



**CITY OF CORNING
SPECIAL CLOSED MEETING MINUTES**

**TUESDAY, SEPTEMBER 14, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All Councilmembers 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.

Public Comments: No comments were received from the public.

C. ADJOURN TO CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9):

People vs. Prather, Case No. 30441, 30418, 30434, 30667, et. seq.

D. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:

Mayor Strack reported that the Council met in closed session with Legal Council and gave him direction. The Council, by consensus, decided not to take any action on Interim Ordinance 637.

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TUESDAY, SEPTEMBER 14, 2010
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E. CALL TO ORDER: 7:30 p.m.

F. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All Councilmembers were present.

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

H. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:

- 1. Proclamation – September 14th – 25th Disabled Veteran's Forget-Me-Not Days in the City of Corning.**

Mayor Strack presented the Proclamation to Chapter Treasurer James Darrow. Mr. Darrow introduced Mr. and Mrs. Bardou, his helpers for tonight who collected donations and dispensed the paper Forget-Me-Nots.

2. September 2010 as National Alcohol and Drug Addiction Recovery Month in the City of Corning and September 18th as Tehama County Recovery Happens Day.

Mayor Strack presented the Proclamation to Sharon Bailey, Vice Chairperson of the Drug and Alcohol Advisory Board, and Patrice Tamp, Supervisor, with Tehama Co Drug and Alcohol Division. Ms. Bailey and Ms. Tamp informed the Council that 2010 is the 8th Anniversary of the Recovery Happens Month and an anniversary celebration will take place at the Red Bluff River Park from 11:00 a.m. to 1:30 p.m. on Saturday, September 18th.

3. Proclamation Designating September 27 2010 as "Family Day...A Day to Eat Dinner with Your Children" in the City of Corning.

City Clerk Lisa Linnet read the Proclamation.

I. BUSINESS FROM THE FLOOR:

Stray/Feral Cats: A member of the audience requested some type of Ordinance to deal with feral or stray cats. This individual stated that this is a continual problem in the City informing the Council that her neighbor has 20 cats. Mayor Strack stated that it is true the City has no Ordinance in place to deal with this; he then asked the Police Chief if there is something that the City can do. Mayor Strack directed Staff to brainstorm and come up with an action plan or possible solution to this problem.

THC: Ken Prather addressed the Council stating that at this point his Collective downtown was raided this past week. He stated that some of the pretense put in the paper was that plants were sold out the back door; that was dealt with earlier this year. The member was arrested by the Tehama County Sheriffs Department and Mr. Prather stated that he had informed Chief Cardenas of this incident himself. Mr. Prather also stated that Julie Johnson put a comment of his in an article in the September 11th edition of the Corning Observer. He stated that he had requested (and has a copy of the email to verify this) that Ms. Johnson verify the comment with his daughter prior to printing, which she did not. He said that he doesn't agree with how the paper reported the incident.

Mr. Prather stated that the Chief stated that he had requested a Search Warrant to enter his Collective; that is a lie, he stated that he has never told the Police that they have to have a Search Warrant to enter that building. This box is proof (he then held up a box filled with citations) that the Police Chief has been in that building everyday without a Search Warrant. Officer Allison, Officer Anderson and another Officer were back in the medicine area within two weeks of that raid. He stated that his Collective has repeatedly asked the City for help in regard to meeting legal and security standards. He stated that the Police Chief has taken the opportunity to enter that building without a Search Warrant and undermine the Staff there to get Police Officers in to show that we are doing something criminal instead of trying to help us prevent criminal activity. He stated he doesn't know why false statements are allowed to be made, why the paper is allowed to misreport things or why this Board can't seem to take action on anything in a timely manner. He said he doesn't know why the City is trying to make criminals of his family. He stated that he has brought everything to the City upfront. He asked for a Permit that they say he hasn't asked for and you have no record of it, he stated where he grows and dispenses the marijuana and where he lives. He stated that he has repeatedly invited members of the Council to tour the Collective and only Councilor Leach has shown up. He stated that the Mayor has come to the front room, but would never go into the medicine room. At this time Ken and Kathy Prather and others in the audience all began speaking at once. Ken Prather stated that it was the City's job to keep the Community safe and he would appreciate it if the Council would direct the Police Chief to help the Collective in that regard from this day forward, he wants to see Police Officers checking things out, see them through the

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

building and see them reassuring medical marijuana patients that they are safe and are not going to be harrassed.

Maegon Prather then addressed the Council stating that Tony (Police Chief) had befriended them all, and Officer Ian Anderson was assisting them with a fraudulent credit card case. She stated that another Officer also has been in the building. She stated that this is putting so much stress on their family; they are willing to work with the City. She stated that during the raid there was harrassment and they were not professional. Mayor Strack stated that we are not trying the case here. Corey Prather stated that they were at his house and a gun was held to his face during this raid. Kathy Prather then loudly stated that her son's accounts were seized, a gun was held to his head. When the Mayor tried to bring order to the meeting Mrs. Prather loudly told him "Mayor Strack you need to stop, she stated that she has had enough and she does not have to stop". She loudly stated that her family was held at gunpoint and handcuffed for five hours. Mayor Strack then asked the Police Chief to remove her from the room.

Maegon Prather then explained why medical marijuana could not be dispensed by a pharmacy; a pharmacy is federally operated and cannot have medical marijuana, a Collective is State regulated; they are the pharmacy for medical marijuana. She asked that everyone work with them and not make them criminals. This will benefit the City and it is what people need. Mayor Strack stated that there is a case pending and we are not going to try it here.

Loves Truck Stop Fundraiser for the Miracle Network Childrens Hospital: Susan Teeder from Loves Truck Stop stated that they are putting on a benefit to sponsor the Miracle Network Childrens Hospital Fund. This event will take place on September 25th at 10:00 a.m. Ms. Teeder challenged the Mayor, Council and Candidates to donate time, either pumping gas, spending time in the dunk tank, etc. She also stated that they will be having a raffle, and are accepting donations of baked goods.

J. **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.

4. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
5. **Waive the Reading and Approve the following Minutes of City Council Meetings with any necessary corrections:**
 - (a) **June 9, 2010 Special City Council Meeting; and**
 - (b) **June 22, 2010 City Council Meeting; and**
 - (c) **August 24, 2010 City Council Meeting.**
6. **September 8, 2010 Claim Warrant - \$217,461.80.**
7. **September 8, 2010 Business License Report.**
8. **August 2010 Building Permit Valuation - \$1,031,900.**
9. **August 2010 – Treasurer’s Report.**
10. **August 2010 Wages and Salaries - \$336,629.37.**
11. **City of Corning Wastewater Operation Summary Report – August 2010.**
12. **Accept Resignation from Library Commissioner Patricia Rasmussen and Appoint Marilyn Bright to the Corning Library Commission to fill the Vacancy.**

13. Approve Resolution 09-14-10-01 Designating a Disabled Parking Space at 817 South Street and Authorize the Installation of a Disabled Parking Sign.

Councilor Leach moved to approve Consent Items 4-13. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None.** Motion was approved by a 4-0 vote with one vacancy remaining on the Council. Mayor Strack clarified that the Disabled Parking Space is specific to the individual at the specified residence.

K. ITEMS REMOVED FROM THE CONSENT AGENDA: None

L. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.** None.

M. REGULAR AGENDA:

14. Application for a "Type 20" Off-Site Beer & Wine License, or a "Type 21" Off-Sale General Alcoholic Beverage Permit License, Finding of Public Convenience or Necessity. Business name and location: Carniceria Mi Pueblo Meat Market, 1321 Solano Street.

Councilor Parkins excused herself stating she would be abstaining from voting on this item due to a possible conflict of interest.

Mayor Strack introduced this item by title and Planning Director John Stoufer briefed the Council on issues relating to this proposed license. Councilor Leach asked if this is really going to enhance his business. Mr. Lince responded stating that it would generate more revenue for the City. Councilor Turner confirmed that there would be no on site consumption and Councilor Leach confirmed that only beer and wine would be sold at this business.

Councilor Turner asked if the applicant would have to come back before the Council for a license for hard liquor sales; he was informed yes.

Councilor Leach asked what would happen if the Council took no action. Planning Director Stoufer stated if Council takes action it would speed up the process for the applicant. City Attorney Fitzpatrick concurred with Mr. Stoufer.

Councilor Turner then moved that the Council take no action and let the process proceed. With no second for the motion it dies for a lack of a second.

Councilor Leach then moved to consider a type 20 (striking the Type 21 General Alcoholic Beverage License) Off-Site Beer and Wine License at the Carniceria Mi Pueblo Meat Market at 1321 Solano Street, and 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 when submitted by Mr. Lince and return it to the State Department of Alcoholic Beverage Control. Mayor Strack seconded the motion. **Ayes: Strack and Leach. Opposed: Turner. Abstain: Parkins. Absent: None. Motion was carried by a vote of 2-1 with Parkins abstaining and one vacancy remaining on the Council.**

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

O. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

Mayor Strack stated that he received a letter from Michael Messmer regarding repairs to North Street.

P. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Council members will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

15. **Turner:** On behalf of Bell Carter he thanked the City for repairs on Fig Lane.
16. **Parkins:** Reminded people of the Prescription Drug Take Back Day, September 25th.
17. **Leach:** Nothing
18. **Strack:** Stated that Council had previously authorized the change from a Public Works employee reading the water meters to having the Community Service Officers read the meters; Mayor Strack complimented them stating that they are doing a great job.

Public Works Director John Brewer stated that following the posting of the Agenda he found out that the City has received \$32,000 in RSTIP funds from the State and would like to be able to do a Change Order allowing the expenditure of these funds for repairs of additional streets. He stated that this would be on the next Council Agenda for approval. He emphasized that Staff is not asking for Council action tonight, however by adding this to the existing contract via a Change Order, the City would save money by not having to readvertise a separate bid, and equipment remobilization costs.

Q. ADJOURNMENT!: 8:20 p.m.

Lisa M. Linnet, City Clerk