



**CITY OF CORNING
CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 9, 2019
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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:** 6:30 p.m.

B. **ROLL CALL:**

Council:

Robert Snow
Jose "Chuy" Valerio
Dave Demo
Karen Burnett
Douglas Hatley Jr.

Mayor:

All members of the City Council were present.

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

D. **INVOCATION:** Led by Mayor Hatley.

E. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

PG&E's Dan Blair presented a PowerPoint presentation on Community Wildfire Safety Program Overview detailing what can be expected with power shut-off.

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

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. **July 3, 2019 Claim Warrant in the amount of \$673,391.77.**
3. **July 3, 2019 Business License Report.**
4. **June Wages & Salaries: \$357,448.99.**
5. **June 2019 Treasurer's Report.**
6. **June 2019 Building Permit Valuation Report in the amount of \$425,652.**
7. **June 2019 City of Corning Wastewater Operations Summary Report.**

City Manager Kristina Miller stated that there was an error on the Claim Warrant, specifically, Sierra Landscape was put on the Warrant in error; it should have been Pestmasters. As a result, \$2,600 was deducted from the Warrant. The new amount was listed on the updated Agenda. No check was paid out; the checks are cut after Council approval. This error was corrected with Finance Accounting Technician Lori Sims.

Councilor Valerio moved to approve Consent Agenda Items 1-7 with the noted correction to the Claim Warrant. Councilor Snow seconded the motion. **Ayes: Hatley, Snow, Valerio, Demo and Burnett. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

H. **ITEMS REMOVED FROM THE CONSENT AGENDA:** None

I. **PUBLIC HEARINGS AND MEETINGS:**

8. Hearing to consider objections/appeals from Property Owners and adopt Resolution 07-09-2019-02 declaring a Public Nuisance on 1 Property located within the City limits and authorizing the Fire Chief and City Clerk to initiate the Abatement Procedures.

City Manager Kristina Miller presented this item stating that this is a Public Hearing to hear objections from the property owner.

With no objections or comments, Council Snow moved for Mayor and Council to adopt Resolution 07-09-2019-02 declaring a public nuisance exists on the one (1) property listed on Exhibit "A", find that such conditions are seasonal and recurrent nuisances; and authorize the Fire Chief and City Clerk to initiate abatement procedures including, but not limited to issuing Misdemeanor Violations and Civil Penalties on this property/parcel as specified in the City's Municipal Code as well as Lien to recoup costs incurred by the City for abatement. Councilor Demo seconded the motion. **Ayes: Hatley, Snow, Valerio, Demo and Burnett. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

J. REGULAR AGENDA:

9. Enact Urgency Ordinance No. 679 adding Chapter 16.40 to the Corning Municipal Code pertaining to the Authority of the City to create Underground Utility Districts

City Attorney Collin Bogener presented this item and stated this is being presented as an Urgency Ordinance due to implications to health and safety. He further stated that only the Ordinance is being discussed tonight; the Resolution(s) naming District(s) will be presented by the Public Works Department and brought to Council on an individual basis. He stated that the first Resolution creating a District will be brought before the Council at the next meeting. Mr. Bogener explained the process of notifying property owners and the procedure to create the District.

City Manager Miller explained how the California Public Utilities Commission (CPUC) Program determines fund accumulation for qualification for funding Underground Utility Districts. She stated that under current guidelines, other Cities now have an opportunity to "steal" our accumulated funds to offset their shelf ready undergrounding projects. This is another reason for the Urgency; we are on a tight timeline to form a District in order to meet requirements that will prevent our accumulated funds from being accessed by another entity. Establishment of a District should protect our accumulated funds. City Manager Miller stated that the District we are considering now is the site for the anticipated Recreation Facility/Park and stated that the utility undergrounding at this site would not take place should the City not be awarded the Prop. 68 Grant and purchase the associated properties.

Councilor Snow asked if the individual property owners would have to bear any cost; he was informed no, this would only move forward as a project if it meets the previously stated criteria and should that be the case, the City would be the property owner. It was clarified that any District created would be done on a project basis by Resolution.

City Manager Miller stated that the City has accumulated about \$500,000 which when discussed with PG&E was not enough to cover even the three (3) poles being researched for the upcoming District. This is a very expensive endeavor. She informed Council that the Park Project, if moving forward, would eliminate three (3) poles and require only one (1) undergrounding.

Councilor Burnett moved to introduce and adopt Urgency Ordinance No. 679, an Urgency Ordinance adding Chapter 16.40 to the Corning Municipal Code pertaining to the authority of the City to create Underground Utility Districts. Councilor Snow seconded the motion. **Ayes: Hatley, Snow, Valerio, Demo and Burnett. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

10. Adopt Resolution 07-09-2019-01, a Resolution declaring a Public Nuisance on 3 Properties within the City and authorized the Fire Chief to initiate Abatement Procedures.

Presented by Fire Chief Tom Tomlinson. A discussion regarding 1392 Link Street and the concern about the safety of the house. It was stated that a Building Permit was pulled in 2018 for an interior remodel. It appears that although the Permit was for interior work, they seem to have removed the siding which has caused the building to lean. Chief Tomlinson stated he has discussed this with the Building Official and they will work together regarding safety moving forward. Council was informed that the remodel permit has not had inspections or movement since it was issued and therefore will be cancelled due to inactivity over 180 days.

Councilor Snow asked if any of these are recurring; the Chief responded stating that he had to abate one last year. He further stated he believes the owner of the property on Butte is deceased but was informed that the son or daughter may handle it. He further stated that last year a new owner that received the abatement letter abated the property at the last minute.

Councilor Snow moved for Mayor and Council to adopt Resolution 07-09-2019-01 declaring a public nuisance exists on the three (3) properties listed on Exhibit A, find that such conditions are seasonal and recurrent nuisances, and authorize the Fire Chief to initiate abatement procedures on these properties/parcels as outlined in the City's Municipal Code. Councilor Burnett seconded the motion. **Ayes: Hatley, Snow, Valerio, Demo and Burnett. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

Chief Tomlinson again thanked Councilor Demo and Delores May for the American Flags placed on Solano Street and noted how nice they looked (which was applauded by those present).

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).

Snow: None

Valerio: None

Demo: None

Burnett: Announced the Food Truck Tuesday Event to take place next week.

Hatley: None

N. ADJOURNMENT!: 7:18 p.m.

Lisa M. Linnet, City Clerk