



**CITY OF CORNING
CITY COUNCIL
CLOSED SESSION MINUTES
TUESDAY, JUNE 27, 2023
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

- A. **CALL TO ORDER:** 6:00 p.m.
B. **ROLL CALL:**

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

All members of the City Council were present.

The **Brown Act** requires that the Council provide the opportunity for people 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:** None.
D. **REGULAR AGENDA:**
1. Conference with Legal Counsel – Anticipated Litigation (Pursuant to Government Code § 54956.9(c). (Two Cases)
- E. **ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION:** 6:30 p.m. Mayor Snow announced that the City Council met in Closed Session on two items and gave Staff direction.



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Mayor: Robert Snow

All members of the City Council were present.

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

D. INVOCATION: Led by Councilwoman Shelly Hargens.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: Mayor Snow introduced Interim City Manager Tim Potanovic.

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

Julie Johnson stated that adjacent to I-5 northbound there is a homeless camp behind Reilly's Muffler. Chief Fears announced that the Corning Police Department and City Public Works have addressed this issue on a number of occasions.

Brooke Smith thanked City Public Works for changing the locks at the Corning Senior Center.

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 City Council Meetings with any necessary corrections:**
 - a. **May 9, 2023 City Council Regular Agenda Meeting; and**
 - b. **May 23, 2023 City Council Closed Session and Regular Meeting.**
 - c. **June 13, 2023 City Council Meeting.**
3. **June 22, 2023 Claim Warrant in the amount of \$279,916.96.**
4. **June 22, 2023 Business License Report.**
5. **Approve waiver of Recreational Use Fees for the 14th Annual Tucker Mesker Memorial Scholarship Softball Tournament Fundraiser.**
6. **Authorize payment of invoice #24761 in the amount of \$9,122 to R.E.Y. Engineers for the West Street School ATP Connectivity Project Engineering and Environmental Services for work completed between May 1, 2023 and May 31, 2023.**
7. **Authorize payment of invoice #24762 in the amount of \$8,076 to R.E.Y. Engineers for the Olive View School ATP Connectivity Project Engineering and Environmental Services for work completed between May 1, 2023 and May 31, 2023.**
8. **Approve 3-Year Agreement with MGT Consulting Group for State Mandated SB-9 Cost Claiming Services for FY's 2023/24 through FY's 2025/26.**
9. **Approve 3-Year (FY's 2023-2025) Agreement for Audit Services with Donald R. Reynolds, CPA.**
10. **Adopt Resolution 06-27-2023-01 establishing the General Fund Appropriation Limit for the City of Corning for Fiscal Year 2023-2024 at \$17,395,184.**
11. **Approve the Mayor's recommended immediate appointment of Cody Lamb as the City's representative to the Tehama County Flood Control & Water Conservation District Groundwater Commission.**

Councilor Valerio moved to approve Consent Items 1-11; Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS:

12. **Public Hearing: Adopt Resolution 06-27-2023-02, a Resolution of the City of Corning Authorizing the Adoption of the City of Corning Water Shortage Contingency Plan.**

Presented by City Public Works Consultant/City Engineer Robin Kampmann who stated in September 2021 Senate Bill 552 (SB 552) was signed by Governor Newsom and enacted into law and includes new responsibilities/requirements at both the State and local level to help small water suppliers and rural communities reduce their risk of inadequate water supply amid a water shortage event. Senate Bill 552 (2021) also requires small water suppliers serving 1,000 to 2,999 service connections to develop a water shortage contingency plan per CA Water Code

section 10609.60. The Water Shortage Contingency Plans are required to be completed by July 1, 2023, posted on the water supplier's website, and available to the State Water Board and public upon request. The Plans must be updated every 5 years.

She stated that the attached Water Shortage Contingency Plan was prepared for the City of Corning utilizing the template provided by the California Water Board. The Plan will regulate or prohibit water use that is considered to be non-essential during a period of determined drought conditions. The proposed Water Shortage Contingency Plan is consistent with CA Water Code section 10609.60 and will replace Municipal Code Section 13.14. The Public Hearing was opened at 6:37 pm; with no comments the public hearing was closed at 6:37pm.

Councilor Demo moved, having conducted the Public Hearing, and receiving no protests; moved to adopt Resolution 06-27-2023-02 authorizing the adoption of the City of Corning Water Shortage Contingency Plan; Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

13. Approve for first reading, Ordinance 704, an Ordinance repealing Section 13.14 of the Corning Municipal Code to ensure compliance with the California Water Code Section 10609.60.

Presented by City Attorney Collin Bogener who stated that Ordinance 704 is being presented for 1st reading tonight and is associated with the changes required under Senate Bill 552 (SB552) discussed under the previous Public Hearing. He confirmed that any future changes will be made by Resolution.

Councilor Hargens moved to adopt for 1st reading Ordinance 704 repealing Section 13.14 of the Corning Municipal Code to ensure compliance with the California Water Code Section 10609.60. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

J. REGULAR AGENDA:

14. Reject the two (2) Request for Proposals (RFP's) received for the Corning Library Design & Space Planning due to adequate funding not available.

Presented by City Public Works Consultant/City Engineer Robin Kampmann who stated that the Library Commission, upon review of the two (2) proposals received, one from COAR in the amount of \$71,870, and the other from LPAS in the amount of \$85,517, both of which do not include construction or materials, recommended rejecting the proposals due to adequate funding not being available. The Commission have instead appointed an Ad Hoc Committee consisting of two members of the Commission and the County Librarian (or County Librarian's selected representative) to prepare a listing of suggested Library Improvements for review and prioritization to be submitted for authorization by the City Council at a future meeting.

Councilor Demo moved that Mayor and Council approve the Library Commission recommendation and reject the two (2) Request for Proposals (RFP's) received for the Corning Library Design & Space Planning due to adequate funding not available. Councilor Hargens seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

15. Approve Agreement with DigitalPath, Inc. for tower lease space at the Corporation Yard located at the 1106 Butte Street water tower site.

Presented by City Public Works Consultant/City Engineer Robin Kampmann who stated that City Staff have negotiated a new Agreement with DigitalPath, Inc. to lease premises at 1106 Butte Street (City Corporation Yard) for its equipment, personal property, and improvements associated with Tenants internet business. This proposed Agreement will allow the existing DigitalPath antennas to remain on the water tower located at this site, as well as allow the premises to be used for the construction, installation, operation, maintenance, repair, additions, modification expansion, enhancement, upgrading, removal, relation, or relocation, or replacement of any and all Antenna Facilities with City Council approval. A summary of the new Agreement is provided below:

- Rent of \$975 per month and with each successive renewal term increase by three (3%) percent each year. Should the Tenant desire to place additional antennas of the same kind on the structure beyond what is listed in Exhibit A, the Tenant agrees to receive approval from the City and adjust rent upwards by Fifty Dollars (\$50.00) per additional antenna per month.
- Initial Term of the Lease shall be five (5) years commencing on the date of Tenant's exercise of the Option (the Commencement Date) and ending on the day immediately preceding the fifth (5th) anniversary of the Commencement Date (Initial Term). The Initial Term shall automatically renew for two (2) successive renewal terms of five (5) years provided that Tenant may elect not to renew by providing notice in writing prior to the expiration of the then current term.
- The tenant shall maintain Commercial General Liability Insurance in amounts of \$2,000,000 per occurrence and \$4,000,000 aggregate.

The proposed Agreement would provide the City \$11,700 annually, and with each successive renewal term increase by three (3%) percent each year. Should the Tenant desire to place additional antennas of the same kind on the structure beyond what is listed in Exhibit A, the Tenant agrees to receive approval from the City and adjust rent upwards by Fifty Dollars (\$50.00) per additional antenna per month.

Councilor Hargens moved for Mayor and Council to approve the proposed Agreement with DigitaPath Inc. as presented and authorize the Mayor to sign the Agreement. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

16. Award Bid for the West Street School Connectivity Project to Builder Solutions, Inc. in the amount of \$575,977.02 and authorize Staff to execute the Contract.

Presented by City Public Works Consultant/City Engineer Robin Kampmann who stated that Staff received two (2) Formal Bids on Wednesday, June 21, 2023, for the West Street Connectivity Project. The project consists of removal and replacement of concrete curb ramps adjacent to and surrounding West Street Elementary School and installation of new sidewalk. Various other items of work include removing and replacing portions of the surround road, removing and replacing drainage inlets, installing new signage, improving pavement markings, installing new traffic striping, and other incidental work to be completed within the limits of work shown on the Project Plans.

Mrs. Kampmann stated that Staff is seeking authorization to award the project to Builder Solutions, Inc., who has been determined to be the lowest responsive and responsible bidder. Funding is provided from the ATP Grant awarded to the City 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. The grant funding awarded for the construction portion of the project is \$1,009,000.00. The funding is located in account 9007-118-7710.

Councilor Demo moved for Mayor and Council to Award the Bid for the West Street School Connectivity Project to Builder Solutions, Inc. in the amount of \$575,977.02 and authorize Staff to execute the Contract. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

17. Award Bid for the Olive View School Connectivity Project to Builder Solutions, Inc. in the amount of \$534,530.98 and authorize Staff to execute the Contract.

Presented by City Public Works Consultant/City Engineer Robin Kampmann who stated that Staff received four (4) Formal Bids on Wednesday, June 21, 2023 for the Olive View Connectivity Project. The project consists of removal and replacement of concrete curb ramps adjacent to and surrounding Olive View Elementary School and installation of new sidewalk. Various other items of work include removing and replacing portions of the surrounding road, removing and replacing drainage inlets, installing new signage, improving pavement markings, installing new

traffic striping, and other incidental work to be completed within the limits of work shown on the Project Plans.

Staff is seeking authorization to award the project to Builder Solutions, Inc., who has been determined to be the lowest responsive and responsible bidder at \$534,530.98. Funding will be from the ATP Grant awarded to the City for the Olive View Elementary School Connectivity Project in the amount of \$1,118,000 for plans, and to construct new sidewalks, curbs, gutters, and crosswalks to close gaps in the existing sidewalk infrastructure adjacent to the school. The construction portion of the awarded grant for the project is \$850,000.

Councilor Valerio moved for Mayor and Council to Award the Bid for the Olive View School Connectivity Project to Builder Solutions, Inc. in the amount of \$534,530.98 and authorize Staff to execute the Contract. Mayor Snow seconded the motion. **Ayes: Snow, Demo, Valerio, Hargens, and Lomeli. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION: None.

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

Demo: Reported on attendance at the Tehama County Transportation Commission and Tehama County Regional Transportation Planning Agency meetings. The State is still pushing for all electric vehicles in 2035.

Valerio: No Corning in the Evening in June, July, and August, it will be back in September. Don't forget about our downtown stores. Reported on new Chamber of Commerce's upcoming events and new business openings. He emphasized the need to support our local businesses.

Hargens: Meeting got canceled, no reports.

Lomeli: Nothing

Snow: Also voiced the importance of supporting our local businesses.

N. ADJOURNMENT: 6:58 pm.

7.

Lisa M. Linnet, City Clerk