



**CITY OF CORNING
SPECIAL CITY COUNCIL
CLOSED SESSION AGENDA
TUESDAY, JUNE 23, 2015
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 is 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**: 6:00 p.m.

B. **ROLL CALL**:

Council:

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

Mayor:

All City Council members were present.

C. **PUBLIC COMMENTS**:

D. **REGULAR AGENDA**:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.8

Potential Land Acquisition Property: APN No. 67-260-68 (Portion)

Negotiating Party: John Brewer and Jody Burgess

Under Negotiation: Interest to possibly purchase portion of lot 5, direction on price and terms of payment.

E. **ADJOURN TO REGULARY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:20 p.m.**

Mayor Strack announced that Council met in closed session and gave the City Manager and City Attorney direction.

Lisa M. Linnet, City Clerk



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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.

D. INVOCATION: Led by Councilman Tony Cardenas.

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

F. BUSINESS FROM THE FLOOR:

Valanne Cardenas: Announced that on Friday, June 26th the Corning Chamber of Commerce, Corning Museum and the Friends of Rodgers Theater will be having an Art Show, Live Entertainment and Crawfish Dinner fundraising benefit from 6 p.m. to 9 p.m. at the Memorial Hall. Tickets are \$20 per person and include dinner and raffle drawing entry.

Councilman Tony Cardenas: In regards to statements made at the June 9th City Council meeting, it has been said that inaction is an action in itself, and silence is a statement in itself. He announced that because of his strong feelings, he has a statement regarding what transpired and wants to clarify what he believes needs to happen.

He thought the meeting went well to a point; it was democracy in action. But, there was a point that really saddened him, when we got towards the end of the meeting, the Firemen stood up and told the Council that if the Council took action against the Dispatch Center, they would be taking action against the entire Fire Department, and if this action occurs, within 30 days they would walk and the Council would be tasked with finding a way to provide those services and stated in addition to that, they would start a recall on the Council. When the meeting ended, one of the Firemen came down to the table where the Council was sitting and informed the Mayor and other Councilmembers present that this was not a threat as the Mayor had stated...it was a promise.

Councilor Cardenas then stated that he doesn't function well when given ultimatums. The whole idea of this process is it is supposed to be a civil dialog back and forth to decide what is best for the entire community and how best we can solve the problem, rather than to be given the ultimatum of if you do this, we will walk out and there will be no discussion.

One of the statements made was "here again Fire Dispatch is in the cross hairs". We are losing focus, what is in the cross hairs is the \$370,000 we are estimated to be short if we adopt a budget with what has been proposed with all the services we provide. That is the problem and it is a problem that needs to be solved. He stated his fear is that we are pushing to adopt a budget with a bandaide on it and we are not doing anything to fix the problem; we will be here again next year trying to find a solution to this very same problem. The Mayor had stated a couple of meetings ago that we are anticipating spending \$370,000 from the City's reserves to balance the budget and if we do that for three years we will have no remaining reserves. It is my understanding that these reserves are used throughout the year for intergovernmental funding, for upfront payment on various street projects/grants, etc. and while the City waits for reimbursement. It is also used to supply funding for unplanned expenditures. He also stated his concerns regarding how the effects of utilizing the reserves in this manner will impact employee negotiations. Councilor Cardenas stated that we need to work together and have a civil dialog to find a solution. He stated that he makes a

concerted effort to look at the City as a whole and not focus on where his specific interest may be based upon my background. He then listed the positions frozen and vacant over the last three years in the various Departments (Police/Public Works/Administration) stating the total savings from this action amounted to about \$529,000. Some of that money has been used to grow the reserve; however a big part of those savings were used to balance the budget and keep us a float in previous years.

Councilor Cardenas further clarified that although he stated at the last meeting let's not cut positions and let's freeze everything we can, he meant that to mean while we go through the process; he did not mean we would not cut positions period. We may need to do that to balance the budget properly. There are many options, you don't have to cut the Fire Dispatch 100%; maybe you cut it 50%. Maybe you cut the Police Department by 50%; maybe you contract some of those services. One thing that became obvious to him was that there is no way that Police and Fire are going to work together, especially if one side says they are definitely not going to work with you. Maybe Fire needs to work with Fire; and Police with Police; however the Council needs to have those options open to them so they can decide what is best for the City. We can't have that if people say we are not going to let you do that.

He stated that Council and management personnel need to be the leaders they are supposed to be, rather than inflaming people...we need to go through this process to decide what is best. He concluded by stating that he is trying to do what he believes he was elected to do, seek the way to best run the City in the most efficient manner.

G. CONSENT AGENDA:

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 June 9, 2015 City Council Meeting with any necessary corrections:**
3. **June 17, 2015 Claim Warrant - \$109,154.35.**
4. **June 17, 2015 Business License Report.**

Councilor Dickison moved to approve Consent Agenda Items 1-4 and 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: None.

I. REGULAR AGENDA:

5. **Adopt Resolution 06-23-2015-01 permitting the continued service of Planning Consultant John Stoufer and approve a 1-year Consulting Service Agreement.**

Ross Turner and Susan Price voiced their concerns regarding the proposed contract. City Attorney Jody Burgess addressed the questions raised by Mr. Turner and Mrs. Price. He stated that he has researched this issue and it is a legal contract under a Retired Annuitant Contract.

Mr. Brewer responded stating the various projects Mr. Stoufer has been involved with such as the General Plan Update (the EIR was just sent to the State today and the General Plan must be completed by September 2015); the Housing Element Update; and concluded by stating that Mr. Stoufer was instrumental in obtaining the CDBG Street Project Funding.

Mr. Turner received confirmation that Mr. Stoufer provides his own Liability Coverage.

Councilor Linnet moved to adopt Resolution No. 06-23-2015-01 and approve the attached Agreement with John Stoufer as an Independent Contractor DBA JBS Planning Consultant Services through June 30, 2016 and authorize the City Manager to sign the Agreement on behalf of the City. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

6. Authorize weed abatement and collection of abatement costs as outlined in the City's Municipal Code Section 8.14 on any remaining non-compliant properties listed on adopted Resolution 05-26-2015-01.

City Attorney Jody Burgess explained that a motion was not made at the June 9th meeting necessitating this item be brought back for a Council motion enabling the Fire Chief to proceed with abatement actions. Mayor Strack asked about the property previously discussed located behind Colusa Street. City Manager Brewer stated that he and Fire Chief Spannaus had discussed this however they are still researching and have no answer at this time.

Councilor Dickison stated having received no protests from property owners listed on Resolution 05-26-2015-01 at the June 9th City Council meeting, she now moves to authorize by motion the following:

- Authorize the Fire Chief, as directed in section 8.14.160 of the City's Municipal Code, to proceed with the abatement of those properties not in compliance with Chapter 8.14 of the City's Municipal Code; and
- Per Municipal Code Section 8.14 and Government Code Section 39577, authorize a Special Assessment and Lien be imposed on the non-compliant properties for all authorized costs associated with the abatement.

Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Oppose: None. Motion was approved by a 5-0 vote.**

7. Recommendation to re-appoint for an additional 4-year term, those Planning, Airport and Library Commissioners whose terms are due to expire on June 30, 2015.

Following a brief discussion, a request that Commission vacancies be advertised, and response to questions, Councilor Smith moved to re-appoint for an additional 4-year term the following Commissioners:

- Planning Commission: Frank Barron and Brant Mesker
- Airport Commission: Louis Davis and Jack Beck
- Library Commission: Dean Blankenship and Carol Mueller

Councilor Dickison seconded the motion: **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Absent/Abstain/Opposed: None. Motion was carried by a 5-0 vote.**

City Clerk Lisa Linnet then announced that the City has two vacancies on the Recreation Commission and one on the Planning Commission resulting from the recent unexpected death of Commissioner Ryan Reilly. She stated that a notice announcing these vacancies will be placed in the paper and on the City's website. Anyone interested in serving on either of these Commissions can obtain an application from the City Clerk at City Hall.

8. Study Session: 2015-2016 Budget Preparation.

Councilor Linnet: Stated that he likes Councilman Cardenas and they get along great however he disagrees with his point of view. He announced that he is a Councilman as well as a Volunteer Fireman and sees both sides of the issue. He doesn't look at it that the Firemen have pushed the Council in a corner, but rather that the Council pushed them in the corner. Last time we had a budget short fall we tried spread it evenly, this time we didn't. We went to the Fire Department and said we are taking 60% of your budget, nowhere else. He stated that over a month ago he and City Manager John Brewer spoke about combining Dispatch. There was no combining dispatch going on, we were going to fire 2 dispatchers (Mayor Strack corrected stating not fire, but layoff) with over 18 years of experience that could have moved over (to Police Dispatch), but didn't get a chance so we pushed them in a corner. He stated that you are upset over a possible recall; that is every citizen's option...we pushed them there.

Mayor Strack stated that maybe he pushed them there by the way he brought up Dispatch. He stated that he and Councilor Linnet discussed this issue and at that time it was maybe combining the two, or relocating, it wasn't even laying off anyone. Mayor Strack stated that what he was looking for was a meeting of the minds from the two departments to see what we could work out. He stated that he disagrees with Councilor Linnet that we don't have a financial problem, we need to get together and discuss it, we need to be able to meet and come up with ideas...it will not happen overnight. He further

stated that as far as he was concerned we should approve the first option proposed, pull it all out of the reserves (\$370,000), maybe then people will realize we do have a problem. Mayor Strack stated that City Manager John Brewer has already looked into what it would cost to qualify the Fire Dispatchers to be Police Dispatchers and found it would be about \$5,000. Nothing was sent in stone, we have an excellent Fire Department and Dispatch. He stated that he just wants to find a solution to the problem so that it doesn't come up again in the future.

Ross Turner: Stated that these same issues were brought up 15-20 years ago and there are many options for providing these services. He stated that we can't go through this tension every year during budget consideration. We need to look at alternative methods for dispatching, is there a need for 9 salaried dispatchers, what training is needed and what is best for the 7,400 plus people in our City.

Susan Price: Suggested having a session where all the ideas are thrown out and the City Manager is directed to cost them out. She also stated that in her experience fire and police dispatching are different and additional skills are required. She suggested phasing out some services over time, retraining others, "Golden handshake" when an employee is close to retirement, etc. Larger ending fund balance is nice, but maybe not realistic.

Mayor Strack suggested taking the deficit funds from the City's reserve for the 2015-16 fiscal year and continue with the process to find a permanent solution.

Councilman Linnet asked about the difference from the \$188,000 Gas Tax to the \$100,300 General Fund savings in Street Maintenance. He then asked about the carryover funds.

City Attorney Jody Burgess suggested that it might be beneficial to have a study session that just explains how the various funding sources can be used as this is a very complicated subject and most people don't understand it.

Jerry Lequia suggested, as did Councilman Linnet, possibly looking at our Development Fees and a possible reduction to entice new businesses to locate here. Mr. Brewer explained the basis behind the Development Impact Fees stating that future improvements shouldn't come on the backs of the existing residents, but rather those moving in here. Councilman Cardenas confirmed that just a few years ago the Council reviewed and lowered some of these fees.

Mr. Brewer asked if it would be possible to approve a Staff recommendation and continue with Study Sessions.

Councilman Cardenas stated that he wants to see some timelines to ensure a definite plan and stated his concerns with deferring capital improvement plan items.

Daymond Schlereth: Stated that if we all work together we can solve this in two years. He stated that no one has spoken with the Fire or Police Dispatchers regarding this issue. He stated that he has seen many Police Dispatchers come and go, no one has come to the Fire Dispatchers to fill in yet he has heard Police Sergeants Dispatching. No has offered the Fire Dispatchers cross training or to go through Post Certification. He stated that the Fire Dispatch covers 24-7 with 4 Dispatchers, we make it work; the Fire Chief has covered when needed during the furloughs. He suggested phasing, if someone leaves at the Police Department, let Fire Dispatchers try. He stated that not once have the people doing the job been asked for their input.

Mayor Strack suggested that we should set up an Adhoc Committee with a timeframe of two months for them to meet and then come back to the Council with a plan. By direction of the Mayor and through consensus of the Council they appointed a 9 member Committee consisting of two Council members, (Councilors Cardenas and Linnet both volunteered), both Chiefs (Police and Fire), a member of each of the Dispatch Centers (Police and Fire), a Police Officer and one member of the Volunteer Fire Department and the Public Works Director. It was stated that the City Manager would serve as the Committee's facilitator and the committee is to meet in July and August and present findings to the Council in September. City Attorney Jody Burgess confirmed that a formal direction needs to be written and he was directed to do this and bring it back for Council approval at the next meeting.

Councilor Cardenas moved to adopt Option 1 (Utilization of \$370,000 from Operating Reserves) as presented by the City Manager at the June 9th Meeting; Councilor Smith seconded the motion. **Ayes:**

Strack, Dickison, Cardenas and Smith. Absent/Abstain: None. Oppose: Linnet. Motion was approved by a 4-1 vote with Linnet opposing.

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

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: Received notice from Maywood Middle School signed by some of the students thanking the Council and City Staff for their participation in the measuring and distribution of new shoes for Students and Staff.

L. 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: Attended the Community Action Tripartite Meeting last Thursday.

Linnet: JPA is still consolidating. Had four places to cover with graffiti and had to go back and cover one of them again today.

Cardenas: Asked about use of one of the Police Department cameras at night in places like Lennox Fields where they have been tagging with graffiti; he was informed yes and possibly could use the school for a reporting feed.

Smith: Announced the Monday night auction and food fundraiser Monday night at the Senior Center to benefit the Senior Center and Fire Department.

Strack: Hopes everyone will attend the crawdad fundraising event on Friday at the Veterans Hall.

M. ADJOURNMENT!: 8:14 p.m.

Lisa M. Linnet, City Clerk