 07/29/22 | \C108 | JUAN CASTILLO | 82.14 | 000C20701 | MQ CUSTOMER REFUND FOR CAS0080 |
| 033430 | 07/29/22 | \G047 | JULIE GRUNDY | 29.83 | 000C20701 | MQ CUSTOMER REFUND FOR GRU0008 |
| 033431 | 07/29/22 | \L064 | GABRIELA LOPEZ | 60.54 | 000C20701 | MQ CUSTOMER REFUND FOR LOP0074 |
| 033432 | 07/29/22 | \R095 | CYNTHIA RAMIREZ | 57.47 | 000C20701 | MQ CUSTOMER REFUND FOR RAM0095 |
| 033433 | 07/29/22 | \S130 | ARTURO SERVIN | 21.04 | 000C20701 | MQ CUSTOMER REFUND FOR SER0011 |
| 033434 | 07/29/22 | \S131 | TRAVIS STROUD LAW FIRM | 23.56 | 000C20701 | MQ CUSTOMER REFUND FOR STR0040 |
| 033435 | 07/29/22 | \V050 | AMY VILLALOBOS | 204.22 | 000C20701 | MQ CUSTOMER REFUND FOR VIL0036 |
| | | | Cash Account Total..... | 49437.53 | | |
| | | | Total Disbursements..... | 49437.53 | | |
| | | | Cash Account Total..... | .00 | | |

REPORT.: Jul 29 22 Friday
 RUN....: Jul 29 22 Time: 14:31
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 07-22 thru 07-22 Bank Account.: 1025

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

| Check Number | Check Date | Vendor Number | Name | Net Amount | Invoice # | Description |
|--------------|------------|---------------|---------------------------|---------------------------------|------------------------------|---|
| 13294 | 07/28/22 | BAN03 | POLICE OFFICER ASSOC. | 275.00 | C20727 | POLICE OFFICER ASSOC |
| 13295 | 07/28/22 | CAL37 | CALIFORNIA STATE DISBURSE | 138.46 | C20727 | WITHHOLDING ORDER |
| 13296 | 07/28/22 | EDD01 | EMPLOYMENT DEVELOPMENT | 5612.14 1743.36 | C20727 1C20727 | STATE INCOME TAX SDI |
| | | | Check Total..... | 7355.50 | | |
| 13297 | 07/28/22 | FED00 | FEDERAL PAYROLL TAXES (EF | 16053.88 19777.74 4625.40 | C20727 1C20727 2C20727 | FEDERAL INCOME TAX FICA MEDICARE |
| | | | Check Total..... | 40457.02 | | |
| 13298 | 07/28/22 | ICM01 | ICMA RETIREMENT TRUST-457 | 3576.24 185.00 | C20727 1C20727 | ICMA DEF. COMP ICMA DEF. COMP ER PD |
| | | | Check Total..... | 3761.24 | | |
| 13299 | 07/28/22 | PERS1 | PUBLIC EMPLOYEES RETIRE | 673007.95 | C20727 | PERS PAYROLL REMITTANCE |
| 13300 | 07/28/22 | PERS4 | Cal Pers 457 Def. Comp | 2611.59 460.00 | C20727 1C20727 | PERS DEF. COMP. PERS DEF. COMP. ER P |
| | | | Check Total..... | 3071.59 | | |
| 13301 | 07/28/22 | TEH16 | TEHAMA COUNTY SHERIFF'S O | 110.89 | C20727 | WageOrder F#20000149 |
| 13302 | 07/28/22 | VAL06 | VALIC | 2344.38 142.50 | C20727 1C20727 | AIG VALIC P TAX AIG VALIC P TAX ER P |
| | | | Check Total..... | 2486.88 | | |
| | | | Cash Account Total..... | 730664.53 | | |
| | | | Total Disbursements..... | 730664.53 | | |

REPORT.: Aug 03 22 Wednesday
 RUN....: Aug 03 22 Time: 14:25
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 08-22 thru 08-22 Bank Account.: 1020

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

| Check Number | Check Date | Vendor Number | Name | Net Amount | Invoice # | Description |
|--------------|------------|---------------|---------------------------|-------------------------------------|---------------------------------------|---|
| 033265 | 08/03/22 | CRO05 | CROSS PETROLEUM | -895.80 | CL22787u | Ck# 033265 Reversed |
| 033436 | 08/01/22 | COR07 | CORBIN WILLITS SYSTEMS, I | 713.43 | 000C208011 | EQUIP MAINT-FINANCE |
| 033437 | 08/01/22 | COR09 | CORNING CHAMBER OF COMM. | 1000.00 | 000C208011 | CngChamberComm. Economic |
| 033438 | 08/01/22 | MOO07 | MOORE & BOGENER, INC. | 5525.00 | 000C208031 | CONSULTING SVCS-LGL SVCS |
| 033439 | 08/01/22 | NEL00 | NELSON, JEFFREY NEIL | 54.70 | 000C208011 | PROF SVCS-FIRE DEPT |
| 033440 | 08/01/22 | OCH01 | OCHOA CLEANING | 4007.00 | 000C208011 | JANITORIAL SERVICES- |
| 033441 | 08/01/22 | PIT01 | PITNEY BOWES | 183.80 | 000C208011 | Rents/Leases Finance Dept |
| 033442 | 08/01/22 | SCH16 | SCHLERETH, DAYMON WAYNE | 104.70 | 000C208011 | PROF SVCS-FIRE DEPT |
| 033443 | 08/01/22 | MCD02 | MCDONALD'S | 104.00 | 220729 | REFUND-DUPLICATE BUSINESS LICENSE FEE |
| 033444 | 08/01/22 | WAR05 | WARREN, DANA KARL | 28.50 114.00 | 220630 220731 | REC INSTRUCTOR-REC REC INSTRUCTOR-REC |
| | | | Check Total.....: | 142.50 | | |
| 033445 | 08/01/22 | BOR00 | BORER, NATHANIEL MATTHEW | 30.00 | 220727 | MAT & SUPPLIES-POOL |
| 033446 | 08/02/22 | AIR00 | AIRGAS USA, LLC | 74.28 | 999054509 | MAT & SUPPLIES-FIRE |
| 033447 | 08/02/22 | ATT02 | AT&T | 969.54 | 18538060 | COMMUNICATIONS- |
| 033448 | 08/02/22 | ATT15 | AT&T MOBILITY | 818.13 | 220719 | COMMUNICATIONS- |
| 033449 | 08/02/22 | BOR00 | BORER, NATHANIEL MATTHEW | 180.00 | 220729 | PROF SVCS-POOL |
| 033450 | 08/02/22 | DM001 | DM-TECH | 119.90 | 202208011 | COMMUNICATIONS-GEN CITY |
| 033451 | 08/02/22 | EWI00 | EWING | 576.14 | 17414868 | LANDSCAPE MAINT-PARKS |
| 033452 | 08/02/22 | INL01 | INLAND BUSINESS SYSTEMS | 144.99 | IN2837962 | COMMUNICATIONS- |
| 033453 | 08/02/22 | MCC07 | MCCOY'S HARDWARE & SUPPLY | 1043.35 | 220727 | MAT & SUPPLIES- |
| 033454 | 08/02/22 | NAP01 | NAPA AUTO PARTS | 541.29 | 220725 | MAT & SUPPLIES- |
| 033455 | 08/02/22 | NOR03 | NCCSIF | 1300.00 | 2680 | SAFETY ITEMS-POLICE |
| 033456 | 08/02/22 | PAC29 | PACE ANALYTICAL SERVICES, | 132.93 | 220744128 | PROF SVCS-WTR DEPT |
| 033457 | 08/02/22 | PGE04 | PG&E | 643.86 | 220729 | TranspFacility- |
| 033458 | 08/02/22 | SEI01 | SEILER, ROY R., CPA | 2220.00 | 30520 | PROF SVCS-FINANCE |
| 033459 | 08/02/22 | SUN16 | SUNBEAM SOLAR OPERATIONS | 14893.67 | 174355 | ELECT- |
| 033460 | 08/02/22 | TEH11 | TEHAMA CO TAX COLLECTOR | 538.65 | 220728 | TAXES-AIRPORT |
| 033461 | 08/02/22 | TRI07 | TRITES BACKFLOW SERVICES | 600.00 | 12655 | PROF SVCS-WTR |
| 033462 | 08/02/22 | USA01 | USA BLUE BOOK | 758.33 | 057877 | MAT & SUPPLIES-WTR |
| 033463 | 08/02/22 | VAL11 | VALLEY PACIFIC PETROLEUM | 516.91 99.16 | 22-521071 22-521072 | VEH OP/MAINT-FIRE VEH OP/MAINT-BLD & SAFETY |
| | | | Check Total.....: | 616.07 | | |
| 033464 | 08/02/22 | WAL11 | WALBERG INC. | 298549.34 | #1 | SOLANO PROJECT-STR PROJ |
| 033465 | 08/03/22 | COR11 | CORNING SAFE & LOCK | 47.41 | 9229 | MAT & SUPPLIES-PARKS |
| 033466 | 08/03/22 | CRE03 | CREATIVE PRODUCT SOURCE, | 353.75 | CPI095693 | TRAINING/ED-FIRE |
| 033467 | 08/03/22 | CRO05 | CROSS PETROLEUM | 895.80 | CL22787A | VEH OP/MAINT-FIRE |
| 033468 | 08/03/22 | FEA01 | FEARS, JEREMIAH | 34.31 | 08022022 | MAT & SUPPLIES-POLICE |
| 033469 | 08/03/22 | GOL07 | GOLDEN WEST INDUSTRIAL SU | 216.03 | 2114846 | SMALL TOOLS-FIRE |
| 033470 | 08/03/22 | INF00 | INFRAMARK, LLC | 65440.15 | 80782 | PROF SVCS-WWTP |
| 033471 | 08/03/22 | JON02 | ROBERT C. JONES INSURANCE | 3285.00 | 220802 | LIABILITY INS-AIRPORT |
| 033472 | 08/03/22 | MIS01 | MISSION LINEN SUPPLY | 260.22 | 517475964 | MAT & SUPPLIES-PARKS |
| 033473 | 08/03/22 | PAP00 | PAPE MACHINERY INC. | -48.28 7.43 158.43 | 991458C 13790300 13790327 | MAT & SUPPLIES-PARKS MAT & SUPPLIES-PARKS MAT & SUPPLIES-PARKS |
| | | | Check Total.....: | 117.58 | | |
| 033474 | 08/03/22 | PGE2A | PG&E | 179.17 84.68 165.49 205.02 | 220726 220728 220729 220728A | ELECT-CORNING COMMUNITY PARK ELECT-MARTINI PLAZA ELECT-CLELAND PROP ELECT-MCDONALD,CASSANDRA,SALAD0 L&L & TOOMES AVE |

REPORT.: Aug 03 22 Wednesday
 RUN....: Aug 03 22 Time: 14:25
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 08-22 thru 08-22 Bank Account.: 1020

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

| Check Number | Check Date | Vendor Number | Name | Net Amount | Invoice # | Description |
|---------------------------|------------|---------------|--------------------------|------------|-----------|----------------------------|
| Check Total.....: | | | | 634.36 | | |
| 033475 | 08/03/22 | PGE2B | PG&E | 9499.56 | 220726 | ELECT-WWTP |
| 033476 | 08/03/22 | QUI02 | QUILL CORPORATION | 139.09 | 26640131 | OFFICE SUPPLIES- |
| 033477 | 08/03/22 | RIV04 | RIVER CITIES COUNSELING, | 34609.27 | 763 | COUNSELOR-PROP 47 CYCLE 2 |
| 033478 | 08/03/22 | THO01 | THOMES CREEK ROCK CO | 545.06 | 220731 | MAT & SUPPLIES- |
| 033479 | 08/03/22 | VAL11 | VALLEY PACIFIC PETROLEUM | 1398.83 | 22-521069 | MAT & SUPPLIES- |
| | | | | 2136.63 | 22-521070 | VEH OP/MAINT- |
| Check Total.....: | | | | 3535.46 | | |
| 033480 | 08/03/22 | EMP03 | EMPOWER TEHAMA | 48202.20 | 06302022 | EMPOWER TEHAMA-PROP 47 (2) |
| Cash Account Total.....: | | | | 503505.05 | | |
| Total Disbursements.....: | | | | 503505.05 | | |

Date.: Aug 3, 2022
 Time.: 1:54 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 |
|----------------------|----------------------------|---------------------|--|----------------|
| ABIGAIL SANCHEZ | 1948 SOLANO ST | CORNING, CA 96021 | COSMETOLOGY SERVICES | 08/02/22 |
| EL CHINO | 1723 SOLANO ST | CORNING, CA 96021 | FOOD TRUCK | 07/27/22 |
| HAZEL CERAMICS | 490 HYLAND DR | CORNING, CA 96021 | CERAMIC SCULPTURES & POTTERY (NO USE OF | 08/02/22 |
| JR HANDYMAN SERVICES | 2120 FIG LN SPC 03 | CORNING, CA 96021 | GENERAL REPAIRS | 08/02/22 |
| MACK'S SNACKS | 22835 FAIRLIE LN | GERBER, CA 96035 | VENDING MACHINES PLACED AT CORNING HIGH | 07/21/22 |
| PEQUENO OCEANO HOME | 641 HICKORY ST | CORNING, CA 96021 | HOME DAYCARE SERVICE | 08/02/22 |
| PINAS RECONSTRUCTION | 2120 FIG LANE SPC #A4 | CORNING, CA 96021 | GENERAL HANDYMAN | 07/27/22 |
| RDM & CO INC | 1403 ROBINSON DR. | RED BLUFF, CA 96080 | GENERAL CONTRACTOR | 07/27/22 |
| VICEROY IMPROVEMENT | 2701 OLD EUREKA WAY STE 2J | REDDING, CA 96001 | GENERAL CONTRACTOR | 07/28/22 |

CITY OF CORNING
TREASURER'S REPORT
JULY 2022

| <u>AGENCY</u> | | <u>BALANCE</u> | <u>RATE</u> |
|------------------------------|----|-----------------------|--------------------|
| Local Agency Investment Fund | \$ | 9,112,029.05 | 0.75% |

Respectfully submitted:

Laura L. Calkins
City Treasurer



Monthly Permit Report

07/01/2022 - 07/31/2022

| Permit # | Permit Date | Main Status | Parcel # | Parcel Address | Owner Name | Owner Address | Owner City | Owner Zip | Permit Type | Project Cost |
|----------|-------------|-----------------------|-----------------|---------------------|--|-----------------------|------------|-----------|-------------|--------------|
| 22266 | 7/29/2022 | ISSUED | | 1062 SOLANO | City of Corning | 794 Third St. | Corning | 96021 | Signs | \$33,026 |
| 22265 | 7/25/2022 | Under Review | 069-150-071-000 | 111 N HOUGHTON AVE | KRUSEMARK, JAY ETAL | 111 HOUGHTON AVENUE | Corning | 96021 | Solar | \$37,882 |
| 22264 | 7/25/2022 | Cancelled | 071-221-005-000 | 1111 HOUGHTON AVE | MALDONADO, JORGE & AMY M | 1111 HOUGHTON AVE | Corning | 96021 | Solar | \$0 |
| 22263 | 7/22/2022 | Closed | 073-063-003-000 | 912 SOLANO ST | MASON, LAINE & ANGEL | 24625 MERRILL AVE | Corning | 96021 | Building | \$1,000 |
| 22262 | 7/21/2022 | approved "Fees Due" | 073-113-010-000 | 407A SOUTH ST | MONROE, MARK L & CYNTHIA L | 407 SOUTH STREET | Corning | 96021 | ADU | \$40,000 |
| 22261 | 7/21/2022 | ISSUED | 073-104-007-000 | 612 CHESTNUT ST | ORTIZ, ARIEL D ETAL | 612 CHESTNUT ST | Corning | 96021 | Solar | \$33,093 |
| 22260 | 7/20/2022 | ISSUED | 071-112-003-000 | 1313 Butte Street | Dennis Glenn | 1313 Butte Street | Corning | 96021 | Mechanical | \$12,876 |
| 22259 | 7/20/2022 | ISSUED | 073-095-001-000 | 817 SOUTH ST | MARTINEZ, MARIA J SERVIN | 817 SOUTH ST | Corning | 96021 | Mechanical | \$8,875 |
| 22258 | 7/20/2022 | | | | | | | | | \$2,300 |
| 22257 | 7/19/2022 | approved " FEES DUE " | 071-165-003-000 | 1014 LINK ST | AVILA REYNALDO HARO | 1204 LINK ST. | Corning | 96021 | Building | \$25,000 |
| 22256 | 7/19/2022 | approved " FEES DUE " | 071-020-075-000 | 250 Toomes Ave. | Corning Pacific Assoc., LP c/o Buckingham Property Mgmt. | 2170 N. Winery Ave. | Fresno | 93703 | Mechanical | \$5,800 |
| 22255 | 7/19/2022 | ISSUED | 071-020-075-000 | 250 Toomes Ave. | Corning Pacific Assoc., LP c/o Buckingham Property Mgmt. | 2170 N. Winery Ave. | Fresno | 93703 | Mechanical | \$5,800 |
| 22254 | 7/19/2022 | Cancelled | 062-330-003-000 | 16557 STAGECOACH RD | SAECHAO, CHENG JOY | 3520 CUSTER ST APT #1 | Oakland | 94601 | Solar | \$50,000 |
| 22253 | 7/19/2022 | | 087-040-057-000 | 3070 HWY 99W | SINGH, KARTAR & SIDHU, KULDEEP | 948 SILVERTON CIRCLE | Lincoln | 95648 | Building | \$20,000 |
| 22252 | 7/18/2022 | Online Application | 071-020-036-000 | 1735 BLUE HERON CT | MASTELLER, JUDY D | 1735 BLUE HERON CT | Corning | 96021 | Solar | \$18,208 |
| 22251 | 7/15/2022 | approved "Fees Due" | 071-114-009-000 | 617 FIFTH ST | Womack, Gary Wayne & Womack, Wanda Jean | 617 5TH ST | Corning | 96021 | HVAC | \$10,734 |
| 22250 | 7/15/2022 | Closed | 071-056-004-000 | 1111 TEHAMA ST | WALKER, FRANK R TRUSTEE F R WALKER FAMILY TR OF 20 | P O BOX 196 | Corning | 96021 | | \$12,243 |

| | | | | | | | | | | |
|-------|-----------|-----------------------|-----------------|--------------------|--|-----------------------|-------------|-------|-----------------|-----------|
| 22249 | 7/12/2022 | ISSUED | 071-020-060-000 | 1881 NORTH ST | SEELAPASAY, VILAI & THONG | 921 S CAPITOL AVE | San Jose | 95127 | Solar | \$19,467 |
| 22248 | 7/12/2022 | ISSUED | 071-231-018-000 | 1151 WEST ST | GUZMAN, ROBERTO & ROSE | 1102 WEST STREET | Corning | 96021 | ReModel | \$60,000 |
| 22247 | 7/11/2022 | ISSUED | 071-020-035-000 | 1755 BLUE HERON CT | SALAZAR, ANABEL | 1755 BLUE HERON CT | Corning | 96021 | HVAC | \$5,234 |
| 22246 | 7/11/2022 | Online Application | 087-050-069-000 | 2120 SOUTH AVE | Loves County Store of CA c/o Ryan LLC Bank of America Center | 15 W 6TH ST STE 2400 | | | Fire Protection | \$3,400 |
| 22245 | 7/11/2022 | ISSUED | 071-104-006-000 | 1502 YOLO ST | Osterlund, Andrew | 997 East Ave., Apt. A | Chico | 95926 | Solar | \$53,000 |
| 22244 | 7/8/2022 | approved " FEES DUE " | 071-045-012-000 | 1402 TEHAMA ST | ROSAS, JESUS A & ROSAS, LAURA P | 1402 TEHAMA ST | Corning | 96021 | Roof | \$14,413 |
| 22243 | 7/8/2022 | approved " FEES DUE " | 071-045-012-000 | 1402 TEHAMA ST | ROSAS, JESUS A & ROSAS, LAURA P | 1402 TEHAMA ST | Corning | 96021 | Solar | \$37,750 |
| 22242 | 7/7/2022 | PENDING | 071-137-001-000 | 1081 Solano St. | CITY OF CORNING: Transportation Center | 794 THIRD ST | Corning | 96021 | Signs | \$21,000 |
| 22241 | 7/7/2022 | ISSUED | 071-152-009-000 | 1910 GRANT AVE | SOLIS, LEISBERT ALEXANDER CAMARA ETAL | 1910 GRANT AVENUE | Corning | 96021 | Mechanical | \$17,637 |
| 22240 | 7/6/2022 | Approved | 073-046-005-000 | 803 BUTTE ST | ARENDALE, DOLORES ETAL c/o Lemke, Angela | 3101 N ELLIS ST | Chandler AZ | 85224 | Demo | \$0 |
| 22239 | 7/5/2022 | ISSUED | 071-211-015-000 | 1894 ELIZABETH AVE | HAWLEY, LOREN B & BETTY L | 1894 ELIZABETH AVE | Corning | 96021 | Solar | \$22,482 |
| 22238 | 7/5/2022 | approved " FEES DUE " | 071-226-009-000 | 1550 ALGER AVE | Diaz, Jose Luis & Diaz, Eva Angelica | 1550 ALGER AVE | Corning | 96021 | Solar | \$20,000 |
| 22237 | 7/5/2022 | ISSUED | 071-280-034-000 | 1409 FIG LN | BOHME, JUDY | 916 6TH ST | Corning | 96021 | ReModel | \$19,500 |
| 22236 | 7/5/2022 | approved " FEES DUE " | 073-034-008-000 | 884 COLUSA ST | SCHULTZ/STOUT | 884 COLUSA | Corning | 96021 | Building | \$9,000 |
| 22235 | 7/1/2022 | ISSUED | 073-082-005-000 | 902 PRUNE ST | SANDERSON, MARTHA | 902 PRUNE ST | Corning | 96021 | Solar | \$30,267 |
| 22234 | 7/1/2022 | Approved | 071-123-001-000 | 1521 YOLO ST | RYDER, DALE R & RYDER, DIANA RAE | 1521 YOLO ST | Corning | 96021 | HVAC | \$19,000 |
| 22233 | 7/1/2022 | Approved | 071-093-004-000 | 608 HOUGHTON AVE | RUBIO, DIANA | 608 HOUGHTON AVE | Corning | 96021 | Building | \$8,469 |
| | | | | | | | | | | \$677,456 |

Total Records: 34

8/1/2022



CITY OF CORNIG WASTEWATER OPERATIONS SUMMARY REPORT JULY 2022

Below is a summary of the monthly operations report that will be available for review in August 2022.

- Completed monthly reports
- Inframark staff responded to sewer back-up on Toomes Ave.
- Held staff meeting to discuss facility operations and issues
- Held daily safety tailgate meetings
- Inspected eyewash stations and emergency showers
- Completed testing of chemical release sensors
- Calibrated SO3 analyzer
- Inspected all fire extinguishers
- Calibrated gas detector
- Exercised emergency generator
- Submitted ESMR/DMR report to Regional Board
- Completed monthly receiving water sampling and analysis
- Completed monthly facility inspection

- Completed line cleaning in section 10
- Completed pretreatment inspections at several restaurants.
- Performed inspections of collection system trouble spots
- Removed motor from hellsieve for inspection at Feather River Motors
- Collected annual biosolids sample for analysis
- Telstar on site to select location of SBS tank for dichlorination
- Northstate electric on site to troubleshoot #3 aerator after power outage
- Completed pretreatment inspection at Valley Prune.
- Anderson Crane on site to pull hellsieve unit for wear bar replacement
- Robin Kampmann and Steve Lindeman on site to review clarifier isolation valve vault options
- Inframark staff responded to odor complaint on Dolla St.

July 633,290 2022

Effluent Flow Monthly Average= 625,833 GPD

ITEM NO.: G-9
AUTHORIZE PAYMENT OF INVOICE #1
TO WALBERG, INC. IN THE AMOUNT OF
\$298,549.34 FOR THE SOLANO STREET
IMPROVEMENT PROJECT

August 9, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KRISTINA MILLER, CITY MANAGER

ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT



SUMMARY:

Staff requests Council authorize payment of invoice #1 for Walberg, Inc. for intersection removal and replacement for the Solano Street Improvement Project, in the amount of \$298,549.34. This will be the first payment for this contract.

A summary of work completed between July 5, 2022 through July 20, 2022 is included with the invoice.

BACKGROUND:

Walberg, Inc. was awarded this project at the May 24, 2022 City Council Meeting in the amount of \$979,105.00. Additive bid items were also approved by the City Council on May 24, 2022 in the amount of \$44,900.00. The total cost for the project including the additive bid items was \$1,024,005.00.

FINANCIAL:

Partial funding for this project is from the litigation/settlement funds in part and any additional funds will be funded from the City's General Fund (Non-Measure A).

RECOMMENDATION:

THAT MAYOR AND COUNCIL APPROVE PAYMENT OF INVOICE #1 IN THE AMOUNT OF \$298,549.34 TO WALBERG INC. FOR THE SOLANO STREET IMPROVEMENT PROJECT FROM THE FUNDING LISTED ABOVE.

Project Name: Solano Street Improvement Project

City of Corning
Public Works Department
Engineering Division

Contractor: Walberg Inc.
Address: 6041 State Hwy 99W
Corning, CA 96021

Project Number: 7/5/2022
Date From: 7/5/2022
Date To: 7/20/2022

Invoice Number: 1

Contract #: (530) 824-0773

| Item Number | Project Item Description | Bid summary | | | Bid summary | | Previous Paid Amount | | Amount this invoice | | Total Amount to Date | |
|--|---|-------------|--------------|---------------|----------------------------|---------------------------|----------------------|---------------------------|---------------------|---------------------------|----------------------|---------------|
| | | Units | Bid Quantity | UNIT PRICE | Authorized Contract Amount | % or Quantity of Contract | Amount | % or Quantity of Contract | Amount | % or Quantity of Contract | Amount | |
| 1 | Mobilization | LS | 1 | \$ 20,200.00 | \$ 20,200.00 | 0.95 | 19,180.00 | 0.95 | 19,180.00 | 0.95 | 19,180.00 | |
| 2 | Construction Layout and Staking | LS | 1 | \$ 6,000.00 | \$ 6,000.00 | 1.00 | 6,000.00 | 1.00 | 6,000.00 | 1.00 | 6,000.00 | |
| 3 | Temporary Traffic Control | LS | 1 | \$ 65,200.00 | \$ 65,200.00 | 0.33 | 21,516.00 | 0.33 | 21,516.00 | 0.33 | 21,516.00 | |
| 4 | Water Pollution Control Program | LS | 1 | \$ 2,400.00 | \$ 2,400.00 | 1.00 | 2,400.00 | 1.00 | 2,400.00 | 1.00 | 2,400.00 | |
| 5 | Cleaning, Grubbing & Demolishing | LS | 1 | \$ 125,250.00 | \$ 125,250.00 | 0.33 | 41,332.50 | 0.33 | 41,332.50 | 0.33 | 41,332.50 | |
| 6 | Roadway Excavation | LS | 1 | \$ 117,700.00 | \$ 117,700.00 | 0.33 | 38,841.00 | 0.33 | 38,841.00 | 0.33 | 38,841.00 | |
| 7 | Landscaping | LS | 1 | \$ 5,250.00 | \$ 5,250.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 8 | Aggregates Base (18") | CY | 2450 | \$ 50.00 | \$ 122,500.00 | 743.00 | 37,150.00 | 743.00 | 37,150.00 | 743.00 | 37,150.00 | |
| 9 | Asphalt Concrete (3") | TN | 770 | \$ 277.00 | \$ 213,290.00 | 514.48 | 142,510.96 | 514.48 | 142,510.96 | 514.48 | 142,510.96 | |
| 10 | Stamped Concrete (Crosstalk) | SF | 4360 | \$ 44.00 | \$ 191,840.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 11 | Trench Drain | LF | 45 | \$ 240.00 | \$ 10,800.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 12 | 12" Wide Concrete Vertical Curb | LF | 68 | \$ 76.50 | \$ 5,202.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 13 | Concrete Curb and Gutter | LF | 363 | \$ 65.00 | \$ 23,595.00 | 71.00 | 4,615.00 | 71.00 | 4,615.00 | 71.00 | 4,615.00 | |
| 14 | ADA Ramp & Truncated Domes | EA | 4 | \$ 3,082.00 | \$ 12,368.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 15 | Modify/Adjust Utility Box Covers | EA | 4 | \$ 900.00 | \$ 3,600.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 16 | Thermoplastic Striping (Caltrans Std. 39(A20D)) | LF | 1190 | \$ 1.30 | \$ 1,547.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 17 | Thermoplastic Striping (Caltrans Std. 39(A20D)) | LF | 390 | \$ 1.30 | \$ 507.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 18 | Thermoplastic Striping (Caltrans Std. 32(A20B)) | LF | 880 | \$ 5.00 | \$ 4,400.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 19 | Thermoplastic Basic Crosswalk (Caltrans Std. A24F) | LF | 884 | \$ 6.00 | \$ 5,304.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 20 | Thermoplastic "Stop" & "Keep" Pavement Marking (Caltrans Std. A24D) | SF | 100 | \$ 8.80 | \$ 880.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 21 | Thermoplastic "Clear" Pavement Marking (Caltrans Std. A24D) | SF | 30 | \$ 8.50 | \$ 255.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 22 | Thermoplastic Type IV (L) Arrow Legend | SF | 105 | \$ 7.00 | \$ 735.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 23 | Blkx Lane Symbol with penton Legend (Caltrans Std. A24C) | SF | 42 | \$ 8.50 | \$ 357.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 24 | City Std. B-1 Sidewalk | SF | 145 | \$ 66.00 | \$ 9,570.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 25 | Geotextile Fabric | SF | 44000 | \$ 0.50 | \$ 22,000.00 | 1.414 | 707.00 | 1.414 | 707.00 | 1.414 | 707.00 | |
| 26 | Loop Detector Replacement | LS | 1 | \$ 7,875.00 | \$ 7,875.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 1 | Decorative Street Light and Pole with Solar Panel | EA | 12 | \$ 2,650.00 | \$ 31,800.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| 2 | Decorative Street Sign and Pole | EA | 10 | \$ 1,310.00 | \$ 13,100.00 | 0.00 | - | 0.00 | - | 0.00 | - | |
| ORIGINAL CONTRACT AMOUNT = \$ 1,024,005.00 | | | | | | | | | | | Total to Date | \$ 314,262.46 |
| ORIGINAL CONTRACT AMOUNT = \$ 1,024,005.00 | | | | | | | | | | | Total to Date | \$ 314,262.46 |

| CCO Number | Contract Change Order Description | Units | Bid Quantity | UNIT PRICE | Authorized CCO Amount | Previous Paid Amount | Amount this invoice | Total Amount to Date |
|-----------------------------------|-----------------------------------|-------|--------------|------------|-----------------------|----------------------|---------------------|----------------------|
| CCO 01 | Over Excavation | LS | 1 | | | | | |
| CONTRACT CHANGE ORDER TOTAL = \$ | | | | | | | This Invoice | \$ |
| ORIGINAL CONTRACT AMOUNT = \$ | | | | | | | Total to Date | \$ |
| CONTRACT + CCO'S AMOUNT = \$ | | | | | | | Total to Date | \$ |
| TOTAL INVOICED TO DATE = \$ | | | | | | | Total to Date | \$ |
| TOTAL THIS INVOICE = \$ | | | | | | | Total to Date | \$ |
| 5% RETENTION THIS INVOICE = \$ | | | | | | | Total to Date | \$ |
| PROJECT RETENTION TOTAL = \$ | | | | | | | Total to Date | \$ |
| AMOUNT DUE THIS INVOICE - 5% = \$ | | | | | | | Total to Date | \$ |

Prepared by: _____ Date: 2022 07 25 10:24:41 -0700

Checked by: *Shawn Hightower, Project Engineer* Date: *7-25-2022*

Approved by: *Dave Jorgensen, Project Manager* Date: _____

Robin Kempfman, Project Manager Date: _____

**ITEM NO.: J-10
INTRODUCTION OF STREET VENDING
ORDINANCE #699**

August 9, 2022

TO: CORNING CITY COUNCIL
FROM: CHRISSY MEEDS, PLANNER 2
KRISTINA MILLER, CITY MANAGER

SUMMARY:

At the February 15, 2022, Planning Commission Meeting, staff was directed to research Street Vending Ordinances in other cities after receiving requests from community members.

At the March 15, 2022, Planning Commission Meeting, staff gave an update on the research that was discovered, and the Planning Commission directed staff on the new rules they felt would best fit within a new ordinance.

At the July 19th Planning Commission Meeting, the Commission was introduced to Ordinance 699 and recommended, in a 4-0 vote the City Council approve the ordinance with one change. That change being the 200' distance from a permanent Food Facility, Planning Commission recommended grandfathering in the current licensed Mobile Vendors from the 200' rule.

Staff would like to present to you Ordinance 699 amending Chapter 5.50 of the Corning Municipal Code to regulate street vending within the City limits of Corning and to follow recently enacted state legislature Government Code section 51036 et. Seq.

DISCUSSION:

Currently to open a mobile/street vending business in the City of Corning the requirements are as follows: You must apply for a City Business License, (\$29.00 yearly) show proof of a food handlers permit from Tehama County Environmental Health, produce a letter from the owner of the land giving you approval to have a vending business and show a bathroom facility within one hundred feet.

As a comparison, to opening a brick-and-mortar restaurant in the City of Corning, the requirements are as follows: You must apply for a city business license, (\$29.00 yearly) show proof of a health permit from Tehama County Environmental Health, Installation of a complete Ansel system and grease traps. Full ADA bathrooms and frontage improvement, i.e.: curb, gutter, and sidewalk.

At the request of the Planning Commission and concerned citizens Ordinance 699 will enact a strict policy that mobile food vendors will need to follow. Ordinance 699 will require mobile vendors to be located at the minimum 200 feet away from an established food facility, yearly inspections to ensure all health permits are current and all conditions are being met, establish a new yearly fee to be paid to the city, require the mobile vendors to possess a valid California Department of Tax and Fee seller's permit, and more.

If the Corning City Council chooses to approve Ordinance 699 and amend Chapter 5.50 of the City of Corning Municipal Code, the current Mobile Vendors will be given 90 days to comply to the new regulations before any violations and/or penalties will be imposed after adoption.

While City staff desires to implement any new requirements and ensure that all Mobile Vendors are compliant, please be aware of the staffing levels at City Hall. The City currently does not have a dedicated Code Enforcement Officer for monitoring and enforcement; most of the current violations occur during non-business hours.

RECOMMENDATION:

APPROVE TO AMEND CHAPTER 5.50 AND ADOPT ORDINANCE 699 – STREET VENDING TO REFLECT THE PRESENTED ORDINANCE AND RESOLUTION

ORDINANCE NO. 699

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING
CHAPTER 5.50 OF THE CORNING MUNICIPAL CODE PERTAINING TO STREET
VENDING**

WHEREAS, Chapter 5.50 of the Corning Municipal Code regulates street vending within the City limits; and

WHEREAS, the state legislature recently enacted Government Code section 51036 et seq. changing the regulations that a local agency may impose on sidewalk vendors, but still allowing the agency some discretion when the activity in question raises a health, safety or welfare concern; and

WHEREAS, after receiving requests from members of the community, the City of Corning has decided to amend Chapter 5.50 to impose some regulations on street or sidewalk vendors, while also updating to ensure compliance with state law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORNING DOES ORDAIN AS FOLLOWS:

Section 1. Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.50 (Street Vending), is hereby repealed and replaced to read as follows:

5.50.010 Purpose

5.50.020 Definitions

5.50.030 Required Permits and Licenses

5.50.040 Location requirements.

5.50.050 - Operation requirements.

5.50.060- Revocation of Permit

5.50.070- Penalties

Chapter 5.50 - STREET VENDING

5.50.010 Purpose

The City expressly finds that the vending of produce, prepared or prepackaged foods, goods, and/or wares, under certain circumstances, on public streets, sidewalks, or alleys and on private property may pose, unsafe conditions and special dangers to the public health, safety and welfare of the residents of the City of Corning. It is the purpose of the City, in enacting this chapter, to comply with the requirements of Government Code section 51051 et seq. and to provide those persons who engage in those types of vending operations with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

5.50.020 Definitions

"City Manager" is the Corning City Manager

"Food Vendor Vehicle" is a motorized vehicle or a trailer that can be pulled by motorized vehicle that is used by a mobile food vendor

"Mobile Food Vendor" is any person that operates a vending business that sells food and beverage ready for immediate consumption directly to any consumer from a food vending vehicle, trailer or pushcart. This definition does not include ice cream trucks, or other moving vendors. The vendor could be the business owner, employee, or property owner.

"Sidewalk Mobile Food Vendor" is any person that operates a vending business that sells food from a pushcart, stand, display, pedal -driven cart, or other non -motorized conveyance.

"Permanent Food Facility" means a food facility operating in a permanently constructed structure, including any room, building, place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling food at the retail level

"Public Right-of-Way" means and includes all areas legally open to public use as public streets, roadways, highways, parkways, alleys, and any other public right- of-way.

"Pushcart" is a non-motorized stand, display or cart with wheels used by a sidewalk mobile food vendor.

5.50.030 Required Permits and Licenses

A. It shall be unlawful for any person to maintain, manage or operate as a mobile food vendor within the City unless such activity is maintained, managed, or operated in strict compliance with all applicable laws, rules, and regulations and with a health permit issued by the Tehama County Department of Health, if applicable. A separate health permit shall be obtained for each separate vehicle, even when conducted under the same ownership.

B. It shall be unlawful for any person to maintain, manage or operate as a mobile food vending within the City unless such activity is maintained, managed or operated in strict compliance with a valid business license issued pursuant to Chapter 5 of this code. No business licenses shall be issued for any activity described in this article unless such person has first obtained a valid health permit from the Tehama County Health Department, if required.

C. No person shall maintain, manage or operate as a mobile food vendor within the City unless that person first obtains a vendor permit from the City and unless that person first complies with all other provisions of this Chapter. Any person desiring to maintain, manage or operate as a mobile food vendor within the City shall first submit an application for a vendor permit on a form provided by the City, along with all other information required by

the City and payment of all applicable fees and charges. No vendor permit shall be issued pursuant to this section unless such applicant has first obtained a valid City of Corning business license and a valid health permit from the Tehama County Health Department, if required.

1. A separate vendor permit shall be obtained by each vendor and for each separate mobile food vending vehicle or pushcart, even when conducted under the same ownership.

2. The vendor permit application shall be approved, conditionally approved or denied by the City Manager, or his/her designee in conformity with Government Code section 51038(c).

3. Any vendor permit issued pursuant to this section, for any activity regulated by this section, shall be personal and shall not be assigned, transferred, sold, or otherwise conveyed or hypothecated by the person to whom such permit has been issued to any other person and any such assignment, transfer or conveyance shall immediately render such permit void.

4. The term of each vendor permit, unless sooner terminated, suspended, or revoked, shall be for a period of one year. Upon the expiration of such term, and consistent with the other provisions of this Chapter, the holder of such vendor permit may renew the vendor permit for additional one-year terms by submitting a new application, together with any fees that may be required, and by complying with all other relevant terms. All vendor permits issued pursuant to this section shall expire and have no further force and effect upon the date specified in the permit.

5. Any vendor permit issued pursuant to this section must be prominently displayed on the mobile food vendor vehicle or pushcart.

6. The vendor permit application shall include a site plan, identifying the property, type and location of the vending activity.

7. The written approval of the property owner where such vending will be conducted must be provided with the application, if vending is not to occur in the public right-of-way or public park.

8. The vending permit application shall also include the location of available restrooms to be used by the mobile food vendor. The applicant shall provide rest room facilities as provided for in state law and available within one hundred (100) feet of the mobile food vendor site. If the mobile food vendor is proposing to use non-public restrooms, such as an adjacent business, the mobile food vendor must provide written approval from the business to use the restrooms. A portable restroom cannot be used to meet the requirements of this section.

9. The application for the vending permit shall include an indemnification requirement whereby the applicant agrees to defend, indemnify and hold harmless the City for any third-party liability arising from the vending operation by the mobile food vendor. Failure of the application to include this language does not alleviate the mobile food vendor from the obligation, which will still be required to the fullest extent permitted by law.

10. The vending permit fee shall be set forth in the City fee schedule as amended by the City Council.

11. Vendor shall possess a valid California Department of Tax and Fee Administration seller's permit.

D. No person shall maintain, manage or operate any mobile food vendor vehicle within the City unless that person first meets all necessary requirements for the operation of the food vendor vehicle set forth by the California Department of Motor Vehicles. Proof of the necessary license may be required by the City before issuance of the vending permit.

5.50.040 Location requirements.

A. **Public Right-of-Way.** Stationary site street vending is only permitted in the public right-of-way to the extent permitted under Government Code section 51036 et seq. and this Chapter.

B. **Mobile or stationary site street vending** is not permitted to set up or sell on any City property or City parking lot, unless expressly authorized by the City Manager or his/her designee. This subsection does not apply to City parks.

C. **Residential Zoning Districts.** Stationary site street vending shall not be permitted in a residential zone. Street vendors in a residential zone must move continuously, unless making a sale, which must not last longer than 10 minutes.

D. **Traffic Safety Visibility.** No street vending shall be located where it will obstruct the safe line-of-sight distance at any intersections as determined by the City Manager or his or her designee.

E. **Proximity to Other Items.** No vending shall occur within ten feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp, or any type of driveway entrance. A greater distance or separation may be required in order to preserve line-of-sight, or for other safety reasons. The vending activity shall not damage any landscaped areas.

F. **Permanent Food Facility Proximity.** No vending shall occur within two hundred (200) feet of an active, permanent food facility. This distance is measured from the location where food is ordered from the vendor to the front door of the food facility. This prohibition only applies to permanent food facilities in existence at the time this Ordinance was enacted and does not apply to food facilities that open after adoption of the Ordinance. This prohibition also does not apply to mobile food vendors operating at the time of adoption of this ordinance. However, once that mobile food vendor sells, gifts, or otherwise transfers their interest in the mobile food vendor business, then the new owner shall be required to comply with this provision.

5.50.050 - Operation requirements.

A. Appearance and Storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. With the exception of fixed stands selling a food product grown on the site, the vendor must remove all evidence of vending and leave the site in a clean state at the close of each business day. The mobile food vendor shall provide waste removal and shall be responsible for collecting trash/debris and recycling after each stop. "Trash" includes material dispensed by the mobile food vendor as well as items that may be left by customers.

B. Obstructions and Hazards. No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards. Vendors must comply with the Americans with Disabilities Act (ADA) and shall not block and ADA path of travel.

C. Signs. No more than one sign is allowed on the parcel in conjunction with the vendor. The sign shall not exceed ten square feet and shall be affixed to the vehicles or devise from which the goods or merchandise are being sold.

D. Blight. The mobile street vendor shall not create blight through its operations. It will be considered blight if (i) it is not being adequately maintained; (ii) has uncorrected building or health code violations; (iii) has become a place where criminal activity takes place as documented by the Corning Police Department; or (iv) it is determined by the City building official that its conditions threatens life or puts the health and/or safety of the citizens at risk.

E. Cart Removal. All street vending items, including the cart, trash receptacle, canopy, or condiment table may not be left on the sidewalk or other public right of way after the Vendor's approved closing time.

F. Time of Operation. No street vending may occur after 10:00 p.m. or before 7:00 a.m., unless express authorization is provided by the City Manager.

G. Setback. Other Applicable Regulations. Each vendor must comply with other local, state, and federal regulations pertaining to establishment and operation of a vending business. This includes any setback requirements set forth in this Corning Municipal Code.

H. Additional location and operational requirements may be imposed by the City for street vending operations if deemed warranted by City staff.

5.50.060- Revocation of Permit

The City may revoke the vending permit if any of the following occurs:

1. The mobile food vendor fails to pay sales tax.

2. The sidewalk mobile food vendor fails to meet any of the requirements set forth in Government Code Sections 51038 & 51039.
3. The mobile food vendor performs any act or omission constituting a nuisance as set forth in Chapter 8.08 of the code.
4. The mobile food vendor violates any other provision of this Chapter.

5.50.070- Penalties

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

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

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

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

C. For all violations pursuant to A and B of this section, each day that a violation occurs constitutes a separate and distinct violation.

D. All vendors will have three (3) months following adoption of this Ordinance to come into compliance with the requirements before any violations and/or penalties will be imposed.

5.50.080- Properties Permitting Vending

A. If a property owner rents, leases, or otherwise allows a mobile vendor to operate on their property for a two-year period, then that property owner shall be required meet the following requirements:

- 1) To pay for and install curb, gutter, and sidewalk on the property, if not already existing.
- 2) To pay the impact fees that would otherwise be due to the City if the vendor was a Permanent Food Facility.

B. The two-year time period in this Section is met if a mobile vendor operates at least two days a week during the two-year time frame.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any person or circumstance. The City Council of the City of Corning hereby declares that it would have adopted each section, subsection subdivision paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections subdivisions paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 3. The City of Corning finds that this Ordinance is not a "project" according to the definition set forth in the California Environmental Quality Act ("CEQA"), and, pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), the adoption of this ordinance is therefore not subject to the provisions requiring environmental review.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Corning at a regular meeting on the 12th day of July, 2022, and was duly read and adopted at a regular meeting on the 26th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERT SNOW, Mayor

ATTEST:

LISA LINNET, City Clerk

RESOLUTION NO. 07-19-2022-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORNING,
CALIFORNIA, RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING CHAPTER
5.50 PERTAINING TO STREET VENDORS**

WHEREAS, The City has determined that there is a need to amend Chapter 5.50 of the Corning Municipal Code to further the regulations on sidewalk vendors, which includes food trucks, trailers or pushcarts; and

WHEREAS, Government Code section 51036 et seq. restricts the City's ability to regulate certain aspects of the sidewalk vending industry, so the City seeks to ensure compliance with that statutory scheme; and

WHEREAS, pursuant to the provisions of Section 15311 of the California Environmental Quality Act, the project qualifies as Categorically Exempt.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CORNING DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals The recitals in this Resolution are true and correct and incorporated herein.

SECTION 2. Recommended Approval of Ordinance Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff reports and this Resolution, the Planning Commission of the City of Corning hereby recommends that the City Council adopt the attached Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING SECTION 5.50 OF THE CORNING MUNICIPAL CODE PERTAINING TO STREET VENDING

SECTION 3. The Planning Commission further recommends that the City Council set a fee for each vendor permit in an amount of \$500.00.

APPROVED AND ADOPTED by the members of the Planning Commission of Corning this 19th day of July, 2022.



Diana Robertson, Chairman
Corning Planning Commission

ATTEST:



Lisa M. Linnet, City Clerk



City of Corning

STREET VENDING PERMIT INFORMATION SHEET AND APPLICATION

A street vendor must obtain a Street Vending Permit and a City of Corning Business License prior to operating within the City. The street vendor permit shall be always displayed conspicuously at the location of the street vendor. Failure to obtain a valid permit and business license may result in citation and/or removal from City-owned premises.

APPLICATION CHECKLIST

The following checklist has been provided to assist a potential street vendor in applying for a Street Vending Permit. Incomplete applications will not be accepted.

After submitting the Street Vending Permit application and getting an approved signature, apply for a City of Corning Business License.

Application Documents

- Completed Street Vending Permit Application
- Seller's Permit (Issued from California Department of Tax and Fee Administration) Register online at <https://onlineservices.cdtfa.ca.gov/>
- Tehama County Department of Environmental Health Permit (530-527-8020)
- Letter from the property owner (where the vending vehicle will be located) allowing the vendor to set up on the property.
- Site Plan showing where the vendor will be set up on the property and location of restrooms within 100 feet. (Show your distance between surrounding subjects)
- Site Plan must also show public restrooms within 100 feet. If there is no public restroom within 100 feet, then the applicant will need to provide a letter from a business within 100 feet allowing the use of their restroom.
- City of Corning Business License Application, completed. Available on-line at www.corning.org
- Street/Mobile vending fee payable to the City of Corning.

Supplemental Information

- Names, Addresses, Phone Numbers of the vendor applicant.
- Photo ID of the vendor applicant/owner.
- Description of vending merchandise.
- Vending Operation Information: location, days and hours of operation.

Frequently Asked Questions

Please see the following answers to frequently asked questions regarding Street Vending in the City of Corning. All Street Vending is regulated by Chapter 5.50 of Title 5 of the Corning Municipal Code.

Does a Street Vendor need to have a permit or license in the City of Corning?

Any street vendor must obtain a City of Corning, Street Vendor Permit, and a City of Corning Business License, Seller's Permit, and a Health Permit (if selling food)

Does a Street Vending Permit expire?

Yes, A City of Corning Street Vendor Permit expires after one (1) year.

Where can a Street Vendor Operate?

A Street Vendor can operate on any private property, with the owners written consent. No Vendor shall:

- Locate within 200 feet of a Permanent Food Facility.
- Locate within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp, or any type of driveway entrance.
- Public Right-of-Way. Stationary site street vending is only permitted in the public right-of-way to the extent permitted under Government Code section 51036 et seq. and the City of Corning, Corning Municipal Code, Chapter 5.
- Locate on any City property or City parking lot.
- Locate on any Public Right-of-Way, unless permitted under Govt. code section 51036
- No Street Vending shall be located where it will obstruct the safe line-of-sight distance at any intersection.

What can a vendor sell?

Street vendors may only vend goods or food that have been approved by the City of Corning.

Can a Street Vendor Application be denied?

A Street vendor application may be denied due to incompleteness.

How do I apply for a Street Vending Permit?

The street vending application and permit process may be downloaded from the City of Corning's website at www.corning.org



STREET VENDING PERMIT APPLICATION

First-Time Permit

Permit Renewal

Pursuant to Chapter 5 of the Corning Municipal Code, all persons wishing to sell or vend food or merchandise from a motorized or non-motorized cart/truck, shall be required to obtain a Street Vendor Permit, and a Business License from the City of Corning, A Seller's Permit from the State of California and, if vending food, a health permit from the Tehama County Environmental Health Office.

For a Street Vending Permit to be issued, this application must first be approved and signed.

BUSINESS OWNER INFORMATION

| | | |
|-------------------------|--------|------|
| Primary Contact Name: | | |
| Driver's License/ID No: | | |
| Business Name: | | |
| Address: | | |
| City: | State: | Zip: |
| Primary Contact Phone: | | |
| Primary Contact Email: | | |

VENDING TYPE

Please indicate your vending type:

- Mobile Cart:** A non-motorized stand, display or cart with wheels.
- Motorized Vehicle:** A motorized vehicle or a trailer that is pulled by a motorized vehicle.
- Other:** Specify: _____

VENDING OPERATIONS

Days of Operation: _____

Hours of Operation: _____

VENDING LOCATION

Location/Address of Vending Location: _____

A site plan map is attached YES NO

VENDING ITEMS/GOODS

Items/goods to be sold: (Please provide a detailed description of items or goods to be sold on the cart/truck; attach additional sheets if necessary)

Food: _____

Will food be prepared on-site: Yes No

**** A copy of the Tehama County Environmental Health Permit must be attached.**

Merchandise: _____

STREET VENDING PERMIT AGREEMENT AND ACKNOWLEDGEMENT

I acknowledge and understand the guidelines and declarations contained herein and will completely abide by them and have filled out the attached permit agreement.

Applicant Signature: _____

Date: _____

AGREEMENT – STREET VENDING PERMIT APPLICATION

The street vendor and/or his or her designated employees shall comply with all street vending regulations, pursuant to the City of Corning Municipal Code Chapter 5.50.010 through 5.50.80

Section 5.50.030 Required Permits and Licenses

| | |
|----------------------------|---|
| <p>_____ (Initial)</p> | <p>A.) It shall be unlawful for any person to maintain, manage or operate as a mobile food vendor within the City unless such activity is maintained, managed, or operated in strict compliance with all applicable laws, and regulations and with a health permit issued by the Tehama County Department of Health, if applicable. A separate health permit shall be obtained for each separate vehicle, even when conducted under the same ownership.</p> |
| <p>_____ (Initial)</p> | <p>B.) It shall be unlawful for any person to maintain, manage or operate as a mobile food vendor within the City unless such activity is maintained, managed, or operated in strict compliance with a valid business license issued pursuant to Chapter 5 of the City of Corning Municipal Code. No business license shall be issued for any activity described in this article unless such person has first obtained a valid health permit from the Tehama County Health Department if required.</p> |
| <p>_____ (Initial)</p> | <p>C.) No person shall maintain, manage, or operate as a mobile food vendor within the City unless that person first obtains a Street Vendor Permit from the City and unless that person first complies with all other provisions of Chapter 5 of the City of Corning Municipal Code. Any person desiring to maintain, manage or operate as a mobile food vendor within the City shall first apply for a Street Vendor Permit on a form provided by the City, along with all other information required by the City and payment of all applicable fees and charges. No Street Vendor Permit shall be issued pursuant to Chapter 5 of the City of Corning Municipal Code unless such applicant has first obtained a valid City of Corning business license and a valid health permit from the Tehama County Health Department.</p> |
| <p>_____ (Initial)</p> | <p>D.) Vendor shall possess a valid California Department of Tax and Fee Administration seller's permit.</p> |
| | <ul style="list-style-type: none"> ➤ A separate vendor permit shall be obtained by each vendor and for each separate mobile food vending vehicle or pushcart, even when conducted under the same ownership. ➤ The vendor permit application shall be approved, conditionally approved, or denied by the City Manager, or his/her designee in conformity with Government Code section 51038[c]. ➤ Any vendor permit issued pursuant to Chapter 5 of the City of Corning Municipal Code, for any activity regulated by the same chapter, shall be personal and shall not be assigned, transferred, sold, or otherwise conveyed or |

(Initial)

hypothecated by the person to whom such permit has been issued to any other person and any such assignment, transfer or conveyance shall immediately render such permit void.

- The term of each vendor permit, unless sooner terminated, suspended, or revoked, shall be for a period of one year. Upon the expiration of such term, and consistent with the other provisions of Chapter 5 of the City of Corning Municipal Code, the holder of such vendor permit may renew the vendor permit for additional one-year terms by submitting a new application, together with any fees that may be required, and by complying with all other relevant terms. All vendor permits issued pursuant to Chapter 5 of the City of Corning Municipal Code shall expire and have no further force and effect upon the date specified in the permit.
- Any vendor permit issued pursuant to Chapter 5 of the City of Corning Municipal Code must be prominently displayed on the mobile food vendor vehicle or pushcart.
- The vendor permit shall include a site plan, identifying the property, type, and location of the vending activity.
- The written approval of the property owner where such vending will be conducted must be provided with the application, if vending is not to occur in the public right-of-way or public park.
- The vending permit application shall also include the location of available restrooms to be used by the mobile vendor. The applicant shall provide rest room facilities as provided for in state law and available within one hundred (100) feet of the mobile food vendor site. If the mobile food vendor is proposing to use non-public restrooms, such as an adjacent business, the mobile food vendor must provide written approval from the business to use the restrooms. A portable restroom cannot be used to meet the requirements of this section.
- The application for the vending permit shall include an indemnification requirement whereby the applicant agrees to defend, indemnify, and hold harmless the City for any third-party liability arising from the vending operation by the mobile vendor. Failure of the application to include this language does not alleviate the mobile vendor from the obligation, which will still be required to the fullest extent permitted by law.
- The vending permit fee shall be set forth in the City fee schedule as amended by the City Council.
- Vendor shall possess a valid California Department of Tax and Fee Administration seller's permit.
- No person shall maintain, manage, or operate any mobile food vendor vehicle within the City unless that person first meets all necessary requirements for the operation of the food vendor vehicle set forth by the California Department of Motor Vehicles. Proof of the necessary license may be required by the City before issuance of the vending permit.

Section 5.50.040 Location Requirements

| | |
|---------------------------------------|---|
| <u> </u> <i>(Initial)</i> | A) Public Right-of-Way. Stationary site street vending is only permitted in the public right-of-way to the extent permitted under Government Code section 51036 et seq. and the City of Corning, Corning Municipal Code, Chapter 5. |
| <u> </u> <i>(Initial)</i> | B) Mobile or Stationary site street vending is not permitted to set up or sell on any City property or City parking lot, unless expressly authorized by the City Manager or his/her designee. This subsection does not apply to City parks. |
| <u> </u> <i>(Initial)</i> | C) Residential Zoning Districts. Stationary site street vending shall not be permitted in a residential zone. Street vendors in a residential zone must move continuously, unless making a sale, which must not last longer than 10 minutes. |
| <u> </u> <i>(Initial)</i> | D) Traffic Safety Visibility. No street vending shall be located where it will obstruct the safe line-of-sight distance at any intersections as determined by the City Manager or his/her designee. |
| <u> </u> <i>(Initial)</i> | E) Proximity to Other Items. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp or any type of driveway entrance. A greater distance or separation may be required to preserve line-of-sight, or for other safety reasons. The vending activity shall not damage any landscaped areas. |
| <u> </u> <i>(Initial)</i> | F) Permanent Food Facility Proximity. No vending shall occur within two hundred (200) feet of a permanent food facility. This distance is measured from the location where food is ordered from the vendor to the front door of the food facility. This prohibition only applies to permanent food facilities in existence at the time this Ordinance was enacted and does not apply to food facilities that open after adoption of the Ordinance. |
| | |

Section 5.50.050 – Operation requirements

| | |
|---------------------------------------|---|
| <u> </u> <i>(Initial)</i> | A. Appearance and Storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. With the exception of fixed stands selling a food product grown on site, the vendor must remove all evidence of vending and leave the site in a clean state at the close of each business day. The mobile food vendor shall provide waste removal and shall be responsible for collecting trash/debris and recycling after each stop. "Trash" includes material dispensed by the mobile food vendor as well as items that may be left by customers. |
| <u> </u> <i>(Initial)</i> | B. Obstructions and Hazards. No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards. Vendors must comply with the Americans with Disabilities Act (ADA) and shall not block ADA path of travel. |
| <u> </u> <i>(Initial)</i> | C. Signs. No more than one sign is allowed on the parcel in conjunction with the vendor. The sign shall not exceed ten square feet and shall be affixed to the vehicles or devise from which the goods or merchandise are being sold. |

| | |
|---------------------------------------|--|
| <u> </u> <i>(Initial)</i> | D. Blight. The mobile street vendor shall not create blight through its operations. It will be considered blight (i) it is not being adequately maintained; (ii) has uncorrected building or health code violation; (iii) has become a place where criminal activity takes place as documented by the Corning Police Department; or (iv) it is determined by the City building official that its conditions threatens life or puts the health and/or safety of the citizens at risk. |
| <u> </u> <i>(Initial)</i> | E. Cart Removal. All street vending items, including the cart, trash receptacle, or condiment table may be left on the sidewalk or other public right of way after the Vendor's approved closing time. |
| <u> </u> <i>(Initial)</i> | F. Time of Operation. No street vending may occur after 10:00 PM or before 7:00 AM, unless express authorization is provided by the City Manager. |
| <u> </u> <i>(Initial)</i> | G. Setback. Other Applicable Regulations. Each vendor must comply with other local, state, and federal regulations pertaining to establishment and operation of a vending business. This includes any setback requirements set forth in this Corning Municipal Code |
| <u> </u> <i>(Initial)</i> | H. Additional location and operational requirements may be imposed by the City for street vending operations if deemed warranted by City Staff. |

Section 5.50.060 Revocation of Permit

The City may revoke the vending permit if any of the following occurs:

| | |
|---------------------------------------|---|
| <u> </u> <i>(Initial)</i> | 1. The mobile food vendor fails to pay sales tax. |
| <u> </u> <i>(Initial)</i> | 2. The sidewalk mobile vendor fails to meet any of the requirements set forth in Government Code Sections 51038 & 51039 |
| <u> </u> <i>(Initial)</i> | 3. The mobile vendor performs any act or omission constituting a nuisance as set forth in the City of Corning Municipal Code Chapter 8.08 |
| <u> </u> <i>(Initial)</i> | 4. The mobile vendor violates any other provisions of Chapter 5 of the City of Corning Municipal Code. |

Section 5.50.070 Penalties

| | |
|---------------------------------------|---|
| <u> </u> <i>(Initial)</i> | 1. An administrative fine not exceeding one hundred dollars (\$100) /day for the first violation. |
| <u> </u> <i>(Initial)</i> | 2. An administrative fine not exceeding two hundred dollars (\$200) /day for additional violation within one year of the first violation. |
| <u> </u> <i>(Initial)</i> | 3. An administrative fine not exceeding five hundred dollars (\$500) /day for each additional violation within one year of the first violation. |

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

| | |
|---------------------------------------|--|
| <u> </u> <i>(Initial)</i> | 1. An administrative fine not exceeding two hundred dollars (\$200) /day for a first violation. |
| <u> </u> <i>(Initial)</i> | 2. An administrative fine not exceeding five hundred dollars (\$500) /day for a second violation within one year of the first violation. |

I declare, under penalty of making a false statement, that I have read and understand the above statements and will completely abide by them. By signing this application, the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.

Applicant Signature _____ Date _____

FOR OFFICE USE ONLY

Application Checklist

| Approvals | Yes / No | | Notes |
|--|-----------------|--|--------------|
| Application Complete | | | |
| Copy of Photo ID | | | |
| Site Plan Map | | | |
| Tehama County Health Department – Health Permit (for Food Vendors Only) | | | |
| Seller's Permit | | | |
| Letter from Property Owner | | | |
| Restroom Use | | | |

Comments:

Planning Department Approval:

Approved

Denied

Approved By: _____ Date: _____

SUMMARY ORDINANCE NO. 699

**SUMMARY OF AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF CORNING ADOPTING AN AMMENDMENT TO CHAPTER 5 OF THE
CORNING MUNICIPAL CODE PERTAINING TO STREET VENDING**

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 699 introduced by the City Council on August 9, 2022, at a public hearing and scheduled for consideration of adoption on August 23, 2022 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

The City of Corning seeks to amend Chapter 5.50 of Title 5 of the Corning Municipal Code to comply with the requirements of Government Code section 51051 et seq. and create rules and regulations for Mobile Street Vending in the City of Corning.

A certified copy of the full text of the Ordinance is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

Lisa M. Linnet,
Corning City Clerk

Published:

**ITEM NO.: J-11
ORDINANCE 701 ADOPTING THE INITIATIVE
MEASURE RELATING TO AMENDMENT OF
THE HWY. 99W SPECIFIC PLAN TO
REMOVE THE INITIATIVE AREA TO ALLOW
DEVELOPMENT OF A GROCERY STORE
AND DRIVE-THRU COFFEE SHOP**

August 9, 2022

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

BACKGROUND:

On April 21, 2022, a Notice of Intent to Circulate a Petition for the City of Corning for a proposed initiative measure was received by the City Clerk. The initiative seeks to remove the area designated as the Initiative Area from the "Hwy 99-W Specific Plan" and convert it to "Commercial." The purpose is to permit the Initiative Area to be developed into a project that includes an approximately 16,000 square foot grocery store, a 950 square foot drive-thru coffee shop, and associated pylon signage. This would include amendment of the General Plan Land Use Map to reflect the change and also establish an overlay zone for the Initiative Area that includes performance standards that apply to the area. Finally, the initiative included a declaration of public convenience and necessity for the grocery store to serve beer, wine, and distilled spirits.

The proponents filed their proof of publication as required, and circulated petitions. The proponents filed the signed petitions with the City of Corning City Clerk's office, who provided a prima facie review of the petitions.

The petition was then sent to the Tehama County Registrar of Voters for the actual review of the signatures. The petition was certified as sufficient under the provision of Election Code section 9414, signed by not less than 15% of the voters of the City.

An Urgency Ordinance (Ordinance No. 700) was adopted by a unanimous vote of the City Council on July 12, 2022 in order to meet the established time constraints provided by the County Elections Department in order for the Ballot Measure to be on the November Elections Ballot. Under the established time constraint, the Ballot Measure and associated Ordinance must be presented to the County Elections Department no later than Monday, July 18, 2022. If received after that date it would have to be calendared as a stand-alone Ballot Measure greatly increasing the costs to the City and City taxpayers. The Urgency Ordinance became effective immediately upon adoption.

Now that the petition has been certified, Elections Code Section 9214 offered the Council three options:

1. Adopt the measure without alteration at this meeting. The effect of this measure would be to convert the Initiative area from "Hwy 99-W Specific Plan" to Commercial to permit the development of a grocery store and drive-thru coffee shop.
2. Present the measure to the voters at the first available Special City election, or
3. Order a report pursuant to Section 9212 of the Elections Code which allows for a study of its fiscal impact, its effect on various land use matters, such as the general plan, specific plans, infrastructure, or other matters the Council requests. The report must be completed within a 30-day period, at which time the report then returns, and the Council may either adopt the measure or order it to a special election.

At the July 12, 2022 City Council Meeting, the City Council selected option 1 by a unanimous vote. Had Option 2 been chosen, the Registrar of Voters would have set a date between 88 and 103 days of the date that the Council calls for an election. That would result in the election taking place on the first Tuesday after the first Monday in November of 2022 per Elections Code section 1000. Cost of a special election in November would be **\$10,000 - \$15,000**.

As an act of good faith, Staff now is providing Ordinance 701, AN ORDINANCE ADOPTING THE INITIATIVE MEASURE RELATING TO AMENDMENT OF THE HWY. 99W SPECIFIC PLAN TO REMOVE THE INITIATIVE AREA TO ALLOW DEVELOPMENT OF A GROCERY STORE AND DRIVE-THRU COFFEE SHOP for introduction. This proposed Ordinance is basically the same as Urgency Ordinance 700, the only difference is unlike Urgency Ordinance 700 which became effective immediately upon adoption, proposed Ordinance 701 requires two readings at two separate meetings and doesn't become effective until 30 days following adoption.

RECOMMENDED ACTION:

MAYOR AND CITY COUNCIL HAVING RECEIVED CERTIFICATION OF SUFFICIENCY OF THE INITIATIVE PETITION ON JULY 12, 2022, AND ADOPTING URGENCY ORDINANCE 700 BY A UNANIMOUS VOTE, ADOPT ORDINANCE 701 ADOPTING THE MEASURE WITHOUT ALTERATION.

ATTACHMENTS:

- **Page 1:** Initiative to Preserve and Enhance the Quality of Life by Providing Opportunities for Present and Future Residents to Enjoy the Variety of the full range of Urban Services, including new Grocery Stores and Drive-Thru Coffee Shops near existing Residential Development (1 pg.);
- **Page 2:** Initiative Measure to be Submitted to Voters; signed by Chetina Austin, Gary Strack, and Terry Barbo (1 pg.);
- **Page 3 - 6:** Notice of Intent to Circulate Petition, signed by Chetina Austin, Gary Strack, and Terry Barbo (with attached AFFIDAVITS for each (4 pgs.);
- **Page 7 - 16:** Initiative Measure to be Submitted Directly to the Voters (10 pgs.);
 - **Exhibit A: Assessors Map showing site location;**
 - **Exhibit B: Initiative Area Legal Description;**
 - **Exhibit C: Amended General Plan Map General Plan Land Use, City of Corning;**
 - **Exhibit D: Amended Specific Plan Area Map, Figure 1–Highway 99W Corridor Specific Plan Study Area; and**
 - **Exhibit E: Amended Zoning Map, City of Corning Zoning Map**
- **Certificate of Tehama County Registrar of Voters**
- **City Council Certification of Petition.**

ORDINANCE NO. 701

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA,
ADOPTING THE INITIATIVE MEASURE RELATING TO AMENDMENT OF THE HWY 99W
SPECIFIC PLAN TO REMOVE THE INITIATIVE AREA TO ALLOW DEVELOPMENT OF A
GROCERY STORE AND DRIVE-THRU COFFEE SHOP**

WHEREAS, On April 21, 2022, a Notice of Intent to Circulate a Petition for the City of Corning for a proposed initiative measure was received by the City Clerk. The initiative seeks to remove the area designated as the Initiative Area from the "Hwy 99-W Specific Plan" and convert it to "Commercial." The purpose is to permit the Initiative Area to be developed into a project that includes an approximately 16,000 square foot grocery store, a 950 square foot drive-thru coffee shop, and associated pylon signage. This would include amendment of the General Plan Land Use Map to reflect the change and also establish an overlay zone for the Initiative Area that includes performance standards that apply to the area. Finally, the initiative included a declaration of public convenience and necessity for the grocery store to serve beer, wine, and distilled spirits; and

WHEREAS the proponents filed their proof of publication as required, and circulated petitions. The proponents filed the signed petitions with the City of Corning City Clerk's office, who provided a prima facie review of the petitions; and

WHEREAS the petition was then sent to the Tehama County Registrar of Voters for the actual review of the signatures. The petition was certified as sufficient under the provision of Election Code section 9414, signed by not less than 15% of the voters of the City; and

THE CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. An initiative measure was filed with the Corning City Clerk on April 21, 2022. On July 12, 2022, the City Clerk of the City of Corning presented a certificate of sufficiency to the City Council and the City Council by unanimous vote adopted the Initiative Measure as set forth in Urgency Ordinance 700.

SECTION 2. The City Council now hereby adopts the initiative measure as set forth in Exhibit A of this Ordinance.

SECTION 3. Publication. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation within the City as required pursuant to Government Code Section 36933, and the Clerk shall attest and certify to the adoption of this Ordinance and cause the Ordinance, together with the City Clerk certification and proof of publication, be entered into the Book of Ordinances of the council of this City.

SECTION 4. Effective Date. This Ordinance will go into effect 30 days after passage and may be amended or repealed only by a majority vote of the voters.

I HEREBY CERTIFY that the foregoing Ordinance was introduced and read by the City Council of the City of Corning at a regular meeting on the 9th day of August, 2022, and was duly read and adopted at a regular meeting on the 23rd day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERT SNOW, Mayor

ATTEST:

LISA M. LINNET, City Clerk

SUMMARY ORDINANCE NO. 701

SUMMARY OF ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA, ADOPTING THE INITIATIVE MEASURE RELATING TO AMENDMENT OF THE HWY 99W SPECIFIC PLAN TO REMOVE THE INITIATIVE AREA TO ALLOW DEVELOPMENT OF A GROCERY STORE AND DRIVE-THRU COFFEE SHOP

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 701 to be introduced by the Corning City Council on August 9, 2022 at a regular meeting and scheduled for consideration of adoption on August 23, 2022 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

This Ordinance adopts, pursuant to Elections Code section 9215, an initiative which seeks to remove the area designated as the Initiative Area from the "Hwy 99-W Specific Plan" and convert it to "Commercial." The purpose is to permit the Initiative Area to be developed into a project that includes an approximately 16,000 square foot grocery store, a 950 square foot drive-thru coffee shop, and associated pylon signage.

A certified copy of the full text of the Ordinance is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. This Ordinance was introduced by the City Council of the City of Corning on August 9, 2022 and is scheduled for consideration of adoption on August 23, 2022.

Lisa M. Linnet, Corning City Clerk
Published: Friday, July 29, 2022

Posted at Corning City Hall and Published on or before August 17, 2022.

INITIATIVE TO PRESERVE AND ENHANCE THE QUALITY OF LIFE BY PROVIDING OPPORTUNITIES FOR PRESENT AND FUTURE RESIDENTS TO ENJOY THE VARIETY OF THE FULL RANGE OF URBAN SERVICES, INCLUDING NEW GROCERY STORES AND DRIVE-THRU COFFEE SHOPS NEAR EXISTING RESIDENTIAL DEVELOPMENT

The proposed Initiative would do all of the following:

- Amending the General Plan Land Use Map to change the base land use designation of the Initiative Area from "Hwy 99-W Specific Plan" to "Commercial."
- Amending the Highway 99W Corridor Specific Plan to remove the Initiative Area from the "Specific Plan Area."
- Amending the Zoning Map to rezone the Initiative Area from "CH Highway Service Commercial Overlay District" and "CBDZ Corning Business Development Zone" to "C-3 General Business District" to allow the Initiative Area to be developed for a project that includes an approximately 16,000 square-foot grocery store, 950 square-foot drive-thru coffee shop, and associated pylon signage.
- Amending the Zoning Map to establish an overlay zone for the "C-3 General Business District" that applies only to the Initiative Area.
- Amending the text of the Zoning Code to establish performance standards that apply only to the overlay zone.
- Declaring that the public convenience or necessity would be served by the retail sale of beer and wine and/or distilled spirits in conjunction with a grocery store located in the Initiative Area.

Word count = 184

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MAY 26 2022

CORNING CITY CLERK

Lisa M. Linnet
City Clerk
City Hall
794 Third Street
Corning, CA 96021

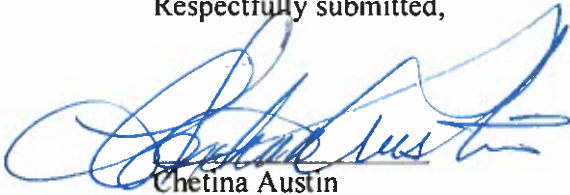
Re: Initiative Measure to be Submitted to Voters

Please find enclosed with this letter a copy of a proposed initiative measure and Notice of Intent to Circulate Petition for the City of Corning. Please transmit the initiative measure to the City Attorney for a Title and Summary pursuant to California Elections Code Section 9203.

The undersigned are the proponents of this measure and are registered voters in the City of Corning, along with the signed proponent affidavit required by Section 9608 of the California Elections Code. Also enclosed please find a check in the amount of \$200.

Should you have any questions or require additional information, please contact our attorney, Ashlee Titus, at (916) 442-7757 or atitus@bmhlaw.com. Thank you.

Respectfully submitted,


Chetina Austin


Gary Strack


Terry Barbo

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Notice of Intent to Circulate Petition

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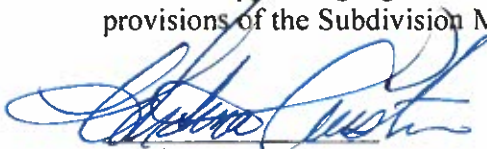
Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Corning for the purpose of adopting the Corning Commercial Development Initiative. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The Initiative is proposed to do all of the following:


- Preserve and enhance the quality of life in Corning by providing opportunities for present and future residents to enjoy the variety of the full range of urban services, including new grocery stores and drive-thru coffee shops near existing residential development;
- Facilitate the development of high-quality commercial uses, such as grocery stores and drive-thru coffee shops, to serve local needs and provide local employment opportunities;
- Improve existing neighborhood aesthetics by developing vacant, underutilized land surrounded by existing urban development; and
- Improve pedestrian and vehicular infrastructure to facilitate safe and efficient access within the City to services and employment.

The Initiative would do these things by:

- Amending the General Plan Land Use Map to change the base land use designation of the Initiative Area from "Hwy 99-W Specific Plan" to "Commercial."
- Amending the Highway 99W Corridor Specific Plan to remove the Initiative Area from the "Specific Plan Area."
- Amending the Zoning Map to rezone the Initiative Area from "CH Highway Service Commercial Overlay District" and "CBDZ Corning Business Development Zone" to "C-3 General Business District" to allow the Initiative Area to be developed, upon the issuance only of future non-legislative, non-discretionary approvals by the City, for a project that includes an approximately 16,000 square-foot grocery store, 950 square-foot drive-thru coffee shop, and associated pylon signage, and that could in the future be subdivided, subject only to the provisions of the Subdivision Map Act.



Chetina Austin



Gary Strack



Terry Barbo

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AFFIDAVIT

CORNING CITY CLERK

I, Gary Strack, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:



Dated this 7 day of May, 2022

Gary Strack
1211 Butte Street
Corning, CA 96021

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MAY 26 2022

AFFIDAVIT

CORNING CITY CLERK

I, Chetina Austin, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:



Dated this 26th day of May, 2022

Chetina Austin
583 Edith Avenue
Corning, CA 96021

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MAY 26 2022

CORNING CITY CLERK

AFFIDAVIT

I, Terry Barbo, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:



Dated this 26th day of May, 2022

Terry Barbo
433 North Street
Corning, CA 96021

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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This space intentionally blank.

TO THE HONORABLE CLERK OF THE CITY OF CORNING:

We, the undersigned, registered, qualified voters of California, residents of the City of Corning, hereby propose an ordinance relating to a commercial development, and petition you to immediately submit this initiative to the City Council for adoption without alteration, or alternatively for submission to the voters of the City of Corning at a special election or the next regular municipal election for which it qualifies, pursuant to Elections Code section 9215. The proposed ordinance reads as follows:

The people of the City of Corning do ordain as follows:

SECTION 1: TITLE.

The title of this Initiative is "Coming Commercial Development Initiative." It is designated interchangeably in the text herein as the "Initiative," "Measure," or "Ordinance."

SECTION 2: INITIATIVE AREA.

This Initiative applies to approximately 4.5 acres of vacant land, known as Assessor Parcel Number 71-080-021, bounded by existing residential development and Colusa Street to the north, Edith Avenue and existing commercial development to the west, existing commercial development and Corning Road to the south, and vacant land and existing residential development and Toomes Avenue to the east ("Initiative Area"), as shown in Exhibit A ("Initiative Area Property Map") and described in Exhibit B ("Initiative Area Legal Description").

SECTION 3: PURPOSES AND FINDINGS.

A. Purposes.

The Initiative was circulated and enacted in part to do all of the following:

- Preserve and enhance the quality of life by providing opportunities for present and future residents to enjoy the variety of the full range of urban services, including new grocery stores and drive-thru coffee shops near existing residential development;
- Facilitate the development of high-quality commercial uses, such as grocery stores and drive-thru coffee shops, to serve local needs and provide local employment opportunities;
- Improve existing neighborhood aesthetics by developing vacant, underutilized land surrounded by existing urban development; and
- Improve pedestrian and vehicular infrastructure to facilitate safe and efficient access within the City to services and employment.

B. Findings. The people of the City of Corning find and declare:

1. This Initiative will protect and enhance Corning's unique character and quality of life by:

- Amending the General Plan Land Use Map to change the base land use designation of the Initiative Area from "Hwy 99-W Specific Plan" to "Commercial."
- Amending the Highway 99W Corridor Specific Plan to remove the Initiative Area from the "Specific Plan Area."
- Amending the Zoning Map to rezone the Initiative Area from "CH Highway Service Commercial Overlay District" and "CBDZ Corning Business Development Zone" to "C-3 General Business District" to allow the Initiative Area to be developed, upon the issuance only of future non-legislative, non-discretionary approvals by the City, for a project that includes an approximately 16,000 square-foot grocery store, 950 square-foot drive-thru coffee shop, and associated pylon signage, and that could in the future be subdivided, subject only to the provisions of the Subdivision Map Act (collectively, "Project").
- Amending the Zoning Map to establish an overlay zone for the "C-3 General Business District" that applies only to the Initiative Area ("Overlay Zone").
- Amending the text of the Zoning Code to establish performance standards that apply only to the Overlay Zone.

2. This Initiative is consistent with (and shall at all times be interpreted to be consistent with) the objectives and policies of the General Plan as amended by this Initiative, and would affirmatively promote and implement the goals, objectives, policies, and implementation measures of the General Plan, including all of the following:

- Preserving and enhancing the quality of life by providing a variety of living environments and accommodating growth.
- Promoting water conservation in existing and future development.
- Requiring the use of Best Management Practices to control runoff from all new development, including the issuance of building permits.
- Requiring project proponents to provide plans for erosion and sedimentation control from their sites during construction.
- Promoting 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.
- Guiding development in a pattern that will provide opportunities for present and future residents to enjoy the variety of living environments, that currently exist, that are served by the full range of urban services.
- Guiding development in a pattern that will minimize land use conflicts between incompatible adjacent land uses.
- Improving existing neighborhood aesthetics by developing vacant, underutilized land surrounded by existing urban development.

3. The Specific Plan amendments adopted through this Initiative are consistent with the General Plan, as amended by this Initiative.

4. The Zoning Code amendments adopted through this Initiative are consistent with the General Plan, as amended by this Initiative.

5. There is a market need for a new grocery store and drive-thru coffee shop in Corning, and such uses are compatible with residential land uses.

6. The public convenience or necessity would be served by the retail sale of beer and wine and/or distilled spirits in conjunction with a grocery store located in the Initiative Area, in part because such use will not adversely affect the adjoining land uses in the area in which it is located because the sale of beer and wine and/or distilled spirits are ancillary to a grocery store, and in part because allowing the sale of beer and wine and/or distilled spirits in a grocery store would promote one-stop shopping, meet the convenience shopping needs of the community, and reduce vehicle miles traveled. A variety of goods and services is vital for the desirability of the City overall and of any neighborhood, and the sale of alcohol for off-site consumption is an expected amenity at grocery stores.

7. For all of the foregoing reasons, this Initiative serves the public health, safety, and general welfare of the City and the citizens of Corning.

SECTION 4: DEFINITIONS AND CONVENTIONS.

A. As used in this Initiative, the following definitions and conventions apply:

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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CORNING CITY CLERK

- "Effective Date" means the date this Initiative takes effect, which shall be on the earliest date legally possible.
- "Filing Date" means the date the Notice of Intent to Circulate Petition for this Initiative was presented to the City.
- "General Plan" means the City of Corning General Plan 2014-2034, dated September 8, 2015.
- "General Plan Amendments" means the amendments to the General Plan enacted by Section 5 of this Initiative.
- "General Plan Land Use Map" means the General Plan Land Use Map, dated September 8, 2015.
- "Grocery Store" means stores selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages (beer and wine and/or distilled spirits) for consumption off the premises to meet the convenience shopping needs of the community, including catering services independent to on-site food sales.
- "Initiative" means the Corning Commercial Development Initiative, an initiative measure sponsored by the citizens of the City of Corning.
- "Initiative Area" means the approximately 4.5-acre vacant property located at 663 Edith Avenue in the City of Corning, as shown in Exhibit A and described in Exhibit B and enacted as part of this Initiative.
- "Municipal Code" means the Corning Municipal Code, including Title 17 thereto, entitled "Zoning."
- "Overlay Zone" means the overlay zone for the "C-3 General Business District" established in the Corning Commercial Development Initiative that applies to the Initiative Area.
- "Project" means the development generally described in Section 3 of this Initiative.
- "Specific Plan" means the Highway 99W Corridor Specific Plan, dated January 18, 1997.
- "Specific Plan Amendments" means the amendments to the Specific Plan enacted by Section 6 of this Initiative.
- "Specific Plan Area" means the 350.64-acre area, as shown in Figure 1, page 2-7, of the Highway 99W Corridor Specific Plan, dated January 18, 1997.
- "Specific Plan Area Map" means the Specific Plan Study Area depicted in Figure 1 – Highway 99W Corridor Specific Plan Study Area, of the Highway 99W Corridor Specific Plan, dated January 18, 1997.
- "Zoning Code" means Title 17 of the Municipal Code, entitled "Zoning."
- "Zoning Code Amendment" means the amendments to the Zoning Code enacted by Section 7 of this Initiative.
- "Zoning Map" means the City of Corning Zoning Map, dated November 2019.
- "Zoning Map Amendment" means the amendments to the Zoning Map enacted by Section 7 of this Initiative.

SECTION 5: CITY OF CORNING GENERAL PLAN AMENDMENTS.

The General Plan is hereby amended as follows. Text to be inserted into the General Plan is indicated in bold underlined type. Text to be deleted from the General Plan is indicated in ~~strikethrough type~~. Text in standard, bold, or *italic* type that currently appears in that fashion in the General Plan on the Filing Date remains unchanged by this Initiative and is shown for reference purposes only.

A. AMENDMENTS TO GENERAL PLAN LAND USE MAP.

The General Plan Land Use Map is hereby amended to redesignate the Initiative Area from "Hwy 99-W Specific Plan" to "Commercial," as shown in Exhibit C ("Amended General Plan Map") and attached hereto.

B. AMENDMENTS TO GENERAL PLAN TEXT.

Chapter II of the General Plan, entitled "2014-2034 General Plan Goals, Objectives, Policies & Implementation Measures," contains a section F, entitled "Community Development," which contains a subsection, entitled "Policies," which contains a Table LU-1, entitled "General Plan Land Use Classifications." That table is amended as follows:

| TABLE LU-1 GENERAL PLAN LAND USE CLASSIFICATIONS | | | |
|---|-------------------------------------|--|-----------------|
| Symbol | Land Use | Description | Maximum Density |
| LLR | Large Lot Residential | Provides living environments receiving minimal urban services and located in areas characterized by one of more of the following conditions: previously classified as the Agriculture Land Use Classification, lands containing agricultural characteristics, located within or in close proximity to lands categorized as floodplain and flood hazard areas, and subject to accessibility via substandard publicly maintained roads | 2 Acres/DU |
| SFR | Residential | Provides single-family and two-family residential living environments receiving a full range of urban services. | 14 DUs/Acre |
| MFR | Multi-Family Residential | Provides Neighborhood and General Apartment high density living and office commercial environments, or a combination thereof, receiving a full range of urban services. | 28 DUs/Acre |
| C | Commercial | Provides for commercial uses. Specific categories are determined by Zoning which include: Neighborhood and Central Business Districts, General and Highway Service Commercial Districts. | |
| I | Industrial | Provides for Industrial uses. Specific categories are determined by Zoning which include: Light and, General Industrial, Limited Manufacturing and Industrial Frontage Districts. | |
| HWY-99-W | Hwy 99-W Specific Plan 2 | Provides for residential, commercial, industrial and recreation uses to be designed and developed under a comprehensive set of plans, policies, guidelines, and implementation measures for guiding and ensuring the orderly development of the Highway 99W Corridor with a full complement of services, facilities and utilities. | |
| PM | Public/Municipal | Provides for public facilities including but not limited to government facilities, schools, and public utilities and facilities. | |
| P | Park | Provides for community recreation facilities and also for the protection of significant wildlife, plant, fisheries, and wetland habitat resources. | |

*** Notwithstanding any other provision of the Initiative, this General Plan, or the Hwy 99-W Corridor Specific Plan to the contrary, the Initiative Area established by the Corning Commercial Development Initiative is not part of the Hwy-99-W Corridor Specific Plan.**

Chapter II of the General Plan, entitled "2014-2034 General Plan Goals, Objectives, Policies & Implementation Measures," contains a section F, entitled "Community Development," which contains a subsection, entitled "Implementation Measures." That subsection is amended as follows:

Implementation Measures

- LU-(1) Reclassify the parcels listed in Appendix A to the Land Use Classification identified. The parcels should be rezoned to the appropriate Zoning Designation within one year after adoption of the 2014-2034 General Plan Update.
- LU-(2) Establish zoning districts and development standards in the Zoning Ordinance consistent with the General Plan, and amend the Zoning Map to be consistent with the 2014-2034 General Plan Update Map within one year.
- LU-(3) Establish the Alternative Housing (AH) Zone District and zone appropriate parcels AH to permit emergency shelters, transitional housing, or supportive housing.
- LU-(4) As part of the Annual General Plan Report, monitor and report on; commercial, industrial and residential development since Plan adoption; the overall density of residential projects approved during the previous year; and the remaining supply of vacant land by land use.
- LU-(5) Ensure that the Zoning Ordinance provides for minimum and maximum densities consistent with the Plan's land use classifications.
- LU-(6) Encourage that new neighborhood shopping centers with more than three businesses in a given center are located at least one mile away from existing major shopping centers.
- LU-(7) For development along arterials such as South Avenue, 99W, adopt appropriate standards to improve the character of these corridors, including but not limited to site access, building and off-street parking orientation to street, building height, on-site lighting, transitional requirements adjacent to residential uses.
- LU-(8) Evaluate strict enforcement of the non-conforming uses in instances when a preexisting nonconforming use is clearly in conflict with other surrounding uses which fully conform to the existing zoning.
- LU-(9) Adhere to the setback requirements identified in the "Corning Municipal Airport Master Plan" and the "Tehama County Airport Land Use Compatibility Plan".

SECTION 6: HIGHWAY 99W CORRIDOR SPECIFIC PLAN AMENDMENTS.

A. AMENDMENTS TO SPECIFIC PLAN AREA MAP.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Specific Plan Area Map is hereby amended to remove the Initiative Area from the Specific Plan Area, as shown in Exhibit D ("Amended Specific Plan Map") and attached hereto.

SECTION 7: CORNING MUNICIPAL CODE AMENDMENTS.

The Zoning Code is hereby amended as follows. Text to be inserted into the Zoning Code is indicated in **bold underlined type**. Text to be deleted from the Zoning Code is indicated in ~~strike through type~~. Text in standard, bold, or *italic* type that currently appears in that fashion in the Zoning Code on the Filing Date remains unchanged by this Initiative and is shown for reference purposes only.

A. AMENDMENTS TO ZONING MAP.

The Zoning Map is hereby amended to rezone the Initiative Area from "CH Highway Service Commercial Overlay District" and "CBDZ Corning Business Development Zone" to "C-3 General Business District," as shown in Exhibit E ("Amended Zoning Map") and attached hereto.

B. AMENDMENTS TO ZONING TEXT.

The Zoning Code contains a Chapter 17.22, entitled C-3 General Commercial District. That Chapter is hereby amended as follows:

Chapter 17.22 C-3 GENERAL COMMERCIAL DISTRICT

17.22.010 Generally.

This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all C-3 districts. (Ord. 153 §11.01, 1959).

17.22.020 Permitted uses.

In C-3 districts, permitted uses shall be as follows:

- A. Uses permitted in the C-1 and C-2 districts;
- B. The following and other uses which, in the opinion of the planning commission, are of a similar character:
 1. Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air and water are carried on within a building,
 2. Commercial repair garages, and incidental service uses,
 3. Automobile sales and service, used car lots,
 4. Wholesale distribution uses, warehouses,
 5. Laundry and dry cleaning businesses using non-inflammable cleaning solvents,
 6. Veterinary hospitals, animals to be kept in an enclosed structure,
 7. Carwash;
- C. All other commercial uses except those uses which are specified in Chapter 17.24 of this title as being permitted only in M-1 and M-2 districts;
- D. Incidental storage and accessory uses, including repair operations and services, provided such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.
- E. Upon securing a conditional use permit, an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent, such residences are to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garages shall be permitted.

(Ord. 589 §7, 2001; Ord. 558 (part), 1996; Ord. 588 (part), 1996; Ord. 524 §§13, 13.1, 1992; Ord. 184 §1, 1962; Ord. 153 §11.02, 1959).

17.22.030 Minimum height, bulk and space requirements.

In C-3 districts, the minimum height, bulk and space requirements shall be as follows:

- A. Lot area, width and coverage, none;
- B. Side yard and front yard shall be as follows:
 1. Side yard, none; except as required by the building code or other regulation, or where the side of a lot abuts an R district, the side yard shall not be less than ten feet.
 2. Front yard, none; except where the frontage in a block is partially within an R district, the same setback shall be required as in the R district.
- C. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building may project over rear yard area, providing fourteen feet clear vertical distance from ground level is maintained. Building Code and other regulations shall apply;
- D. Building height limit, four stories, but not to exceed fifty feet; and provided, that buildings shall be confined within inclined planes sloping inward at a ratio of one foot horizontally to two feet vertically, such planes beginning directly above property lines at an elevation of thirty feet above average ground grade;
- E. Loading area, twenty-foot alleys for loading and delivery purposes shall be provided adjacent to all lots to be used for commercial purposes. Ten feet of the required yard may be included in such alleys;
- F. Parking requirements as required by Chapter 17.51;
- G. Corner lots, side yard setback ten feet.

(Ord. 589 §3, 2001; Ord. 524 §13.2 1992; Ord. 153 §§11.10-11.14, 1959).

17.22.040 Uses permitted with a use permit.

In C-3 districts, uses requiring use permits are as follows:

- A. RV facilities, provided that:
 1. An RV facility shall mean any use which derives income directly from providing an area or place in which to park mobile living and/or sleeping units specifically for the purpose of occupation and use of such mobile units.
 2. RV facilities shall provide some landscaped exterior yard area for the use of guests.
- B. Commercial communication towers and associated facilities.

(Ord. 590 (part), 2001; Ord. 566, 1997; Ord. 487 §1, 1989).

17.22.050 Performance standards.

A. This subsection establishes performance standards that shall apply only to the Initiative Area created by the Corning Commercial Development Initiative. The purpose of these performance standards is to guard against the use of any property or structure in the Initiative Area in any manner that would create any dangerous, injurious, noxious, or otherwise objectionable condition in such a manner that adversely affects the health and safety of the public and the surrounding area or adjoining premises.

- 1. The development and continued operation of businesses in the Initiative Area must comply with all applicable local, state, and federal laws and regulations.**
- 2. Prior to issuance of a certificate of occupancy the applicant must designate and appropriately mark any required handicapped parking spaces as approved by the Building Official.**
- 3. All proposed signs must comply with the City of Corning sign regulations established by Ordinance 681.**
- 4. The applicant shall install permanent landscaping in all areas outside building footprint or parking lot and including landscaping within the adjacent public right of way along Edith Avenue.**
- 5. Landscaping shall be provided with permanent and automatic means of irrigation, consistent with City Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees.**
- 6. Prior to issuance of a certificate of occupancy, all construction debris must be removed from the site.**
- 7. Prior to commencement of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the District's conditions of approval.**
- 8. No open burning shall occur unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.**
- 9. Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15th).**
- 10. Complete grading plans shall be submitted for approval by the City Engineer.**
- 11. Prior to any site disturbance or earthmoving activities on or adjacent to the project site, applicant shall obtain a Construction Stormwater Permit from the Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board. A WQID # must be assigned and provided to the City of Corning.**
- 12. Prior to the issuance of a building permit for construction of the building the applicant shall submit a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special foundation design is necessary. The Developer shall provide: 1) certification assuring adequate compaction of filled lots in accordance with the Uniform Building Code; and 2) for those lots with expansive soils, certification that the engineered foundation plans comply with building code requirements.**

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- 13. Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.
- 14. Storm Drain and retention facilities shall be in accordance with a Drainage Analysis, constructed to City Standards and approved by the Public Works Director.
- 15. Soils information (Soil Log) must be submitted to verify adequacy of on-site storm water retention designs.
- 16. Finished grade must be graded to direct runoff to stormwater drain facilities within the public right-of way or established drainage facilities (detention basins) constructed on the parcel. No lot-to-lot runoff is permitted.
- 17. Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.
- 18. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.
- 19. Development is subject to applicable Development Impact Fees to lessen the new development's impacts on City facilities and services. These fees shall be assessed and payable prior to issuance of a Building Permit.
- 20. All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.
- 21. Any damaged curb, gutter, or sidewalk along the frontage of the proposed project shall be replaced as part of this project. Existing residential driveways shall be removed, and new commercial driveways shall be constructed per City of Corning Standards.
- 22. Install applicable striping and signage improvements on Edith Avenue per technical documentation that exists as of the Filing Date of the Corning Commercial Development Initiative. Existing on street parking along the Edith Avenue frontage shall be removed and a dedicated right turn lane shall be striped, terminating at the north most driveway.
- 23. Developer shall coordinate with Tehama Rural Area Express (TRAX) regarding the relocation of the existing bus stop located on Edith Avenue adjacent to the proposed project. The outcome of the coordination shall be that the bus stop is relocated adjacent to the site or in the same general vicinity.
- 24. Water and sewer connections shall be completed in accordance with Public Works Specifications. All water meters to be Sensus compound meters to register in gallons.
- 25. The Applicant will be required to construct a durable land use barrier (6'-0" high masonry wall or equivalent) along the residential boundary to the north that will mitigate noise and land use impacts caused by and/or affecting the proposed development.
- 26. Paint curbs red on Edith Avenue along the full width of the parcel to allow for emergency response.
- 27. Any final map must show all applicable easements.

SECTION 8: EXEMPTIONS.

This Initiative shall not apply to any law that, under federal or state law, is beyond the power of the local voters to enact by the power of initiative reserved to the people of California under the state constitution.

SECTION 9: PRE-ELECTION CHALLENGE.

We, the undersigned, registered, and qualified voters of the City of Corning, County of Tehama, and signatories to the Notice of Intent to Circulate Petition, propose this Initiative to amend the City of Corning General Plan, Highway 99W Corridor Specific Plan, and Municipal Code with respect to the land within the Initiative Area. We petition that this Initiative be submitted to the City Council for adoption, without change, or for submission to the voters of Corning. If a pre-election challenge is filed regarding this Initiative, we request that the severance clause set forth in Section 14 of the Initiative be applied to this entire petition, and we declare that we would have signed this petition, and each word of it, irrespective of the fact that any other word, condition, or application to any situation be held invalid.

SECTION 10: CONFLICT WITH OTHER MEASURES.

- A. In approving this Initiative, it is the citizens' intent to create a complete regulatory scheme to govern the future use and development of the Initiative Area. To ensure this intent is not frustrated, this Initiative is presented to the citizens as an alternative to, and with the express intent that it will compete with, any and all citizen initiatives or measures adopted by the City Council at the same public hearing or placed on the same ballot as this Initiative and that would, if approved, limit the use or development or otherwise regulate in any way any part of the Initiative Area in any manner whatsoever (each, a "Conflicting Initiative").
- B. In the event this Initiative and one or more Conflicting Initiatives are adopted by the City Council at the same public hearing or by the voters at the same election, then it is the citizens' intent that the measure that receives the greatest vote of the City Council or the greatest number of affirmative votes by Corning voters shall control in its entirety and any such other measure or measures shall be rendered void in its entirety and without any legal effect. It is also the citizens' intent that, if the City Council adopts this Initiative and one or more Conflicting Initiatives at the same public meeting or hearing and each measure receives the same vote, the Corning Commercial Development Initiative shall control and take effect on all of the lands that comprise the Initiative Area to the maximum extent legally possible.
- C. In no event shall this Initiative be interpreted in a manner that would allow its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the City Council at the same public hearing or the voters at the same election, and such Conflicting Initiative is later held invalid for any reason, this Initiative shall be self-executing and given full force of law.

SECTION 11: IMPLEMENTATION.

- A. Upon the Effective Date, the City is directed to promptly take all appropriate administrative and clerical actions needed to implement this Initiative, including but not limited to updating any acreage numbers in the General Plan and Specific Plan. This Initiative is considered adopted and effective upon the earliest date legally possible after the City Council adopts this Initiative or the Elections Official certifies the vote on the Initiative by the voters of the City of Corning.
- B. Upon the Effective Date, the provisions of Section 5 are hereby inserted into the General Plan; except that if the four amendments of the General Plan allowed by state law for any calendar year have already been used in the year in which this Initiative becomes effective, the General Plan Amendments set forth herein shall be the first amendments inserted into the General Plan on January 1 of the next year. At such time as the General Plan Amendments are inserted in the General Plan, any provisions of City law inconsistent with those General Plan Amendments shall be void and unenforceable to the extent of such inconsistency.
- C. Upon the Effective Date, the provisions of Section 6 of this Initiative are hereby inserted into the Specific Plan, and any provision of the Specific Plan that is inconsistent with the General Plan Amendments adopted by this Initiative shall not be enforced. However, in no event shall the Specific Plan amendments set forth in this Initiative become effective prior to the effectiveness of the General Plan Amendments, as may be applicable.
- D. Upon the Effective Date, the provisions of Section 7 of this Initiative are hereby inserted into the Municipal Code, and any provision of the Municipal Code that is inconsistent with the General Plan Amendments adopted by this Initiative shall not be enforced. However, in no event shall the Municipal Code amendments set forth in this Initiative become effective prior to the effectiveness of the General Plan Amendments, as may be applicable.
- E. The General Plan in effect on the date of filing of the Notice of Intent to Circulate Petition ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent, and compatible statement of land use goals, objectives, policies, and implementation measures for the City. To ensure that the General Plan remains an integrated, internally consistent, and compatible statement of goals, objectives, policies, and implementation measures for the City, any provision of the General Plan that is adopted between the Filing Date and the Effective Date of the General Plan amendments adopted by this Initiative, or that is invalidated by a court of competent jurisdiction at any time following the Filing Date, shall, to the extent that such interim-enacted or judicially-invalidated provision is inconsistent with the General Plan Amendments adopted by this Initiative, be amended as soon as possible, and in the manner and time required by state law, to ensure consistency between the provisions adopted by the Initiative and other elements of the General Plan.
- F. Upon the Effective Date, City staff are directed to take promptly such administrative and clerical steps as may be required to implement this Initiative. City staff are further directed to reorganize, reorder, and renumber the General Plan, Specific Plan, and Municipal Code if and as necessary to further the purposes of this Initiative.
- G. The City Council shall take all steps necessary to defend vigorously any challenge to the validity or legality of this Initiative in any pre-election or post-election legal proceeding.
- H. Upon the Effective Date, the City may not take any action that is inconsistent with this Initiative. Furthermore, the City is directed to expeditiously and diligently process, in accordance with applicable federal, state, and local law, all subsequent actions to implement the purposes of this Initiative, including but not limited to issuance of grading and building permits.
- I. To the extent allowed by law, the voters of Corning hereby authorize and direct City staff and officials to amend any elements or provisions of the General Plan, Specific Plan and Municipal Code, including but not limited to all exhibits, figures, and acreages, as soon as

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possible, to implement this Initiative and to ensure consistency and correlation between this Initiative and other elements of the General Plan, Specific Plan, and Municipal Code. The preceding sentence shall be interpreted broadly pursuant to *Pala Band of Mission Indians v Board of Supervisors*, 54 Cal.App.4th 565 (1997), to promote the requirements that a general plan constitute an integrated and consistent document.

J. Upon the Effective Date, any provision of the Specific Plan or Municipal Code that is inconsistent with the General Plan Amendments enacted by this Initiative shall be deemed null and void and shall not be enforced.

SECTION 12: AMENDMENT.

A. With the specific exceptions set forth in this Section 12, this Initiative may only be amended or repealed, pursuant to California Elections Code Section 9217, by a majority of the voters in the City voting in an election held in accordance with state law.

B. The matters adopted in Sections 5, 6, and 7 of this Initiative may be renumbered, without a vote of the people, so long as doing so effects no substantive change to the contents of this Initiative. Clerical changes to reproduce or relocate any text or diagram of this Initiative may be made, without a vote of the people, so long as doing so effects no substantive change. Text and the portions of diagrams that are included in this Initiative for reference or context purposes may only be amended, supplemented, or repealed according to the same procedures that would apply if this Initiative had not been enacted, without a vote of the people, provided that doing so does not result in any provisions inconsistent with the remainder of this Initiative. Corrections may be made to fix any typographical or clerical errors in this Initiative, without a vote of the people, provided that doing so effects no substantive change.

C. Provisions of the General Plan, Specific Plan, and Zoning Ordinance amended by this Initiative may be amended substantively, without a public vote, only under the following specific circumstance: The City Council makes a finding, supported by substantial evidence, that failure to amend would constitute an unconstitutional taking of a landowner's property.

SECTION 13: INTERPRETATION.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or a portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters of Corning declare that this Initiative, each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the people of Corning indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion; and (ii) the City implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with the intent of this Initiative.

C. This Initiative must be broadly construed and implemented in order to achieve the purposes stated herein. It is the intent of the voters that the provisions of this Initiative be interpreted and implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative. To ensure that the voters' intent prevails, words in this Initiative shall be interpreted according to the intent expressed in this Initiative, and shall be applied according to their plain meaning. In the event the plain meaning is not clear, we the people of Corning declare our intent that this Initiative be interpreted in light of the ballot materials and campaign materials offered in favor of this Initiative. We also declare that we adopt our findings based upon our general knowledge of Corning geography, planning, development, community needs and desires, and upon those campaign materials that are offered to the public in favor of this Initiative.

D. Any titles of the sections or subsections of this Initiative are inserted for convenience of reference only and shall be disregarded in interpreting, applying or implementing any part of the provisions of this Initiative.

SECTION 14: SEVERABILITY.

If any word or words of this Initiative, or its application to any situation, are held invalid or unenforceable, in a final judgment that is no longer subject to rehearing, review, or appeal by a court of competent jurisdiction, then the word or words are severed, and the remaining parts of this Initiative, and the application of any part of this Initiative to other situations, shall continue in full force and effect to the maximum extent legally possible consistent with the purposes stated herein. We, the people of Corning, declare that we would have adopted this Initiative, and each word of it, irrespective of the fact that any other word, condition, or application to any situation, be held invalid for any reason. It is our intent that any portion of this Initiative that can lawfully be implemented be implemented, even if doing so would otherwise appear trivial or inconsequential, and even if the valid portion appears intertwined with the invalidated portion. It is also our intent that if severance is being considered, each enactment (General Plan, Specific Plan, and Municipal Code), each section, each paragraph, each phrase, and each word of this Initiative be interpreted to be complete in itself and functionally and grammatically separate from each other word.

SECTION 15: STATUTE OF LIMITATIONS.

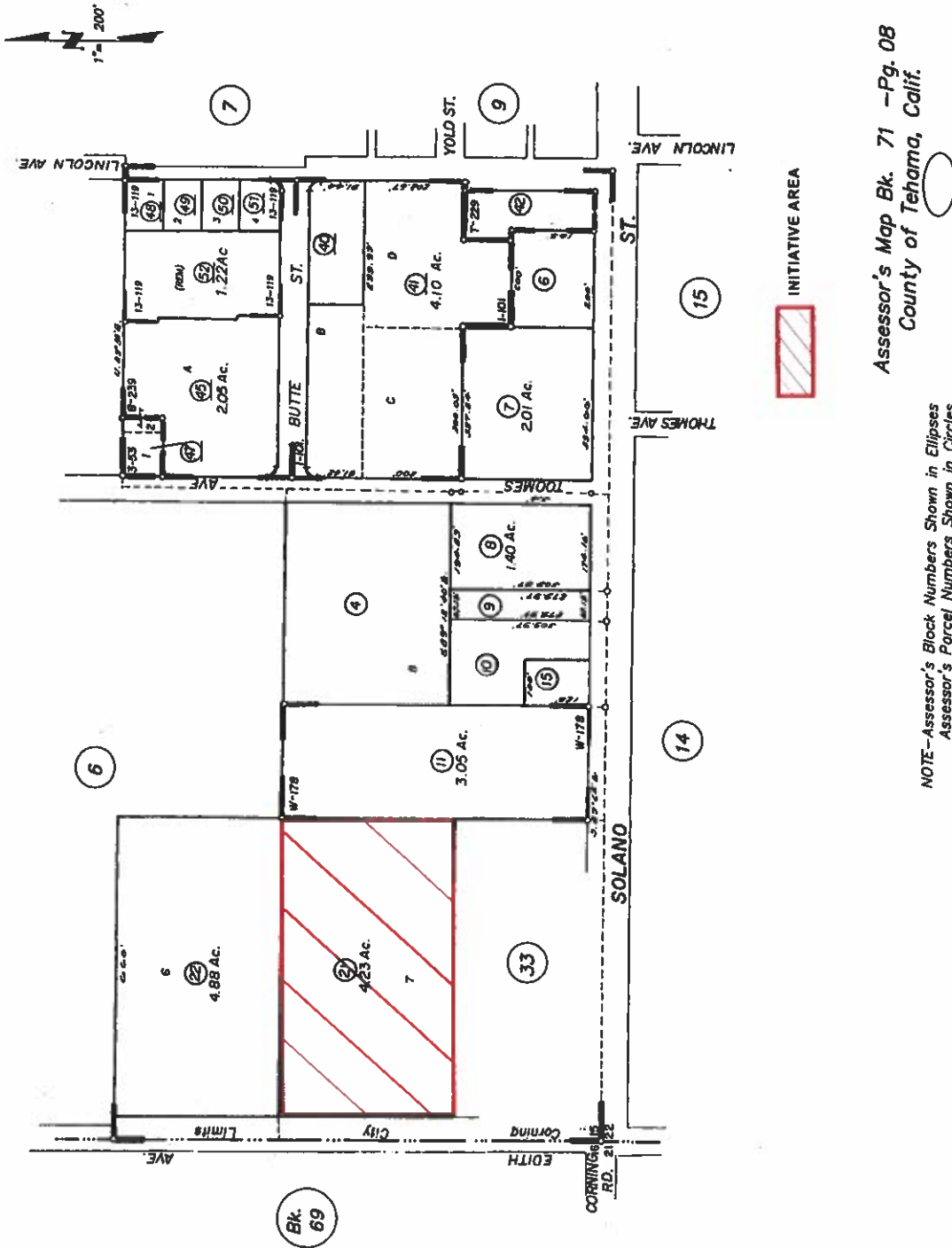
Unless a shorter statute is enacted by the state legislature, all provisions of this Initiative shall be deemed subject to Government Code Section 65009(c), and no action or proceeding challenging all or any part of this Initiative shall be maintained unless commenced and served within 90 days of the City Council's decision. We intend the date of the City Council's decision to be the date at which the City Council adopts the Initiative, or of the date the City Council declares the vote on this Initiative. If such date cannot lawfully be deemed the date of the City Council's decision, then we intend the date of the City Council's decision to be the earliest possible lawful date.

SECTION 16: INCORPORATION OF EXHIBITS.

The following exhibits are incorporated by reference and comprise part of this Initiative for all purposes.
Exhibit A: Initiative Area Property Map.
Exhibit B: Initiative Area Legal Description.
Exhibit C: Amended General Plan Map.
Exhibit D: Amended Specific Plan Map.
Exhibit E: Amended Zoning Map.

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Exhibit A (Initiative Area Property Map)



Assessor's Map Bk. 71 --Pg. 08
County of Tehama, Calif.

NOTE-Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

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Exhibit B (Initiative Area Legal Description)

Legal Description

The following described real property in the County of Tehama, State of California:

PARCEL ONE:

The North half (1/2) of Lot 7 in Block 53 of Maywood Colony No. 2, as the same is shown upon the map entitled: "Map of MAYWOOD Colony No. 2, filed in the office of the County Recorder of the County of Tehama, State of California, on April 28, 1893, and now appearing on file therein in Book B of Maps at page 1.

APN 071-080-21-1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Exhibit C (Amended General Plan Map)

GENERAL PLAN
LAND USE

CITY OF CORNING

JUNE 23, 2010

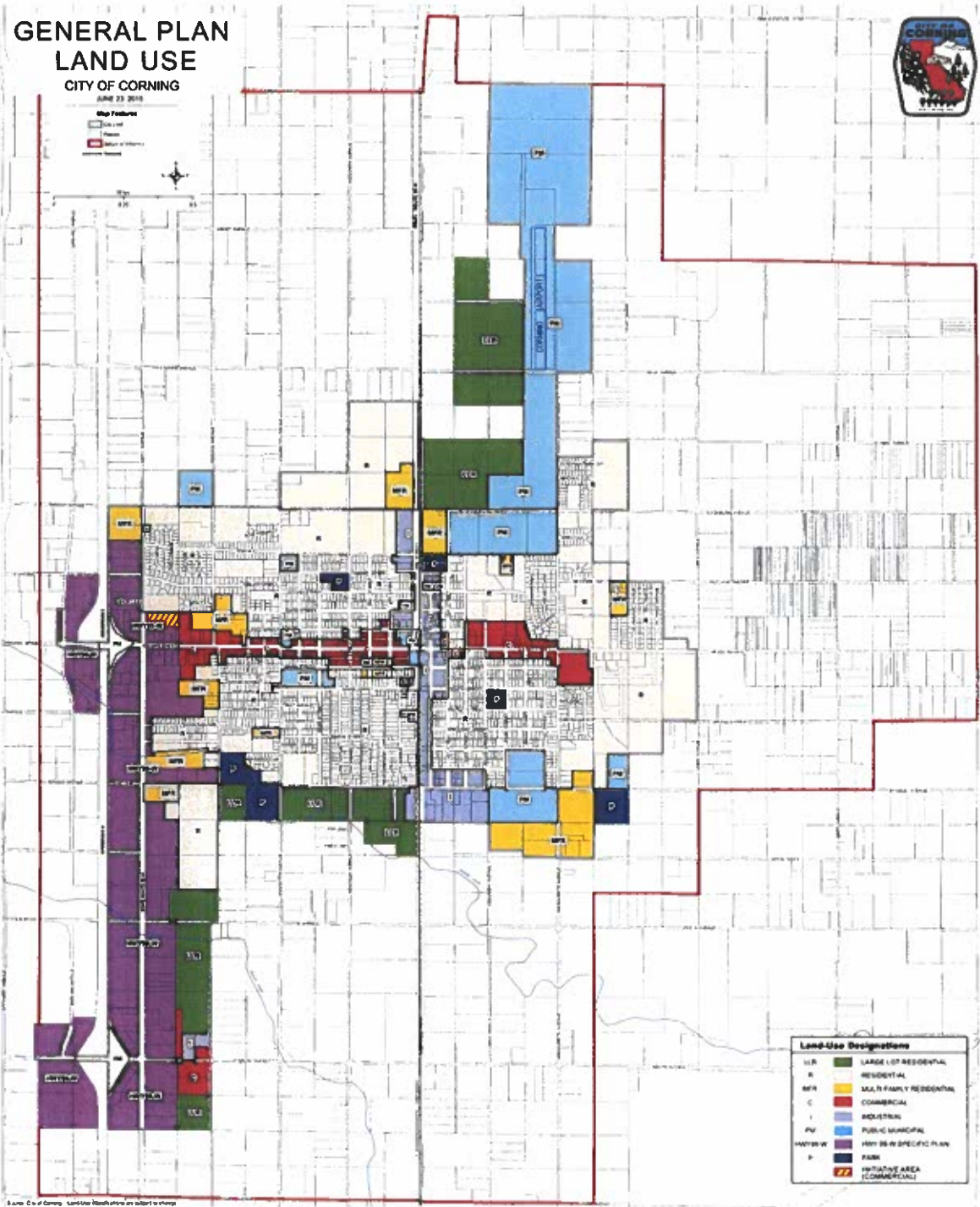
Map Features

City Limit

Water

Boundary of Initiative

Initiative Area



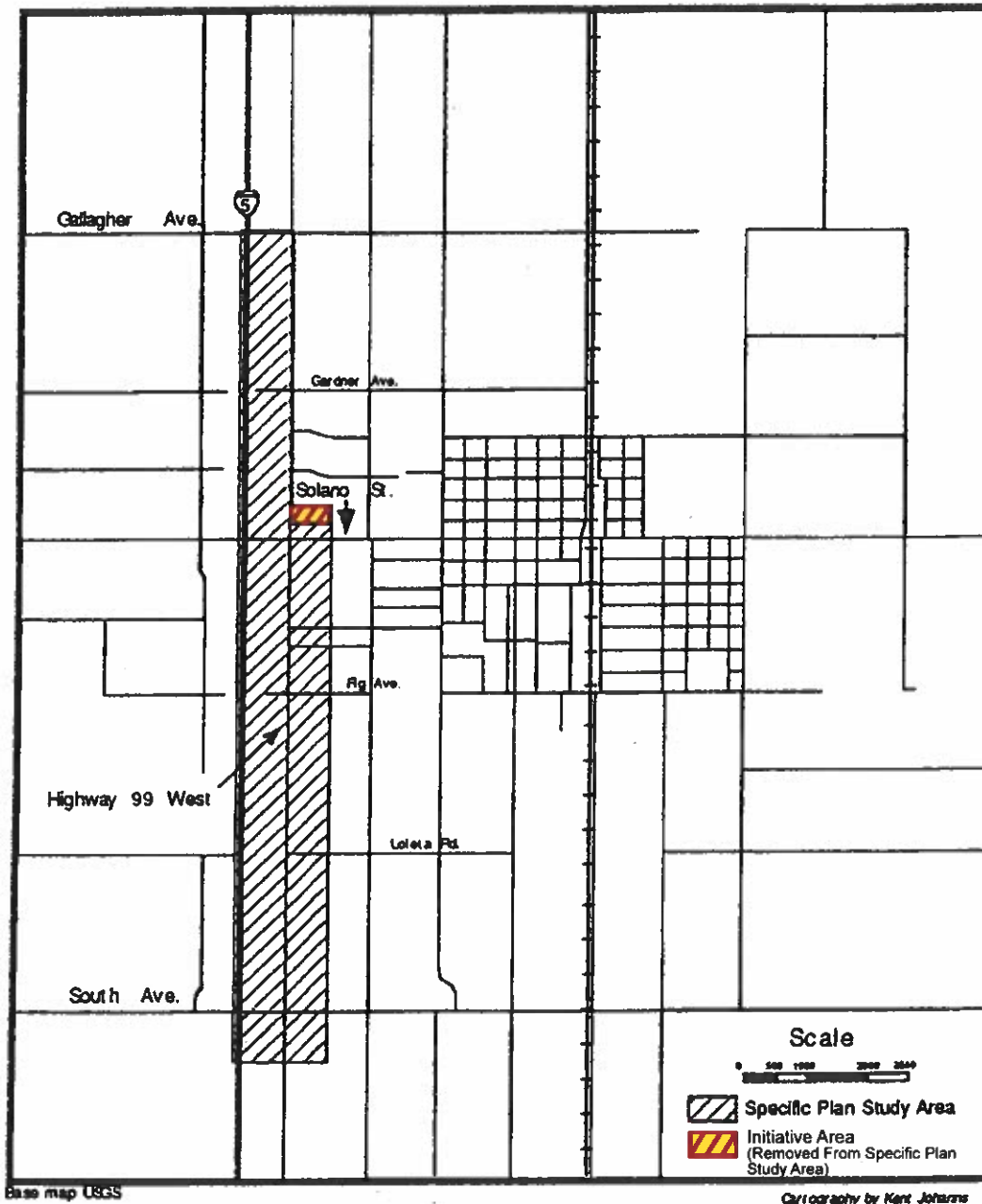
| Land-Use Designations | |
|-----------------------|------------------------------|
| LLR | LARGE LOT RESIDENTIAL |
| R | RESIDENTIAL |
| MFR | MULTI-FAMILY RESIDENTIAL |
| C | COMMERCIAL |
| I | INDUSTRIAL |
| PV | PUBLIC MUNICIPAL |
| HWY 36 W | HWY 36 W SPECIFIC PLAN |
| P | PARK |
| II | INITIATIVE AREA (COMMERCIAL) |

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

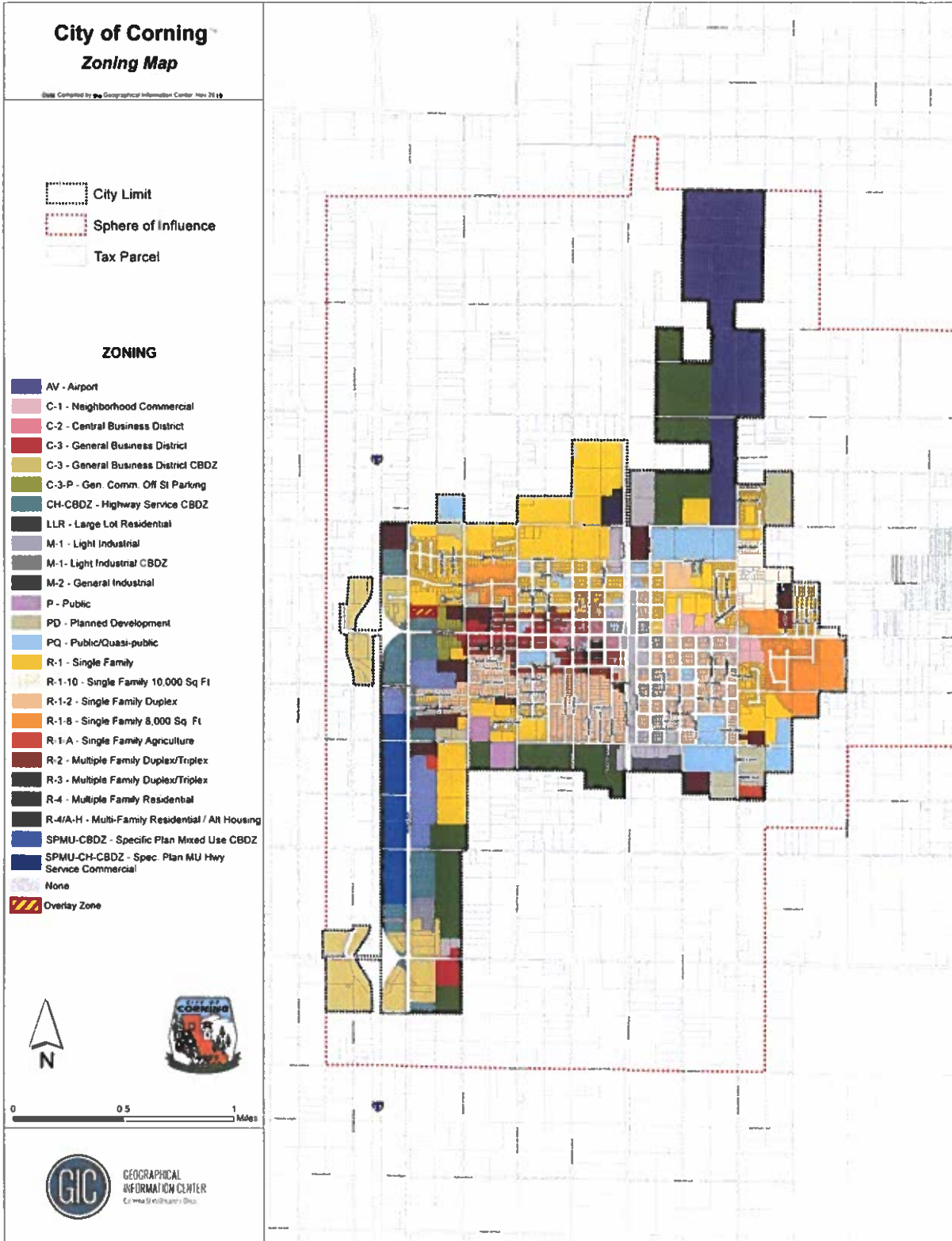
Exhibit D (Amended Specific Plan Area Map)

Figure 1 - Highway 99W Corridor Specific Plan Study Area



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Exhibit E (Amended Zoning Map)



SIGNATURE VERIFICATION CERTIFICATE

I, Jennifer A. Vise, County Clerk/Registrar of Voters of the County of

Tehama, State of California, hereby certify:

That the INITIATIVE TO PRESERVE AND ENHANCE THE QUALITY OF LIFE BY PROVIDING OPPORTUNITIES FOR
PRESENT AND FUTURE RESIDENTS TO ENJOY THE VARIETY OF THE FULL RANGE OF URBAN SERVICES

Has/Has Not

been filed with this office on June 28, 2022
Month and day Year

That the said petition consists of 53 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

| | |
|---|------------|
| 1. Number of unverified signatures filed by proponent (raw count) | <u>703</u> |
| 2. Number of signatures verified | <u>654</u> |
| 3. Number of signatures found SUFFICIENT | <u>400</u> |
| 4. Number of signatures found INSUFFICIENT | <u>254</u> |
| 5. INSUFFICIENT because of DUPLICATE | <u>5</u> |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day

of July 8th, 2022
Month and day Year

Jennifer A. Vise

County Clerk/Registrar of Voters

By: 
Deputy



City of Corning

794 Third St. Corning, CA 96021 (530) 824-7029

CITY OF CORNING CITY COUNCIL CERTIFICATION OF PETITION

I, Lisa M. Linnet, City Clerk of the City of Corning, California hereby certify that:

An Initiative Petition entitled: "INITIATIVE TO PRESERVE AND ENHANCE THE QUALITY OF LIFE BY PROVIDING OPPORTUNITIES FOR PRESENT AND FUTURE RESIDENTS TO ENJOY THE VARIETY OF THE FULL RANGE OF URBAN SERVICES, INCLUDING NEW GROCERY STORES NAD DRIVE-THRU COFFEE SHOPS NEAR EXISTING RESIDENTIAL DEVELOPMENT" was filed with the Corning City Clerk on June 28, 2022 within the statutory time limit and forwarded to the office of the Tehama County Registrar of Voters for verification on July 8, 2022; and

The petition contained 703 unverified signatures; and

Pursuant to California Elections Code Section 9215, in order to be sufficient, the petition must have been signed by 3,342 qualified registered voters of the City of Corning, the number being not less than 10% of the voters of the City, according to the last report of registration by the county elections official to the Secretary of State pursuant to Elections Code Section 2187, effective at the time the notice specified in Section 9202 was published; and

I have examined or caused to be examined, signatures on the petition pursuant to California Elections Code sections 9211 and 9115; and

I have determined that the petition contained 400 sufficient signatures based on a full review of the signatures as performed and certified by the Registrar of Voters in Exhibit A attached herewith; and

This number meets or exceeds the valid signature rate needed to qualify the initiative; therefore

The petition is found to be sufficient to require the City Council of the City of Corning to take appropriate action specified under California Elections Code Section 9215.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 28th day of July, 2022.

Lisa M. Linnet, City Clerk

ITEM NO.: J-12
ACCEPT FINAL TRACT MAP 20-
1001 FOR THE MAGNOLIA
MEADOWS SUBDIVISION

AUGUST 9, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS

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

SUMMARY:

Tentative Tract Map 20-1001, Magnolia Meadows Subdivision, was approved on July 28, 2020 with 45 conditions that must be met prior to approval of the "Final Tract Map" as provided in the City Code and the Subdivision Map Act. The tentative map proposed 53 single-family residential lots.

The final Tract Map has been prepared and delivered to the City. Attached is a reduced copy of the map. The map offers the following for public dedications:

1. Three streets known as "Spruce Avenue", "Cottonwood Court" and "Sturmgarten Drive" and a 30 foot dedication along Marguerite Avenue.
2. Emergency Access Easement
3. Public Utility and Drainage Easements
4. Public Service Easements
5. Transfer and Release to the City of Corning all abutter's rights of access from Lots 1, 18, 21 and 53 to Marguerite Avenue.

The map substantially conforms to the tentative map and the required conditions of approval have been met. The construction of the subdivision infrastructure is substantially complete with the exception of final punch list items. Staff is currently working with the Developer to complete final punch list items and once all items are complete and deemed acceptable by City Staff the map may be recorded.

RECOMMENDATION:

Mayor and Council:

1. **Accept the offers for dedication shown on the final Tract Map 20-1001 for the Magnolia Meadows Subdivision and authorize the City Clerk to certify the acceptance on the final Map**
2. **Direct Staff to record final Tract Map 20-1001; Magnolia Meadows Subdivision.**

LEGEND

- SUBDIVISION BOUNDARY
- - - EXISTING PARCEL LINE
- - - PROPOSED PROPERTY LINE OR RIGHT-OF-WAY LINE
- CALCULATED POINT, NO MONUMENT FOUND OR SET
- SET 5/8" REBAR WITH PLASTIC CAP MARKED U.S. 8043
- FOUND MONUMENT AS NOTED
- C CALCULATED BEARING OR DISTANCE
- M MEASURED BEARING OR DISTANCE
- () RECORD REFERENCE

MISSION DRIVE

MAYWOOD MIDDLE SCHOOL

10' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT PER BOOK 738, PAGE 518 AS SHOWN ON (R1)

BASIS OF BEARING
S 89°56'27" E (R1) 629.89' (R1)

FOUND 3" BRASS DISC STAMPED RCE 34-38 PER (R1)

SPRUCE AVENUE

129.56' (R1)

659.15' (R1)

129.56' (R1)

30'

30'

MARQUERITE AVENUE

129.56' (R1)

659.15' (R1)

129.56' (R1)

30'

30'

MOON RD.

132.00' (R1, M)

198.21' (R1, M)

659.27' (R1, M)

PARCEL A (R1)

PARCEL B (R1)

PARCEL C (R1)

PARCEL D (R1)

STURMGARTEN DRIVE

STURMGARTEN DRIVE

STURMGARTEN DRIVE

STURMGARTEN DRIVE

STURMGARTEN DRIVE

STURMGARTEN DRIVE

STURMGARTEN DRIVE

FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

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FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

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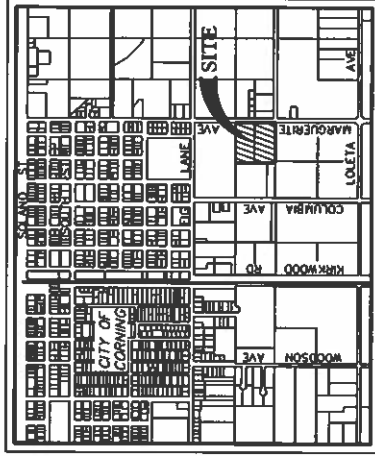
FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

FOUND 1" OUTSIDE DIAMETER IRON PIPE TAG MISSING PER (R1)

RECORD REFERENCE
(R1) RECORD DATA FOR PARCEL MAP 77-3, BOOK 4, PAGES 159 AND 160

BASIS OF BEARING
THE BASIS OF BEARING FOR THIS MAP IS THE NORTH LINE OF PARCEL B AS SHOWN ON PARCEL MAP 77-3 RECORDED IN BOOK 4, OF MAPS, PAGES 159 AND 160 (R1) TAKEN AS SOUTH 89°56'27" EAST.

LOCATION MAP
NO SCALE



TRACT MAP NO. 20-1001
A PUBLIC STREET SUBDIVISION

MAGNOLIA MEADOWS

FOR
JASON & ANNA ABEL

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

O.R. 16-004112

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
15 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-4272

LEGEND

- SUBDIVISION BOUNDARY
- EXISTING PARCEL LINE
- PROPOSED PROPERTY LINE OR RIGHT-OF-WAY LINE
- PROPOSED PUBLIC SERVICE EASEMENT
- CALCULATED POINT, NO MONUMENT FOUND OR SET
- SET WINKER CORNER BRASS 1/4" AND BRONZE NAIL SET IN TOP OF CURB MARKED U.S. MAIL OR PROJECTION OF PROPERTY LINE FOR DETAIL 1 SHEET 4
- SET 5/8" REBAR WITH PLASTIC CAP MARKED A.S. ROAD FOR DETAIL 2 SHEET 4
- SET 5/8" REBAR WITH PLASTIC CAP MARKED U.S. ROAD
- ▲ SET 1 1/2" BRASS CAP MONUMENT WITH 18" x 1/2" SHAFT
- FOUND MONUMENT AS NOTED
- PSE PUBLIC SERVICE EASEMENT
- C CALCULATED BEARING OR DISTANCE
- M MEASURED BEARING OR DISTANCE
- () RECORD REFERENCE
- ***** ARBITERS RIGHTS CONVEYED TO CITY OF CORNING

| CURVE | RADIUS | DELTA | LENGTH |
|-------|--------|--------|--------|
| C1 | 20.00' | 90.00° | 31.42' |
| C2 | 20.00' | 90.00° | 31.42' |
| C3 | 20.00' | 90.00° | 31.42' |
| C4 | 20.00' | 90.00° | 31.42' |
| C5 | 20.00' | 90.00° | 31.42' |
| C6 | 20.00' | 90.00° | 31.42' |
| C7 | 20.00' | 90.00° | 31.42' |
| C8 | 20.00' | 90.00° | 31.42' |
| C9 | 20.00' | 90.00° | 31.42' |
| C10 | 20.00' | 90.00° | 31.42' |
| C11 | 20.00' | 90.00° | 31.42' |
| C12 | 20.00' | 90.00° | 31.42' |
| C13 | 20.00' | 90.00° | 31.42' |
| C14 | 20.00' | 90.00° | 31.42' |
| C15 | 20.00' | 90.00° | 31.42' |
| C16 | 20.00' | 90.00° | 31.42' |
| C17 | 20.00' | 90.00° | 31.42' |
| C18 | 20.00' | 90.00° | 31.42' |
| C19 | 20.00' | 90.00° | 31.42' |
| C20 | 20.00' | 90.00° | 31.42' |
| C21 | 20.00' | 90.00° | 31.42' |
| C22 | 20.00' | 90.00° | 31.42' |
| C23 | 20.00' | 90.00° | 31.42' |

| LINE | BEARING | LENGTH |
|------|---------------|--------|
| L1 | N 00°00'31" W | 25.00' |
| L2 | N 00°00'31" W | 5.11' |

RECORD REFERENCE

- (R1) RECORD DATA FOR PARCEL MAP 77-1 BOOK 4, PAGES 159 AND 160

TRACT MAP NO. 20-1001
A PUBLIC STREET SUBDIVISION

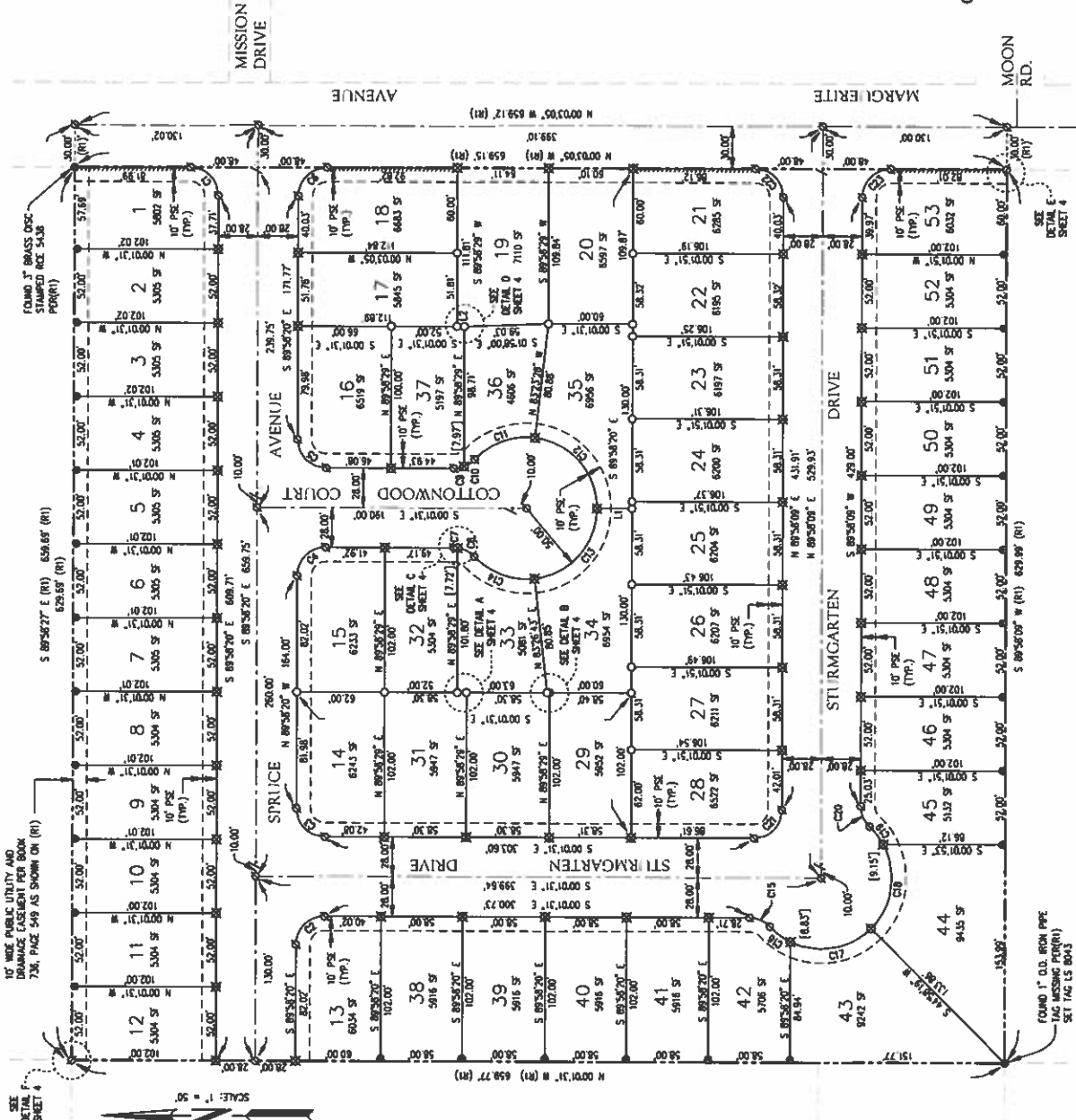


FOR
JASON & ANNA ABEL

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

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
15 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-4222

PRELIMINARY



LEGEND

| | |
|-----|--|
| --- | SUBDIVISION BOUNDARY |
| --- | EXISTING PARCEL LINE |
| --- | PROPOSED PROPERTY LINE OR RIGHT-OF-WAY LINE |
| W | SET WITNESS CORNER, BRASS TAG AND BRONZE NAIL SET IN TOP OF CURB MARKED L.S. 8043, ON PROJECTION OF PROPERTY LINE PER DETAIL 1 ON THIS SHEET |
| ● | SET 5/8" REBAR WITH PLASTIC CAP MARKED P.C.S. 8043 PER DETAIL 2 ON THIS SHEET |
| ○ | SET 5/8" REBAR WITH PLASTIC CAP MARKED L.S. 8043 |
| A | SET 1 1/2" BRASS CAP MONUMENT WITH 18" X 1/2" SHAFT |
| Ø | CALCULATED POINT, NO MONUMENT FOUND OR SET |
| PSE | PUBLIC SERVICE EASEMENT |
| C | CALCULATED BEARING OR DISTANCE |
| M | MEASURED BEARING OR DISTANCE |
| () | RECORD REFERENCE |

RECORD REFERENCE

(R1) RECORD DATA FOR PARCEL MAP 77-1, BOOK 4, PAGES 159 AND 160

TRACT MAP NO. 20-1001
A PUBLIC STREET SUBDIVISION

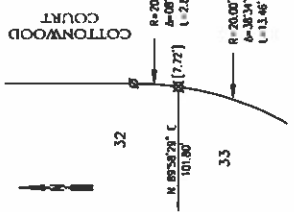


FOR
JASON & ANNA ABEL

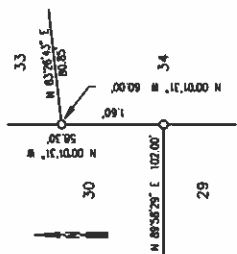
A DIVISION OF PARCEL B AND PARCEL C AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 77-3 RECORDED IN BOOK 4 OF PARCEL MAPS, PAGES 159 AND 160 CITY OF CORNING, TEHAMA COUNTY, CALIFORNIA

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-9811
TELEPHONE 530-895-1422

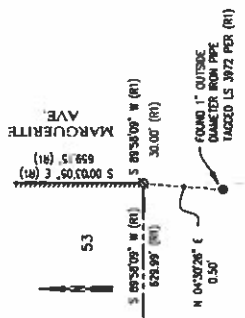
PRELIMINARY



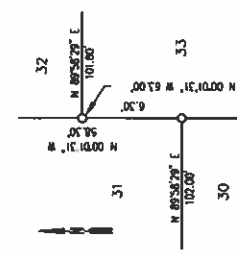
DETAIL C
NO SCALE



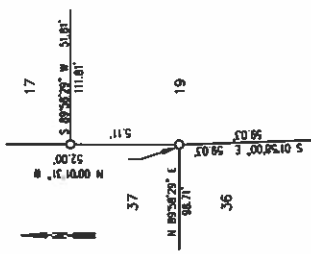
DETAIL B
NO SCALE



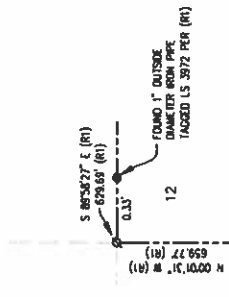
DETAIL E
NO SCALE



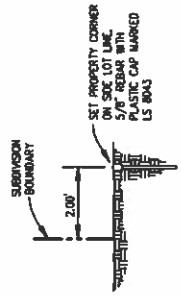
DETAIL A
NO SCALE



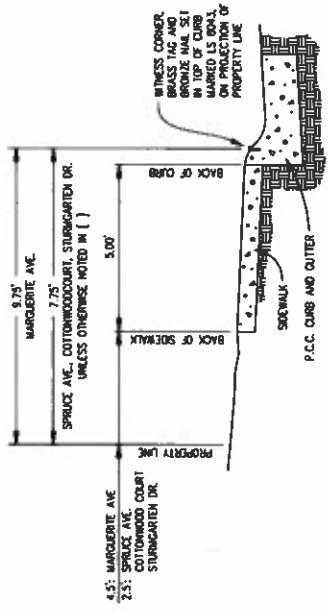
DETAIL D
NO SCALE



DETAIL P
NO SCALE



DETAIL 2
NO SCALE
PROPERTY CORNER



DETAIL 1
NO SCALE
WITNESS CORNER DETAIL

ADDITIONAL INFORMATION

1. THE PROPERTY IS LOCATED NEAR AGRICULTURE OPERATIONS AND THAT RESIDUAL OF THE DEVELOPMENT MAY BE ADVERSELY AFFECTED BY DUST, MOSS, ODORS AND OVERSPRAY OF CHEMICAL FERTILIZERS AND PESTICIDES, AND THAT THE CITY OF CORNING DOES NOT RECORD SUCH OPERATIONS AS NUISANCES WHEN CONDUCTED WITH PROPER AND ACCEPTED STANDARDS.
2. FENCES OR BUILT UP WALLS SHALL BE INSTALLED AROUND AND BETWEEN PARCELS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY RESIDENCE CONSTRUCTED WITHIN THE SUBDIVISION.
3. PARCEL, LANDSCAPE FRONT AND STREET SIDE YARDS, INCLUDING FRONT PORCHES, SHALL BE MAINTAINED AS OPEN LANDSCAPES. LANDSCAPING MAY INCLUDE ANY COMBINATION OF GRASS, CROCODONCOVER, SHRUBS AND/OR TREES AND IS SUBJECT TO PLANNING DEPARTMENT APPROVAL. NOT FEWER THAN TWO TREES (MINIMUM SIZE OF 15-GALLONS) SHALL BE PLANTED PER 1000 SQUARE FEET OF LOT AREA. TREES SHALL BE PLANTED IN THE FRONT YARD AND SIDE YARD IN ACCORDANCE WITH LANDSCAPE REGULATIONS AS DETAILED IN SECTION 16.02.030 OF THE CORNING MUNICIPAL CODE.
4. RESIDENTIAL FACADE STANDARDS: THE CITY OF CORNING HAS AN ORDINANCE POLICY (CNC 16.21.135) GOVERNING THE CONSTRUCTION OF RESIDENTIAL HOMES WITHIN THE CITY. THE DEVELOPER SHALL MEET ALL BUILDING FLOOR PLANS, FACADES, TRIM, SHING MATERIAL, BUILDING COLORS, ROOF TYPES, ETC., TO COMPLY WITH THIS STANDARD (MAY 15).
5. ROOF-MOUNTED HVAC EQUIPMENT PROHIBITION: NO HEATING, VENTILATION, AIR CONDITIONING EQUIPMENT SHALL BE INSTALLED ON THE ROOF OF ANY STRUCTURE.
6. WINDOW BURNING SCREENS: WINDOW BURNING SCREENS SHALL MEET U.S. EPA ENERGY STAR REQUIREMENTS. WINDOW BURNING SCREENS ARE TO BE INSTALLED IN THE SUBDIVISION. TOTAL EMISSIONS SHALL NOT EXCEED 7.5 GRAMS PER HOUR FROM EACH DWELLING.
7. TO PROMOTE THE USE OF ELECTRICAL LANDSCAPE EQUIPMENT, AT LEAST TWO ELECTRICAL OUTLETS SHALL BE PROVIDED ON THE EXTERIOR WALLS OF EACH RESIDENCE.

NOTES

1. THIS ADDITIONAL INFORMATION SHEET IS FOR INFORMATIONAL PURPOSES ONLY. CONDITIONS AS OF THE DATE THEREOF ARE NOT INTENDED TO AFFECT RECORDS OF THE OFFICE.
2. THIS SHEET IS NOT TO BE USED AS A BASIS FOR ANY CLAIMS OR RECOVERY FROM DAMAGE TO PROPERTY OR PERSONAL INJURY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION AND REPORTS USED TO PROVIDE THIS ADDITIONAL INFORMATION.

ADDITIONAL INFORMATION SHEET

TRACT MAP NO. 20-1001
A PUBLIC STREET SUBDIVISION



FOR
JASON & ANNA ABEL

A DIVISION OF PARCEL B AND PARCEL C AS SHOWN ON
THAT CERTAIN PARCEL MAP NO. 77-3 RECORDED IN
BOOK 4 OF PARCEL MAPS, PAGES 159 AND 180
CITY OF CORNING, TEHAMA COUNTY, CALIFORNIA

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
15 YELLOWSTONE DRIVE, CORNING, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422

20081

APRIL 2022

APN 073-260-022 APN 073-260-023

SHEET 5 OF 5

PRELIMINARY

**ITEM NO: J-13
AUTHORIZE CITY MANAGER AND CITY
ATTORNEY TO NEGOTIATE AND
EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH THE COUNTY OF
TEHAMA TO PROVIDE STAFFING FOR
WATER DISTRIBUTION TO RESIDENTS IN
UNINCORPORATED AREAS WITHIN 5
MILES OF CITY HALL.**

August 9, 2022

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: KRISTINA MILLER, CITY MANAGER
LISA M. LINNET, ADMINISTRATIVE SERVICES MANAGER**

SUMMARY:

Tehama County Administrative Services Director Dava Kohlman provided the attached draft Memorandum of Understanding (MOU) between the City and the County of Tehama. Under the terms of the proposed, the County will provide staffing to log and distribute water to residents in the unincorporated areas within 5 miles of City Hall. Basic terms of the MOU are as follows:

- County will provide staffing Monday through Friday between the hours of 2 and 4 p.m. at County expense;
- MOU will begin August 16, 2022 and last through October 30, 2022;
- The City shall supply the County Employees with any training or reference materials necessary to provide the services required; and
- City will indemnify and hold the County harmless

BACKGROUND:

Due to the drought situation faced in the State and specifically within the County of Tehama, on June 22, 2021 the City Council approved a Temporary Water Usage Policy for unincorporated Tehama County residents without water. The City Council also authorized the City Manager to rescind the Program at any time it is in the best interest of the City or its wells. Currently the City has 37 residents in the unincorporated area of the County signed up with the City to purchase water for domestic use only. Of the 37 signed up, currently only 9 are actively receiving water.

The City currently has redirected one Public Works Employee from his daily duties to be onsite Monday through Friday between the specified hours of 3:00 p.m. and 4:00 p.m. to monitor the meter and log the amount of water purchased by those scheduled to receive water. The City's Finance Department schedules the appointments and receives the daily logs of water purchased. Accounting Manager Mary Brimm prepares the monthly invoices to those purchasing the water.

RECOMMENDATION:

MAYOR AND COUNCIL, BASED UPON THE DRAFT MOU PRESENTED:

- **AUTHORIZE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE COUNTY OF TEHAMA TO PROVIDE WATER DISTRIBUTION STAFFING MONDAY THROUGH FRIDAY FROM 2:00 P.M. TO 4:00 P.M. BEGINNING AUGUST 16TH THROUGH OCTOBER 31, 2022; AND**

**MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF TEHAMA
AND THE CITY OF CORNING FOR WATER DISTRIBUTION STAFFING**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into on this 16th day of August and shall terminate on the 31st day of October by and between the County of Tehama and the City of Corning.

R E C I T A L S

WHEREAS, the **City of Corning (the "CITY")** requires assistance with monitoring the release of water to citizens of Tehama County during the current drought emergency, Monday through Friday, during the hours of 2:00 PM to 4:00 PM for the months of August, September, and October 2022; and

WHEREAS, the **County of Tehama (the "COUNTY")** is willing and able to provide personnel to assist with the monitoring of the release of water for drought relief under the terms and conditions set forth in this Agreement; and

WHEREAS, the **CITY** has provided evidence to the **COUNTY** demonstrating that many citizens receiving the drought relief from the **CITY** are in fact residents of the unincorporated areas of the **COUNTY**; and

WHEREAS, it is the intent of the parties hereto that such services be in conformity with all applicable Federal, State (all references to "State" in this Agreement shall mean the State of California unless otherwise specified) and local laws; and

NOW, THEREFORE, the **CITY** and **COUNTY** mutually agree the above recitals are incorporated in full into this memorandum of understanding and that the **CITY** and **COUNTY** shall cooperate to provide drought relief under the following terms:

ARTICLE I

Scope of Services: This MOU defines the roles and responsibilities of the **COUNTY** and the **CITY** regarding the **COUNTY** providing assistance with water distribution for the **CITY**.

The **COUNTY** shall make a good faith to provide personnel to monitor the release of water from a **CITY** owned and controlled fire hydrant as set forth herein and subject to the limitations herein from 2:00 PM to 4:00 PM, Monday through Friday, for the term of this Agreement.

The **CITY** shall supply the **COUNTY** employees with any training or reference material necessary to successfully complete the service that is to be performed.

ARTICLE II

Term: This Agreement shall become effective on August 16, 2022, and shall expire on October 31, 2022, unless terminated earlier, pursuant to the provisions under Article V.

ARTICLE III

Compensation: Based on the evidence provided by the **CITY** to the **COUNTY** the agreed upon schedule for the **COUNTY** to provide assistance to the **CITY** is equivalent to a reasonable estimate of the costs incurred and to be incurred by the **CITY** for providing drought relief to residents from the unincorporated areas of the **COUNTY**. Accordingly, as long as the **CITY** continues to allow the same level access to this service, the **COUNTY** shall provide the assistance at the levels described herein.

ARTICLE IV

Changes to Agreement: This Agreement may be amended by mutual consent of the parties hereto. Said amendments shall become effective only when in writing and fully executed by duly authorized officers of the parties hereto.

ARTICLE V

Termination: Either party may terminate this MOU upon ten (10) days written notice to the other. Either party may terminate immediately if financial interest or conflict of interest regarding this MOU is discovered. The authorization to terminate shall at the discretion of the executive officers for each respective agency or their designee.

ARTICLE VI

Conflict of Interest: The parties to this Agreement have read and are aware of the provisions of Government Code Section 1090 et seq. and Section 87100 relating to conflict of interest of public officers and employees. Both parties attest that they have no current business or financial relationship with any County employee(s) that would constitute a conflict of interest with provision of services under this contract and will not enter into any such business or financial relationship with any such employee(s) during the term of this Agreement. The **COUNTY** and the **CITY** represent that they are unaware of any financial or economic interest of any public officer or employee relating to this Agreement. It is further understood and agreed that if it is subsequently discovered by either executive officer designated in Article V, that such a financial interest existed at the execution of this Agreement the respective executive officer with that knowledge may immediately terminate this Agreement by giving written notice as detailed in Article V.

ARTICLE VII

Administrators: The **CITY** Executive Officer with responsibility for administering this MOU on behalf of the **CITY** is Kristina Miller, or her successor, or the **CITY** employee she designates by notifying the **COUNTY**.

The **COUNTY** Executive Officer with responsibility for administering this MOU on behalf of the **COUNTY** is Gabriel Hydrick, or his successor, or the **COUNTY** employee he designates by notifying the **CITY**.

ARTICLE VIII

Authorized Signatures: The parties to this Agreement represent that the undersigned individuals executing this Agreement on their respective behalf are fully authorized to do so by law or other appropriate instrument and to bind upon said parties to the obligations set forth herein.

ARTICLE IX

Relationships. Subject to Article X, the assigned Tehama County Personnel shall be considered an employee of the **COUNTY** for purposes of workers compensation, benefits, and any issues arising under an MOU between the County and a union. Nothing in this Agreement shall be deemed or construed to create or constitute a partnership or joint venture between the parties hereto, further, neither party is an officer, employee, or agent of the other party.

ARTICLE X

Indemnity: To the fullest extent of the law, the **CITY** shall defend, indemnify, and hold the **COUNTY** harmless against and from any and all claims, suits, losses, damages and liability for damages of every name, kind and description, including attorneys' fees and costs incurred, brought for, or on account of, injuries to or death of any person, including but not limited to workers, **COUNTY** employees, and the public, or damage to property, or any economic or consequential losses, which are claimed to or in any way arise out of or are connected with the **CITY's** activities or performance hereunder, regardless of the existence or degree of fault or negligence on the part of the **COUNTY**, except for the sole or active negligence of the **COUNTY**, its officers and employees, or as expressly provided by statute. This duty of the **CITY** to indemnify and hold the **COUNTY** harmless includes the duties to defend set forth in California Civil Code Section 2778.

IN WITNESS WHEREOF, the parties hereto have executed this MOU on the dates indicated below.

COUNTY OF TEHAMA

By: _____
Gabriel Hydrick, Chief Administrator

Dated: _____

CITY OF CORNING

By: _____
Kristina Miller, City Manager

Dated: _____

COUNTY OF TEHAMA

Date: _____

Candy Carlson, Chairperson
Tehama County Board of Supervisors

CITY OF CORNING

Date: _____

Robert Snow, Mayor
City of Corning

**ITEM NO.: J-14
PROVIDE STAFF DIRECTION ON
EXPLORING AGREEMENT WITH
CORNING UNION HIGH SCHOOL
DISTRICT FOR POTENTIAL EXTENDED
POOL SEASON**

August 9, 2022

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

SUMMARY:

Staff has received requests to extend the Pool Season. One request was received from an assistant coach of the Corning MantaRays Swim Team with interest in forming a Corning High School Swim Team. They would like to practice at the City Pool through the end of October. Interest has also been received from those utilizing the pool for lap swim. The City in past years' have received requests to extend the pool season, which typically closes the last weekend before school starts. This year that would be August 12, 2022. Current pool schedule is:

- Lap Swim M-F 6:30-7:30am
- Water Aerobics T/Th 5:00-6:00pm
- Night Swim T/Th 6:30-9:30pm
- Day Swim M-F 1 – 5pm; Saturday 10:00am - 5:00pm
- Private Pool Parties Sundays

Providing Lifeguard Services beyond August 12th will be difficult as most, if not all of the existing Guards, Pool Manager, and Assistant Pool Manager have other commitments or will be returning to school.

FINANCIAL:

The cost to operate the pool is roughly \$324 per day excluding labor (lifeguard hourly wages). Daily lifeguard costs depend on the number of lifeguards on duty based on the type of activities (open swim, lap swim, water aerobics, etc.) and the number of people utilizing the pool. The City Manager will provide more definitive pool operation costs at the meeting.

Should the Council approve this additional expenditure a mid-year budget adjustment will be requested.

RECOMMENDATION:

MAYOR AND CITY COUNCIL:

- 1. AUTHORIZE THE CITY MANAGER TO EXPLORE AND NEGOTIATE AN AGREEMENT WITH CORNING HIGH SCHOOL FOR POTENTIAL EXTENDED POOL SEASON; AND**
- 2. DIRECT STAFF ON FEES DURING THE EXTENDED POOL SEASON.**