



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, APRIL 10, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 7:30 p.m.

B. ROLL CALL:

Councilmember:

Hill
Dickison
Zuniga
Turner
Strack

Mayor:

All Council members were present.

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

City Manager Stephen Kimbrough led the Pledge of Allegiance.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS:

1. April 2007 National Volunteer Month in the City of Corning.

Deputy City Clerk Rhonda Stout Davies read the Proclamation. Linda Lima and members of the Senior Center were present to accept the Proclamation from Mayor Strack.

2. Public Safety Telecommunications Week, April 8, 2007 through April 14, 2007.

Deputy City Clerk Rhonda Stout Davies read the Proclamation. Police Chief Tony Cardenas was present to accept this Proclamation on behalf of the City Dispatchers from Mayor Strack.

3. April 2007 Child Abuse Prevention Month.

Deputy City Clerk Rhonda Stout Davies read the Proclamation. Delores and Gene May were present to accept the Proclamation from Mayor Strack on behalf of the Corning Exchange Club.

E. ROSE TOBISCH, CORNING HIGH SCHOOL LIAISON REPORT: Not present.

F. BUSINESS FROM THE FLOOR:

Gary Price addressed the City Council regarding his alleged "false arrest". He stated that he had filed a claim against the City which was rejected. Mayor Strack advised Mr. Price to address the Council, not the audience. He stated that he was going to file a federal lawsuit against the City in the amount of 1.5 million dollars. He stated that he was going to the Federal Grand Jury and the US Attorney's office. He stated that when he files the federal lawsuit, he will also file a request for documents.

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.

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 Minutes of the March 13, 2007 City Council Meeting with any necessary corrections.**
6. **Waive the reading and approve the Minutes of the March 27, 2007 City Council meeting with any necessary corrections.**
7. **April 4, 2007 Claim Warrant - \$403,968.43.**
8. **March 2007 Wastewater Treatment Plant Summary Report.**
9. **March 2007 Building Permit Valuations - \$942,695.**
10. **March 2007 Treasurer's Report.**
11. **March 2007 Wages and Salaries - \$410,958.82.**
12. **Business License Report, April 4, 2007.**
13. **Approve Resolution No. 04-10-04-02 Adopting Street Light Standards for the City of Corning, and adding these Standards to the City's existing Public Works Construction Specifications and Standard Details.**
14. **Approve Resolution No. 04-10-04-03 Adopting Handicap Standards & adding these Standards to the City's existing Public Works Construction Specifications and Standard Details.**
15. **Authorization to Purchase Police Vehicles.**
16. **Approval of Partial Payment No. 2 in the amount of \$82,578.40 for the Safe Routes to School Project.**

Mayor Strack introduced each Consent Agenda Item by title and asked if any of the Council or members of the audience would like to remove any item for further discussion. With no response, Mayor Strack called for a motion. Councilor Turner motioned approval of Consent Agenda Items 4-16. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. 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.

17. **Resolution No. 04-10-07-01; a Resolution Vacating certain unconstructed portions of Blossom and Orange Avenues within and adjacent to the Shasta View Tract and accept offers of property to relocate and widen Blossom Avenue right of way.**

Mayor Strack introduced this item by title and asked Planning Director John Brewer to give a brief summary of this item. Mr. Brewer stated that this is a proposal to vacate and relocate Blossom Avenue to facilitate development on the old Shasta View Tract. It relates to the next Agenda Item as well and is pretty straightforward, he would be happy to answer any questions the Council might have.

Mayor Strack declared the Public Hearing open. Councilor Turner acknowledged that he had attended the Planning Commission meetings for Items 17, 18, and 19, however he communicated with no one attending these meetings and sat by himself off to the side of the room so that there was no inference to anyone attending.

Mayor Strack asked if anyone from the audience wanted to address this item. With no response, Mayor Strack closed the Public Hearing.

Mayor Strack called for comments from the Council. Mr. Brewer pointed out that the primary reason for this relocation and vacation of the right-of-way is to provide additional separation between the Jewett Creek Bridge on Toomes Avenue and the intersection of Blossom Avenue. By this vacation and relocation, it will actually amount to an orderly shift of that right-of-way of about 85 feet and therefore provide additional sight distance for vehicles coming over that verticle curve on the Jewett Creek Bridge. Mayor Strack also stated that the one street dead-ends into the Creek.

Mayor Strack then called for a motion. Councilor Dickison motioned for the City to accept the property offered in the attached Grant Deeds to relocate and widen Blossom Avenue Right-of-Way, and make the following four Findings and Adopt Resolution No. 04-10-07-01, a Resolution vacating certain unconstructed Blossom and Orange Avenue Rights-of-Way. Councilor Zuniga seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

18. Tentative Tract Map 07-1001, Self-Help Home Improvement Project; to create 8 Single-Family Residential parcels in an R-1-2 Zoning District, located on the west side of Toomes Avenue and south of Blossom Avenue, APN 71-204-08 (Portions) and 71-205-10 & 11; approximately 1.25 acres.

Mayor Strack introduced this item by title and asked Planning Director John Brewer to give a brief summary on this project. Mr. Brewer stated that this project affects the recently vacated property and is a proposal by SHHIP (Self Help Home Improvement Project) to create 8 parcels. He stated that visible are the highlighted former Blossom Avenue Right-of-Way that was just abandoned. Each of the 8 parcels will be approximately 50 feet in width. Mr. Brewer stated that Mr. Keith Griffith from SHHIP as well as their project Engineer from Northstar Engineering are present to respond to any questions.

Mayor Strack declared the Public Hearing open. Mayor Strack stated that these are old lots sized roughly 25 feet and are being paired up to make 50-foot lots. Mr. Brewer stated that actually these are Phase II of the project and are previously undivided lands; these are the 8 new lots.

Councilor Turner asked what we would consider the breaking point on substandard lots. Councilor Hill responded stating anything below 6,000 square feet. Mr. Brewer stated this was a good question. He stated that the City recently adopted an Ordinance, called the Density Bonus Ordinance that is required by State Law. He explained that the Ordinance requires the City to make available Density Bonuses and other incentives for projects that create affordable housing. Mr. Brewer stated that the legislation is somewhat vague; he stated it was hard for him to understand just at what point does a lot become...he stated we have obvious lot standards of 6,000 square feet minimum, the proposal here is to create some lots that are 5,500 square feet. He stated that Staff has talked about this; we believe that the smallest lot is still certainly developable. Mr. Brewer continued, stating at what point to you reach the breaking point, he is not sure, but at 5,500 feet is still within 90% of the 6,000 square feet minimum.

Councilor Turner stated that he voted against the Bonus Density. He further stated based on Mr. Brewer's comment then, if you average, which he was opposed to as a Supervisor and is opposed to it in this case, you would still come up with 6,000 based on an average community based lot. Why didn't the potential developer adjust these lot lines to the east somewhat so that they all could be 6,000 or more when they have lots at 6,700, 7,700, 8,400 square feet. Councilor Hill explained that that was the depth, not the frontage. Councilor Turner stated that even if we move to the boundaries to the east, he stated that he knew the frontage, he would much rather have a minimal amount of frontage on these lots that exceed the minimal standards, as it is now he stated that he will vote to oppose it.

Jay Low with Northstar Engineering addressed the Council. He stated that Mr. Brewer did an excellent job putting this package together. He addressed the issue of moving the roads stating that the traffic engineer presented a letter that he believes is in the packet that stated that at that

distance (for moving the road) is appropriate. He stated that he is available to answer any questions.

Councilor Hill asked if the lots could be readjusted to seven instead of the proposed 8 lots. Mr. Low stated that having the 8 lots helped offset the costs in moving the road. Councilor Hill stated that the 8 lots do not fit the City Standards, especially the corner lot which she believes should be a 75 feet frontage, we have gone down to 50 feet. Mr. Low stated that through the Density Bonus they were requesting would solve this. Councilor Hill stated that the Council did not have to grant the Density Bonus.

Mr. Brewer responded, stating that if you refer back to exhibit G, there is the letter from SHHIP that actually requests the acceptance to the standards, on the second page Mr. Keith Griffith said that SHHIP estimates that the concessions requested will save about \$60,000 and is needed for feasibility. Mr. Brewer stated that Mr. Griffith is in attendance and he didn't think that there was anyone more qualified to talk about his budgeting process. He stated that they are providing single-family residences for low and very low-income folks, and he thinks one of the ways they are able to do that is by maximizing their Density. He said it was his understanding that they chose the 50-foot arrangement to essentially mirror what was occurring on the other side of the Street throughout the rest of the subdivision, however that is possibly only half of the equation, the other half is so that they can get 8 lots instead of 7.

Tom Carter asked how big/wide are the houses to be built, are they being built length ways? He was informed that they are essentially square and 38 feet wide with 6 foot offset.

Councilor Hill stated that she understands why they are requesting the Density Bonus to allow 8 lots, they want to get one extra home in which will reduce the project costs, but she also understands that we have adopted Standards and she would like to see them be 60 foot wide, rather than set precedence's, such as was done for the home on the corner of Colusa Street and Highway 99 W. She stated that she doesn't agree with the lot size, the frontage, she thinks it should meet the City Standards and unfortunately they would lose a lot and build one less home.

Keith Griffith addressed the Council stating that because of the Density Bonus Act, and the Ordinance adopted, that is why they requested this. He stated that they are a non-profit organization; they don't make more money off of the project, however if they reduced the lots to seven instead of the proposed eight lots, it would increase the cost to the seven homebuyers and make it harder to them to qualify the families under their program. He stated that the Density Bonus allows it, which is why they requested it. Councilor Turner asked if the other lots he spoke of where 6,000 square feet or more; it was explained that they are only 50 feet wide. Mr. Anderson, City Engineer stated that the rationale for meeting with these people was that why change the lot sizes for eight lots, when all the others would be 50 feet wide, why not keep uniformity throughout the subdivision.

Tom Carter asked if these houses would have room behind them for a backyard; he was informed yes. Building Official Jack Alexander stated that they all meet the City setback requirements that are standard for every house in town, 6-foot side yard, 20-foot front yard, and 10-foot rear yard.

Mr. Brewer restated the three exceptions to the City Standards; the first is the reduction in the interior lot width of 49 feet instead of the standard 60 feet and the reduction of the corner lot width of 50 feet instead of the standard 75 feet, the second is the reduction in the normal side yard building set back from 6-feet for the interior lots and 10-feet for street side yards at 5-feet, and third is reduce lot area from 6,000 square foot minimum to at least 5,574 square feet which is the lowest lot.

Councilor Hill stated that these eight pieces are in a flood zone and it was mentioned that SHHIP had asked that FEMA re-evaluate them and remove them from the flood zone, has that evaluation been received? Mr. Brewer stated that it had, and stated that there is a lot of engineering that

goes into this, the engineer and the applicant submit an application to FEMA, the application is known as a "CLOMAR" (Conditional letter of map revision). He stated with their engineering and their proposal, and in this case it was a "CLOMAR-Doubt (a CLOMAR based on fill), they tell the Feds that they are essentially going to elevate those lots. FEMA then approves the CLOMAR based on what their engineering says. Included within the packet is that approved CLOMAR. He stated that what then happens is the engineer will go back through and certify that the fill, the entirety of the lots are above the base flood elevation so the homes are not subject to purchasing flood insurance anymore. Councilor Hill asked if it would impact the other side of the Creek; Mr. Brewer stated that it could raise water 6-10ths of an inch, which the City didn't feel was a substantial rise. Councilor Turner asked, based on that comment, by filling in on the north side of the Creek you are stating that any water that could escape to the north side, the maximum projected raise where it would be crossing Toomes and Fig Lane is 6-10ths of an inch. He then asked by basing a decision based on those calculations, is there any assumption of liability on this development if there is flooding, or would that be a civil matter from those people who receive damage towards the City or the Developer? The City Attorney responded.

With no further comment Mayor Strack closed the Public Hearing and called for a motion. Councilor Zuniga motioned to approve the Development Agreement to grant certain exceptions to City Development Standards in accordance with Ordinance No. 627 and Government Code Section 65915, and approve Tentative Tract Map 07-1001, subject to the following: Adopt the 4 Findings and adopt the attached 48 Conditions of Approval on Tentative Tract Map 07-1001. Councilor Dickison seconded the motion. Councilor Hill stated for the record that she did not like the exception for the eight lots instead of seven. **Ayes: Strack, Hill, Dickison and Zuniga. Opposed: Turner. Absent/Abstain: None. Motion was approved by a vote of 4-1.**

19. Salado Orchard Apartment Project; Rezone 2006-3; To Rezone from R-1 to P-D, Planned Development and authorize the construction and operation of a 48 unit Apartment Complex through Planned Development Use Permit 2006-231; Tentative Parcel Map 07-01; Pacific West Communities, Inc.; located southwest of the Toomes Avenue & Blackburn Avenue Intersection, APN 71-020-02; approximately 10.28 Acres.

Mayor Strack introduced this item by title and asked Planning Director John Brewer to give a brief summary of this item. Mr. Brewer stated that this was a proposal to rezone the 5-acre parcel and the parcel map to divide the property into two parcels, and eventually to develop the 48-unit apartment complex. He informed the Council that the Planning Commission approved the Use Permit on March 20, 2007 and introduced Mr. Bill Spann who was present to represent Pacific West Communities. He stated that the Planning Commission recommendation included 45 recommended Conditions of Approval, and of course the reduction in water. Mr. Brewer stated that initially the application thought to rezone the entirety of the 10-acres, however after the Planning Commission meeting that boundary was reduced to 5-acres. The Planned Development recommendation is just to develop the 5-acre portion; the lower portion (Parcel 2) would stay zoned R-1 Single-Family Residential. One of the other things the Planning Commission changed in terms of their recommendation was, there was a proposed land use barrier initially along the west boundary of the apartment project adjacent to the Single-Family Residential properties, the Planning Commission added that to the south boundary of the project.

Mayor Strack then opened the Public Hearing. Councilor Hill asked if they were going to change the road on Blackburn Avenue to two-way with a median down the middle, going to ways from the exit of the complex to Woodson School, why is the median put in so early if it is going to be one-way from there down to Edith Avenue? Mr. Brewer explained that Blackburn Avenue would become two-way along the entire northern frontage of this property. Mr. Brewer stated that the reason Blackburn Avenue remains one-way from the western edge of the property to Edith Avenue is because the City doesn't have the right-of-way at this time to fit a wider street and ditch. He also stated that the ditch would be piped along the frontage of this project that will elevate some safety concerns along the frontage of the project. Mayor Strack asked the width of the

medium; Mr. Brewer answered 7 or 8 feet. Mr. Brewer stated that the street has been modified from our standard minor arterial streets because of the high voltage power lines that form the interface between the property and Blackburn Avenue on the south side. It was financially impractical to try to relocate and bury those power lines. The City Engineer Ed Anderson contacted PG&E and obtained the rough figures for cost to do this and it was approximately \$50,000 per power pole, needed approval that would take about a year and we probably wouldn't obtain this approval. Mr. Anderson stated that it was not cost effective and that we needed to clean up that ditch anyway.

Mayor Strack asked about school crossings to the medium and then across to the school; Mr. Brewer responded yes. Councilor Hill asked if that section of the medium would be paved instead of landscaped; Mr. Brewer stated yes through the crosswalk areas. Mayor Strack stated that the school was going to provide the City with a letter expressing any of their concerns so that the City could address them, however he did not see anything in the packets from them. Councilor Hill asked what would cover the end of the ditch pipe where it meets up with the open ditch to prevent someone from getting into it up stream or downstream; Mr. Brewer yielded to Ed Anderson and Tom Russ and they stated that once the final off-site plans are submitted a grate system will be installed. A audience member suggested a gate system for the pipe, Mayor Strack stated that a hydrologist and the City Engineer would look into this.

Another member of the audience stated his opposition to the project, saying that the Planning Commission didn't much care about the will of the people in that area and what they want. He stated that he always thought that the government was supposed to satisfy the will of the people. Mayor Strack responded saying that the City sets Standards, if the project meets those Standards, and the City sets those Standards high enough, how do you tell the project proponents no. The Mayor stated that he has a six-plex next to his house.

Tom Carter addressed the Council stating his objections to this project and making the declaration that he would be running for City Council at the next election. He stated that he intends to run against those Council members that vote in favor of the apartment development. He stated that the people of North Street Community have made it well known that they do not want anymore apartments in there neighborhood. He stated that the Planning Commission has given us their time and completely ignored us. He stated that he hoped that the members of this Council would pay more attention to the will of the people than the Planning Commission members. He stated that the "Fix was in". He asked that at this time the City Council vote on a moratorium on new building permits, stating that this request comes from the members of the Citizens Committee for Urban Development and the City of Corning. He stated that they would like this moratorium to stay in place until the City is divided into Districts, and the members from those Districts can be elected to the City Council and appointed to the Planning Commission. He stated that this way the Citizens of Corning would be better equipped to determine the destiny of our City. He stated that they have heard the Planning Commission speak time and again about how this City needs to be more like the big Cities, now here is your chance. Stop thinking about the \$4,000,000 grant money or whatever financial things might be in store. We implore you to look down the road 20 to 30 years and see what this town will look like if you continue to build as fast as you can. We don't need more apartments to attract more out of town low-income workers, what we need are low-income homes to accommodate the low-income workers we already have and jobs that will pay higher wages. If you Council members vote for this project, your legacy for the future will be remembered as having been a part of producing the "Slum" Corning will be known as. Many of those that oppose this project are the elderly citizens of our Community, it is hard for them to get out for these meetings, but don't let that fool you, they do vote by absentee ballot and read the papers, so their absence from these meetings should not be ignored. There is a rumor circulating that the City Manager, or someone at City Hall is holding the leashes of the Planning Commission and many of the City Council, I hope that this is only bad vicious gossip, for if it is true there may be a level of corruption present that we have never seen. He stated that he votes no on the

apartments, his name is Thomas Carter and he lives at 3058 North Street. He presented the Council with a petition of signatures from homeowners.

Mayor Strack stated that after attending many School Board meetings, the City and School have a problem on Fig Lane when school is dismissed there. The School some way has to address this, the City has been talking to them about addressing the problems, and this is going to be the same thing. It is not something the Schools are not already aware of.

Mayor Strack stated, the thing about this attracting people from out of town, he stated that he doesn't think you will find it attracting people from out of town because right now there is a waiting list of about 150 people for the affordable housing apartments here in town, these are people that currently reside here now. An audience member stated that right now there are empty apartments waiting to be filled. Councilor Hill asked Planning Director Brewer for the survey list given to the Council that showed the waiting list for the affordable apartments (Tehama Village-1yr. waiting, Maywood Apartments-65 people on their waiting list, Corning Garden Apartments-90 people on their waiting list, and Valley Terrace Apartments-6-12 mos. with 38 people on their waiting list), Olive Grove Apartments is no longer considered low-income apartments. Councilor Hill stated that she knows of people that don't even try to get on the waiting list because there are already so many people on the list. It was stated that this list was compiled on April 3, 2007 from information obtain from these apartment complex managers.

An audience member asked about the Grant funds for this project and will be repaid to the City, after it is repaid where will the funds go? Mayor Strack stated that it would go into a fund utilized for affordable housing related items only. Councilor Hill stated that in the past it was used for SHHIP, in the past it has been used in different areas, not just apartments. He then asked how those funds were raised? Mayor Strack stated he believed it was taxpayer money and stated that it will be quite a while before that money gets paid back to the City.

Bill Spann, (Pacific West Community representative and project proponent) addressed the Council and audience explaining the grant process stating that the funding is through the State Department of Housing and Community Development and it is federal funding for home programs and is used for affordable housing, (single family residences, apartments, community housing, and rent assistance). Mayor Strack asked if they are required to own this property for a period of time and not sell right away; Mr. Spann stated yes. Mayor Strack confirmed that they have a history with these types of projects and the project is not something they will build and then walk away. Mr. Spann explained the types of funding they use to build these apartment complexes. He stated that this will be a 48-unit apartment complex having 2 and 3 bedroom apartments with an onsite Manager. This complex will have a clubhouse, pool, and spa. The apartments will have washer and dryer hookups. The rental rates will be affordable to local low-income families and they will provide such services as neighborhood watch program, job training, healthcare training, computer training, finance management training and credit counseling. He stated that they would also provide youth services programs. The property management will screen all potential residents for credit income verification, past rental history, criminal record check including Megan's Law, and stated that enforcement of the house rules will be strictly enforced by the onsite resident manager and assistant manager that will be professionally trained. He stated that criminal activities or misconduct and will act immediately to terminate the lease of tenants that break the rules. Professional maintenance companies will provide for landscaping, driveways, parking areas, lighting, etc. He stated that it is the intent of this development to provide affordable housing to local employees. He stated that the Density of Salado Orchards is considerably low; much lower than the typical apartment complex, it is usually 15-20 units per acre. It is lower here due to the location and the fact that they tried to take into consideration the concerns of the neighborhood. He addressed the comments regarding loss of property values, through research and studies by the State and Universities, and Housing Advocates, this information proves that if you have good quality design, good management, and proper maintenance of affordable housing

these complex will sustain property values. He stated that he has provided this information to the City.

Councilor Turner stated that he had three questions for Mr. Spann. One was in relation to his comment regarding sensitivity to the neighbors; Mr. Turner stated that it was fairly evident that the neighbors were not receptive to this project so he wouldn't say that he (as project proponent) is acknowledging the feelings of the neighbors. The second question related to the other properties where they have built apartment complexes, did they exercise their option to purchase the property or did those options hinge on the approval of the City's before they purchased; Mr. Spann stated they purchased the property after obtaining approval. Councilor Turner then asked if tenant income is considered from disability or work restriction, or are these working people? Mr. Spann stated that he was not sure, however he believes that the majority would be working people. Councilor Turner stated that his concern as well some of the people in the community is that in the past is that there is a need, he stated that these are all subsidized apartments. He asked what is the vacancy rate in non-subsidized apartments in this community stating aren't we becoming top heavy in subsidized apartments as compared to other forms of housing in this community and potentially detracting a working, carrying your own community. Mayor Strack stated he didn't think that was Mr. Spann's question to answer; it was a question for the community. Councilor Hill stated she believed she could somewhat answer this based on her occupation. She stated that the homeowner's they represent have seen the increase in the values in their homes and they have taken loans out on their homes that have raised their payments and passing that on to their renters. She further stated that they have increased their rent on every single one of their properties that they manage this year, and they have a lot of cliental that come in and cannot afford the new rent and deposit.

Councilor Hill asked if all of the units would be two-story; she was informed yes. She then confirmed that only one of the units would be handicap accessible; she was informed that only 5% to 6% would be ADA equipped, however all of the bottom units are accessible and can easily be adapted to meet ADA compliance.

Mayor Strack asked for the qualifying income amount for the apartments. Mr. Spann stated that qualification is based on the percentage of income and number of people per household. Mr. Spann stated a 2-bedroom 3- member household would be a minimum of \$23,000; a 3-bedroom 5-6 member household would be \$38,000. He stated that the majority would probably be somewhere in between.

John Rifkins of Rio Bravo Court stated that he really didn't want the project, and stated that a lot building is going on in Corning and he believes that the Police Department is understaffed. He also stated his concerns with flooding. He stated that he hopes that everything is taken into consideration such as Police and Fire department services, flooding issues, etc. before a decision is made.

Councilor Hill asked if for some reason the owners of this property had decided to sell this property to for instance SHHIP Project, and the SHHIP Project had decided to install substandard lots neighbors would have no say in who lived there. This Company is going to come in and regulate who lives there. She stated that once you sell a home you can't regulate who lives there and one of the things that was brought up to the Council is Child predators. Councilor Hill stated that currently he has one living within his neighborhood that is on Megan's List and you can't do anything about him, however this Company can say we chose not to rent to you as well as they are within 2,000 feet from the School which makes it better for that subdivision because they can't rent to them.

Councilor Turner brought up the subject of windows on two-story windows and the possibility of requesting conditions for the windows to be obscured, he stated that this item had come before the Planning Commission recently. Mr. Brewer confirmed that this recently came up regarding a

two-story duplex with a separation of about 14-feet between the dwellings, the Planning Commission required all second story windows on the side of the adjacent building obscure.

With no other comment Mayor Strack closed the Public Hearing and called for a motion. Councilor Turner stated he would oppose this project because he has to represent the will of the people in that neighborhood. He stated that he sees no one present tonight as an advocate of the project and other than a letter the Council received from the Department of Housing and Community Development Division of Housing Policy Development. The only ones present tonight in support of this project is the project proponent.

Councilor Dickison motioned that the City Council adopt the 7 recommended Findings and the attached Mitigation Monitoring Plan, Introduce Ordinance No. 626 Rezone No. 2006-3 to revise the zoning for proposed Parcel 1 as shown on Tentative Parcel Map 07-01 from "R-1 Single-Family Residential" to "P-D Planned Development", and approve Tentative Parcel Map No. 07-01 all Rezone Planned Development Use Permit and Tentative Map subject to the 45 recommended Conditions noted below. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison and Zuniga. Opposed: Turner. Absent/Abstain: None. Motion was approved by a vote of 4-1.**

Councilor Hill did request that the Director of Public Works conduct a study for removable gates. The City Attorney then read Ordinance No. 626 by title.

J. REGULAR AGENDA:

20. Review and Consideration of Pool Use Fee Increases.

Mayor Strack introduced this item by title and informed the Council that this was handled at the Recreation Commission. Councilor Turner recommended that the Council adopt the fees as recommended. Mayor Strack stated that he would like to discuss the presentation first. Mayor Strack stated that he thought Pool Manager Jessica Jorgensen did a fine job, however he believed that in the past we charged non-residents more, he stated that citizens of Corning pay property tax to the City which non residents do not. He stated that he would like to add that \$5 for non-residents. Councilor Turner stated that the Recreation Commission rescinded this because it was stated that children and adults would stand there and lie about whether they resided in the City or County. Councilor Turner stated that it was his interpretation that Jessica felt that they few dollars weren't worth arguing with the family or children at the Park. Mayor Strack stated that for the swim lessons and seasonal passes he didn't feel the additional non-resident fee would be a problem.

Councilor Hill motioned that City Council adopt the amended pool fee increases with the amended swim lessons and season pass fees to reflect a \$5 increase for non-residents versus residents. Councilor Dickison seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

21. Progress Report - Fire Dispatch Service to Orland and Capay Fire Department's.

Mayor Strack introduced this item by title and asked Fire Chief Bob Pryatel to brief the Council on the status. Mr. Pryatel stated that he is currently working with the Chief's of Orland and Capay Fire Departments and will be meeting this weekend. He stated that he also would be meeting with representatives from AT&T to iron out any radio work and phone work needed before they go ahead with the project. He stated that they are also looking at a mapping program that could be used to for the City of Corning as well as Orland and Capay. Mr. Pryatel stated that there is money available through the 911 System that the City is entitled to. Mayor Strack confirmed that this would not affect the City's quality of Service and that stated that the action requested is to continue to negotiate. Councilor Turner asked for a legal opinion to be researched by the City Legal Council relating to the LAFCO Guidelines for Out-of-Agency service Agreements and whether the City is required to obtain LAFCO approval to prior to entering into a contract with private individuals or organizations outside the agency boundaries. Councilor Hill stated she

didn't believe this should apply. The City Attorney will research and report back to the Council.
No action needed.

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

L. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:** None

M. **REPORTS FROM MAYOR AND COUNCILMEMBERS:**

22. Hill: None.

23. Dickison: Stated that she had a special Tripartite Meeting last week and has given it to Rhonda to make copies for the Council and reported that the LAFCO meeting scheduled for tomorrow has been cancelled.

24. Zuniga: None.

25. Turner: Reported on the Recreation Ad-Hoc Committee Meeting on April 12th and announced the next one would be April 19th at the Corning City Council Chambers. He stated that the grant writer was in attendance at the last meeting and presented information. Mayor Strack asked if the Committee would mind if an invitation to attend the next meeting was sent to the two County Supervisors; Mr. Turner stated no.

26. Strack: Reported that he had attended a meeting in Redding on the Fix-5 and announced a Fixed Five Public Hearing is scheduled for April 24th at 6:00 p.m. at the Corning City Council Chambers.

N. **ADJOURN TO CLOSED SESSION:** Cancelled

PUBLIC EMPLOYEE EVALUATION:

Pursuant to Government Code Section 54957:
City Manager Evaluation

O. **RECONVENE AND REPORT ON CLOSED SESSION:** N/A

P. **ADJOURNMENT! 9:35 p.m.**

Lisa M. Linnet, City Clerk