



**CITY OF CORNING
CITY COUNCIL MEETING AGENDA
TUESDAY, JANUARY 23, 2024
CITY COUNCIL CHAMBERS
794 THIRD STREET**

This is an Equal Opportunity Program; Federal Law prohibits discrimination. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250. In compliance with the Americans with Disabilities Act and Title VI. If you need special assistance or translation services to participate in this meeting, please contact the City Clerk's Office at 530/824-7033 or via email at llinnet@corning.org. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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

B. **ROLL CALL:**

Council: Dave Demo
Jose "Chuy" Valerio
Shelly Hargens
Lisa Lomeli
Mayor: Robert Snow

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

D. **INVOCATION:** Led by Councilwoman Shelly Hargens.

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

1. Corning Fire Department recognition from the Society for the Preservation and Appreciation of Antique Motor Fire Apparatus in America presented by Ed Hass.

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.

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. January 18, 2024 Claim Warrant in the amount of \$332,959.05.
4. January 18, 2024 Business License Report.
5. Second reading and adoption of Ordinance 705 to amend Title 17 Zoning of the City of Corning Municipal Code.

H. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

I. **PUBLIC HEARINGS AND MEETINGS:**

6. Consideration and adoption of extension of an adopted urgency ordinance of the Corning City Council establishing a temporary moratorium on the approval of permits and licenses for mobile food trucks.

J. **REGULAR AGENDA:**

7. Approve notice of termination of subdivision agreement
8. Approve assignment from Joi Gonzalez to Angel McBrayer Mason for the commercial lease of the real property portion of the Transportation Center Building and direct City Attorney to prepare the assignment.

K. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

L. **COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:**

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).

Demo:

Valerio:

Hargens:

Lomeli:

Snow:

N. ADJOURNMENT:

POSTED: FRIDAY, JANUARY 19, 2024

**MEMORANDUM**

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Lori Sims
Accounting Technician

DATE: January 18, 2024

SUBJECT: Cash Disbursement Detail Report for the
Tuesday January 23, 2024, Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A. Cash Disbursements	Ending 01-18-24	\$ 251,050.45
B. Payroll Disbursements	Ending 01-11-24	\$ 81,908.60
GRAND TOTAL		<u>\$ 332,959.05</u>

REPORT.: Jan 18 24 Thursday
 RUN....: Jan 18 24 Time: 15:54
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-24 thru 01-24 Bank Account.: 1020

PAGE: 001
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
036332	01/08/24	PGE00	PG&E	-31.13	231218Cu	Ck# 036332 Reversed
036340	01/10/24	CAM02	FERGUSON ENTERPRISES INC.	-150.85	1833223u	Ck# 036340 Reversed
036396	01/04/24	CIT03	CITY OF CORNING	67.39	240104	CDBG CV2&3-ASST-EMERGENCY RESP (STEPHANIE GEARY)
036397	01/04/24	OLI07	OLIVE PALMS MHC	528.05	240103	CDBG CV2&3-ASST-EMERGENCY RESP (JAVIER MORENO V.)
036398	01/04/24	PGE00	PG&E	142.61	240104	CDBG CV2&3-ASST-EMERGENCY RESP (STEPH&BRIAN GEARY)
036399	01/04/24	STR14	STROUD, TRAVIS & KELLI	1790.00	240104	CDBG CV2&3-ASST-EMERGENCY RESP (STEPH&BRIAN GEARY)
036400	01/04/24	USD01	USDA-RD	911.80	240103	CDBG CV2&3-ASST-EMERGENCY RESP (ELIA MARIN A)
036401	01/04/24	CIT03	CITY OF CORNING	90.39	240103	CDBG CV2&3-ASST-EMERGENCY RESP (ELIA MARIN A)
036402	01/08/24	PGE00	PG&E	31.13	231218S	CDBG CV2&3-ASST-EMERGENCY RESP (ROCHELL SMITH)
036403	01/08/24	WAL12	WALDOW, JENNIFER	300.00	3626	REIMBURSE DEPOSIT-RODGERS THEATRE RENTAL
036404	01/10/24	ATT17	AT&T	123.05	231231	COMMUNICATIONS-FIRE
036405	01/10/24	CAL45	CAL FIRE	6585.32	1556599	CLEANING CONTRACT-STR
036406	01/10/24	CAR12	CARREL'S OFFICE SOLUTIONS	18.31	AR60889	MAT & SUPPLIES-LIBRARY
036407	01/10/24	CHI06	CHICO POWER EQUIPMENT	170.29	445652	MAT & SUPPLIES-PARKS
036408	01/10/24	COA06	COAR DESIGN GROUP	65788.80	22066	PROP 68 PRE CONSTR-CITY PLAZA & REC CENTER
036409	01/10/24	COM14	COMCAST	146.07	240109	CDBG CV2&3-ASST-EMERGENCY RESP (KATIE STRICKLAND)
036410	01/10/24	ENG00	ENGINEERED FIRE SYSTEMS,	375.00	21007	PROF SVCS-BLD & SAFETY
036411	01/10/24	FER02	FERGUSON WATERWORKS #1423	150.85	1833223	MAT & SUPPLIES-SWR
036412	01/10/24	FIR05	FIRST NATIONAL BANK OMAHA	383.50	231228	CREDIT CARD CHARGES-
036413	01/10/24	FIR11	FIRST NATIONAL BANK OMAHA	181.62	231228	CREDIT CARD CHARGES-
036414	01/10/24	FIR13	FIRST NATIONAL BANK OMAHA	1730.27	12282023	CREDIT CARD CHARGES-
036415	01/10/24	FIR20	FIRST NATIONAL BANK OMAHA	941.62	231228	CREDIT CARD CHARGES-
036416	01/10/24	FMR01	FM RICHELIEU ENGINEERING	1100.00	231227	PROF SVCS-BLD & SAFETY
036417	01/10/24	INF00	INFRAMARK, LLC	75263.50	107453	PROF SVCS-WWTP
036418	01/10/24	LEA01	LEAGUE OF CALIFORNIA CITI	5585.00	11704B1S1	ASSOC DUES-CITY COUNCIL
036419	01/10/24	NOR47	NORTHSTAR	7987.50	81880	PROF SVCS-PW ADMIN
036420	01/10/24	NOR52	NORTH STATE PAINTING	12500.00	1101	AWNING/DOWNTOWN ARPA (GRANT PYMT #3)
036421	01/10/24	PAC29	PACE ANALYTICAL SERVICES,	234.56	240011928	PROF SVCS-WTR DEPT
036422	01/10/24	PGE00	PG&E	2000.00	240109	CDBG CV2&3-ASST-EMERGENCY RESP (SANDRA INGLES)
036423	01/10/24	PGE01	PG&E	1822.26 414.58	240103 240103A	ELECT- ELECT-
			Check Total.....	2236.84		
036424	01/10/24	PGE04	PG&E	719.16	230103	TranspFacility-
036425	01/10/24	PGE05	PG&E	3097.47	240103	FIRE-ELECT & GAS
036426	01/10/24	RED00	RED BLUFF DAILY NEWS	246.81	00296055	PRINT/ADVERT-CITY CLERK
036427	01/10/24	SAL02	SALADO ORCHARD APARTMENTS	1024.00	240109	CDBG CV2&3-ASST-EMERGENCY RESP (KATIE STRICKLAND)
036428	01/10/24	SCH01	LES SCHWAB TIRE CENTER	1248.70	00493057	VEH OP/MAINT-POLICE
036429	01/10/24	SEI01	SEILER, ROY R., CPA	3504.00	30576	PROF SVCS-FINANCE
036430	01/10/24	TEH13	TEHAMA CO AUDITOR	62.50	231231	PkngCiteToCnty Police Ser
036431	01/10/24	THE10	THE EMBROIDERY SHOPPE	30.00	525	UNIFORMS/CLOTH-POLICE
036432	01/10/24	THO01	THOMES CREEK ROCK CO	571.79	240102	MAT & SUPPLIES-
036433	01/10/24	TPX00	TPX COMMUNICATIONS	1133.60	176582206	COMMUNICATIONS-
036434	01/10/24	UBE00	UBEO WEST LLC	27.96 27.96	4335382 4366084	EQUIP MAINT-DISPATCH EQUIP MAINT-DISPATCH
			Check Total.....	55.92		
036435	01/10/24	PGE00	PG&E	259.27	240109S	CDBG CV2&3-ASST-EMERGENCY RESP (KATIE STRICKLAND)
036436	01/16/24	ARM02	ARMSTRONG	9463.60 12035.00	216745-23 237006-23	AIRPORT 21 TASK B-AIRPORT PAPI AIRPORT-AIRPORT (TASK E)

REPORT.: Jan 18 24 Thursday
 RUN....: Jan 18 24 Time: 15:54
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-24 thru 01-24 Bank Account.: 1020

PAGE: 002
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
			Check Total.....	21498.60		
036437	01/16/24	BIG02	BIG VALLEY SANITATION, IN	241.00	128143	CLEANING CONTRACT-STR
				125.00	128147	BLD MAINT-SENIOR CENTER
			Check Total.....	366.00		
036438	01/16/24	DUT00	DUTCH BOY GRAPHICS	1673.10	340111	MAT & SUPPLIES-REC
036439	01/16/24	FIR16	FIRST NATIONAL BANK OMAHA	1201.96	231228	MAT & SUPPLIES-
036440	01/16/24	LAC01	LACY, CLINT	500.00	240113	REC INSTRUCTOR-REC
036441	01/16/24	PAY01	PAYGOV.US LLC	2681.45	1318	BANKG/FEES/CHRG-
036442	01/16/24	QUI02	QUILL CORPORATION	48.68	36347770	OFFICE SUPPLIES-FIRE
036443	01/16/24	RIV02	RIVERVIEW INTERNATIONAL,	470.90	147786	VEH OP/MAINT-FIRE
036444	01/16/24	COR11	CORNING SAFE & LOCK	11.58	9430	MAT & SUPPLIES-ACO
036445	01/16/24	DEP12	DEPT OF JUSTICE	662.00	704717	PROF SVCS-POLICE
036446	01/16/24	PGE00	PG&E	103.09	240116	CDBG CV2&3-ASST-EMERGENCY RESP (TOMMY COLSON)
036447	01/16/24	QUI02	QUILL CORPORATION	11.84	36350510	MAT & SUPPLIES-POLICE
				751.95	36412759	OFFICE SUPPLIES-
			Check Total.....	763.79		
036448	01/16/24	STE10	STERICYCLE, INC.	970.05	800587826	PROF SVCS-DISPATCH
036449	01/16/24	TEH12	TEHAMA CO ASSESSOR	44.81	2024/1-10	PRINT/ADVERT-CITY CLERK
036450	01/16/24	VAL13	VALLEY TERRACE APARTMENTS	297.00	240116	CDBG CV2&3-ASST-EMERGENCY RESP (TOMMY COLSON)
036451	01/16/24	VER02	VERIZON WIRELESS	228.06	995312536	PROP 30-MDC
036452	01/16/24	WAL02	WALKER PRINTING	191.98	44106	PRINT/ADVERT-DISPATCH
036453	01/18/24	ATT13	AT&T	723.89	240111	COMMUNICATIONS-DISPATCH
036454	01/18/24	BDI00	BDI	212.49	503514249	Material/Supplies-
036455	01/18/24	COM06	COMCAST	13.28	240109	Communications-PW Admin
036456	01/18/24	COP02	COPY CENTER	79.28	22701	Office Supplies-PW Admin
036457	01/18/24	COR11	CORNING SAFE & LOCK	23.97	9429	Mat/Supplies-Wtr
036458	01/18/24	ECO05	ECORP CONSULTING, INC.	4050.00	102180	PROF SVCS-PLANNING
036459	01/18/24	GRA02	GRAINGER, W.W., INC	70.08	961161719	Material/Supplies-Bld Maint
036460	01/18/24	KNI00	KNIFE RIVER CONSTRUCTION	683.99	298181	A/C Citywide-Streets
036461	01/18/24	LAC01	LACY, CLINT	100.00	240113A	REC INTSRUCTOR-REC
036462	01/18/24	PAC29	PACE ANALYTICAL SERVICES,	234.56	240028228	ProfServices Water Dept
				362.15	240028328	ProfServices Water Dept
			Check Total.....	596.71		
036463	01/18/24	QUI02	QUILL CORPORATION	22.62	174913138	Office Supplies-
036464	01/18/24	RES04	RESERVE ACCOUNT	3000.00	240111	Communications-
036465	01/18/24	ROD10	RODRIGUEZ, JESENIA	1290.00	240115	Rec Coordinator-Rec
036466	01/18/24	SUN16	SUNBEAM SOLAR OPERATIONS	6139.34	100213699	Elect-
036467	01/18/24	VAL11	VALLEY PACIFIC PETROLEUM	1118.16	24-721768	Material/Supplies-
				78.88	24-721770	VEH OP/MAINT-FIRE
			Check Total.....	1197.04		
			Cash Account Total.....	251050.45		
			Total Disbursements.....	251050.45		

			Cash Account Total.....	.00		

REPORT.: Jan 18 24 Thursday
 RUN...: Jan 18 24 Time: 15:54
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 01-24 thru 01-24 Bank Account.: 1025

PAGE: 003
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
14216	01/11/24	BAN03	POLICE OFFICER ASSOC.	200.00	C40109	POLICE OFFICER ASSOC
14217	01/11/24	EDD01	EMPLOYMENT DEVELOPMENT	5856.35 929.57 1548.15 251.98	C40109 C40110 1C40109 1C40110	STATE INCOME TAX STATE INCOME TAX SDI SDI
			Check Total.....	8586.05		
14218	01/11/24	FED00	FEDERAL PAYROLL TAXES (EF	15117.23 2733.93 17128.58 2840.40 4055.66 664.28	C40109 C40110 1C40109 1C40110 2C40109 2C40110	FEDERAL INCOME TAX FEDERAL INCOME TAX FICA FICA MEDICARE MEDICARE
			Check Total.....	42540.08		
14219	01/11/24	MIS03	MISSIONSQUARE - PLAN#3020	598.99 122.50	C40109 1C40109	MISSIONSQUARE 457 MISSIONSQUARE 457 ER
			Check Total.....	721.49		
14220	01/11/24	PERS1	PUBLIC EMPLOYEES RETIRE	24870.35 .00	C40109 C40110	PERS PAYROLL REMITTANCE PERS PAYROLL REMITTANCE
			Check Total.....	24870.35		
14221	01/11/24	PERS4	Cal Pers 457 Def. Comp	2035.08 355.00	C40109 1C40109	PERS DEF. COMP. PERS DEF. COMP. ER P
			Check Total.....	2390.08		
14222	01/11/24	VAL06	VALIC	2362.54 238.01	C40109 1C40109	AIG VALIC P TAX AIG VALIC P TAX ER P
			Check Total.....	2600.55		
			Cash Account Total.....	81908.60		
			Total Disbursements.....	81908.60		

Date.: Jan 18, 2024
 Time.: 4:21 pm
 Run by: LORI SIMS

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
 List.: NEWB
 Group: WTFMBM

Business Name	Address	CITY/STATE/ZIP	Business Desc	Bus Start Date
AFM ENVIRONMENTAL IN	752 NORTHPORT DRIVE	WEST SACRAMENTO, CA 95691	DEMOLITION OF HOMES FOR GROCERY OUTLET	01/09/24
AMERICAN RIVER CAULK	44 N CANYON WAY	COLFAX, CA 95713	CAULKING CONTRACTOR	01/10/24
FRYER DOOR INSTALLAT	1905 BUENA VISTA DR.	MANTECA, CA 95337	INSTALLATION OF DOORS, FRAMES & HARDWARE	01/10/24
JMC GENERAL CONSTRUC	926A DIABLO AVE #252	NOVATO, CA 94947	GENERAL CONTRACTOR	01/16/24
LEGACY WIRELESS, INC	15580 SE FOR MOR CT	CLACKAMAS, OR 97015	GENERAL BUILDING	01/17/24
NUWAVE INTERNATIONAL	2450 BOATMAN AVE	W. SACRAMENTO, CA 95691	GENERAL CONTRACTOR	01/17/24
SERVICIO DE LIMPIEZA	23720 MCLANE AVE	CORNING, CA 96021	RESIDENTIAL CLEANING SERVICE	01/05/24
SKYLINE SMART ENERGY	10642 DOWNEY AVE UNIT 205	DOWNEY, CA 90241	RESIDENTIAL SOLAR CONTRACTOR	01/11/24
SMOKE HUT	951 HIGHWAY 99W #105	CORNING, CA 96021	TOBACCO PRODUCTS	01/05/24
THE SHABBY MINING CO	1301A SOLANO ST	CORNING, CA 96021	ANTIQUE, VINTAGE MERCHANDISE	01/05/24
THE PLASTER GROUP, I	2351 SUNSET BLVD,	ROCKLIN, CA 95765	LATH & PLASTER CONTRACTOR	01/09/24
TOTAL SITE MAINTENAN	8321 GALENA AVE.	SACRAMENTO, CA 95828	SUBCONTRACTOR	01/10/24

ORDINANCE NO. 705

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING
AMENDING TITLE 17 ZONING OF THE CITY OF CORNING MUNICIPAL CODE**

WHEREAS, the Zoning Ordinance of the City of Corning was adopted in 1959, (Ordinance 153) and subsequently amended; and,

WHEREAS, on September 8, 2015 the Corning City Council certified the EIR prepared for, and adopted, the 2014-2034 Corning General Plan; and,

WHEREAS, the present zoning of the parcels under consideration is, C-2, R-3 and,

WHEREAS, the property owners designed for rezoning have been notified by mail of the proposed action and,

WHEREAS, the parcels 071-136-001 – 071-136-011 proposed for Rezoning pursuant to Rezone 2024-01 are consistent with the Land Use Diagram of the 2014-2034 Corning General Plan,
and,

WHEREAS, the parcel 071-134-008 proposed for Rezoning pursuant to Rezone 2024-01 is not consistent with the Land Use Diagram of the 2014-2034 Corning General Plan, and will require a General Plan Amendment. Resolution 01-09-2024-02.

WHEREAS, the parcels 071-136-005 through 011 and 071-134-008 proposed for rezoning are listed in Appendix A of the 2014-2034 Corning General Plan; and,

WHEREAS, the Planning Commission reviewed the proposed zoning ordinance amendment at their regular meeting of November 21, 2023 and recommended that the City Council amend the Zoning Ordinance to reflect the proposed changes.

NOW, THEREFORE, the City Council of the City of Corning does ordain as follows:

1. This rezone for parcels 071-134-001 – 017-134-011 is consistent with the 2014-2034 Corning General Plan.
2. This rezone for parcel 071-134-008, is not consistent with the 2014-2034 Corning General Plan and will require a General Plan amendment, Resolution 01-09-2024-02.
3. Ordinance 705 has been previously analyzed and adopted June 26, 2019, with a NOC (Notice of Completion) SCH# 2019069102, CEQA pursuant to Section 15332 of CEQA and its Guidelines; and

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Corning held on January 9, 2024, and adopted at a regular meeting of the City Council of the City of Corning held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

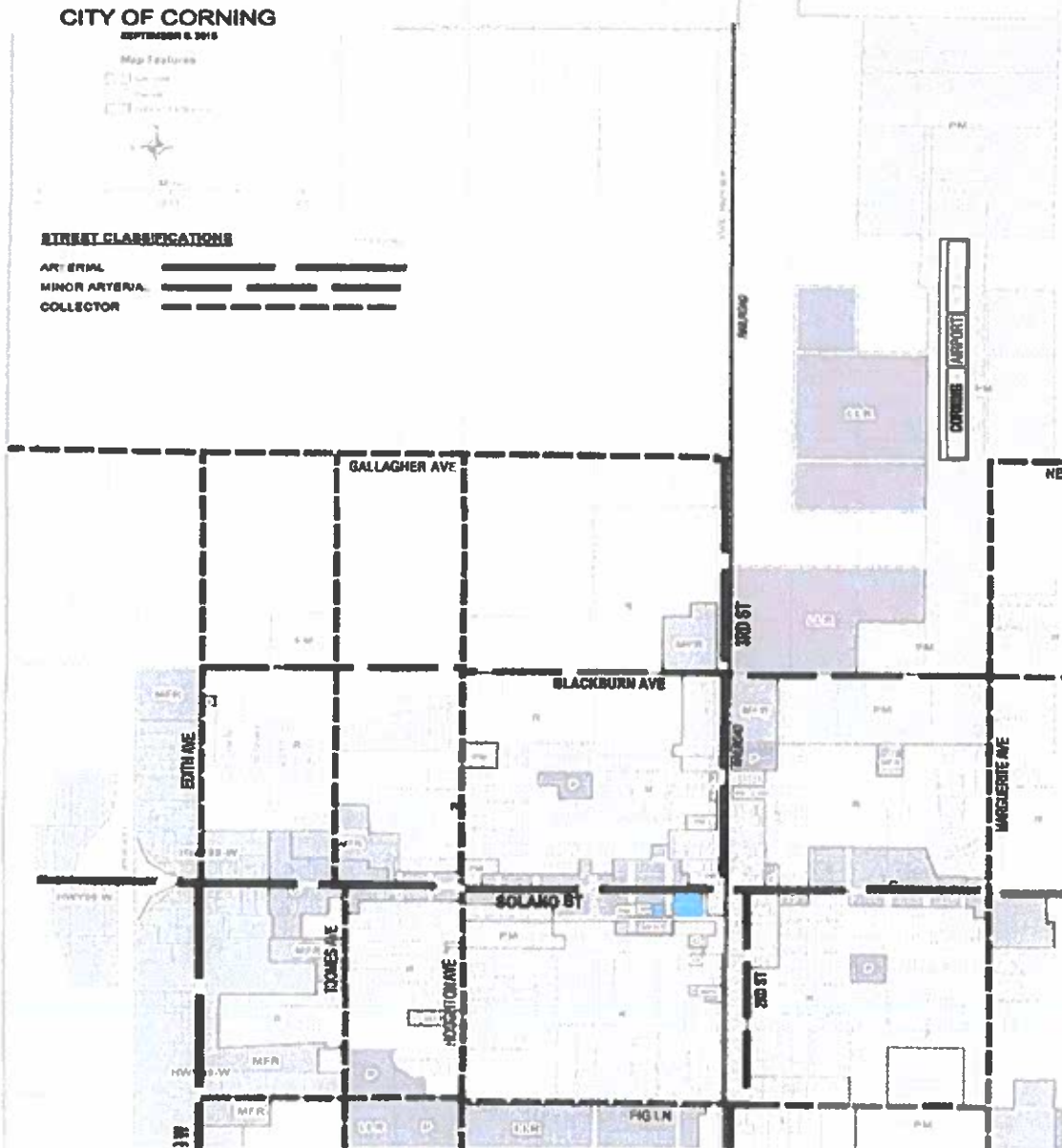
ABSENT:

Robert Snow, Mayor

Lisa M. Linnet, City Clerk

City of Corning-Ordinance No. 705 Rezone No. 2024-01; Sectional District Map Being a Portion of Corning City Code Section 17.080.020 (214)

GENERAL PLAN CIRCULATION




C-1 Neighborhood Business District R-1 Single Family Residence District
 C-2 Central Business District R-3 Neighborhood Apartment District
 C-3 General Commercial District R-4 General Apartment District
 PQ Quasi-Public Use District

Introduced on January 9, 2024 and to be adopted by action of the Corning City Council on January 23, 2024.

**ITEM NO.: I-6
CONSIDERATION AND ADOPTION OF
EXTENSION OF AN ADOPTED URGENCY
ORDINANCE OF THE CORNING CITY
COUNCIL ESTABLISHING A TEMPORARY
MORATORIUM ON THE APPROVAL OF
PERMITS AND LICENSES FOR MOBILE
FOOD TRUCKS**

January 23, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: BRANT MESKER, CITY MANAGER 
COLLIN BOGENER, CITY ATTORNEY

SUMMARY:

Pursuant to Government Code section 65858, the City Council may extend the moratorium on the issuance of permits and licenses for mobile food trucks an additional 22 months and 15 days to enable staff to amend the ordinance to further the City's preservation of the health, safety, and welfare of the community. The initial urgency ordinance only remains in effect for a 45-day period and would expire if not extended through this proposed action.

BACKGROUND:

On December 12, 2023, the Corning City Council adopted Urgency Ordinance No. 706 placing a moratorium on the issuance of permits and licenses for the operation of mobile food trucks within the city limits. Due to health, safety, and welfare concerns, city staff determined that the current ordinance in effect needed to be amended. The goal is to review the ordinance both at staff level, and with the appointed and elected officials, before bringing a proposed amendment back for approval. As part of the amendment, sidewalk vending would be separated from mobile food trucks, so that each type of vendor is regulated in a different manner. This is necessary due to different treatment on the state level.

An urgency ordinance for the moratorium is permitted under Government Code section 65858. The initial urgency ordinance will remain in effect for a period of 45-days at which time it may be extended for up to 22 months and 15 days by a subsequent action, approved by a 4/5 vote. If approved, this extension would immediately go into effect.

Even though the extension is for a significant period of time, staff intends to have the proposed amended ordinance in front of the Planning Commission and City Council within the next two months. Staff has already conducted a workshop with the two legislative bodies on January 16, 2024 and is working on the changes.

This moratorium will not prohibit the currently permitted business to operate and they will continue to operate under the present ordinance.

FINANCIAL:

The City will not receive the fee for any license/permit during the moratorium, but will also not have costs related to staff time processing and enforcing new permits.

RECOMMENDATION:

MAYOR AND CITY COUNCIL:

- 1) APPROVE EXTENSION OF AN ADOPTED URGENCY ORDINANCE OF THE CORNING CITY COUNCIL ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF PERMITS AND LICENSES FOR MOBILE FOOD TRUCKS;
- 2) DIRECT CITY CLERK TO READ BY TITLE ONLY.

ORDINANCE NO. 707

AN URGENCY ORDINANCE OF THE CITY OF CORNING PURSUANT TO GOVERNMENT CODE SECTION 65858 EXTENDING URGENCY ORDINANCE NO. 706 ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF PERMITS OR LICENSES FOR MOBILE FOOD TRUCKS AND ADOPTING FINDINGS OF URGENCY

WHEREAS, Government Code Section 36937 provides a City with general authority to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council; and

WHEREAS, on December 12, 2023, City Council considered an urgency ordinance after which Council adopted Urgency Ordinance No. 706 establishing a temporary moratorium on the issuance of mobile food truck permits and licenses for the preservation of the public health, safety, and welfare; and

WHEREAS, Section 65858(a) of the California Government Code provides that Ordinance No. 706 shall expire and be of no further force and effect forty-five (45) days from its date of adoption; and

WHEREAS, Section 65858(b) of the California Government Code provides that prior to its expiration, the City Council may extend Ordinance No. 706 for up to an additional twenty-two (22) months and fifteen (15) days, by a four-fifths vote; and

WHEREAS, the City Council has directed City staff to research, analyze, prepare and present proposed regulations for the enforcement of mobile food trucks, and staff has subsequently held a workshop to discuss the proposed regulations; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, safety, and welfare as failure to adopt this urgency ordinance could result in nuisance conditions and zoning violations; and

WHEREAS, the City Council now seeks to extend Urgency Ordinance No. 706 of the City Council continuing temporary moratorium for the issuance of permits and licenses for mobile food trucks; and

WHEREAS, the City Council has determined there is a need to extend Ordinance No. 706 at least until June 30, 2024, as authorized under section 65858(b) of the California Government Code; and

WHEREAS, this Urgency Ordinance is not subject to the California Environmental Quality Act under the general rule in CEQA Guidelines Section 15061(b)(3) requiring that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Based on the facts set forth in this Urgency Ordinance, there is no possibility that this Urgency Ordinance would have a significant effect on the environment; and

WHEREAS, adoption of this Urgency Ordinance shall constitute an extension of Urgency Ordinance No. 706 pursuant to section 65858 of the California Government Code;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Corning as follows:

SECTION 1. FINDING.

1. The above recitals are true and correct and incorporated herein by this reference.
2. The City Council of the City of Corning hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this extension of Urgency Ordinance No. 706, which finding is based upon the facts stated in the Recitals in the Urgency Ordinance No. 706 and the accompanying staff report, on the Recitals stated above, and the accompanying staff report to this Urgency Ordinance, as well as any oral and written testimony at the January 23, 2024 City Council meeting. This Urgency Ordinance is declared by the City Council to be an interim urgency measure necessary for the immediate preservation of the public peace, health, safety, and/or welfare. The facts constituting such urgency are all of those certain facts set forth and referenced in this Urgency Ordinance and the entirety of the record before the City Council.
3. This Ordinance is not subject to the California Environmental Quality Act under the general rule in CEQA Guidelines Section 15061(b)(3) requiring that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Based on the facts set forth in this Ordinance, there is no possibility that this ordinance would have a significant effect on the environment.

SECTION 2. APPLICABILITY. Notwithstanding any provision of the Corning Municipal Code, this ordinance shall apply to all new license or permit applications submitted to the City after the effective date of this Ordinance for the operation of Mobile Food Trucks within the City.

SECTION 3. TEMPORARY MORATORIUM. The following Temporary Moratorium shall be adopted as an Urgency Ordinance pursuant to California Government Code section 65858:

Within the boundary of the City, there shall be a Temporary Moratorium in effect, commencing on the effective date of this Ordinance, prohibiting any approval or issuance of a license or permit for the operation of a mobile food vendor.

SECTION 4. PLANNING STUDIES. City staff shall continue the studies they deem necessary and appropriate to make a recommendation to the City Council regarding any regulations governing the approval of and regulation of the operation of Mobile Food Trucks within the City.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths (4/5) vote of the City Council. This Interim Moratorium shall remain in effect until at least June 30, 2024 unless extended in accordance with California Government Code section 65858 or permanent regulations are adopted to address the public safety issues related to Mobile Food Trucks.

SECTION 6. CEQA. The City Council finds and determines for the reasons stated in the recitals, that adoption of this Ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) of the CEQA Guidelines.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 23rd day of 2024

AYES:

**NOES:
ABSTAIN:
ABSENT:**

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

ITEM NO.: J-7
APPROVE NOTICE OF TERMINATION OF
SUBDIVISION AGREEMENT
January 23, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: BRANT MESKER, CITY MANAGER *BM*
COLLIN BOGENER, CITY ATTORNEY

SUMMARY:

A Subdivision Agreement was recorded in 1997 imposing numerous conditions of approval on the developer of the property located on Solano Street between East Street and Peach Street (the "Property"). All of those conditions were met many years ago, and the property owner has asked that the City remove the Subdivision Agreement from the title to the property, so that they can provide a clear and marketable title to a buyer of the Property.

BACKGROUND:

On April of 1997, the City of Corning and John Eller entered into a Subdivision Agreement, which was recorded on April 28, 1997. The agreement was made in connection with the approval of Final Parcel Map 97-5, which imposed numerous conditions of approval, including construction of public improvements, dedication of a portion of Peach Street, utility and drainage easements, and zoning compatibility, among other requirements. Those conditions of approval were accomplished by the owner of the Property, but the Subdivision Map remains on title.

The current owners of the Property would like to sell to an interested third party. They have requested that the City execute a Notice of Termination of Subdivision Agreement, which would remove the 1997 document from title. This would allow the current owner to transfer clear and marketable title to the interested buyer.

FINANCIAL:

There is no financial impact to the proposed action.


RECOMMENDATION:

MAYOR AND CITY COUNCIL:

APPROVE NOTICE OF TERMINATION OF SUBDIVISION AGREEMENT

**ITEM NO.: J-8
APPROVE ASSIGNMENT FROM JOI
GONZALEZ TO ANGEL MCBRAYER MASON
FOR THE COMMERCIAL LEASE OF THE
REAL PROPERTY PORTION OF THE
TRANSPORTATION CENTER BUILDING
AND DIRECT CITY ATTORNEY TO
PREPARE THE ASSIGNMENT**

January 23, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: BRANT MESKER, CITY MANAGER 
COLLIN BOGENER, CITY ATTORNEY

SUMMARY:

The City received a letter from Joi Gonzalez, current tenant at the Transportation Center Building located at 1081 Solano Street. The business currently occupying the space is known as McBrayer's Hometown Café. Ms. Gonzalez is requesting the lease for the real property space with the City be amended to allow her sister Angel McBrayer Mason to assume the lease. Ms. Gonzalez wishes to transfer ownership of the business to her sister.

Staff recommends amending the tenant name to Angel McBrayer Mason while leaving the terms the same in the lease agreement.

BACKGROUND:

On November 14, 2017, a commercial lease of real property was signed by the City for a 10 year term. The Lease commenced on December 1, 2017, and is set to terminate November 30, 2027. The lease allows for the use of the 1,750 square feet restaurant portion of the Transportation Center Building.

FINANCIAL:

The 10 year lease includes a 2.5% increase each year. The schedule of rent by the tenant to the city is due on a biannual basis on March 1 and August 1 of each year.

RECOMMENDATION:

MAYOR AND CITY COUNCIL:

**APPROVE ASSIGNMENT FROM JOI GONZALEZ TO ANGEL MCBRAYER
MASON FOR THE COMMERCIAL LEASE OF THE REAL PROPERTY
PORTION OF THE TRANSPORTATION CENTER BUILDING AND DIRECT
CITY ATTORNEY TO PREPARE THE ASSIGNMENT**