



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION MEETING MINUTES
TUESDAY, APRIL 12, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

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

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

All members of the City Council were present.

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: William May, Labor Relations Consultant

Discussion and Direction on a contingency plan to Contract Police and Fire Dispatch Services should Measure A not be approved by the Electorate.

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

Mayor Strack reported that Council met in Closed Session with the City's Labor Negotiator and City Manager and gave them direction.

Lisa M. Linnet, City Clerk



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TUESDAY, APRIL 12, 2016
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A. CALL TO ORDER: 6:36 p.m.

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All member of the City Council were present.

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

D. INVOCATION: Led by Tony Cardenas.

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

1. **Proclamation – April 10 – 16, 2016 “Week of the Young Child”.** Paula Brown-Almond, Project Director for the Tehama County Department of Education was present to accept the Proclamation.
2. **Proclamation – April 10 – 16, 2016 “Public Safety Telecommunications Week”.** Present to accept the Proclamation were Police Chief Jeremiah Fears and Fire Chief Martin Spannaus. (Police Dispatchers Shelly Keener, Ashley Knight and Kayla Heitland were also present.)
3. **Proclamation – April 2016 “Relay for Life” Month, and April 23, 2016 as “Paint our Town Purple Day”.** Relay Committee Representative Renae Beckly was present to accept the Proclamation.
4. **April 2016 – Child Abuse & Sexual Assault Awareness Month and April 27th as Denim Day in the City of Corning.**

F. BUSINESS FROM THE FLOOR:

A member of the audience asked if the Building Official is a full time Building Official, or is he working with Public Works? It was stated that he is currently busy with building permits and inspections, however when needed and available he will assist the Public Works Department.

A member of the audience addressed the Council regarding the Little League Park at Clark Park; he asked about the status on the new restroom construction. Public Works Director Dawn Grine responded stating that currently Staff is working on several different options; however construction will not begin until sometime around the end of this fiscal year or possibly in July. This person also mentioned that during the middle of a game last week the lights went out, the bleachers have a couple of holes that present a potential liability, and the existing restrooms are not ADA compliant.

Also discussed was the appearance of the City’s downtown business area. Suggestion was made by an audience member to create an Ordinance/Code relating to murals, plywood over windows, maintenance/appearance of business facades, etc. Others asked if we could require owners of businesses/buildings with frontage glass currently covered with plywood to repair/replace the glass; Planning Consultant John Stoufer responded to these questions.

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.

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

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6. Waive the reading and approve with any necessary corrections the Minutes of the March 22, 2016 City Council Meeting.
7. April 6, 2016 Claim Warrant - \$519,672.47.
8. April 6, 2016 Business License Report.
9. March 2016 Wages & Salaries: \$470,380.
10. March 2016 Treasurer's Report.
11. March 2016 City of Corning Wastewater Operations Summary Report.
12. March 2016 Building Permit Valuation Report in the amount of \$1,835,476.52.
13. Adopt Ordinance No. 666, an Ordinance of the City of Corning adding Chapter 9.21 to Title 9 of the Corning Municipal Code relating to regulation of Butane Resale. (Second Reading and Adoption)
14. Adopt Resolution 04-12-2016-01 calling for the Municipal Election and requesting that it be consolidated with the November 2016 Statewide General Election.
15. Waive Recreational Use Fee for a Tournament Fundraiser to be held April 22nd and 23rd benefiting the Westside American Legion Baseball Team.
16. Approve new 5-year Agreement with the Corning Junior Rodeo Association.
17. Approve Services Agreement with Thomas H. Phelps, Landscape Architect for the City of Corning Downtown Rehabilitation and Enhancement Project.
18. Authorize Public Works Director to solicit Bids to furnish labor and install a 60-HP Pump & Motor for the Blackburn Well.

Audience member Sue Henderson requested that Mayor Strack pull Consent Item 16 for discussion.

Councilor Dickison moved to approve Consent Items 5-15 and 17 & 18. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

16. Approve new 5-year Agreement with the Corning Junior Rodeo Association.

Sue Henderson addressed the Council stating that although she signed the Agreement in order to move forward with the Junior Rodeo, she does not agree with some of the Agreement stipulations or the manner in which this was handled. She then elaborated on some of the specific stipulations required in the Agreement.

City Manager Kristina Miller responded to Mrs. Henderson explaining that a "Rodeo" is listed by law as an inherently dangerous sport creating an increased liability to the City; whereas football/baseball, because they are not listed as an inherently dangerous sport, do not create as much of a liability. Attorney Colin Boggner of Burgess and Boggner Law Firm responded to the legal requirements associated with the Agreement.

Councilor Linnet moved for the Mayor and Council to approve a new 5-year Lease Agreement between the City of Corning and the Corning Junior Rodeo Association. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

19. Adopt Resolution 04-12-2016-02 consenting to the inclusion of Properties within the City's jurisdiction in the California "Hero Program" to finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving an Amendment to a certain Joint Powers Agreement related thereto.

City Manager Kristina Miller presented this item explaining the public benefits which, if approved, will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties. She further explained that there are no negative fiscal impacts to the City's General Fund by consenting to the inclusion of properties within the City Limits in the California HERO Program.

Councilor Dickison moved to adopt Resolution 04-12-2016-02 authorizing the City's participation in the California "HERO PROGRAM", which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

20. Approve Agreement for SMARTGOV SaaS Software and associated data migration costs for the Building Department's TRAK IT Program to be funded in the 2016-2017 City Budget; and authorize the City Manager to sign Software Agreement. (Pulled from the Agenda so that Staff can do a further review of the program.)

21. Adopt Resolution No. 04-12-2016-03, a Resolution adopting the City of Corning Bicycle and Pedestrian Transportation Improvement Plan.

Planning Consultant John Stoufer provided a brief project outline and introduced Adrian Engle (Consultant) who provided a more extensive PowerPoint presentation of the proposed Corning Bicycle & Pedestrian Transportation Improvement Plan.

Councilor Linnet moved to adopt Resolution 04-12-2016-03, a Resolution adopting the City of Corning Bicycle and Pedestrian Transportation Improvement Plan. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

22. Adopt Resolution No. 04-12-2016-04, a Resolution of the City Council of the City of Corning Amending the City's Administrative Policy of Collecting a Utility Fee/Deposit for Utility Billing.

City Manager Kristina Miller presented this item stating that on February 8, 2005, the City Council at that time adopted a Policy for the administration of utility billing allowing for fee/deposits of applicants seeking water services via Resolution 02-08-05-01. She then explained the limitations under the California Public Utilities Code which prohibits the City from collecting a utility deposit on an owner applicant receiving utilities unless such decision is based solely on the creditworthiness of applicant as determined by the City. She further explained that the State Code allows the City to collect a utility deposit from a tenant applicant however. She then explained that proposed Resolution 04-12-2016-04 amends Resolution 02-08-05-01 as pertaining to fees/deposits for water services as follows:

Utility Service Received by Owner of the Property to Receive the Utility Service:

- 1) A New Customer owner may be charged a New Customer Fee/Deposit where the City determines that the applicant's creditworthiness reasonably requires the payment of the New Customer Fee/Deposit. Creditworthiness of the New Customer owner is determined as follows:

A new residential applicant will be determined to meet the City's creditworthiness policy and, thus, be relieved from posting a security deposit.

If during the receipt of water service, the New Customer owner has become delinquent in payment of any monthly charge for water service and water services are shut off, City may thereafter charge a Fee/Deposit of \$50.00 to owner payable prior to reconnection. The City deems failure to pay a water service bill before it is made delinquent as an act demonstrative of a lack of creditworthiness. Said deposit will be refunded upon 12 months of on time payments being received without customer receiving a delinquent notice. In the event said deposit remains at the time service is terminated by the customer, the deposit will be applied to the final bill and any balance will then be refunded.

- 2) The New Customer Fee/Deposit is transferable to a new residence or business when a customer moves.

Councilor Smith moved to approve Resolution 04-12-2016-04, a Resolution of the City Council of the City of Corning amending the City's Administrative Policy of Collecting a Utility Fee/Deposit for Utility Billing. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

23. Direction to Staff regarding a Noise Ordinance.

Mayor Strack introduced this item by title and Mr. Cecil Jones presented his complaint. City Manager Miller stated the City Code does not adequately address or limit noise after hours, construction hours, etc.

Following some discussion, input from the Police Chief regarding enforceable Penal and Vehicle Codes, Council directed the City Manager to research what other jurisdictions are doing to address this issue and report back.

24. Approve Library Commission's recommendation to appropriate Ridell Funds in an amount not to exceed \$1,000 for painting of a wall mural at the Corning Library.

Following confirmation that the proposed mural is an interior children's mural, Councilor Dickison moved to approve the recommendation of the Corning Library Commission to appropriate Ridell Funds in an amount not to exceed \$1,000 for the painting of a Children's Mural on an interior wall of the Corning Library. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

25. Presentation and discussion of City Manager Goals

City Manager Kristina Miller presented her goals for April 2016 through April 2017. It was pointed out that there were two "Goal number 11's".

An audience member stated her concern with the Planning Consultant Contract in regards to CALPERS and limited duration. Councilor Cardenas stated that the City needs to confirm and ensure that both Mr. Stoufer and the City are working within the legal parameters. Another audience member echoed these concerns. Mayor and Council directed the City Manager and City Attorney to research and confirm that any contract for the Planning Consultant conforms to legal parameters.

Councilor Linnet asked about a goal for the Fire Chief to begin negotiations for the Dispatch upgrade. In response it was stated that this item is in reference to goals of the City Manager only.

Councilor Cardenas moved to approve the goals for the City Manager through April 2017. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

26. Presentation and acceptance of the Annual City Audit for Fiscal Year 2014-2015.

City Auditor Don Reynolds, CPA presented the City Audit for fiscal year ending June 30, 2015 for Council acceptance. Councilor Dickison moved to receive and accept the Annual Audit for Fiscal Year ending June 30, 2015. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: 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).

Dickison: LAFCO Meeting scheduled for tomorrow is cancelled; County is losing their Planner. The Tripartite Board Meeting is next week.

Linnet: Nothing.

Cardenas: Nothing.

Smith: Nothing

Strack: Nothing.

N. ADJOURNMENT!: 8:54 p.m.

Lisa M. Linnet, City Clerk

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