



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

**TUESDAY, FEBRUARY 23, 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: 6:01 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: None

D. REGULAR AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Anticipated litigation pursuant to subdivision (d) (2) of Section 54956.9 of the Government Code (1 potential case).

E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:24 p.m.

Mayor Strack reported that the Council met in Closed Session and gave the City Attorney direction relating to the anticipated litigation.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, FEBRUARY 23, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

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

Councilman Linnet left the meeting at 6:34 p.m. responding to a fire call.

D. INVOCATION: Led by Mayor Strack.

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: None.

F. BUSINESS FROM THE FLOOR: None.

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 February 9, 2016 City Council Meeting with any necessary corrections: *To Be Presented at an Upcoming Meeting*
3. February 17, 2016 Claim Warrant - \$107,578.21.
4. February 17, 2016 Business License Report.
5. Ordinance 662, an Ordinance adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code. (Second Reading)
6. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)
7. Approve Addendum No. 1 Livestock Grazing Lease for use of City Airport Land with Norman D. Oilar.
8. Approve Resolution 02-23-2016-01, authorizing submittal of applications to the Department of Resources Recycling and Recovery Beverage Container Recycling City/County Payment Program and designating the City's authorized Signatory.

Mayor Strack introduced the Consent Agenda Items by title and confirmed with City Attorney Jody Burgess that we need to pull Item 6 for further discussion.

Councilor Dickison moved to approved Consent Items 1, 3-5 and 7-8. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

- 6. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)**

Following discussion and clarification that the change was "typographical" therefore the Ordinance could be adopted as scheduled, Councilor Dickison moved to Adopt Ordinance 663 and associated Ordinance Summary, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting electorate for the City of Corning. The motion was clarified to include the stated typographical error correction discussed (the word "may" would be changed to "to" in Section 3.21.17: Use of Funds listed in the Ordinance). Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.**

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

- 9. Approve Contract with Lawrence and Associates to implement and conduct the groundwater investigation for the former disposal site at Rawson Road and Carona Avenue.**

Following presentation and discussion, Councilor Smith moved to:

- Approve the Contract including Addendum No. 1 with Lawrence and Associates to implement and conduct the groundwater investigation for the former Corning Disposal Site at Rawson Road and Carona Avenue in accordance with the revised Work Plan in the amount of \$13,656 for stated Phase 1 Work;
- Approve stated Phase 2 work of the proposed Contract in the amount of \$34,540 only if MW-1 does not reveal favorable monitoring results; and
- Approve the expenditure of up to \$13,656 from Fund 630 (Water Enterprise Pooled Cash) for the groundwater investigation of the Corning Disposal Site not to exceed \$48,196 if Phase 2 of the proposed Contract must be implemented.

Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.** It was announced that Public Works would keep Council updated on testing results and project progress via the Friday Notes.

10. Review survey and approve City Pool User Fee Increases.

The City Manager and Public Works Director presented the information related to this item and announced that the proposed fee increases were presented to the City's Recreation Commission on January 5, 2016 and they recommend the proposed fee increase.

Councilor Cardenas moved to approve the proposed Pool Fees as shown on attachment "A" effective March 1, 2016 and authorize the "Non-Resident" fees for Swim Lessons, Individual Season Pass and the Family Pass to be the same fee rate as the Resident Fees. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a 4-0 vote with Linnet absent.**

Councilor Linnet rejoined the meeting at 6:56 p.m.

- 11. Review and approve City's "Statement in Support of Measure A" (1/2 Cent General Sales Tax Measure).**

This item was presented by the City Manager and City Attorney, they both emphasized that all Sales Tax Measure documents **MUST** be completed and submitted to the County Elections Department by no later than March 11th. Various suggestions were made, these suggestions were:

- Adding Street Maintenance to the Statement as a service that a Measure A "Yes" vote could provide;
- Suggestion to have a Spanish write-up of the Measure
- Suggestion to use bullets within the statement.

Councilor Smith moved to appoint Mayor Strack and Councilor Linnet as the two City Council Members to draft the "Statement in Support of Measure "A" to be reviewed by Legal Counsel and subsequently submitted to the County Elections Department by March 11, 2016. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

12. Approve Resolution 02-23-2016-02, Amending the Ballot Measure Question Presented in Resolution 01-26-2016-01 and Directing the City Clerk to Provide the Revised Ballot Measure Question to the Tehama County Registrar of Voters.

City Manager Kristina Miller and City Attorney Jody Burgess presented this item. City Attorney Jody Burgess explained his recommendation that previously approved Resolution No. 01-26-2016-01 should be amended to reflect a change in the ballot measure question as a result of recently enacted legislation made effective in 2016 that addresses initiatives as more fully set forth in California Elections Code, Section 13119.

Councilor Linnet moved to adopt Resolution 02-23-2016-02 amending the Ballot Measure Question presented in Resolution 01-26-2016-01 and directing the City Clerk to provide the revised Ballot Measure Question to the Tehama County Registrar of Voters for inclusion in the Ballot presented to the Voters at the Presidential Primary Election. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: 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: None.

Linnet: Reported that there were 0 graffiti tagging's and that he collected and returned 18 shopping carts.

Cardenas: Reported on the Chamber Meeting stating that the Car Show has been moved to Northside Park.

Smith: None

Strack: Reported that the Fire Department meal was good.

N. ADJOURNMENT!: 7:19 p.m.

Lisa M. Linnet, City Clerk