



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JANUARY 26, 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**

Mayor:

Gary Strack

All members of the City Council were present.

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

D. INVOCATION: Led by Mayor Strack.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None.

F. BUSINESS FROM THE FLOOR:

Audience Comments:

- Stanmar/Divisadero Drive resident reported on the 4" – 6" hail storm experienced on Saturday, January 23rd in his neighborhood and the immediate assistance provided by the Corning Volunteer Fire Department. He stated that the City Public Works Department showed up about an hour later with equipment to move the ice and worked into the night; they were back the next morning to further remove the ice. Mayor Strack stated that all of the Departments worked very well together. Councilor Linnet stated that the Police Officers were directing traffic, Public Works and the Fire Department all worked well together.
- Commended the youth of the community for taking safety into consideration during the storm event. Resident also asked about the Building Official Outreach Flyer and the positions association with public works inspections; City Manager Kristina Miller responded stating that she and the City Attorney reviewed the job announcement and both believe that it adequately reflects the job.

Following Council discussion, Councilor Cardenas moved to place a statement in the position announcement that the candidate will be working at the direction of the Public Works Director and will be assigned other duties other than those of the Building Official. Councilor Dickison seconded the motion.

City Manager Miller stated that she wanted to clarify that this is a mandatory skill the Council wants of this person as that could severely limit the applicant pool. Councilor Cardenas stated that he is looking at someone being hired as a Building Official, however if this individual is only working 50% of their time on inspection duties, and the rest of the time working with or assisting the Public Works Crew, they need to know that those are the skills required. Public Works Director Dawn Grine stated that the majority of the work Terry does in relation to Public Works is building maintenance, specifically in a construction manner such as the Transportation Center Repairs and the Rodgers Theater. Councilor Cardenas stated that in fairness to the applicant, the City needs to clarify the duties the applicant would be expected to do.

Councilor Cardenas amended his first motion to state that the candidate will be under the direction of the City Manager and will perform "other duties as assigned by the City Manager". Councilor Dickison seconded the motion. (City Attorney Jody Burgess clarified that the Council is not changing the Job Classification, the Council is simply giving definition on what that job's responsibility presently is and giving Staff direction to confirm this information during the recruitment process). **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- **Michael Linnet-Canida:** Thanked the City Council for making the new Park announcing that it was heavily used yesterday, the first day of sunshine following the recent storms. Many people (children and parents) were utilizing the trails, playground and basketball courts.

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 January 12, 2016 City Council Meeting with any necessary corrections:**
3. **January 20, 2016 Claim Warrant - \$102,028.80.**
4. **January 20, 2016 Business License Report.**
5. **Refund Use Permit Application Fee in the amount of \$560 for Basra Mini Mart, Use Permit is not required for off-site sales of beer and wine.**

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

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

6. **Finding of Public Convenience or Necessity for Off-Sale Beer and Wine License (Type 20) for Basra Mini Mart.** Application for an Off-Sale Beer and Wine License (Type 20) with the California Department of Alcoholic and Beverage Control (ABC) and finding of Public Convenience or Necessity for a beer and wine license located at 2015 Solano Street.

City Manager Kristina Miller briefed the City Council on the proposal and Mayor Strack noted that the applicant was present in the audience to respond to any questions. With no questions, Councilor Cardenas motioned, having considered any Public and Staff input, find that the "Public Convenience or Necessity" will be served, as required under Business and Professions Code Section 23958.5 (B)(2), and direct Staff to complete the ABC form and return it to the State Department of Alcoholic Beverage and Control. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

7. **Consideration and Action of Transactions and Use Tax Resolutions and Ordinances:**

(The items below are listed in the order in which they were discussed, not the order as listed on the Agenda)

- c) **Resolution No. 01-26-2016-02, A Resolution of the City Council of the City of Corning calling for an Election and submitting to the Electorate at the June 7, 2016 Special Election consolidated with the Statewide Presidential Primary Election an Advisory Measure related to the use of the General Tax Revenues and requesting that it be consolidated with the Statewide Presidential Primary Election on June 7, 2016.**

Mayor Strack motioned that the City not attach an Advisory Measure (as stated in Resolution 01-26-2016-02 with Exhibit A, if approved there is no need to take action on this Resolution). Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

Audience Comments:

- Questioned the wording on Resolution 01-26-2016-01, specifically the word "Dispatch" on the Ballot Measure and he explained his concerns.
- Agrees with Mayor Strack regarding removing the Advisory Measure from the Ballot Measure due to the budgetary circumstances.

City Attorney Burgess requested that Council next consider Ordinance 663 for action, (Item 7-B).

- b) **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, and Ordinance 663 Summary.**

Mayor Strack introduced Ordinance 663 and City Attorney Burgess introduced the associated Summary Ordinance reading it in its entirety. Mr. Burgess clarified that the Council is passing the Ordinance to allow the Ballot Measure to go to vote by the Electorate.

Audience Comments:

- Suggestion was made to list the required vote for passage within the Ordinance.

Councilor Cardenas moved to introduce for first reading 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. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- a) **Resolution No. 01-26-2016-01, a Resolution of the City Council of the City of Corning declaring an emergency pursuant to Article XIII (C), Section 2 (B) of the California Constitution, calling for the placement of a General Tax Measure on the Ballot of the June 7, 2016 Presidential Primary Election to adopt a Transaction and Use Tax, and requesting that the County of Tehama consolidate this Election with the Statewide Primary Presidential Election.**

City Attorney Jody Burgess introduced and explained the necessity of this Resolution. He stated that the Resolution is in part a "Declaration of an Emergency" (to allow the Measure to be placed on the Primary Ballot in June rather than the Municipal Ballot in November) and stated that it requires a unanimous vote of the Council. He further explained that this Resolution also calls for the placement of a General Tax Measure on the Ballot of the June 7, 2016 Presidential Election to adopt a Transaction and Use Tax and requests that the County of Tehama Consolidate this Election with the Statewide Primary Presidential Election. Mr. Burgess stated that the wording listed within the box at the top of page 3 of the Resolution ("used for police and fire services, dispatch as well as any other lawful municipal use?" as was questioned earlier by an audience member) could be changed if Council so desires, however he emphasized that this Resolution must be approved by a unanimous vote of the Council in order for the Ballot Measure to legally go forward and be placed on the ballot.

Audience Comments:

- Statement requesting to see the word “dispatch” removed from the ballot was made again; if it was left in, the statement was made that the individual would not vote to support the Tax Measure. Following a debate on whether to leave it in, or to remove the word “dispatch”, an audience member suggested revising the wording to state “for existing police and fire public services, or any other lawful municipal use”.

Councilor Dickison moved to adopt Resolution 01-26-2016-01, a Resolution of the City Council for the City of Corning Declaring an Emergency Pursuant to Article XIII (C), Section 2 (B) of the California Constitution, calling for the placement of a General Tax Measure on the Ballot of the June 7, 2016 Presidential Primary Election to adopt a Transaction and Use Tax, and requesting that the County of Tehama consolidate this Election with the Statewide Primary Presidential Election and amend the wording within the box at the top of page 3 of the Resolution to state “Shall the City of Corning be authorized to enact a Transactions and Use Tax (sales tax) of one-half of one percent with all proceeds placed in the City of Corning’s General Fund to be used for existing Police and Fire Public Services, or any other lawful municipal use. Councilor Smith 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: Reported on the Tripartite Board Committee meeting last week and stated that she will be attending the Tehama County Heritage and Historical Records Committee this Thursday.

Linnet: Reported he will be attending the Tehama County Solid Waste Management Agency (JPA) Executive Meeting next Thursday here in the Corning Council Chambers; provided an update on the graffiti tagging and that he had collected and returned 31 shopping carts.

Cardenas: Reported on his attendance at the Chamber of Commerce meeting tonight where they discussed the upcoming car show (Mayor Strack suggested coordinating this with the Downtown Streetscape Project Contractor if planning to utilize Solano St.). He also announced that James Pendergraft has been hired as the new Chamber Manager effective Feb. 1st

Smith: Nothing.

Strack: Reiterated that the City of Corning Employees and Volunteers worked great during the storm and thanked them for this service.

N. ADJOURNMENT!: 7:50 p.m.

Lisa M. Linnet, City Clerk