



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION MINUTES  
TUESDAY, SEPTEMBER 13, 2016  
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**

**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 PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9:  
One Case**

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:15 p.m.**

Mayor Strack reported that Council met in Closed Session, received an update and gave the City Attorney direction.

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**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**

**Mayor:**

**Gary Strack**

All members of the City Council were present.

**C. PLEDGE OF ALLEGIANCE: Led by Vice Mayor Darlene Dickison.**

**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: None.**

**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

**Jerry Lequia:** Representing the Corning Patriot Party, reported on the donation drive in support of a City K-9 Unit, the goal is to raise \$20,000 to obtain a K-9 dog and provide associated Officer training. He stated that they have opened an account at Rabbo Bank with \$500. They will be placing canisters in local businesses for donations and will be placing blue ribbons throughout town in support of the Police Department.

**Dean Cofer:** Reported on the meeting he and Bucky Bowen attended with the City Engineer, the City Public Works Director and Assistant Director today regarding the Streetscape Project. Following some discussion he stated that he is now dropping the issue of the Streetscape Project.

Mr. Cofer then stated that he and Mr. Bowen also met with the City Attorney and Building Official Dan Redding in regards to the Kaufman Building. He stated that the City is addressing concerns related to this building.

**Delbert David:** Stated concerns related to dry grass at the Airport and its proximity to the High School and also dry grass in a field near Maywood School.

Mr. David then addressed the Council regarding a City Ordinance produced in 1971 and referenced in the Municipal Code under Chapter 10.32 Abandoned or Inoperative Vehicles, specifically section 10.32.60 Unlawful Acts. His concerns are specifically related to parking in front of his residence for more than 5-days (he received a warning to move within 120 days). He suggests modification of the existing Ordinance to change the direction to allow property owners to park in front of their properties for longer than 5 days.

Fire Chief Spannaus responded stating that the required fire-breaks were installed surrounding the Airport and the Schools.

**John Richards:** Requested to have the Streetscape Project listed on the Agenda for the next meeting and requested a set of plans to review. He was informed that a set of plans would be provided for him to review with the Public Works Director and City Attorney. He also stated that he is having issues with a neighbor and he has tried to work with the Police Department to rectify the situation. Mayor Strack suggested meeting with the Police Chief. Mayor Strack asked Chief Fears to contact John and work with Jody on this issue.

**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 August 23, 2016 City Council Meeting with any necessary corrections. (Pulled and will be presented at the next City Council Meeting for approval.)**
3. **September 7, 2016 Claim Warrant - \$237,331.66.**
4. **September 7, 2016 Business License Report.**
5. **August 2016 Wages & Salaries: \$343,661.97.**
6. **August 2016 Treasurer's Report.**
7. **August 2016 City of Corning Wastewater Operations Summary Report.**
8. **August 2016 Building Permit Valuation Report in the amount of \$503,009.52.**
9. **Approve Addendum to extend the Memorandum of Understanding between Corning Union High School and the City for Counseling Services funded via a grant from the Bureau of Justice Assistance (BJA) through the Byrne Criminal Justice Innovation Program (BCJI); and approve an additional addendum to extend the Agreement between Tara Cory and the City for coordination of the associated Adolescent Diversion Program.**
10. **Authorize the Public Works Department to surplus and sell two City trucks at the Orland Public Auto Auction.**

Mayor Strack stated that Consent Item 9 was being pulled for further discussion and explanation.

Councilor Linnet moved to approve Consent Items 1-8 and 10. 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:**

9. **Approve Addendum to extend the Memorandum of Understanding between the Corning Union High School and the City for Counseling Services funded via a grant from the Bureau of Justice Assistance (BJA) through the Byrne Criminal Justice Innovation Program (BCJI); and approve an additional Addendum to extend the Agreement between Tara Cory and the City for coordination of the associated Adolescent Diversion Program.**

Councilman Cardenas explained that the proposed Addendums seek to extend the term of the Counseling Services MOU from October 1, 2016 through September 30, 2017 and the term of the Adolescent Diversion Program Coordinator (Tara Cory) from August 25, 2016 to August 24, 2017.

Councilor Linnet moved to approve the attached Addendum to extend the term of the MOU with the Corning Union High School District (CUHSD) from October 1, 2016 through September 30, 2017; and approve the attached Addendum for the Independent Contractor for Counseling Support Services from August 25, 2016 to August 24, 2017 and authorize the Mayor to sign both Addendums on behalf of the City. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

**I. PUBLIC HEARINGS AND MEETINGS:**

11. **Ordinance 669 Multi-Family Residential Development & Design Guidelines; consider adopting an Ordinance creating Multi-Family Residential Development & Design guidelines within the Corning Municipal Code. (First Reading)**

Planning Consultant John Stoufer presented the proposed Ordinance recommended by the Planning Commission for approval. He stated that the proposed guidelines would be a document that the City can provide to developers wishing to develop Multi-Family Residential Units in the City. He clarified that the existing regulations would still be applicable. The Public Hearing was then opened at 6:51 p.m.

Mr. Richards asked why the additional single family homes and additional apartment complex at Salado Orchard Apartments were not built as was initially planned. Mr. Stoufer responded stating they were approved for 3 more Eight-Plex Apartment Units and the 12 single family houses, however due to the housing market decline it has not penciled out financially to Developers. He further stated that the land was even offered free if developed however no one wanted to do so, therefore the funds were returned to the State.

Mayor Strack asked if down the road the Planning Commission could look at a design plan for the Business District. Mr. Stoufer stated that the City can look at a Commercial Design Plan for the downtown area. The Public Hearing was then close at 7:14 p.m.

Councilor Dickison moved to adopt the five (5) Factual Subfindings and Legal Findings as presented in the Staff Report and waive the first reading of Ordinance No. 669, the Ordinance to Implement Development and Design Guidelines for Multi-Family Residential Units in 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.**

**J. REGULAR AGENDA:**

- 12. Requesting consideration of a two-year extension for Tract Map 05-1013; Marguerite, LLC located at the south side of Carona Ave. and east of Marguerite Avenue, APN's 73-120-16, 24 & 31.**

Following a brief explanation by Planning Consultant John Stoufer on Regular Agenda Items 12-13 (both properties are owned by the same party who is requesting the two-year extension). Mr. Stoufer stated that the Conditions could be changed in the future if wanted, however no changes or additions to the Conditions are requested at this time.

Councilor Cardenas moved to approve a two-year time extension for Tentative Tract Map 05-1013 subject to the original 54 Conditions as approved by the Corning City Council on February 14, 2016. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- 13. Requesting consideration of a two-year extension for Tract Map 05-1016; Fig Lane Tract located at the southwest corner of the Fig Lane/Toomes Avenue Intersection, APN 71-250-06**

Councilor Linnet moved to approve a two-year time extension for Tentative Tract Map 05-1016 subject to the original 42 Conditions as approved by the Corning City Council on June 14, 2005. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- 14. Approve listing Agreement between "The Difference" and the City of Corning for disposal of surplus property.**

Following a brief explanation by City Attorney Jody Burgess regarding disposal of surplus items, Mr. Burgess suggested changes related to contract wording.

Councilor Dickison moved to authorize the Police Department, with the Agreement modifications suggested by the City Attorney, to enter into an Agreement with "The Difference" for disposal of the Department's excess property. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- 15. Authorize Michael Baker International to prepare and submit a "Small Communities Flood Risk Reduction Program Project Proposal" to the Department of Water Resources (DWR).**

Public Works Director Dawn Grine presented this item explaining that there would be no charge to submit the application and the City made it clear if awarded, the City would be required to go through the RFP Process. She explained that this would cover not only the City Limits, but the area clear to the Sacramento River.

Councilor Smith moved to authorize Michael Baker International to prepare and submit a Small Communities Flood Risk Reduction Program Project Proposal to the Department of Water Resources on behalf of the City of Corning. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER**

**Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

**16. Authorize City Staff to negotiate Agreement with Second Chance Pet Rescue (SCPR) for services at the City Animal Shelter.**

City Clerk Lisa Linnet briefed the Council on the current status of staffing at the Animal Shelter and acknowledgement of the excellent existing partnership with Second Chance Pet Rescue in regard to the Animal Shelter. City Attorney Jody Burgess further explained some of the Animal Shelter requirements that would be addressed in a contract. Councilor Dickison moved to authorize City Staff to negotiate an Agreement with Second Chance Pet Rescue for services at the City's Animal Shelter. 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:** Dean Cofer asked why this section is included and how items could be placed on the Agenda from the floor. City Clerk Lisa Linnet and City Attorney Jody Burgess responded with an explanation.

**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:** Will be attending the Community Action Tripartite Board Meeting.

**Linnet:** Announced that the JPA meeting was cancelled. Stated that prior to leaving for a fire assignment, he ended up with 18 shopping carts.

**Cardenas:** Reported on his attendance at the 3CORE meeting last Friday...they are looking at a five year plan for the three Counties on how to get a qualified workforce. He reported on the Chamber of Commerce Board of Directors Meeting announcing that they are moving forward with the Olive Festival Scheduled for Oct. 8<sup>th</sup> at the Corning Community Park.

**Smith:** Reported that the Senior Center is gearing up for a Health Fair in November. She stated that the Senior Center was scheduled for interior painting.

**Strack:** Nothing.

**N. ADJOURNMENT!: 7:34 p.m.**

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**Lisa M. Linnet, City Clerk**