



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JUNE 25, 2013
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: 7:30 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 Councilman 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. Presentation by Kathy Schmitz: Tehama County Branding Project Update – Phase II: Product Development Plan.

Kathy Sarmiento, Job Training Center Chief Executive Officer presented a PowerPoint presentation on the status of Phase II: Product Development Plan, "Tehama Country" Branding Project.

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 requests separate discussion and/or action.

- 2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 3. Waive the reading and approve the Minutes of the June 11, 2013 City Council Meeting with any necessary corrections:**
- 4. June 19, 2013 Claim Warrant - \$431,801.91.**
- 5. June 19, 2013 Business License Report.**
- 6. Approve continuation of support to the Corning Chamber of Commerce in the amount of \$1,000 monthly and an annual "Donations Cash Match" not to exceed \$4,000.**

Ross Turner requested pulling Consent Item 6 for further discussion.

Councilor Dickison moved to approve Consent Items 2-5 and Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

- 6. Approve continuation of support to the Corning Chamber of Commerce in the amount of \$1,000 monthly and an annual "Donations Cash Match" not to exceed \$4,000.**

Mr. Turner questioned the propriety of a Council member being a liaison when his wife is the Chamber Manager. Councilor Cardenas stated he has no intention of voting on this as it could be construed as a conflict. Mayor Strack confirmed with the City's Assistant Attorney that there was no conflict as this is for the entire budget, not a specific item.

Councilor Dickison moved to approve Consent Item No. 6, Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet and Smith. Opposed/Absent: None. Abstain: Cardenas. Motion was approved by a 4-0 vote with Cardenas abstaining.**

- I. PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

- 7. Solano Street Transportation Enhancement Project: Consider adoption of the filed Negative Declaration.**

Planning Consultant John Stoufer stated what is being presented is the Negative Declaration. He explained that it has been presented to the Planning Commission, and informed the Council that the City received a response from Fish & Game in regard to migratory birds.

Mr. Stoufer stated that the Planning Commission had some questions relating to bicycle safety in regards to the Bike Lanes, and they requested additional information. He informed the Council that additional information related to Bike Lanes has been provided tonight. He emphasized that the plans for the project have not yet been finalized; what is presented tonight is just related to the Negative Declaration. He stated at this point, following review of Caltrans, Fish & Game, etc., Staff does not feel that this project's Negative Declaration promotes any significant impact on the environment.

Mayor Strack opened the Public Hearing at 8:10 p.m. Dave Demo asked if a public forum will be held to discuss the two lane traffic, emphasizing that he is opposed to that. He stated he feels that the existing two lanes with the center turn lane east of the railroad tracks is confusing to residents. He hopes that studies will be completed prior to this being initiated. Mayor Strack responded stating that a separate meeting from the Council meeting will be held to discuss this in an open forum.

With no further discussion, Mayor Strack closed the Public Hearing at 8:14 p.m.

Councilor Dickison moved to adopt the two Factual Subfindings and Legal Findings as presented in the Staff Report and Adopt the Negative Declaration filed on the Solano Street Transportation Enhancement Project as meeting the requirements of CEQA and its guidelines. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

- 8. Final Annual Grantee Performance Report for Community Development Block Grant (CDBG) Standard Agreement 10-STBG-6707 (Blackburn Avenue).**

Planning Consultant John Stoufer announced that this is to return the grant money to H&CD since the City could not obtain a developer to build the required subdivision due to the current economy. Mayor Strack then opened the Public Hearing at 8:20 p.m.

Ross Turner, representing the Gass Family spoke stating that two trees had been removed to accommodate this project which now doesn't appear to be going through. He asked how much money of the \$800,000 grant funds had been spent. Mayor Strack stated that the City had not received any of the \$800,000, and confirmed that all funds expended had been for surveys, engineering and were paid out of City funds. With no further discussion, Mayor Strack closed the Public Hearing at 8:22 p.m.

Councilor Dickison moved to, having conducted the Public Hearing, direct the City Manager to execute all documents pertaining to the Final Grantee Performance and Program Income Report and submit them to the California Department of Housing and Community Development. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

J. REGULAR AGENDA:

9. Appoint the Law Firm of Maire & Burgess as Corning's City Attorney effective July 1, 2013, and approve the proposed Agreement and authorize the Mayor to sign the Agreement on behalf of the City.

Councilor Cardenas moved to appoint the Law Firm of Maire & Burgess as Corning's City Attorney effective July 1, 2013, approve the proposed agreement, and authorize the Agreement to be signed by the Mayor on behalf of the City. Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

10. Consider adoption of Resolution 06-25-2013-01, approving an application to the California State Department of Housing and Community Development for funding under the Home Investment Partnerships Program.

Planning Consultant John Stoufer explained, if awarded, this would provide \$500,000 to the City for owner occupied housing rehabilitation within the Community.

Councilor Dickison moved to adopt Resolution 06-25-2013-01, a Resolution approving submittal of an application to the California State Department of Housing & Community Development for funding under the "Home Investment Partnerships Program", and if selected, the execution of a Standard Agreement, any amendments thereto, and any related documents necessary to participate in the Home Investment Partnerships Program. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

11. Request Council Finding of Public Convenience or Necessity on an application received from "True Brew" located at 1301 Solano Street for an on-sale beer and wine license (Type 42) with the California Department of Alcoholic and Beverage Control (ABC).

Planning Consultant John Stoufer explained that this is for the former Miner's Inn and is for the on-site sale of beer and wine. He explained that it had been taken before the Planning Commission and a Use Permit was approved by them. This would be the 12th Type 42 license within the census track. He explained that if the governing body didn't approve, the license would not be issued.

Councilor Smith stated that she was not in favor of it. Councilor Cardenas confirmed what Conditions would be associated with the Permit, and that as a Use Permit, if problems arise a revocation of the Use Permit could be considered and sought by the City.

Councilor Dickison moved, having considered the "Type 42 On-sale Beer and Wine License" at True Brew, located at 1301 Solano Street, and having considered all public and staff input, find that the "Public Convenience or Necessity" will be served by the issuance of the ABC License, and direct Staff to complete the ABC form and return it to the State Department of Alcoholic Beverage Control. Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet and Cardenas. Opposed: Smith. Absent/Abstain: None. Motion was approve by a 4-1 vote with Smith opposing.**

12. Authorize Public Works to utilize Express Employment Professionals, a temporary hiring agency, to provide a temporary Equipment Mechanic for the City.

Following Public Works Director Patrick Walkers explanation supporting this action, Councilor Cardenas moved to authorize Public Works to utilize Express Employment Professionals to provide a temporary Equipment Mechanic for the City for a period not to exceed three months. Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

13. Adopt Resolution 06-25-2013-02 and approve the 2013-2014 City of Corning Program of Service and Annual Budget.

Following little discussion, Councilor Smith moved to adopt Resolution 06-25-2013-02 setting the Appropriation and Expenditure Limits for all City Funds to implement the 2013/2014 Program of Service and Annual Budget. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

14. Adopt Resolution 06-25-2013-03 establishing an appropriations limit for the City of Corning, Fiscal Year 2013-2014 at \$11,439,256.

Councilor Cardenas moved to receive the report from the City Auditor and adopt Resolution 06-25-2013-03 Establishing an Appropriations Limit for the City of Corning for Fiscal Year 2013/2014 in the amount of \$11,439,256. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve by a 5-0 vote.**

15. Approve the City of Corning's annual Statement of Investment Policy for Fiscal Year 2013-2014.

Councilor Smith moved to approve the Annual Statement of Investment Policy as submitted for Fiscal Year 2013-2014. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approve 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 her attendance at the Community Action Agency meeting held here and announced the date of the food give away.

Linnet: Reported that he missed the Pay-It-Forward Committee meeting today, and stated that they are planning on painting Martini Plaza. Jerry Lequia stated that the City needs a policy requiring that business owners maintain the inside/outside business appearance.

Cardenas: Updated the Council on the status of the Promise Grant, reported on attendance at the Chamber of Commerce Meeting informing the Council that the Olive Festival is scheduled for August 23-24th. He also stated that he would like to review and discuss the City's Development Fees.

Smith: Reported on the Senior Center Board Meeting.

Strack: Reported on attendance at the Transportation Commission meeting today and stated that there will be a public meeting on August 27th to discuss transportation "unmet" needs.

N. ADJOURNMENT!: 8:42 p.m.

Lisa M. Linnet, City Clerk