



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION AGENDA**

**TUESDAY, OCTOBER 25, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

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

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

A. CALL TO ORDER: 5:00 p.m.

B. ROLL CALL:

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

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

C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

- 1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:
Agency Negotiator: Greg Einhorn, Labor Relations Consultant
Bargaining Units: Management, Public Safety, Dispatcher, and Miscellaneous**

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION:



**CORNING CITY COUNCIL
MEETING AGENDA
TUESDAY, OCTOBER 25, 2022
CITY COUNCIL CHAMBERS IN PERSON
AT 794 THIRD STREET
OR
VIA ZOOM AT:**

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

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

- 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 with any necessary corrections:**
 - a) October 11, 2022 City Council Meeting; and**
 - b) October 17, 2022 Special City Council Meeting.**
- 3. October 19, 2022 Claim Warrant in the amount of \$377,266.35.**
- 4. October 19, 2022 Business License Report.**
- 5. Authorize payment of Invoice 23807 in the amount of \$489.31 to R.E.Y. Engineers for the West Street School ATP Connectivity Project Engineering and Environmental Services.**
- 6. Authorize payment of Invoice #23808 in the amount of \$685.04 to R.E.Y. Engineers for the Olive View ATP Connectivity Project Engineering and Environmental Services.**
- 7. Adopt Ordinance 702, an Ordinance amending Title 17 to add Chapters 17.70 and 17.71 establishing regulations regarding Urban Dwelling Units and Urban Lot Splits in Single Family Residential Zones. (2nd Reading & Adoption).**

8. **Adopt Ordinance 703, an Ordinance deleting Chapter 17.24 and amending Chapters 17.22, 17.47 and 17.48 of the Corning Municipal Code to permit all Commercial Uses within the CH Highway Service Commercial Overlay District. (2nd Reading & Adoption)**
9. **Approve moving the November 8, 2022 City Council Meeting to November 10, 2022 due to use of the City Council Chambers as a Polling Place for the Statewide General Election.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

J. REGULAR AGENDA:

10. **Authorize Staff to seek Requests for Proposals (RFP) for Architectural and Engineering Design Services for the Corning City Plaza and Recreation Center Project.**
11. **Review of Community Public Art Program Artist Submissions - discussion and award.**
12. **Presentation of the updated Municipal Services Review (MSR) for City Council approval and recommendation to LAFCO (Local Agency Formation Commission) consideration and adoption.**

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, OCTOBER 21, 2022



**CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 11, 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**

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:

- 1. Proclamation: October 20 – 22, 2022 Western Open Fiddle Days.** Present to accept the Proclamation and perform were Tex Ash, seven (7) year old fiddle player Kyla Kozlowki (Kayla performed for the City's Council when she was 3 years-old), and Kathy Kampschmidt (Kyla's Great-Grandmother), all members of the Western Open Fiddlers.

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

City Manager Kristina Miller stated she would be scheduling a Special City Council Meeting in the near future to discuss potential special compensation for local businesses.

Jerry Lequia inquired on the status of the City's Awning Grant Program for downtown businesses. City Manager Miller responded providing some brief information and stated that she could provide additional information offline as she didn't have it with her tonight.

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

- 2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 3. Waive the reading and approve the Minutes of the following meetings with any necessary corrections:**
 - a) September 27, 2022 Special City Council Meeting (6:00 p.m. Meeting)**
 - b) September 27, 2022 Closed Session and Regular City Meeting with any necessary corrections.**
 - c) September 30, 2022 Emergency Special City Council Meeting.**
- 4. October 5, 2022 Claim Warrant in the amount of \$284,679.37.**
- 5. September 2022 Wages & Salaries: \$390,568.19.**
- 6. September 5, 2022 Business License Report.**
- 7. September 2022 Treasurer's Report.**
- 8. September Building Permit Valuation Report in the amount of \$801,964.**

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

9. September 2022 City of Corning Wastewater Operations Summary Report.

10. Adopt Resolution No. 10-11-2022-01 approving a Rural Fire Capacity Assistance (RFC) Agreement in the amount of \$6,104.75 with CALFIRE and authorize the City Manager to sign the Agreement.

11. Authorize payment of invoice #187551 to PSOMAS in the amount of \$20,033.87 for construction management and inspections during the Solano Street Improvement Project.

Councilor Valerio moved to approve Consent Items 2-11; Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS:

12. Public Hearing: Adopt Ordinance 702 amending Title 17 to add Chapters 17.70 and 17.71 establishing regulations regarding Urban Dwelling Units and Urban Lot Splits in Single Family Residential Zones. (Introduction and 1st Reading)

Presented by City Planner II Christina Meeds who stated that this is being proposed in response to new State regulations initiated by Governor Newscom. She then provided a brief PowerPoint Presentation. In response to a question Ms. Meeds confirmed that after the specified timeframe, the split lots could be sold separately. This new law took effect on January 1, 2022 and was signed into law on September 15, 2021. Ms. Meeds explained that the Building Official has the power to deny such actions under certain circumstances.

The Public Hearing was opened at 6:54pm; with no comments the hearing was closed at 6:55pm. City Manager Kristina Miller stated that the Planning Commission did provide some suggestions for preparing Design Standards for consideration.

Councilor Burnett moved to accept for introduction and first reading, Ordinance 702, an Ordinance amending Title 17 to add Chapters 17.70 and 17.71 establishing regulations regarding Urban Dwelling Units and Urban Lot Splits in Single Family Residential Zones, direct the City Clerk to read Ordinance 702 by title, and approve Ordinance 702 Summary for Publication. Councilor Valerio seconded the motion. **Ayes: Snow, Burnett, Valerio, and Hargens. Abstain: Demo, Absent: None. Opposed: None. Motion was approved by a 4-0-1 vote with Demo abstaining.**

13. Public Hearing: Adopt Ordinance 703, an Ordinance deleting Chapter 17.24 and amending Chapters 17.22, 17.47 and 17.48 of the Corning Municipal Code to permit all Commercial Uses within the CH Highway Service Commercial Overlay District. (Introduction and 1st Reading)

Presented by City Planner II Christina Meeds who stated that in 1997 the City Council established certain Zones, specifically the CH Zone (Allows Gas Stations, Restaurants, etc.) which at the time appeared to be a good idea. However, Staff now feels that these limitations are not beneficial to the City.

The Public Hearing was opened at 7:04pm. A member of the audience asked about why the Mobile Home Dealership was never completed; he was informed that due to the economy the proponent had never opened. With no further comments the hearing was closed at 7:05pm.

Councilor Demo moved to, having reviewed the Staff Report and Environmental Determination, opened the Public Hearing, and considered public testimony, accept for introduction and first reading, Ordinance 703, an Ordinance to delete Chapter 17.24, and amend Chapters 17.22, 17.47, and 17.48 to the Corning Municipal Code to permit all commercial uses within the CH Highway Service Commercial Overlay District. Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

J. REGULAR AGENDA:

14. Authorize the Public Works Department to surplus and sell the 1995 F-150 Truck (Unit-2) through BIDCAL.

Presented by Public Works Consultant Robin Kampmann who stated that per the 2022/2023 approved budget, this vehicle is scheduled for replacement. This vehicle is no longer operational and would cost more than its value to repair.

Councilor Hargens moved to authorize the Public Works Department to surplus and sell the 1995 F-150 (Unit 2), former Building Official's vehicle currently utilized by the Recreation Coordinator through BIDCAL Online Auction. Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Valerio, and Hargens. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

15. Accept and authorize the Fire Department to add the recently acquired Forest Service Engine to the City Fire Department Fleet.

Presented by Fire Chief Tom Tomlinson who stated that about a month ago Volunteer Fire Department Assistant Chief Daymon Schlereth submitted a successful Bid for a surplus U.S. Forest Service 2006 International Harvester 4x2 Fire Engine. The Volunteers will pay the cost to paint, fully equip the Engine, and pick up the vehicle. The Department is asking the City to accept the vehicle and add it to the City's Insurance, pay associated maintenance costs, and the annual registration fees.

Councilor Demo moved to authorize the Fire Department to add the new Engine to the City Fleet and take over costs of insurance, maintenance, and any vehicle fees. Councilor Hargens 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: City Clerk Lisa Linnet read a thank you card sent to the City Council and City Staff from Jason Armstrong and Corning Union High School for assistance with the Homecoming Parade and festivities.

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

Demo: Reported he had attended no meetings to report on however he did attend and participate in the Corning Volunteer Fire Department's Pancake Breakfast last Saturday where they served 215 breakfasts. He stated that following a Fire Department response to a call at the new Apartment Complex on the Corner of Fig Lane and Highway 99W he was provided a tour of the complex.

Burnett: Reported that she attended the Tehama County Solid Waste Management Agency Meeting last Monday at 8am. She stated they had 45 children take part in the art projects offered at the art table at the Tuesday Night Market. She also announced the winners of the olive cooking contest at the Olive Festival (Diana Ramirez – 1st place; Christine Fears 2nd place; herself 3rd place).

Hargens: Stated she had no meetings to report on but that she had attended the Candidates Night at the Veterans Hall last night.

Valerio: Reported that the Tuesday Night Market and Bed Races were great and congratulated the Corning Police Department on their win in the Bed Races. He announced that the Olive Festival was a big success stating that there was a lot of work behind the scenes.

Snow: Stated he also had attended the Candidates Night. He missed the Fire Department's Pancake Breakfast as he participated in the Leon Eller Memorial Golf Tournament. He stated that the new lights on Solano Street look nice.

N. ADJOURNMENT: 7:20 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
SPECIAL CITY COUNCIL
MEETING MINUTES**

**MONDAY, OCTOBER 17, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET**

OR VIA ZOOM AT

<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: 4:00 p.m.

B. ROLL CALL:

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

Mayor: Robert Snow

All members of the City Council were present.

C. PUBLIC COMMENTS:

D. REGULAR AGENDA:

1. Agreement for Compensation to Solano Street Improvement Project Area Business Owners.

Presented by City Manager Kristina Miller who explained that while the sidewalks were always accessible, Solano Street itself was closed much longer than originally anticipated. She stated that the attached agreement proposes to compensate businesses owners in the project area that are typically open to the public at least 40 hours per week, \$3,000 each. She estimated that approximately sixteen (16) businesses would qualify, and the estimated cost would be \$60,000.

Following City Council discussion, Councilor Demo moved to:

- a) Offer business owners located within the Solano Street Improvement Project area compensation in the amount of \$3,000 each for those businesses within this area that are typically open to the public at least a minimum for 20 hours per week;

Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Abstain: Hargens. Opposed/Absent: None. Motion was approved by a 4-0 vote with Hargens abstaining.**

Councilor Demo then moved to:

- a) Authorize the City Manager to sign up to 18 Agreements to compensate Solano Street Business Owners in the Project Area up to \$3,000 each; and
- b) Appropriate up to \$60,000 from the General Fund Reserves.

Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Abstain: Hargens. Opposed/Absent: None. Motion was approved by a 4-0 vote with Hargens abstaining.**

2. CDBG CV2/3 Fund Proposal for Rental Assistance and Expanded Payment Assistance Program.

Presented by City Manager Kristina Miller. Following City Council discussion, Councilor Demo made the motion to, rather than giving the funds to the County for the Homeless Navigation Center, approve the following:

1. Expansion of the Utility Payment Assistance Program to assist people with up to \$2,000 in funds; and
2. Provide Rental/Mortgage Assistance for up to three months up to \$6,000.

Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Abstain: Hargens. Opposed/Absent: None. Motion was approved by a 4-0 vote with Hargens abstaining.**

E. ADJOURNMENT:

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: October 19, 2022

SUBJECT: Cash Disbursement Detail Report for the
Tuesday October 25, 2022 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 10-19-22	\$	300,848.13
B.	Payroll Disbursements	Ending 10-19-22	\$	76,418.22

GRAND TOTAL \$ 377,266.35

REPORT.: Oct 19 22 Wednesday
 RUN....: Oct 19 22 Time: 16:30
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-22 thru 10-22 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
033799	10/10/22	ENG01	ENGSTROM PROPERTIES, INC.	123.30	2022/1010	BLDG PERMIT REIMBURSEMENT FOR OVERCHARGE
033800	10/13/22	3AC00	3A CUSTOMS	784.30	15018728	VEHICLE REPLAC-CAP IMPROV
033801	10/13/22	ACE03	ACE K9	168.00	283716	K9 PROGRAM-POLICE
033802	10/13/22	ARA02	ARAMARK UNIFORM SERVICES	94.20 94.20 94.20 94.20	097333 102265 108777 114340	MAT & SUPPLIES-BLD MAINT MAT & SUPPLIES-BLD MAINT MAT & SUPPLIES-BLD MAINT MAT & SUPPLIES-BLD MAINT
			Check Total.....	376.80		
033803	10/13/22	BDI00	BDI	46.01 162.64	950274232 950274233	MAT & SUPPLIES- MAT & SUPPLIES-WTR
			Check Total.....	208.65		
033804	10/13/22	BUT10	BUTTE COLLEGE	1918.54	2345	TRAINING/ED-POLICE
033805	10/13/22	CAR12	CARREL'S OFFICE SOLUTIONS	17.23	AR48602	MAT & SUPPLIES-LIBRARY
033806	10/13/22	COR11	CORNING SAFE & LOCK	6.47	9264	MAT & SUPPLIES-PARKS
033807	10/13/22	CYR00	CYRACOM, LLC	25.00	202204835	COMMUNICATIONS-DISPATCH
033808	10/13/22	DEP12	DEPT OF JUSTICE	603.00	607648	PROF SVCS-
033809	10/13/22	DOW01	DOWN RANGE	1174.39 85.78	33009 573865	SAFETY ITEMS-POLICE UNIFORMS/CLOTH-POLICE
			Check Total.....	1260.17		
033810	10/13/22	GAY02	GAYNOR TELESYSTEMS, INC	232.00 450.00	000041632 000041640	COMMUNICATIONS-DISPATCH COMMUNICATIONS-DISPATCH
			Check Total.....	682.00		
033811	10/13/22	KNI00	KNIFE RIVER CONSTRUCTION	594.27	280198	A/C CITYWIDE-STR
033812	10/13/22	MUR02	MURRISON PH.D., KITT	450.00 450.00	CPD002 CPD001A	PROF SVCS-POLICE PROF SVCS-DISPATCH
			Check Total.....	900.00		
033813	10/13/22	NOR47	NORTHSTAR	10487.50	79787	PROF SVCS-PW ADMIN
033814	10/13/22	PAC29	PACE ANALYTICAL SERVICES,	727.40 176.37	221019328 221023728	PROF SVCS-WTR DEPT PROF SVCS-WTR DEPT
			Check Total.....	903.77		
033815	10/13/22	PAR07	PARCELQUEST	1799.00	23821	COMMUNICATIONS-FINANCE
033816	10/13/22	PGE01	PG&E	14821.55	221008	Electricity General City-
033817	10/13/22	PGE05	PG&E	1110.90	221003	FIRE-ELECT & GAS
033818	10/13/22	QUI02	QUILL CORPORATION	224.78 58.81 51.70 492.31	27991951 27992730 28108848 28139807	OFFICE SUPPLIES- OFFICE SUPPLIES- OFFICE SUPPLIES-DISPATCH OFFICE SUPPLIES-FINANCE
			Check Total.....	827.60		
033819	10/13/22	RDO00	RDO EQUIPMENT CO.	100290.33	E0299276	VEHICLE REPLAC-
033820	10/13/22	REC02	RECOGNITION PRODUCTS	429.20	13787	SCHOOL PROGRAMS-POLICE
033821	10/13/22	RED00	RED BLUFF DAILY NEWS	95.26 98.23	6701552 6701555	PRINT/ADVERT-CITY CLERK PRINT/ADVERT-CITY CLERK
			Check Total.....	193.49		
033822	10/13/22	S&L00	S & L BREWER ENTERPRISES	200.00	22CORN09	K9 PROGRAM-POLICE
033823	10/13/22	SAF05	SAFARILAND, LLC	260.28	I01045559	MAT & SUPPLIES-POLICE
033824	10/13/22	SCH01	LES SCHWAB TIRE CENTER	313.87	00443265	VEH OP/MAINT-POLICE
033825	10/13/22	TEH15	TEHAMA CO SHERIFF'S DEPT	49.00	10032022	PROF SVCS-POLICE
033826	10/13/22	TRI02	TRI-COUNTY NEWSPAPERS	396.11 69.19	00283527 00284039	PROF SVCS-PW ADMIN PRINT/ADVERT-CITY CLERK
			Check Total.....	465.30		
033827	10/13/22	USA01	USA BLUE BOOK	3554.70	137248	MAT & SUPPLIES-WTR
033828	10/13/22	VAL11	VALLEY PACIFIC PETROLEUM	2458.11	22-543428	VEH OP/MAINT-
033829	10/13/22	VCA01	VCA VALLEY OAK VETERINARY	49.45	936047011	K9 PROGRAM-POLICE

REPORT.: Oct 19 22 Wednesday
 RUN....: Oct 19 22 Time: 16:30
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-22 thru 10-22 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
033830	10/13/22	VER02	VERIZON WIRELESS	228.06	991713082	PROP 30-MDC
033831	10/14/22	FLE02	FLEMING, JOHN E.	1900.00	2022/1014	PROF SVCS-BLD & SAFETY
033832	10/14/22	PMR01	FM RICHELIEU ENGINEERING	2750.00	2022-1014	PROF SVCS-BLD & SAFETY
033833	10/14/22	PAY01	PAYGOV.US LLC	3207.61	1063	COVID 19-FINANCE
033834	10/17/22	GAB00	GABBARD, BRYAN	142.50	221023	REC INSTRUCTOR-REC
033835	10/17/22	KIN14	KINETICS ACADEMY OF DANCE	345.00	221016	REC INSTRUCTOR-REC
033836	10/18/22	ATT13	AT&T	778.83	221011	COMMUNICATIONS-DISPATCH
033837	10/18/22	BIG02	BIG VALLEY SANITATION, IN	125.00	109161	BLD MAINT-SENIOR CENTER
033838	10/18/22	COM06	COMCAST	13.21	221009	COMMUNICATIONS-PW ADMIN
033839	10/18/22	DEP03	DEPT OF TRANS/CAL TRANS	1288.47	23003101	Equip.Maint. St&Trf Light
033840	10/18/22	INF00	INFRAMARK, LLC	65440.15	83571	PROF SVCS-WWTP
033841	10/18/22	KNI00	KNIFE RIVER CONSTRUCTION	597.97	280455	A/C CITYWIDE-STR
033842	10/18/22	PAC29	PACE ANALYTICAL SERVICES,	176.37	221051828	PROF SVCS-WTR DEPT
033843	10/18/22	PGE01	PG&E	37765.42	221011	Electricity General City-
033844	10/18/22	PGE09	PG&E	214.23	221014	ELECT-STONEFOX L&L-Z1, D2
033845	10/18/22	PGE2A	PG&E	46.55	221014	ELECT-BLUE HERON CT
033846	10/18/22	QUI02	QUILL CORPORATION	15.93	28171989	OFFICE SUPPLIES-COMM EVENTS
033847	10/18/22	RED15	RED TRUCK ROCK YARD, LLC	122.27	1421	MAT & SUPPLIES-STR
033848	10/18/22	REY05	R.E.Y. ENGINEERS, INC.	489.31 685.04	23807 23808	PROF SVCS ADMIN-ATP-WEST ST SCHOOL PROF SVCS ADMIN-ATP-OLIVE VIEW SCHOOL
Check Total.....				1174.35		
033849	10/18/22	SCH01	LES SCHWAB TIRE CENTER	368.90	00446111	VEH OP/MAINT-POLICE
033850	10/18/22	SUN16	SUNBEAM SOLAR OPERATIONS	12312.11	181225	ELECT-
033851	10/18/22	VAL11	VALLEY PACIFIC PETROLEUM	1838.86 623.39	22-554724 22-554726	MAT & SUPPLIES- VEH OP/MAINT-FIRE
Check Total.....				2462.25		
033852	10/19/22	QUI02	QUILL CORPORATION	37.70	28139690	OFFICE SUPPLIES-FIRE
033853	10/19/22	BDI00	BDI	81.33	950275914	MAT & SUPPLIES-
033854	10/19/22	EIN00	EINHORN, GREGORY PAUL	855.00	14734	EE RELATIONS-LGL SVCS
033855	10/19/22	JGR00	J GREG LEWIS INVESTIGATIV	1492.50	7322	PROF SVCS-POLICE
033856	10/19/22	MCC05	MCCURDY'S TRUCK REPAIR, I	342.72	23821	VEH OP/MAINT-
033857	10/19/22	MOO07	MOORE & BOGENER, INC.	90.00	13424	LGL SVCS-
033858	10/19/22	PRE07	PRECISION WIRELESS SERVIC	1000.00	39785	COMMUNICATIONS-DISPATCH
033859	10/19/22	QUI02	QUILL CORPORATION	25.85	28108898	OFFICE SUPPLIES-
033860	10/19/22	RED00	RED BLUFF DAILY NEWS	99.73	6703543	PRINT/ADVERT-CITY CLERK
033861	10/19/22	TEH38	TEHAMA COUNTY ANIMAL SERV	13647.45	220930	PROF SVCS-ACO
033862	10/19/22	TPX00	TPX COMMUNICATIONS	995.65	161984429	COMMUNICATIONS-
033863	10/19/22	VAL11	VALLEY PACIFIC PETROLEUM	1873.73	22-554725	VEH OP/MAINT-
033864	10/19/22	WAL02	WALKER PRINTING	97.60	42149	PRINT/ADVERT-DISPATCH
033865	10/19/22	XER00	XEROX CORPORATION	23.16	017370638	EQUIP MAINT-DISPATCH
033866	10/19/22	MOS03	MOSHER, JEREMY	146.25	221019	TRAINING/ED-WTR
033867	10/19/22	ENT02	ENTERPRISE-RECORD, MERCUR	197.00 197.00 197.00 197.00 1894.50	6691170A 6691171A 6691172A 6691173A 6696011A	PRINT/ADVERT-L&L 3 (BLOSSOM) PRINT/ADVERT-L&L 1 (N. ALEX) PRINT/ADVERT-L&L 2 (STONEFOX) PRINT/ADVERT-L&L 4 (SALADO) PROF SVCS-PW ADMIN
Check Total.....				2682.50		
Cash Account Total.....				300848.13		
Total Disbursements.....				300848.13		
Cash Account Total.....				.00		

REPORT.: Oct 19 22 Wednesday
 RUN....: Oct 19 22 Time: 16:30
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 10-22 thru 10-22 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
13450	10/19/22	BAN03	POLICE OFFICER ASSOC.	275.00	C21019	POLICE OFFICER ASSOC
13451	10/19/22	CAL37	CALIFORNIA STATE DISBURSE	138.46	C21019	WITHHOLDING ORDER
13452	10/19/22	EDD01	EMPLOYMENT DEVELOPMENT	4948.94	C21019	STATE INCOME TAX
				1521.28	1C21019	SDI
			Check Total.....	6470.22		
13453	10/19/22	FED00	FEDERAL PAYROLL TAXES (EF	13933.03	C21019	FEDERAL INCOME TAX
				17274.52	1C21019	FICA
				4039.96	2C21019	MEDICARE
			Check Total.....	35247.51		
13454	10/19/22	ICM01	ICMA RETIREMENT TRUST-457	3563.00	C21019	ICMA DEF. COMP
				185.00	1C21019	ICMA DEF. COMP ER PD
			Check Total.....	3748.00		
13455	10/19/22	PERS1	PUBLIC EMPLOYEES RETIRE	24196.83	C21019	PERS PAYROLL REMITTANCE
13456	10/19/22	PERS4	Cal Pers 457 Def. Comp	2449.13	C21019	PERS DEF. COMP.
				430.00	1C21019	PERS DEF. COMP. ER P
			Check Total.....	2879.13		
13457	10/19/22	STA04	STATE OF CALIFORNIA	459.08	C21019	WAGEASN CS#571350142
				416.60	1C21019	WAGEASN CS#533907289
			Check Total.....	875.68		
13458	10/19/22	TEH16	TEHAMA COUNTY SHERIFF'S	110.89	C21019	WageOrder F#20000149
13459	10/19/22	VAL06	VALIC	2334.00	C21019	AIG VALIC P TAX
				142.50	1C21019	AIG VALIC P TAX ER P
			Check Total.....	2476.50		
			Cash Account Total.....	76418.22		
			Total Disbursements.....	76418.22		

Date...: Oct 19, 2022
Time...: 2:49 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
CENTURY 21 SELECT CN 1607	SOLANO ST	CORNING, CA 96021	REAL ESTATE SALES	10/11/22
HOLT CONSTRUCTION, I 30	BELLARMINE CT	CHICO, CA 95928	GENERAL COMMERCIAL CONTRACTING	10/07/22
SELECT PROPERTY MANA 1607	SOLANO ST	CORNING, CA 96021	PROPERTY MANAGEMENT	10/11/22
TARICHI PRIMARY CARE 320	SOLANO ST	CORNING, CA 96021	MEDICAL/DENTAL OFFICE	10/11/22

ITEM NO.: G-5
AUTHORIZE PAYMENT OF INVOICE
#23807 IN THE AMOUNT OF \$489.31 TO
R.E.Y. ENGINEERS FOR THE WEST
STREET SCHOOL ATP CONNECTIVITY
PROJECT ENGINEERING AND
ENVIRONMENTAL SERVICES

October 25, 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 #23807 for R.E.Y. Engineers for engineering and environmental services for the West Street School ATP Connectivity Project in the amount of \$489.31. This will be the fourteenth payment for this contract.

A summary of work completed between September 1st to September 30th is attached to the invoice.

BACKGROUND:

On July 27, 2021 Council awarded the Professional Engineering and Environmental Services contract for the West Street School Connectivity Project to R.E.Y. Engineers in the amount of \$190,000.00.

FUNDING:

The City of Corning was awarded an ATP Grant for the West Street School Connectivity Project in the amount of \$1,304,000.00 to prepare plans, and to construct new sidewalks, curbs, gutters, and crosswalks to close gaps in the existing sidewalk infrastructure adjacent to the school.

RECOMMENDATION:

MAYOR AND COUNCIL AUTHORIZE PAYMENT OF INVOICE #23807 IN THE AMOUNT OF \$489.31 TO R.E.Y. ENGINEERS FOR THE WEST STREET SCHOOL ATP CONNECTIVITY PROJECT ENGINEERING AND ENVIRONMENTAL SERVICES



R.E.Y. ENGINEERS, INC.
 Civil Engineers | Land Surveyors | LiDAR

905 Sutter Street, Suite 200
 Folsom, CA 95630
 (916) 366-3040

City of Corning
 794 Third Street
 Corning, CA 96021

Invoice number 23807
 Date 10/14/2022

Project: 1804.001 West Street School Connectivity
 Scope of Work: Project No. 118-77727-9007 / ATPSBIL-5161(017)

Professional services through September 30, 2022

Description	Contract Amount	Percent Compl	Total Billed	Prior Billed	Current Billed
1 Project Approval and Environmental Document	30,000.00	100.00	30,000.00	30,000.00	0.00
2 Plans, Specifications, and Estimates	145,000.00	61.70	89,464.95	88,975.64	489.31
3 Right of Way	15,000.00	0.00	0.00	0.00	0.00
4 Utility A Letters	0.00	100.00	884.42	884.42	0.00
Total	190,000.00	63.05	120,349.37	119,860.06	489.31

Invoice total 489.31

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
23807	10/14/2022	489.31	489.31				
	Total	489.31	489.31	0.00	0.00	0.00	0.00



October 13, 2022

City of Corning
 794 Third Street
 Corning, CA 96021

Attention: Robin Kampmann, City Engineer

Status Report: West Street Elementary School Connectivity Project
 Period: September 1 – September 30, 2022

Work Performed This Period:

- Project Approval and Environmental Document
 - Complete
- Project Management
 - Status Report
 - Bi weekly check in calls
 - Prepare and execute contract extension
- Environmental Services
 - No work this month
- Topographic data collection
 - No work this month
- Preliminary Design
 - No work this month
- PS&E
 - Advance design of ADA ramps
- Right of Way
 - No work this period
- Additional Tasks
 - No additional tasks this month

Work Anticipated for Next Period and Beyond:

- Final Design
 - Respond to 60% Comments
 - Prepare specifications

Issues / Concerns:

- N/E corner of West St. and South St. has a sidewalk connecting from the NCCDI Head Start center to the public sidewalk which may need to be modified to meet new grades of public walk or the gate eliminated to prevent access at this location.

Budget Status:

- Project is operating within budget.

Budget Summary:

Description	Contract Amount	Percent Complete	Total Billed
1 Project Approval and Environmental Document	\$30,000.00	100%	\$30,000.00



2 Plans, Specifications and Estimates	\$145,000.00	61.70%	\$89,464.95
3 Right of Way	\$15,000.00	0	\$0.00
Additional Tasks			
4 Utility A Letters		100%	\$884.42
Total	\$190,000.00	63.05%	\$120,349.37

Submitted By,

A handwritten signature in cursive script that reads "Aaron Brusatori".

Aaron Brusatori, PE

ITEM NO.: G-6
AUTHORIZE PAYMENT OF INVOICE
#23808 IN THE AMOUNT OF \$685.04 TO
R.E.Y. ENGINEERS FOR THE OLIVE
VIEW SCHOOL ATP CONNECTIVITY
PROJECT ENGINEERING AND
ENVIRONMENTAL SERVICES

October 25, 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 #23808 for R.E.Y. Engineers for engineering and environmental services for the Olive View School ATP Connectivity Project in the amount of \$685.04. This will be the fourteenth payment for this contract.

A summary of work completed between September 1st to September 30th is attached to the invoice.

BACKGROUND:

On July 27, 2021 Council awarded the Professional Engineering and Environmental Services contract for the Olive View School Connectivity Project to R.E.Y. Engineers in the amount of \$175,000.00.

FUNDING:

The City of Corning was awarded an ATP Grant for the Olive Street School Connectivity Project in the amount of \$1,118,000.00 to prepare plans, and to construct new sidewalks, curbs, gutters, and crosswalks to close gaps in the existing sidewalk infrastructure adjacent to the school.

RECOMMENDATION:

MAYOR AND COUNCIL AUTHORIZE PAYMENT OF INVOICE #23808 IN THE AMOUNT OF \$685.04 TO R.E.Y. ENGINEERS FOR THE OLIVE VIEW SCHOOL ATP CONNECTIVITY PROJECT ENGINEERING AND ENVIRONMENTAL SERVICES.



R.E.Y. ENGINEERS, INC.
Civil Engineers | Land Surveyors | LiDAR

905 Sutter Street, Suite 200
Folsom, CA 95630
(916) 366-3040

City of Corning
794 Third Street
Corning, CA 96021

Invoice number 23808
Date 10/14/2022

Project: 1804.002 Olive View School Connectivity
Scope of Work: Project No. 118-77727-9006 / ATPSBIL-5161(018)

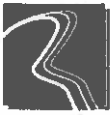
Professional services through September 30, 2022

Description	Contract Amount	Percent Compl	Total Billed	Prior Billed	Current Billed
1 Project Approval and Environmental Document	30,000.00	100.00	30,000.00	30,000.00	0.00
2 Plans, Specifications, and Estimates	133,000.00	60.25	80,130.38	79,445.34	685.04
3 Right of Way	12,000.00	0.00	0.00	0.00	0.00
4 Utility A Letters	0.00	100.00	643.82	643.82	0.00
Total	175,000.00	63.07	110,774.20	110,089.16	685.04

Invoice total 685.04

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
23808	10/14/2022	685.04	685.04				
	Total	685.04	685.04	0.00	0.00	0.00	0.00



October 13, 2022

City of Corning
 794 Third Street
 Corning, CA 96021

Attention: Robin Kampmann, City Engineer

Status Report: Olive View Elementary School Connectivity Project
 Period: September 1 – September 30, 2022

Work Performed This Period:

- Preliminary Engineering
 - Project Management
 - Status Report
 - Bi weekly check in call(s)
 - Process Contract Extension
 - Environmental Services
 - No work this month
 - Topo / Boundary
 - No work this month
 - Additional topo extraction
 - Preliminary Design
 - No work this month
 - PS&E
 - Confirmation of Direction regarding Almond Street parking
 - Right of Way
 - No work this month
- Additional Tasks
 - No additional tasks this month

Work Anticipated for Next Period and Beyond:

- Respond to 60% comments

Issues / Concerns:

Budget Status:

- Project is operating within budget.

Budget Summary:

Description	Contract Amount	Percent Complete	Total Billed
1 Project Approval and Environmental Document	\$30,000.00	100%	\$30,000.00
2 Plans, Specifications and Estimates	\$133,000.00	60.25%	\$80,130.38
3 Right of Way	\$12,000.00	0%	\$0.00
Additional Tasks			
4 Utility A Letters		100%	\$643.82
Total	\$175,000.00	63.07%	\$110,774.20

Submitted By,

Aaron Brusatori, PE

ITEM NO.: G-7
ADOPT ORDINANCE 702 AMENDING
TITLE 17 TO ADD CHAPTERS 17.70 AND
17.71 ESTABLISHING REGULATIONS
REGARDING URBAN DWELLING UNITS
AND URBAN LOT SPLITS IN SINGLE
FAMILY RESIDENTIAL ZONES. (2nd
Reading & Adoption)

October 25, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER; CITY MANAGER
COLLIN BOGENER, CITY ATTORNEY
CHRISTINA MEEDS, PLANNER

BACKGROUND:

This was first presented to the City Council for "Introduction" on October 11, 2021 at which time they were informed that on September 16, 2021, Senate Bill (SB) 9 was signed into law by Governor Newsom, taking effect on January 1, 2022. SB 9 allows all properties within a "single-family residential zone" to be developed with two units and be subdivided into two parcels, irrespective of local development standards. There are two new types of development that must be reviewed ministerially under SB 9:

- Two Unit Development – Allows a single-family residential parcel to be developed with two primary dwelling units instead of just one, including an Accessory Dwelling Unit (ADU) and a Junior Accessory Dwelling Unit (JADU), for a total of four dwelling units.
- Urban Lot Split – Allows a single-family residential parcel to be subdivided into two parcels and for each parcel to be developed with two primary dwelling units. Local jurisdictions are not required to approved ADU's or JADU's on lots created by an Urban Lot Split.

SB 9 does allow a local jurisdiction to impose objective zoning, design, and subdivision standards, but is prohibited from applying any standard(s) that would preclude the construction of two units of less than 800 square feet on any single-family zoned property.

No setbacks are required for an existing structure or for new construction in the same location and having the same dimensions as an existing structure. Additionally, a local jurisdiction is also precluded from applying side or rear setbacks greater than four feet or requiring onsite parking for properties within one-half mile walking distance of either a high-quality transit corridor or a major bus stop, or within one-block of a car share vehicle.

A local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project (1) would have a specific, adverse impact upon public health and safety or the physical environment; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

The proposed Ordinance seeks to add two new chapters to the Corning Municipal Code to address SB 9, rather than combine the two. Chapter 17.70 will pertain to urban lot splits and Chapter 17.71 will focus on two-unit development on the same lot.

For both the lot splits and two-unit development, the parcel cannot be (1) prime farmland, (2) wetlands, (3) within a high fire severity zone, (4) a hazardous waste site, (5) within a delineated earthquake fault zone, (6) within a special flood hazard zone, (7) within a regulatory floodway, (8) lands identified for conservation in adopted natural community conservation plan, (9) a habitat for a protected species, and (10) lands under a conservation easement.

Further, under both chapters, the owner must sign a declaration/affidavit, which will be recorded on the property stating that the property will remain residential before the building permit will be issued.

ENVIRONMENTAL DETERMINATION:

The City of Corning finds that this Ordinance would be exempt from the California Environmental Quality Act (CEQA). Senate Bill 9 (Atkins) states that an Ordinance adopted to implement this incorporation of Senate Bill 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

PUBLIC NOTICE:

Prior to the October 11, 2022 introduction of this Ordinance, a 10-day Public Hearing Notice of the proposed amendment was published in the Red Bluff Daily News. No public comments on the project were received at the Planning Department at the time of this report.

RECOMMENDATION:

MAYOR AND COUNCIL:

- **ADOPT ORDINANCE 702, AN ORDINANCE AMENDING TITLE 17 TO ADD CHAPTERS 17.70 AND 17.71 ESTABLISHING REGULATIONS REGARDING URBAN DWELLING UNITS AND URBAN LOT SPLITS IN SINGLE FAMILY RESIDENTIAL ZONES;**
- **DIRECT THE CITY CLERK TO READ ORDINANCE 702 BY TITLE; AND**
- **APPROVE ORDINANCE SUMMARY FOR PUBLICATION.**

ATTACHMENTS:

- A. Planning Commission Resolution No 09-20-2022-01**
- B. Draft Ordinance 702**

ORDINANCE 702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING TITLE 17 (ZONING) TO ADD CHAPTER 17.70- URBAN LOT SPLITS AND CHAPTER 17.71- TWO-UNIT DEVELOPMENTS.

WHEREAS, in September 2021, Governor Newsom signed Senate Bill 9 (SB 9), a new state law effective January 1, 2022. SB 9 requires ministerial approval of Urban Dwelling Units and Urban Lot Splits in single family residential zones, in accordance with certain statutory criteria; and

WHEREAS, through this Ordinance, the City Council seeks to amend Chapter 17- Zoning to add Chapters 17.70 and 17.71 the Corning Municipal Code to ensure compliance with the requirements of SB 9.

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

Section 1. Chapter 17.70 "URBAN LOT SPLITS" of Title 17 "Zoning" be added to the Corning Municipal Code to read as follows:

17.70.010 Purpose & Intent.

- A.** The purpose of this Chapter is to establish objective zoning standards and regulations to govern the development of qualified Senate Bill 9 (SB 9) subdivisions and development projects in residential zoned properties within the City of Corning. The establishment of these regulations will result in the orderly subdivision and development of qualified Senate Bill projects while ensuring that the new units are consistent with the City's character and do not create any significant impacts with regards to public infrastructure or public safety. The regulations are established to implement the requirements under as reflected in Government Code Section 65852.21 and 66411. 7.
- B.** The provisions of this Chapter shall be the primary regulations for the subdivisions of land for SB 9 dwelling units. To the extent that an aspect of the subdivision of land for SB 9 dwelling units is not addressed by the Chapter, other provisions of the Municipal Code shall apply. In the event of a conflict between this Chapter and another provision of the Municipal Code, as it applies to the subdivision of land for 9 units, this Chapter shall prevail.

17.70.020 Definitions. For purposes of this Chapter and Chapter 17.71, the following definitions apply:

- A.** "A person acting in concert with the owner" means a person that has a common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
- B.** "Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right of way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

- C. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.
- D. Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or a family member of an investor if the entity owns 10 percent or more of the interest in the property.
- E. "Director" means the City of Corning City Manager or their designee.
- F. "Very low-income households" has the meaning set forth in Health & Safety Code Section 50105.
- G. "Lower income household" - has the meaning set forth in Health and Safety Code Section 50079. 5.
- H. "Moderate income household" has the meaning set forth in Health and Safety Code Section 50093.
- I. "Sufficient for separate conveyance" means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project) or into any other ownership type in which the dwelling units may be sold individually.
- J. "Two-Unit Development" means a development that proposes no more than two units or proposes to add one new unit to one existing unit and that meets all the criteria and standards set forth in Chapter 17.71.
- K. "Urban Lot Split" means a subdivision of an existing parcel into no more than two separate parcels that meets all the criteria and standards set forth in this Chapter.

17.70.30 Permit Application and Procedures - Urban Lot Splits.

- A. Application and Review Authority. An application for an Urban Lot Split shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director, containing such information as reasonably requested by the Director, and accompanied by the appropriate fee.
- B. Ministerial Review. For applications that satisfy the requirements of this Chapter, the Director shall approve a parcel map as a ministerial permit, without discretionary review, public hearing, or Design Review. The decision shall be final and shall state in writing the reasons for approval or denial, consistent with qualifying criteria listed in 17.70.040.
- C. Review Timing. The City shall act upon an application for an Urban Lot Split within the time limits provided by the Subdivision Map Act.

17.70 .040 Qualifying Criteria for Urban Lot Splits. Applications for Urban Lot Splits must meet the following requirements. No exceptions to the standards in this section shall be requested or granted.

- A. The parcel is located within a single-family residential zone.

B. The parcel being subdivided is not located on a site that is any of the following:

- 1. Either prime farmland or farmland of statewide importance as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by local ballot measure that was approved by the voters of that jurisdiction.**
- 2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).**
- 3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City of Corning, pursuant to subdivision(b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.**
- 4. A hazardous waste site but that is listed pursuant to Section 65962.5 of the Government Code, or a hazardous waste site designated by the department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.**
- 5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, Element complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health & Safety Code), And by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.**
- 6. Within a special flood hazard area subject to inundation by the 1 % annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph, the City of Corning shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standards or action adopted by the City of Corning that is applicable to that site. The development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City of Corning; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program Pursuant to Part 59 commencing with Section 59.1) and Part 60 (commencing with**

Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless, the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Corning that is applicable to that site.
 8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 10. Lands under conservation easement.
- C. The lot split shall result in no more than two parcels (one net new parcel) of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and in no instance shall any resulting lot be smaller than 1,200 square feet in area.
 - D. The resulting parcels shall comply, with the lot size, frontage, width, and front & rear requirements of Title 17 -Zoning, except that the Director will grant the minimum necessary exceptions to any requirement that would physically preclude the original parcel from being subdivided into two parcels that are not smaller than 1,200 square feet, so long as one of the parcels is no smaller than 40 percent of the lot area of the parcel proposed for subdivision.
 - E. The proposed Urban Lot Split would not require demolition or alteration of any of the following types of housing:
 1. Housing that is subject to a recorded covenant, Ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 4. Housing that has been occupied by a tenant in the last three years.
- F.** The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a City of Corning landmark or historic property or historic district pursuant to a City of Corning Ordinance or as indicated in the City of Corning General Plan.
- G.** The parcel being subdivided was not created by an Urban Lot Split as provided in this section.
- H.** Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.
- I.** The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
1. The application of such standards shall be modified by the Director if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modifications necessary to avoid physically precluding two units of 800 square feet on each parcel.
 2. Required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- J.** Each resulting parcel shall have access to, provide access to or adjoin the public right-of way. Each resulting parcel shall be required to meet the design standards of the Corning Municipal Code for subdivisions. Additionally, lot lines shall be:
1. Straight lines unless there is a conflict with existing improvements or the natural environment;
 2. Generally parallel to the street when facing a street OR be at right angles perpendicular to the street on the straight streets, or radial to the street on curved streets;
 3. Within appropriate physical locations (e.g., does not bisect buildings);
 4. Contiguous with existing zoning boundaries.
 5. Lot lines shall not result in an accessory building or accessory use on a lot without a main building on the same lot.
- K.** Proposed adjacent or connected dwelling units shall be permitted if they meet building and safety standards and are designed sufficient to allow separate

conveyance. The proposed dwellings shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

- L. No more than two (2) units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a Two-Unit Development.
- M. Parking. One parking space shall be required per unit constructed on parcel created through an Urban Lot Split, except that no parking may be required when:
 - 1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - 2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- N. Compliance with Subdivision Map Act. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (Government Code Section 66410 et seq.), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights of way or the construction of off-site improvements may be required as a condition of approval for an urban lot split, although easements may be required for the provision of public services and facilities.
- O. The correction of non-conforming zoning conditions may not be required as a condition of approval.
- P. Parcels created by an urban lot split may be used for residential uses only and may not be used for rentals of less than 30 days.
- Q. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300 (d).
- R. Urban Lot Splits shall be subject to all impact and other development fees imposed on the approval of a parcel map.
- S. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning Ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.
- T. A building permit application for SB 9 dwelling units must be submitted concurrently with the parcel map application to demonstrate compliance with SB 9 development standards and this chapter for newly created lots.

Section 17.70 .050 Additional Required Documentation.

- A. Owner-Occupancy Affidavit.** The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three (3) years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a community Land Trust as defined in clause (ii) of subparagraph (11) of subdivision (a) of Section 402.1 of the Revenue & Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue & Taxation Code.
- B. Additional Affidavit.** If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Section 17.70 .040(F) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years (five (5) years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.
- C. Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by the City of Corning City Attorney which shall run with the land and provide the following:
1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section; and
 2. A prohibition on nonresidential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting, or leasing the units for fewer than 30 consecutive calendar days.
 3. A decision to approve or deny an Urban Lot Split shall be final.

Section 2. Chapter 17.71 "TWO-UNIT DEVELOPMENT" of Title 17 "Zoning" be added to the Corning Municipal Code to read as follows:

17.71.010 Purpose. The purpose of this Chapter is to provide objective zoning standards for Two-Unit Developments within single family residential zones, to implement the provisions of state law as reflected in Government Code Section 65852.21, to facilitate the development of new residential housing units consistent with the City of Corning's General Plan, and to ensure sound standards of public health and safety.

17.71.020 Definitions. For purposes of this Chapter, the definitions contained in Section 17.70.020 shall apply.

17.71.30 Permit Application and Procedures.

- A. Application and Review Authority.** An application for Two-Unit Development shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director, containing such information as reasonably requested by the Director, and accompanied by the appropriate fee.
- B. Ministerial Review.** For applications that satisfy the requirements of this Chapter, the Director or designee shall approve a parcel map as a ministerial permit, without

discretionary review, public hearing, or Design Review. The decision shall be final and shall state in writing the reasons for approval or denial.

- C. Review Timing. The City shall act upon an application for a Two-Unit Development within the time limits provided by the Permit Streamlining Act.

17.71.040 Qualifying Criteria for Two-Unit Developments.

Applications for Two-Unit Developments must meet all the following requirements. No exceptions to the standards in this section shall be requested or granted.

A. The parcel is in a single-family residential zone.

B. The Two-Unit Development is not located on a site that is any of the following:

1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City of Corning (County of Shasta), pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
4. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 1890 I) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division I of Title 2 of the Government Code.
6. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent can satisfy all applicable federal

qualifying criteria in order to provide that the site satisfies this subparagraph, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Corning that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- (1)** the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or
- (2)** the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60 .1) of Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations.

- 7.** Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent can satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City that is applicable to that site.
 - 8.** Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 - 9.** Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - 10.** Lands under conservation easement.
- C.** Notwithstanding any provision of this section or any local law, the proposed Two-Unit Development would not require the demolition or alteration of any of the following types of housing:
- 1.** Housing that is subject to a recorded covenant, Ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.
 - 2.** Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent applies for a Two-Unit Development.
 4. Housing that has been occupied by a tenant in the last three years.
- D. The proposed Two-Unit Development does not include the demolition of more than 25 percent of the existing exterior structural walls of any structure on the site unless the site has not been occupied by a tenant in the last three years.
 - E. The proposed Two-Unit Development is not located within a historic district or property on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site designated or listed as a City of Corning landmark or historic property or historic district pursuant to a City of Corning Ordinance.
 - F. The parcel is not located within a High Sensitivity area as shown on the General Plan Prehistoric Sensitivity Maps found in the Technical Appendix of the General Plan, which parcels are City of Corning historic properties.
 - G. The proposed Two-Unit Development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
 1. The application of such standards shall be modified by the Director if the standards would have the effect of physically precluding the construction of two units on a parcel subject to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on a parcel.
 2. Notwithstanding subsection (F)(I) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
 - H. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed to allow separate conveyance. The proposed Two-Unit Development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
 - I. One of the units in a Two-Unit Development shall be the principal place of residence of the property owner and the other unit may be leased or rented to a separate household.
 - J. Units created as part of a Two-Unit Development may be used for residential uses only and may not be used for rentals of less than 30 days.
 - K. Parking. One parking space shall be required per unit constructed via the procedures set forth in this section, except that the City shall not require any parking where:
 1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section

21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- L. All units constructed as part of a Two-Unit Development shall be subject to all impact and other development fees imposed on the development of a new dwelling unit
- M. **Specific Adverse Impacts.** In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning Ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

17.71.050 Objective Design Standards for Two-Unit Developments -The following objective standards apply to Two-Unit Developments:

- A. The following development is permitted on the parcel:
1. Two primary dwelling units, either a duplex or two single-family homes.
 2. If the parcel was not created using an Urban Lot Split, then additionally:
 - a. If a duplex is constructed, then two detached ADUs or one ADU created from existing non-livable space.
 - b. If one or two single-family homes are constructed, one ADU and one JADU.
- B. The maximum floor area of a unit in a Two-Unit Development shall be 800 square feet if the unit does not meet all development standards contained in the underlying zoning district.
- C. The maximum height shall be 16' from existing grade as defined by the Corning Municipal Code if the unit does not meet all development standards contained in the underlying zoning district.
- D. A solid (no-openings) one-hour fire rated wall is required between adjacent or connected units constructed as part of a Two-Unit Development.
- E. Driveway access shall be compliant with Corning Fire Protection District Standards.
- F. All newly created dwelling units shall be connected to a public sewer or provide a private wastewater system that is fully contained within the parcel's boundaries.
- G. Newly constructed units shall be of the same architectural style, detail, color and building material as the primary dwelling unit.
- H. Any new window that faces an adjoining residential property shall be either made of opaque glass and/or have a sill height above eye level. Any new doors that face an

adjoining residential property shall either not include windows, or all windows must be of opaque glass.

- I. All exterior lighting shall be shielded and directed downward.
- J. Where visible from off-site locations, skylights shall not have white or light opaque colored exterior lenses and no lights shall be installed inside the wells of the skylights.
- K. Fencing shall be consistent with the fencing requirements of Chapter 16.29 of the Corning Municipal Code.
- L. Landscaping materials shall include following: (1) Shrubs, of at least one-gallon size, and limited to a maximum height of 8' on the sides and rear of the property. (2) Trees, of at least 15-gallon size and that grow to a maximum height of 12'. (3) Ground cover instead of grass/turf; and (3) Decorative nonliving landscaping materials including, but not limited to sand, stone, gravel, wood, or water may be used to satisfy a maximum of 25 percent of the parcel.

Section 17.71.060 Additional Required Documentation.

- A. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a Two-Unit Development shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Section 17.71.040(F) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).
- B. Recorded Covenant. Prior to the issuance of a building permit, the applicant shall record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for:
 - 1. A prohibition on non-residential use of any units developed or constructed through the Two-Unit Development, including a prohibition against renting, or leasing the units for fewer than 30 consecutive calendar days.
 - 2. A requirement that one of the units on the site be the principal residence of the owner.

Section 3. 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 4. CEQA

The proposed Ordinance would be exempt from the California Environmental Quality Act (CEQA). Senate Bill 9 (Atkins) states that an Ordinance adopted to implement this

incorporation of Senate Bill 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

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 11th day of October, 2022, and was duly read and adopted at a regular meeting on the 25th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERT SNOW, Mayor

ATTEST:

LISA M. LINNET, City Clerk

RESOLUTION NO. 09-20-2022-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORNING,
CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING TITLE 17 TO ADD CHAPTERS 17.70 AND 17.71
ESTABLISHING REGULATIONS REGARDING URBAN DWELLING UNITS AND
URBAN LOT SPLITS IN SINGLE FAMILY RESIDENTIAL ZONES**

WHEREAS, in September 2021, Governor Newsom signed Senate Bill 9 (SB 9), a new state law effective January 1, 2022. SB 9 requires ministerial approval of Urban Dwelling Units and Urban Lot Splits in single family residential zones, in accordance with certain statutory criteria; and

WHEREAS, pursuant to Government Code Sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations regarding any amendments to the Corning Municipal Code to the City Council; and

WHEREAS, on September 20, 2022, the City of Corning Planning Commission held a duly noticed public hearing and considered all testimony, information, evidence and recommended that the Corning City Council adopt the proposed Ordinance amending Title 17, to add Chapters 17.70 and 17.71 in compliance with SB 9; and

WHEREAS, the City of Corning finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA). Senate Bill 9 (Atkins) states that an Ordinance adopted to implement this incorporation of Senate Bill 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

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

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

SECTION 2. Recommended Approval of the proposed 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 TITLE 17 (ZONING) TO ADD CHAPTER 17.70- URBAN LOT SPLITS AND CHAPTER 17.71- TWO-UNIT DEVELOPMENTS.**

APPROVED AND ADOPTED by the members of the Planning Commission 20th day of September 2022, but the following vote:

AYES: Robertson, Barron, Mesker, Poisson, and Lamb

NOES: None

ABSENT: None

ABSTAIN: None

**/s/ Diana Robertson
Diana Robertson, Chairperson**

ATTEST:

**/s/ Lisa M. Linnet
LISA M. LINNET, City Clerk**

SUMMARY ORDINANCE 702

SUMMARY OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING TITLE 17 (ZONING) BY ADDING CHAPTERS 17.70 AND 17.71 ESTABLISHING REGULATIONS REGARDING URBAN DWELLING UNITS AND URBAN LOT SPLITS IN SINGLE FAMILY RESIDENTIAL ZONES

Pursuant to Government Code Section 36983(c), the following constitutes a summary of Ordinance No. 702 introduced by the Corning City Council on October 11, 2022; and adopted on October 25, 2022 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

The City of Corning City Council seeks to amend its Title 17 to add Chapters 17.70 and 17.71 establishing regulations regarding Urban Dwelling Units and Urban Lot Splits in Single Family Residential Zones. Chapter 17.70 will pertain to urban lot splits, and Chapter 17.71 will focus on two-unit development on the same lot.

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 October 11, 2022 and is adopted on October 25, 2022 by the following votes:

AYES:

ABSENT:

ABSTAIN:

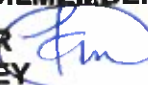

OPPOSED:

**Lisa M. Linnet,
Corning City Clerk**

Published on or before: Wednesday, November 2, 2022

ITEM NO.: G-8
ADOPT ORDINANCE 703, AN
ORDINANCE DELETING CHAPTER 17.24
AND AMENDING CHAPTERS 17.22, 17.47,
17.48, AND 17.49 OF THE CORNING
MUNICIPAL CODE TO PERMIT ALL
COMMERCIAL USES WITHIN THE CH
HIGHWAY SERVICE COMMERCIAL
OVERLAY DISTRICT. (2nd Reading &
Adoption)

October 25, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER; CITY MANAGER 
COLLIN BOGENER, CITY ATTORNEY
CHRISTINA MEEDS, PLANNER 

BACKGROUND:

This Ordinance was introduced to the City Council on October 11, 2022 at which time they were informed that In 1997, the City of Corning City Council enacted multiple zoning ordinances which each carried out specific purposes prescribed by the Highway 99W corridor specific plan. The intent was to create freeway oriented commercial development within the specific zones. These overlay districts included the CH Highway Service Commercial Overlay District (Chapter 17.48), which was part of the CBDZ Corning Development Zone (Chapter 17.47.) The development zone sets forth the design guidelines and intent of the development, while the development zone sets forth the zoning requirements.

Pursuant to the CH Highway Service Commercial Overlay District, only the following types of commercial businesses are allowed:

Highway service types of commercial uses, which in the opinion of the Planning Commission, are of a character similar to the following: Gasoline service stations, restaurants, motels, and recreational vehicle services; and incidental uses on the same lot which are necessary for the operation of any permitted use; 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 residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear with the storefront remaining commercial. No residential garage shall be permitted.

Additionally, any uses within the CH Highway Service Overlay District require a Conditional Use Permit before they can operate. In effect, there are no uses within this area that can operate as a matter of right.

Over time, it has become clear that providing a very narrow type of use for the properties and requiring a Conditional Use Permit is not only substantial but may discourage development in the area. The Conditional Use Permit itself already allows the City to approve the development and condition the project as needed.

The proposed Ordinance seeks to remove the requirement that the use is a "gasoline service station, restaurant, motels and recreational vehicle services; and incidental use", and instead, require only that the use is commercial as permitted in C-1, C-2, or C-3. This opens up the potential use to many other types of commercial development, but still requires a Conditional Use Permit.

Chapter 17.22 is proposed to be amended to correct an incorrect reference to Chapter 17.24. The reference to M-1 and M-2 zoning districts should be Chapters 17.26 and 17.28, respectively.

The redline version of the pertinent sections of the Corning Municipal Code is attached. The Resolution and draft Ordinance will be presented at the September 20, 2022 Planning Commission meeting.

ENVIRONMENTAL DETERMINATION:

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.

PUBLIC NOTICE:

Prior to the October 11, 2022 introduction of this Ordinance, a 10-day public hearing notice of the proposed amendment was published in the Red Bluff Daily News. No public comments on the project were received at the Planning Department at the time of this report.

RECOMMENDED ACTION:

MAYOR AND COUNCIL:

- **HAVING REVIEWED THE STAFF REPORT AND ENVIRONMENTAL DETERMINATION, ADOPT ORDINANCE 703, AN ORDINANCE TO DELETE CHAPTER 17.24 AND AMEND CHAPTERS 17.22, 17.47, 17.48, AND 17.49 OF THE CORNING MUNICIPAL CODE TO PERMIT ALL COMMERCIAL USES WITHIN THE CH HIGHWAY SERVICE COMERCIAL OVERLAY DISTRICT.**
- **DIRECT THE CITY CLERK TO READ THE ORDINANCE BY TITLE; AND**
- **APPROVE THE PROPOSED ORDINANCE SUMMARY FOR PUBLICATION.**

ORDINANCE NO. 703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING CHAPTERS 17.22 (C-3 GENERAL COMMERCIAL DISTRICT), 17.47 (CBDZ CORNING BUSINESS DEVELOPMENT CODE) 17.48 (CH HIGHWAY SERVICE COMMERCIAL OVERLAY DISTRICT) AND 17.49 (SPMU SPECIFIC PLAN MIXED-USE OVERLAY DISTRICT) AND COMPLETELY REMOVE CHAPTER 17.24 (CH HIGHWAY SERVICE COMMERCIAL DISTRICT) TO BROADEN THE TYPES OF USES WITHIN THOSE AREAS

WHEREAS, in 1997, the City of Corning enacted multiple zoning ordinances which carried out specific purposes for the Highway 99W corridor specific plan, which intended to create freeway oriented commercial development within the specific plan; and

WHEREAS, the ordinances restricted the type of use within the districts to gasoline service stations, restaurants, motels, recreational vehicle services and incidental uses, with all uses within the district requiring a conditional use permit to operate; and

WHEREAS, The City seeks to amend the various chapters related to the Highway 99W Corridor Specific Plan to permit any commercial use within the district, but to keep the requirement that a conditional use permit be obtained from the City first.

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

Section 1. Title 17 (Zoning), Chapter 17.22 (C-3 Commercial District), Section 17.22.020 (Permitted Uses) is hereby repealed and replaced to read as follows:

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 Chapters 17.26 and 17.28 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.

Section 2. Title 17 (Zoning), Chapter 17.24 (CH Highway Service Commercial District), is hereby repealed in its entirety.

Section 3. Title 17 (Zoning), Chapter 17.47 (C-3 CBDZ Corning Business Development District), is hereby repealed and replaced with the following:

Chapter 17.47 - CBDZ CORNING BUSINESS DEVELOPMENT ZONE

17.47.010 - Generally.

The CBDZ Corning business development zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. It is recognized that there is a need for job-generating land uses near the freeway and that the most suitable location for future commercial development is along Highway 99W. This unique environment was determined to be an appropriate location for freeway-oriented commercial development and general commercial, industrial and manufacturing businesses. The following specific regulations and the general rules set forth in Section 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in the CBD zone. All uses within the CBDZ Corning Business Development Zone require a conditional use permit. Uses discussed in this section do not necessarily include uses in Chapter 17.54 of this title.

17.47.020 - Purpose.

The CBDZ Corning Business Development Zone has been established to achieve the following purposes:

- A. To protect the public health, safety, and welfare by enhancing quality of life and improving the appearance of the City;
- B. To provide protection against haphazard and traditional strip commercial development by implementing visual design guidelines established in the Highway 99W corridor specific plan;
- C. To allow site development flexibility in return for well-conceived and efficient site planning and quality design;
- D. To establish overlay districts that carry out specific purposes prescribed by the Highway 99W corridor specific plan addressing specific subjects, such as freeway-oriented commercial development and mixed-use commercial development. The overlay districts that apply to the CBDZ are Chapters 17.48 and 17.49 of this title.

17.47.030 - Applicability.

The regulations of this chapter provide for the quality development within the Highway 99W corridor by (1) reviewing all development permits to determine that the permit requirements of this title have been satisfied; and (2) reviewing all permits to determine that the site has met applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan.

17.47.040 - General provisions.

- A. Any development within the CBD zone shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan.
- B. Any development within the CBD zone shall comply with all conditions of approval applied to the development.

- C. Any development within the CBD zone shall comply with the regulations and standards established in the corresponding overlay zones (1) CH highway service commercial district and (2) SPMU specific plan mixed-use district.

Section 4. Title 17 (Zoning), Chapter 17.48 (CH Highway Service Commercial Overlay District), is hereby repealed and replaced with the following:

Chapter 17.48 - CH HIGHWAY SERVICE COMMERCIAL OVERLAY DISTRICT

17.48.010 - Generally.

This overlay district classification is intended to be applied along main road and highway frontages at proper intervals and locations to provide necessary services for the traveling public in developments designed for safety, convenience, and fitting appearance. 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 CH districts. This overlay district is to be utilized only within the boundaries of the Highway 99W corridor specific plan. This district provides for the continuation and development of freeway-oriented commercial activities.

17.48.020 - Permitted uses.

There are no uses permitted without use permits.

17.48.030 - Uses requiring use permits.

In CH districts, only C-3 uses are permitted and a use permit shall be required. .

17.48.040 - General requirements.

In CH overlay districts land use regulations shall include the following regulations:

- A. In any district with which is combined the CH overlay district, the regulations of this chapter shall apply in addition to those specified in this title; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern;
- B. Any development within the CH overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;
- C. Those established in Chapter 17.47 CBDZ Corning business development zone.

Section 5. Title 17 (Zoning), Chapter 17.49 (SPMU Specific Plan Mixed-Use Overlay District), Section 17.49.050 (Uses requiring use permits) is hereby repealed and replaced with the following:

17.49.050 - Uses requiring use permits.

In any district with which is combined an SPMU district, the following districts may be combined and shall require use permits. The SPMU overlay district allows for the combination of the permitted uses from the following districts which in the opinion of the Planning Commission the uses are of a similar and compatible character: C-1 neighborhood business district, C-2 central business district, C-3 general commercial district, M-1 light industrial districts, and M-L limited manufacturing district.

- A. From C-1, C-2 and C-3 districts, the following uses of land and buildings which, in the opinion of the Planning Commission, are of a similar character shall be permitted:
 - 1. Retail stores and business or service enterprises which, in the opinion of the planning department are of a character similar to the following:
 - a. Food stores, dairy products, and bakery goods stores,
 - b. Bookstores, rental libraries, and video rental stores,

- c. Drugstores, including soda fountain food service,
- d. Florist, variety, hardware, and clothing stores,
- e. Athletic facilities, banks, business offices, bowling alleys, food, drug and clothing stores and retail outlet stores,
- f. Business colleges, music, dancing, and martial arts studios,
- g. Blueprinting shops, photographic stores,
- h. Catering shops, cafes and restaurants, and bars and taverns,
- i. Art and antiques shops and pawnshops,
- j. Hotels, motels, theaters, auditoriums, lodge halls and social clubs,
- k. Newspapers and commercial printing shops,
- l. Mortuaries,
- m. Bakeries,
- n. Other retail business uses which, in the opinion of the Planning Commission, are similar to the foregoing;

B. The following agencies and services:

- 1. Laundry and dry-cleaning businesses using nonflammable cleaning solvents,
- 2. Barbershops, beauty parlors and cosmetic shops,
- 3. Repair shops for domestic appliances and goods,
- 4. Professional and medical offices, studios, and clinics,
- 5. Gasoline service stations, including auto repairs; provided, that all operations except the service with gasoline, oil, air, and water be conducted within an enclosed building,
- 6. Self-operated laundries,
- 7. Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air, and water are carried on within a building,
- 8. Commercial repair garages, and incidental service uses,
- 9. Automobile sales and service and used car lots,
- 10. Wholesale distribution uses and warehouses,
- 11. Veterinary hospitals, animals to be kept in an enclosed structure,
- 12. Carwash,
- 13. Other services and agencies which, in the opinion of the planning department, are similar to the above;

C. Public buildings and public utility substations and offices;

D. Commercial parking lots and parking garages;

E. Incidental and accessory buildings and uses on the same lot with and necessary for the operation of any permitted use; 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 residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garage is permitted;

- F. Incidental storage and accessory uses, including repair operation and services; provided, that such is 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, vibration, fire, or safety;**
- G. All other commercial uses except those uses which are specified in Chapters 17.26 and 17.28 of this title as being permitted only in M-2 districts;**
- H. Incidental storage and accessory uses, including repair operating 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;**
- I. From M-1 districts, the following uses of land and buildings which, in the opinion of the Planning Commission, are of a similar character shall be permitted:**
 - 1. Assembly and storage of goods, materials, liquids, and equipment, except storage of flammable or explosive matter or materials which create dust, odors, or fumes. Permitted uses include:**
 - a. Wholesale and storage warehouses,**
 - b. Feed and fuel yards,**
 - 2. Manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, material or produce by electric power, oil, or gas, except operations involving fish fats and oils, bones and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof. Permitted uses include:**
 - a. Dye and dry-cleaning plants,**
 - b. Rug cleaning plants,**
 - c. Laundries,**
 - d. Veterinary hospitals,**
 - e. Cabinet shops,**
 - 3. The following when conducted within a building or enclosed within a solid wall or fence of a type approved by the Planning Commission, not less than six feet in height:**
 - a. Body and fender repair shops and auto painting shops,**
 - b. Cooperage and bottling works,**
 - c. Sheet metal shops and welding shops,**
 - d. Truck terminals,**
 - e. Retail lumber yards;**
- J. From M-L districts, the following uses of land and buildings which, in the opinion of the Planning Commission, are of a similar character shall be permitted:**
 - 1. Commercial and professional offices,**
 - 2. The following and similar uses from which noise, smoke, dust, odors, and other such offensive features are confined to the premises of each such use:**
 - a. Research institutes and laboratories,**
 - b. Small electronic and plastics products manufacturing,**
 - c. Electrical products and instrument manufacturing,**

- d. Bookbinding, printing, and lithography,
 - e. Cartography, surveying, and engineering,
 - f. Editorial, architecture and designing,
 - g. Garment manufacturing, paper products manufacturing,
3. Underground utility installations and above-ground utility installation for local service, except that substations generating plants and gas holders must be approved by the Planning Commission prior to construction; and the route of any proposed transmission line shall be discussed with the Planning Commission prior to acquisition.

Section 6. 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 7. CEQA. 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 11th day of October, 2022, and was duly read and adopted at a regular meeting on the 25th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERT SNOW, Mayor

ATTEST:

LISA M. LINNET, City Clerk

RESOLUTION NO. 09-20-22-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING CHAPTERS 17.22 (C-3 GENERAL COMMERCIAL DISTRICT), 17.47 (CBDZ CORNING BUSINESS DEVELOPMENT CODE) 17.48 (CH HIGHWAY SERVICE COMMERCIAL OVERLAY DISTRICT) AND 17.49 (SPMU SPECIFIC PLAN MIXED-USE OVERLAY DISTRICT) AND COMPLETELY REMOVE CHAPTER 17.24 (CH HIGHWAY SERVICE COMMERCIAL DISTRICT) TO BROADEN THE TYPES OF USES WITHIN THOSE AREAS

WHEREAS, in 1997, the City of Corning enacted multiple zoning ordinances which carried out specific purposes for the Highway 99W corridor specific plan, which intended to create freeway oriented commercial development within the specific plan; and

WHEREAS, the ordinances restricted the type of use within the districts to gasoline service stations, restaurants, motels, recreational vehicle services and incidental uses, with all uses within the District requiring a Conditional Use Permit to operate; and

WHEREAS, The City seeks to amend the various chapters related to the Highway 99W Corridor Specific Plan to permit any commercial use within the District, but to keep the requirement that a conditional use permit be obtained from the City first, and

WHEREAS, on September 20, 2022, the City of Corning Planning Commission held a duly noticed public hearing and considered all testimony, information, evidence and recommended that the Corning City Council adopt the proposed Ordinance; and

WHEREAS, 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.

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

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

SECTION 2. Recommended Approval of the proposed 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 CHAPTERS 17.22 (C-3 GENERAL COMMERCIAL DISTRICT), 17.47 (CBDZ CORNING BUSINESS DEVELOPMENT CODE) 17.48 (CH HIGHWAY SERVICE COMMERCIAL OVERLAY DISTRICT) AND 17.49 (SPMU SPECIFIC PLAN MIXED-USE OVERLAY DISTRICT) AND COMPLETELY REMOVE CHAPTER 17.24 (CH HIGHWAY SERVICE COMMERCIAL DISTRICT) TO BROADEN THE TYPES OF USES WITHIN THOSE AREAS**

APPROVED AND ADOPTED by the members of the Planning Commission this 20th day of September 2022, but the following vote:

AYES: Robertson, Barron, Mesker, Poisson, and Lamb

NOES: None

ABSENT: None

ABSTAIN: None

/S/ Diana Robertson
Diana Robertson, Chairperson

ATTEST:

/s/ Lisa M. Linnet
LISA M. LINNET, City Clerk

SUMMARY ORDINANCE 703

SUMMARY OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING CHAPTERS 17.22, 17.47, 17.48, AND 17.49 AND COMPLETELY REMOVING CHAPTER 17.24 TO BROADEN THE TYPES OF USES WITHIN THOSE AREAS

Pursuant to Government Code Section 36983(c), the following constitutes a summary of Ordinance No. 703 introduced by the Corning City Council on October 11, 2022; and adopted on October 25, 2022 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

The City of Corning City Council seeks to amend its Title 17 to amend Chapters 17.22 (C-3 General Commercial District), 17.47 (CBDZ-Corning Business Development Code), 17.48 (CH-Highway Service Commercial Overlay District), and 17.49 (CH-Highway Service Commercial District) to broaden the types of uses within those areas.

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 October 11, 2022 and adopted on October 25, 2022 by the following votes:

AYES:

ABSENT:

ABSTAIN:

OPPOSED:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

**ITEM NO: G-9
APPROVE MOVING THE NOVEMBER
8, 2022 CITY COUNCIL MEETING TO
NOVEMBER 10, 2022 DUE TO USE OF
THE CITY COUNCIL CHAMBERS AS A
POLLING PLACE FOR THE
STATEWIDE GENERAL ELECTION**

October 25, 2022

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: KRISTINA MILLER; CITY MANAGER
LISA M. LINNET, CITY CLERK *lml*

SUMMARY:

Because the City Council Chambers will be used as a polling place on November 8, 2022 Staff seeks City Council approval to move the Tuesday, November 8, 2022 City Council Meeting to Thursday, November 10, 2022.

BACKGROUND:

The City Hall Council Chambers is traditionally used as a "Polling Place" during local and statewide elections. Because this year's Statewide General Election falls on the second Tuesday of the month in November, which is an established meeting date for the City Council, Staff is seeking authorization to move this meeting to Thursday, November 10, 2022.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE MOVING THE NOVEMBER 8, 2022 REGULARLY SCHEDULED CITY COUNCIL MEETING TO THURSDAY, NOVEMBER 10, 2022 TO ACCOMMODATE THE CORNING CITY COUNCIL CHAMBERS USE AS THE TRADITIONAL ELECTIONS POLLING PLACE ON NOVEMBER 8TH.

ITEM NO.: J-10

**AUTHORIZE STAFF TO SEEK REQUESTS
FOR PROPOSALS (RFP) FOR
ARCHITECTURAL AND ENGINEERING
DESIGN SERVICES FOR THE CITY OF
CORNING CITY PLAZA AND RECREATION
CENTER PROJECT**

October 25, 2022

TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: KRISTINA MILLER, CITY MANAGER 
ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT 

SUMMARY:

Staff requests Council authorization to advertise the attached Request for Proposals (RFP) for Architectural and Engineering Design Services for the development, design and construction of the City of Corning City Plaza and Recreation Center.

BACKGROUND:

The City is seeking a team that can provide architectural, landscape design, and all engineering services necessary to complete construction drawings and specifications, which may include structural, mechanical, electrical, civil, and/or geotechnical engineering services.

The goal of this RFP is to select a design and engineering team that is experienced and qualified to deliver a quality project, proposes a project approach that is innovative and demonstrates an understanding of the project's challenges and opportunities, possesses the staff capacity and organization necessary to complete the project as conceived, and offers services at a fair price that results in a high value service to the City of Corning.

All interested design consultants will be required to respond to the attached RFP by submitting Statements of Qualifications (SOQ's). Each SOQ will be reviewed and scored using the evaluation criteria specified in the RFP. Once all SOQs are scored interviews will be set up if deemed necessary and once a final selection has been made Staff will present a recommended design team to the City Council for approval and award of the contract.

FINANCIAL:

The proposed project will be funded by the Department of Parks and Recreation Statewide Park Development and Community Revitalization Program of 2018 grant funding for the Downtown Recreation Center and Plaza Project

RECOMMENDATION:

**MAYOR AND COUNCIL AUTHORIZE STAFF TO SEEK REQUESTS FOR PROPOSALS
(RFP) FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CITY OF
CORNING CITY PLAZA AND RECREATION CENTER PROJECT.**

Request for Proposals

Architectural & Engineering Design Services

For the development, design and construction of
City of Corning City Plaza and Recreation Center

City of Corning
794 Third Street
Corning, CA 96021

October 26, 2022

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- II. Project Scope and Schedule
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- IV. Proposal Requirements
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 - B. Sample Consultant Agreement

I. Introduction and Background

A. Introduction

The City of Corning (the “City”) is soliciting qualified firms to submit a full design and engineering services proposal for the City Plaza and Recreation Center project (the “Project”). The City is seeking a team that can provide architectural, landscape design, and all engineering services necessary to complete construction drawings and specifications, which may include structural, mechanical, electrical, civil, and/or geotechnical engineering services. An architectural firm must be the Prime Consultant, who would enter into a contract with the City as the prime contractor, and who may subcontract with other Sub-Consultant firms for a portion of the services, such as landscape design and engineering. The goal of this RFP is to select a design and engineering team that is experienced and qualified to deliver a quality project, proposes a project approach that is innovative and demonstrates an understanding of the project’s challenges and opportunities, possesses the staff capacity and organization necessary to complete the project as conceived, and offers services at a fair price that results in a high value service to the City of Corning.

The Project will involve the redevelopment of currently vacant and underutilized parcels in central Corning that total 2.5 acres into a community gathering place. The project encompasses an entire city block that will incorporate a City plaza, an amphitheater, a music play area, a splash pad, new landscaping, a parking lot, and a recreation center. The Project block is bounded by Solano Street on the north, Third Street on the east, Marin Street on the south, and Fourth Street on the west. It is adjacent to City government offices and the City Library on the town’s main thoroughfare.

B. Background

Community

The City of Corning is located in southern Tehama County in Northern California. It is on the I-5 corridor, and is 22 miles northwest of Chico and is 45 miles south of Redding. The Sacramento River and State Highway 99 run north to south just east of town. Corning has a total population of 8,244, including 2,497 youth and 725 seniors. The median household income is \$48,038. There are 32 acres of park area within the City. Through a community outreach process, the City identified a need for a community gathering space that could offer recreational opportunities to a range of ages and income levels. (Source: U.S. Census Bureau, 2020)

Proposition 68

State Proposition 68 was part of the 2018 Bond Act that generated \$650 million to create new parks and recreation facilities throughout the State of California. The funds are administered through the State Department of Parks and Recreation through the “Statewide Park Development and Community Revitalization Program”. The funding is available to local governments, parks districts, joint powers authorities, and nonprofits. Eligible uses include a

wide variety of improvements that are part of a new park, a park expansion, or a park renovation. The City of Corning received a \$8.5 million grant in the 2019 Round of the Statewide Park Development and Community Revitalization Program.

Project Scope Development Process

The City of Corning developed the concept and scope of the Project through a series of in-depth community workshops. This included eight workshops held at the City Council Chambers, Maywood Women’s Club, and Corning Community Park, led by the City Manager, City Engineer, and the City Planner and Recreation Coordinator. The workshops were attended by an estimated 186 people in total, and included a variety of ages and racial backgrounds. The community workshops provided opportunity for participants to provide input on preferred recreation features, and general design concepts for each feature. Programmatic and safety aspects were considered in refining the preferred features and design concepts. A survey that asked residents which recreation features they desired was conducted at one of the workshops, resulting in 51 completed surveys.

II. Project Scope and Schedule

A. Community Challenges Addressed

Through its community outreach process, the City of Corning identified the following community challenges. The identification of these challenges provided the foundation for Project’s goals and scope during the planning process.

- Lack of locations and facilities for recreation classes
- Lack of community area to cool down from intense summer heat
- Lack of economic opportunities
- Lack of sense of community

B. Site Description

The Project site was historically used for commercial and light industrial businesses. The building at 1111 and 1115 Solano Street was historically used as a car dealership and as private storage and an auto repair shop. It is currently vacant. The parcel at 1158 Marin Street had a garage and welding shop in the past, and it is currently vacant. The parcel at 811 4th Street had various commercial uses and is currently vacant. The parcel at 813 4th St. was previously used as a taekwondo study and has been vacant for approximately 10 years. All buildings are in a dilapidated state of repair and will be demolished.

These contiguous parcels will be combined for development of the Project, which will occupy one full 2.5-acre city block. Adjacent uses include retail and City offices to the north, City-

owned buildings including a restaurant to the east, single-family residential to the south, and a bank, theater, and other retail to the west.

C. Estimated Cost

The City engineer estimated the Project construction cost on May 21, 2021 at \$7,144,044, including \$3,033,361 for the recreation center and \$2,835,161 for the plaza, and not including property acquisition or pre-construction costs. Pre-construction costs, including design and engineering, are estimated at \$947,268.

D. Project Elements

Project elements that were prioritized through the community outreach process and included in the Prop. 68 grant application include:

- Plaza with shade structures, perimeter walking path, planter seatwall, chess tables, lighting and landscaping;
- Mission-style Recreation center with lighting and landscaping;
- Mission-style Amphitheater with shade structure;
- Colorful Music play area;
- Splash pad with colorful concrete art mural; and
- Parking lot with lighting.

A conceptual site plan is included in Appendix A.

E. Sustainable Features

Sustainable features that were identified in the Prop. 68 grant application include:

- Pervious pavers— Pervious pavers will be placed around the perimeter of the site for infiltration and groundwater recharge. The site will be graded to drain the storm water runoff on the site towards the perimeter and pervious pavers.
- Bioswales— All stormwater runoff generated by the parking lot will be directed to perimeter bioswales that will capture and clean water prior to discharging into the City storm drain system.
- Water Efficient Irrigation— The proposed irrigation system will use high efficiency equipment such as drip irrigation and climate-based controllers including, but not

limited to, rain sensors and evapotranspiration controllers. As the landscaping becomes established the irrigation frequencies and water quantity will be adjusted downward.

- **Construction Waste Management**— The Project will be compliant with the California Green Building Code (CalGreen) by diverting at least 65% of jobsite debris. Construction and demolition waste will be minimized by recycling and/or salvaging nonhazardous construction and demolition materials. Diversion will include a combination of recycling, reusing, and repurposing. The Tehama County Solid Waste Management Agency will monitor and provide certification of CalGreen compliance.
- **Drought Tolerant & Climate Appropriate Landscaping**— Drought tolerant and climate appropriate non-invasive native trees, shrubs, plants are proposed for the project. A diverse selection of plants will be used to provide a natural resistance to insects and pests limiting the need to use toxic pesticides. Vegetative and grading components such as buffer zones, individual planters, and vegetative strips will be utilized to mitigate the spread or migration of pests throughout the landscaping. No plants listed on the “California Invasive Plants Inventory” published by the California Invasive Plant Council will be planted at the project site.
- **Tree Planting**— Approximately fifteen (15) October Glory Maple, Trident Maple, and/or Autumn Purple Ash trees will be planted. In addition to the tree plantings around the entire project site, shade trees will be planted near the Recreation Center to reduce building cooling requirements. Approximately ten (10) trees will surround the parking lot.
- **Solar Installation and Site Lighting**— Solar panels will be installed to offset a significant portion of electrical costs generated by the Project. All proposed site lighting including parking lot lighting, site lighting, pathway lighting and decorative lighting will be solar LED lighting and will be off grid.
- **Sustainable Materials**— The Recreation Center will be constructed with wood certified by the Forest Stewardship Council.

E. Project Timeline

Design	January — August 2023
Bid/Award/Permits	September 2023 — April 2024
Construction	May 2024 — August 2025
Project Close Out	August — October 2025

III. Scope of Services

A. Scope of Services Description

Provide professional architectural, landscape design, and structural / mechanical / electrical / civil / geotechnical engineering services from site assessment and conceptual design through construction support for the Project, meeting the Project goals and standards described in Section II above. The selected firm's services will be conducted under the direction of the City of Corning Engineer and Public Works Consultant.

1. Site Assessment and Conceptual Design
 - a. Conduct kick-off meeting and site visit with City staff; review available Project information provided by the City; prepare preliminary Project schedule for City review and approval.
 - b. Prepare topographic and boundary survey.
 - c. Conduct geotechnical investigation.
 - d. Research applicable City Municipal Code and Building Code provisions.
 - e. Participate in three community workshops to solicit final community input on the recreation center, amphitheater, and splash pad/music play area.
 - f. Based on information gathered from currently available Project information, meetings with City staff, site assessment, code research, and community workshops, develop Conceptual Design drawings. Review Conceptual Design drawings with City staff and receive input. This will include up to three Conceptual Design options.
2. Schematic Design (35% of design plans completion)
 - a. Based on information gathered and analyzed from Step 1 above, prepare 35% Schematic Design for improvements.
 - b. Develop general concepts for building and utility systems, outline specifications including civil plans, site plans, utility information, building elevations, and preliminary building system floor plans (MEP).
 - c. Update project schedule.
 - d. Present Schematic Design and construction cost estimates to the City Engineer/Public Works Director, City Planner, City Manager, Ad-Hoc Proposition 68 Committee, and City Council (est. 3-4 meetings).
 - e. Attend and participate in all review meetings with City staff and stakeholders. Document design review and decisions.
 - f. Make modifications to design based on City input for review and approval by City staff.
3. Design Development (65% of design plans completion)
 - a. Based on information gathered and analyzed from Step 2 above, prepare 65% Design Development plans and specifications.
 - b. Identify and coordinate public art opportunities and integrate with design.

- c. Update project schedule.
 - d. Prepare color rendering of the Project and significant site elements.
 - e. Prepare materials and color board depicting interior and exterior finishes.
 - f. Present design, including rendering and materials and color board, to Proposition 68 Ad-Hoc Committee along with construction cost estimates.
 - g. Make modifications to design based on City input for review and approval by City staff.
4. Construction Documents (Pre-final 95% and Final 100%)
- a. Based on information gathered and analyzed from Step 3 above, prepare 95% Construction Documents plans and specifications.
 - b. Prepare, coordinate, and manage utility plans and approvals.
 - c. Final coordination to incorporate public art.
 - d. Produce construction cost estimates based on 95% plans for City staff review.
 - e. Prepare and submit building permit applications to City Buildings Department for review.
 - f. Incorporate comments from City Buildings Department into the design.
 - g. Update the cost estimate and review any changes with the City Engineer.
 - h. Make revisions to the drawings and specifications at the City's direction and finalize 100% Construction Documents.
5. Bid and Award Support
- a. Prepare final approved bid package for City's use in obtaining bids.
 - b. Provide prompt clarifications and responses to bidders on Construction Documents.
 - c. Prepare addenda and drawing revisions.
 - d. Assist the City in evaluation and analysis of bid results.
6. Construction Support
- a. Participate in regular construction coordination and site meetings.
 - b. Review and evaluate change order proposals.
 - c. Prepare clarification to construction documents via RFI's.
 - d. Prepare Engineer's Supplemental Instructions (ESI) as necessary.
7. Close-out
- a. Participate in final walk-through inspections and develop/maintain punch list.
 - b. Review close-out documents such as as-builts, O&M Manuals, final reports, commissioning results, etc.
 - c. Prepare As-Built Drawings in AutoCAD and pdf from contractor's redlines and provide files for City's use.
 - d. Coordinate with City consultants and contractors as needed.
8. Other Tasks as Assigned by the City
- a. Set up online document and project photo library.

- b. Provide architectural graphics to City as needed for City staff review, City staff presentations, public engagements, reports, and grant applications.

B. Proposed Timeline

1. Site Assessment and Conceptual Design	January — April 2023
2. Schematic Design (35%)	May — June 2023
3. Design Development (65%)	July — August 2023
4. Construction Documents (95%/100%)	September — December 2023
5. Bid and Award Support	January — April 2024
6. Construction Support	May 2024 — August 2025
7. Close-out	August — October 2025

C. Deliverables

1. Site Assessment and Conceptual Design
 - a. Preliminary Project schedule
 - b. Summary report of site assessment reports, and site assessment reports
 - c. Code search results and description of approval process
 - d. Graphic materials for three community workshops
 - e. Conceptual Design drawings (including up to three Conceptual Design options)
2. Schematic Design (35% of design plans completion)
 - a. Updated Project schedule
 - b. General concepts for building and utility systems, outline of specifications, including civil plans, site plans, landscape plans, utility information, building elevations, and preliminary building system floor plans (MEP)
 - c. Schematic Design drawings and construction cost estimates for City staff review
 - d. Modified Schematic Design based on City staff comments
3. Design Development (65% of design plans completion)
 - a. Updated project schedule
 - b. Color rendering of the Project and significant site elements
 - c. Materials and color board depicting interior and exterior finishes
 - d. Design Development drawings and construction cost estimates for City Staff review
 - e. Modified Design Development drawings based on City comments
4. Construction Documents (Pre-final 95% and Final 100%)
 - a. 95% Construction Documents and Specifications
 - b. Construction cost estimates based on 95% Construction Documents

- c. Building permit applications
 - d. Modified Construction Documents incorporating City Buildings Department comments
 - e. Construction cost estimates based on modified Construction Documents
 - f. Final 100% Construction Documents incorporating updated comments from City staff
5. Bid and Award Support
- a. Final Bid Package for City use in obtaining bids
 - b. Prompt clarifications and responses to bidders
 - c. Addenda and drawing revisions
6. Construction Support
- a. Review and approve submittals
 - b. Proposal request and change order approval documents
 - c. RFI and ESI documents
7. Close-out
- a. Generate and maintain punch list
 - b. Review of close-out documents such as as-builts, O&M Manuals, final reports, commissioning results, etc.
 - c. As-built drawings in AutoCAD and pdf from contractor's redlines
8. Other Tasks as Assigned by the City
- a. Online document and project photo library
 - b. Architectural graphics as needed for City staff review, City staff presentations, public engagements, reports, and grant applications.

IV. Proposal Requirements

A. Submission

Submit two paper copies and a flash drive with the proposal in pdf format delivered to the address below by 5 PM, November 29, 2022.

City of Corning
Attn: Robin Kampmann, PE
794 Third Street
Corning, CA 96021
rkampmann@corning.org

B. Proposal Content

1. Transmittal Letter (Limit 2 pages)
 - a. To the attention of Robin Kampmann, City Engineer (address above).
 - b. Signed by an officer of the Prime Consultant. In case of joint venture or other joint-prime relationship, an officer from each partner shall sign.
 - c. Explain your team's approach to providing excellent service under the proposed contract and why you believe your team stands above the competition.
 - d. Include the name and contact information of the primary contact for proposal review and contract negotiations.
 - e. Include a statement of acknowledgement of having reviewed the RFP and all addenda.
 - f. Include a statement acknowledging review, understanding, and acceptance of the terms of the Appendix B Sample Professional Services Agreement, as well as any requests to modify the agreement.
 - g. Include a statement that the proposal's pricing quote is valid for 90 days from the proposal due date.

2. Project Team (Limit 4 pages)
 - a. The Prime Consultant shall be a valid State of California Licensed Architect. Provide proof of valid license.
 - b. Demonstrate how the Project Team has the expertise, experience, and ability to complete the Scope of Services as described in Section III of this RFP.
 - c. List the Prime Consultant and Sub-Consultants with addresses, telephone numbers, email addresses, and areas of expertise. Briefly describe the project responsibility of each firm. Identify which consultants are Women-Owned Business Enterprises or Minority-Owned Business Enterprises.
 - d. Provide an organizational chart of the proposal team, including principal-in-charge, project manager(s), and lead technical staff. The availability of the project manager(s), lead technical staff, and technical support staff to commit to this contract should be expressed as a percentage of total work hours for each employee on a yearly basis. Consider the Proposed Timeline outlined in Section III.B. of this RFP in your response.

3. Key Project Personnel (Limit 10 pages, resumes do not count towards the page count)
 - a. Prime Consultant: Describe experience of key project personnel relative to the Scope of Services as described in Section III of this RFP. Provide a detailed resume of the proposed principal-in-charge and the project manager(s), who shall be full-time employees of the Prime Consultant. The Prime Consultant must be currently licensed by the State of California.
 - b. Sub-Consultants: Describe experience of key project personnel relative to the Scope of Services as described in Section III of this RFP. Provide a detailed resume of the proposed project manager(s) and/or engineer, who shall be full-time employees of the Sub-Consultant. All Sub-Consultants must be currently licensed by the State of California, if applicable.

- c. Confirm that the key project personnel identified shall not be substituted without City approval. The City must also approve any new key project personnel.

4. Relevant Experience (Limit 8 pages)

- a. Describe experience providing comprehensive architectural services and project management of a project of similar scope as described in Section II of this RFP.
- b. Describe experience and ability to work effectively with City staff, community groups, permitting/public agencies, and other stakeholders in addressing the various interests in developing a successful project.
- c. Highlight particular examples of innovative approaches to inclusive community engagement and building consensus on recreational facilities with diverse stakeholders.
- d. Provide project photos and/or graphic illustrations of five similar projects completed by the Prime Consultant completed within the past 10 years. For each project, provide the following information:
 - i. Project name and location
 - ii. Project area (e.g. county, city, neighborhood)
 - iii. Brief description of project scope
 - iv. Month and year construction commenced and was (or will be) completed
 - v. Final construction cost
 - vi. Firm's final design fee
 - vii. Firm's project role, listing staff who worked on the project and their role
 - viii. Client name, contact person, and contact information

5. Project Approach and Organization (Limit 3 pages)

- a. Present your approach and organization for providing the scope of services as described in Section III of this RFP. Identify any particular challenges to complete the proposed project as described in Section II of this RFP and describe how you will address those challenges.
- b. Describe how you will coordinate with City staff and the community. Identify strategies or ideas for inclusive community engagement and consensus-building.
- c. Describe your approach to effectively communicating with a diversity of residents, including non-English language speakers and persons with disabilities.

6. References (Limit 1 page)

- a. Provide references and contact information for at least three clients, preferably government agencies. Include contact name, company, address, telephone number, email address, and business relationship to the firm.

7. Cost Proposal and Hourly Billing Rates (Limit 5 pages)

- a. Provide a cost proposal to accomplish each major task described in Section III of this RFP, including a not-to-exceed cost.

- b. Provide a list of hourly and reimbursable rates for the proposal. The hourly rates must be inclusive of all firm costs related to the delivery of services (i.e. salary, benefits, overhead, training, insurance, equipment, leases, etc.).
 - c. Contract costs will be billed monthly on a time and materials basis with a maximum not-to-exceed cost for each task, and for the contract total.
 - d. The City reserves the right to negotiate the final cost proposal with a Prime Consultant or to decline to enter into contract if the cost proposal is deemed unreasonable at the City's sole discretion.
8. Proposed Project Schedule (Limit 1 page, can be 11"x17" in size)
- a. Provide a preliminary project schedule delineating anticipated time frame for each major task described in Section III of this RFP, and project milestones.

V. Selection Process

A. Scoring Criteria

Each proposal will be scored according to the following criteria, with 100 total points available:

1. Relevant Experience (25 Max Points)
 - a. Evidence of successfully completing projects that substantiate relevant experience.
 - b. Demonstrated ability to work collaboratively with government agencies and other stakeholders, addressing various interests to develop successful public works projects.
 - c. Evidence of experience with productive community engagement and facilitating consensus among diverse stakeholders with effective communication.
2. Qualifications (25 Max Points)
 - a. Extent of expertise and qualifications of project team and key project personnel.
 - b. Level of technological advancement and innovation.
 - c. Knowledge of and experience with regulatory agencies and demonstrated capability to identify and secure all necessary permits.
 - d. Experience in designing and managing similar projects.
3. Project Approach (20 Max Points)
 - a. Understanding of the nature and extent of services required.
 - b. Awareness of potential problems or challenges, and possible solutions.
 - c. Innovative approach to accomplishing the project.
 - d. Innovative approaches to engage and develop consensus among stakeholders.
4. Organization (20 Max Points)
 - a. Availability and capacity of key project personnel.

- b. Cohesiveness of the project team.
 - c. Proven cost and quality control procedures.
 - d. Presentation, completeness, clarity, organization, and responsiveness of proposal.
5. Value (10 Max Points)
- a. Efficiency and cost value for completion of tasks and deliverables.
 - b. Cost reasonableness of hourly and reimbursable rates.

B. Interviews

The City may identify a “short list” of proposals for oral interviews. The short-listed firms will be notified in writing whether interviews will be held and provided with information on the interview format. The City reserves the right to select consultants based solely on the proposals, and not conduct oral interviews. If the City conducts oral interviews, scoring for each of the short-listed firms will be weighted 50% for interview performance and 50% for the written proposal.

C. Contract Negotiations

The City will follow the process outlined below to select a proposal and negotiate a proposed contract (the “Contract”):

1. All RFP proposals become the property of the City.
2. The RFP does not commit the City to award a Contract or agreement, or to pay any cost incurred in preparation of a proposal.
3. If interviews are conducted, the interview process will result in the short-listed proposals being ranked numerically. The City will initiate Contract negotiations in order of the ranking. Should the City and a Prime Consultant not be able to reach an agreement on the Contract terms within a reasonable time frame, the City may terminate negotiations with that firm at City’s sole discretion and initiate negotiations with the Prime Consultant who submitted the next highest ranked proposal.
4. The City reserves the right to negotiate the final scope of services and will not be bound by the scope of services presented in the RFP nor by the scope of services in the proposals.
5. The City reserves the unqualified right, without liability or commitment to any party, firm, or organization, whether or not minimum requirements are met:
 - a. To evaluate each proposal and to accept or reject any or all proposals received;

- b. To modify, suspend, or terminate at its sole discretion any and all aspects of the RFP and/or RFP process, to obtain further information from any and all consultant teams, and to waive any defects as to form or content of the RFP, or any responses by any consultant team;
 - c. To reject any or all proposals and to suggest that individual members of teams collaborate to form new consultant teams; and
 - d. To require a consultant team member to participate in negotiations and submit technical information or other revisions to the consultant team member's qualifications as may result from negotiations.
6. In finalizing the scope of services, the City may request that the consultant add, delete, or replace Sub-Consultants with those from other teams that submitted proposals.
7. The Contract amount (including reimbursable expenses) will be a maximum not-to-exceed amount for the tasks described in Section III of this RFP, consistent with the Cost Proposal described in Section IV of this RFP. Reimbursable expenses are subject to prior approval of the City. The amount for such expenses will be included in the maximum not-to-exceed amount. Firms will be required to maintain their billing rates during the Contract period. Should the Contract period need to be extended, rate increases will be reviewed for approval at that time.

D. Contract Award

1. Upon successful completion of Contract Negotiations, City staff will seek City Council authorization to award a professional services agreement to the selected Prime Consultant. Upon authorization to award the Contract by the City Council and execution of the Contract, the City shall issue an Authorization to Proceed to the selected Prime Consultant.
2. All documents and information submitted to the City in response to this RFP are public records pursuant to California Government Code, Section 6254 et. seq. The City shall disclose such documents and information upon request by any member of the public, absent a mandatory duty to withhold or a discretionary exemption that the City may choose to exercise. The City shall not in any way be liable or responsible for any disclosures of documents or information made pursuant to a request under the State Public Records Act.
3. The selected Prime Consultant shall be required to maintain auditable records, documents, and papers for inspection by authorized local, state, and federal representatives. Therefore, the Prime Consultant may be required to undergo an evaluation to demonstrate that the firm uses recognized accounting and financial procedures.

4. Please review the sample Consultant Agreement in Appendix B. Submittal of a proposal must demonstrate the Prime Consultant's review, understanding, and acceptance of the terms of the agreement, as well as any requests to modify the agreement.
5. The awarded Prime Consultant will be required to provide proof of insurance in accordance with the sample Consultant Agreement in Appendix B.

VI. Special Requirements

A. Non-Discrimination/Equal Employment Practices

The Prime Consultant and Sub-Consultants shall not discriminate or permit discrimination against any person or group of persons in any manner prohibited by federal, state, or local laws. During the performance of the Contract, the Prime Consultant and its Sub-Consultants agree:

1. To not discriminate against any employee or applicant for employment because of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, or disability.
2. To state in all solicitations or advertisements for employees that all qualified applicants will receive consideration for employment without regard to age, marital status, religion, gender, sexual preference, race, creed, color, national origin, or disability.
3. All affirmative action efforts are subject to tracking by the City. The information and data collected and tracked shall be used for statistical purposes only. Prime Consultants are required to provide demographic data regarding their employees and Sub-Consultant employees to the City.

B. Conflict of Interest

Prime Consultant and Sub-Consultants covenants that they have no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required under the Contract.

C. State Prevailing Wages

Prime Consultant and Sub-Consultants shall pay State Prevailing Wages to all employees in the carrying out of fieldwork required by the Contract.

D. Violation of Federal, State, and City Laws or Policies

The City may in its sole discretion consider violations of any laws or programs described or referenced in this Section VI of the RFP a material breach and may take enforcement action provided under law or policies, and/or terminate the contract, debar consultants from further contracts with the City, and/or take any other action or invoke any other remedy available under law.

Appendix A
Conceptual Site Plan

Appendix B
Sample Consultant Agreement

**ITEM NO.: J-11
COMMUNITY PUBLIC ART
PROGRAM ARTIST SUBMISSIONS:
DISCUSSION AND ACTION
OCTOBER 25, 2022**

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER, CITY MANAGER
CHRISSE MEEDS, PLANNER II/RECREATION COORDINATOR

BACKGROUND:

It has been proven by Americans for the Arts, that art in a community has benefits. Cities gain value through public art – cultural, social, and economic value. It reflects and reveals our society, adds meaning and uniqueness to our communities. It provides an intersection between past, present, and future. The aesthetic benefits of having art in public places can make valuable contributions.

It has been witnessed throughout history, public art can be an essential element when a City wishes to progress economically and to be viable to its current and prospective citizens.

SUMMARY:

The Public Art Program was advertised on the City's website and social media platforms beginning September 16th through October 17th which was the deadline for applications to be submitted. Staff received 5 submissions for various locations throughout the City. Staff has prepared a slide show presentation to view all the applicants' proposals of artwork along with samples they have done.

Due to the low number of applicants, Staff is proposing to leave this Program open and available until all selected locations previously approved by the City Council have been painted. The criteria and locations are listed below.

CONTESTANT CRITERIA:

- Art must have a cultural heritage, a key activity, or a uniqueness to the City;
- Artists must send examples of work;
- Artists must fill out a 1000-character statement and include how their art will enrich the project; and
- Entries cannot invade or defame the rights of any person dead or alive and must be politically sensitive.

LOCATIONS:

Signal Control Cabinets x 5:

- South Ave. / Highway 99W (By Petro)
- Solano St / Edith Avenue (By Taco Bell)
- Solano St / Toomes Avenue (Northwest Corner)
- Solano St / Sixth Avenue (By Edward Jones)
- Solano St / Marguerite Avenue (Southeast Corner)

Backflow Boxes x 2

- Both Backflow Cabinets are at the Skatepark.

Trash Cans

- Concrete trash cans x 10 at the skatepark and x 5 at the soccer field.

CONDITIONS:

- ❖ All artwork is to be completed by December 30, 2022 (pending any weather problems);
- ❖ Each Artist will receive \$200 per project they complete; and
- ❖ All Artwork will have an anti-graffiti clear coat added to it by the City's Public Works staff.

This Program will be organized, supervised, and implemented by the Corning Recreation Department.

RECOMMENDATION:**MAYOR AND CITY COUNCIL:**

1. **DISCUSS AND CHOOSE THE NEW ARTISTS AND LOCATIONS FOR THE COMMUNITY PUBLIC ART PROGRAM.**

**ITEM NO. J-12
PRESENTATION OF UPDATED
MUNICIPAL SERVICES REVIEW (MSR)
FOR CITY COUNCIL APPROVAL AND
RECOMMENDATION TO LAFCO FOR
CONSIDERATION & ADOPTION**

October 25, 2022

**TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: KRISTINA MILLER, CITY MANAGER
CHRISSE MEEDS, PLANNER II/RECREATION COORDINATOR**

SUMMARY:

Annexations and boundary changes are considered and approved by the Local Agency Formation Commission (LAFCo). In order to consider an annexation request, the subject property must be located within the City's sphere of influence (SOI). To support an existing, or approve a change, to the SOI, the Cortese-Knox-Hertzberg Governmental Reorganization Act of 2000 (CKH) requires preparation of a Municipal Services Report (MSR). The MSR reports on the budget and governance of an agency allowing LAFCo to ensure that any boundary changes are within the ability of the requesting agency. The MSR is to be updated or revised every five years. The City of Corning's SOI was approved in 2005 and while it is older than the five years established in the CKH, there were no requests for annexation that would have triggered a need to update the MSR.

As part of the SB-2 Grant funding that resulted in the updated Housing Element and Zoning Code, there were enough remaining funds to support updating the MSR. While currently there are no annexations pending or proposed, there may be opportunity in the future. An updated MSR would remove a potential barrier to a future project annexation.

While the proposed MSR is similar to the existing document, one recent change is a requirement to consider disadvantaged communities (DUC) within the SOI. These are defined by LAFCo and can be found on the [CalLAFCo website](#) and also as Figure 3 in the proposed MSR. None of the DUCs are in the City, however they do fall within the SOI.

The City Council should review the proposed draft MSR and advise Staff of any recommended changes. Following Council review and discussion of the proposed draft MSR, Staff seeks City Council approval of the document and recommendation for Staff to submit the draft document to LAFCo for consideration of adoption. LAFCo will review the document and may recommend changes before they adopt. Staff will review any changes suggested by LAFCo and, if they are substantial, we will bring the MSR back to Council for additional consideration, however we do not anticipate significant changes to the MSR.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE THE DRAFT MUNICIPAL SERVICES REVIEW AND APPROVE RECOMMENDATION TO LAFCO TO CONSIDER ADOPTION.

ATTACHMENTS:

EXHIBIT A: DRAFT MUNICIPAL SERVICES REVIEW