



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, JANUARY 12, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Becky Hill
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All Council Members 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.

No comments were received prior to the Closed Session.

C. ADJOURN TO CLOSED SESSION: 6:30 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to subdivision (b) of Section 54956.9:

1 Issue

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.8

**Potential Property Easement Acquisition: APN No.: 71-140-12 (Portion),
Toomes Avenue. Purpose: Creation of a Pedestrian Easement for
Sidewalk installation.**

**Negotiating Party: Stephen Kimbrough, John Brewer, Ed Anderson and John
Stoufer.**

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:30 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: This closed session will be continued following the public meeting.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Mayor Strack reported that Council met with the City's Property Negotiators and discussed the property on Houghton Avenue.

E. PLEDGE OF ALLEGIANCE: City Manager Kimbrough led the Pledge of Allegiance.

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

1. Proclamation: January 2010 National Mentoring Month.

Mayor Strack presented the Proclamation to Melissa Mendoca, Mentoring Coordinator for the Tehama County Department of Education. Melissa stated that mentoring is strong here in Corning and she invited everyone to come to the State Theatre in Red Bluff on Friday for the viewing of the movie Big. She introduced two local residents that are volunteer mentors and stated that they can always use volunteer mentors.

2. Presentation: Paint Product Stewardship Grant Update by Kristina Miller, Landfill Agency Manager, Tehama County Sanitary Landfill Agency.

Kristina Miller addressed the Council outlining the Paint Product Stewardship Grant Program and its purpose. She provided handouts regarding paint disposal and discussed the cost to the landfill for disposal of paint countywide.

Kristina stated that the Landfill is working with other agencies, utilizing these grant funds, on a recycling program for latex paint. She stated that to date four businesses, one being Hatfield's Ace Hardware here in Corning, have agreed to take back latex paint for recycling. This program is not off the ground yet, however she will be sending out a press release within the next month or so informing when this is operating.

G. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT: To be removed from future agendas as the school has not given us a new representative after Nolan graduated.

H. BUSINESS FROM THE FLOOR:

John Richards, representing the Skate and Bike Park Association addressed the Council with a report on an article in the Tehama County Report Card on the Red Bluff Skateboard Park. He informed the Council that the Skatepark Associations next meeting is Monday, January 18th at 6:00 p.m. here at the City Council Chambers. Mayor Strack confirmed that he would attend the meeting to draw the winners for the raffle.

I. 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.

3. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
4. **Waive the Reading and Approve the Minutes of the December 8, 2009 Meeting with any necessary corrections.**
5. **January 6, 2010 Claim Warrant - \$1,206,515.16.**
6. **January 6, 2010 Wages and Salaries - \$476,245.91.**
7. **December 2009 – Treasurer's Report.**
8. **Business License Report – January 6, 2010.**
9. **December 2010 Building Permit Valuation - \$34,415.**
10. **City of Corning Wastewater Operation Summary Report – December 2009.**
11. **Award Three-Year Pavement Striping/Removal Contract to Central Striping Service, Inc.**
12. **Approve Partial Payment in the amount of \$178,356 to Wadell Engineering Corporation for Professional Services on the Airport Runway Improvement Project.**
13. **Approve Progress pay Estimate No. 3 in the amount of \$254,243.10 to Teichert Construction for the Airport Runway Improvement Project.**
14. **Approve Time Change for the Airport Commissions Scheduled Quarterly Meetings from 7:30 p.m. to 6:30 p.m.**

15. Approve Recommendation of Saturday, May 15, 2010 as the Date for the Corning Municipal Airport Open House and Dedication of Improvements.

16. Approve Recommendation of Frank Barron for the Appointment to the City Planning Commission.

Councilor Leach requested that Consent Item 16 be pulled for further discussion.

With no further discussion on Consent Items 3 through 15 Councilor Turner moved to approve these items. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

J. ITEMS REMOVED FROM THE CONSENT AGENDA:

16. Approve Recommendation of Frank Barron for the Appointment to the City Planning Commission.

Councilor Leach asked when the Council approved the Mayor making the appointment for Commissions. Mayor Strack explained that he interviews applicants and makes appointment recommendations to the Council; the Council then makes the final appointment. City Manager Kimbrough stated that this procedure was approved on February 14, 2006 within the "City Council Rules of Procedures".

With no further discussion, Councilor Parkins moved to approve the recommendation of Frank Barron for appointment to the City Planning Commission. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, and Parkins. Opposed: Leach. Absent/Abstain: None. Motion was approved by a 4-1 vote with Leach opposing.**

K. PUBLIC HEARINGS AND MEETINGS: None.

L. REGULAR AGENDA:

17. Annual Selection of Vice Mayor.

Mayor Strack introduced this item by title stating he believed that it was decided a year ago that selection would be done by seniority. Councilor Leach moved that Councilor Turner be selected as the new Vice Mayor. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a 4-0 vote with Turner abstaining.**

18. Approve Monthly Rent, Terms and Tenant for Corning Municipal Airport Owned Home located at 642 Blackburn Avenue.

Mayor Strack introduced this item by title and asked City Manager Kimbrough to brief the Council on the associated information. Mr. Kimbrough informed the City Council that the City had contacted a local Realtor, First Choice Realty, to access the property and assist in setting the monthly rent amount.

Councilor Turner stated he believed the monthly rental amount was soft and asked the City Attorney if this recommendation gives unfair consideration to an employee; City Attorney Mike Fitzpatrick stated no. He also asked who gave permission to install the fans and fireplace insert; he was informed that the Public Works Director gave permission. Also discussed was the determination to purchase the fireplace insert, kitchen stove, and ceiling fans installed by the current tenant employee for \$500 total for all; by consensus, Council agreed.

Councilor Hill asked Teresa Smith of First Choice Realty what dollar amount she would suggest for a security deposit. Teresa Smith recommended a security deposit of one months rent plus \$200, which would equate to \$900. Councilor Turner suggested filming the rental property prior to rental; City Manager Kimbrough stated that this has already been done.

With no further discussion, Councilor Hill moved to set the rent for the City owned airport property at 642 Blackburn Avenue at \$700 per month on a month to month tenancy, and concur

with the recommendation to rent the home to public works maintenance worker Wayne Jobe and require a \$900 security deposit. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

19. Approve Rental of Transportation Center Space to Corning Café.

Mayor Strack introduced this item by title and asked the City Manager to brief the Council on the associated information. City Manager Kimbrough outlined the proposed terms of the rental agreement acknowledging that the applicants have provided the City with a check for the first years rent and stated that the yearly rent would be prepaid on March 1st of the subsequent year. He informed the Council that the café area needed to be repainted and new carpet installed. Mr. Kimbrough stated that the Public Works Department currently does not have the resources to complete these tasks. He informed the Council that the prospective tenants have obtained cost estimates for these improvements and have offered to fund them if the City is willing to reduce the yearly rent by this amount, approximately \$2,100 which City Staff recommends.

Councilor Leach moved to approve the rental of the coffee shop suite at the Transportation Center to Ms. Bonnie Webster and Ms. Lynn Rebbing and set the rental rate as:

First Year's Rent at \$5,000 less \$2,100 invested in interior repairs; **Second Year's Rent** at \$5000 to be paid on March 1, 2011; **\$6,500 per year for Years 3-5 due on March 1st of each year; and \$7,500 per year for years 6-10 due on March 1st of each year.** Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

20. Concrete Median Barrier Installation, Driveway Encroachment Repairs and Potential Public Easement & Pedestrian Access Serving 2005 Solano Street.

Mayor Strack introduced this item by title and announced that this was discussed in closed session. Councilor Turner stated that he had had some discussions with Mr. Moller regarding this issue prior to this meeting and would be abstaining from voting on this item. He left the room at 8:24 p.m.

Public Works Director John Brewer presented the Council with the various options proposed for this project. Mr. Brewer stated that this project facilitates dealing with the congestion caused by the left turns on Solano Street. He noted that the City funded the drainage improvements along the Toomes Avenue entry to the businesses at this location.

Mr. Brewer then explained the various options proposed. Councilor Hill asked Mr. Moller, based upon the map, is there a way to remove parking spaces 3 and 4 and put the sidewalk at that location which would reduce the cost for the sidewalk installation. Mr. Moller stated no. Councilor Leach stated he believed option one shows the only place to put the sidewalk. Councilor Hill confirmed that the cost listed is only for the sidewalk, not the landscaping. Mayor Strack suggested not doing the landscaping and just accepting the easement and possibly doing a mural. Mr. Moller stated that he had received a cost of an additional \$3,000 to install the concrete walkway clear to the block wall. Mayor Strack stated he preferred just installing the 4' sidewalk.

Councilor Hill moved to approve option 2, to determine that accepting a public access easement across private property is not in the public interest, but that a parallel sidewalk would provide a public convenience, and authorize credit of up to \$2,000 for the new driveway encroachment at Toomes Avenue in exchange for the private construction of a 4'-0" wide concrete sidewalk (parallel sidewalk). With no second on the motion the motion was unsuccessful.

Councilor Hill then moved to respectfully reject the offer of the public access easement from Mr. Moller, and leave the decision of construction of a parallel sidewalk up to the private property owners. With no second on the motion this motion was also unsuccessful.

Councilor Parkins moved to find that the "parallel sidewalk" would provide a public convenience and is in the public interest, and direct the City Engineer to prepare a legal description and deed in order to convey and accept a Pedestrian easement from Mr. Moller **without the planter** and authorize City expenditures to complete a 4' wide concrete sidewalk and curb and gutter on the south side of the new driveway, but without a planter. Mayor Strack confirmed that the motion was without item D in the option 1 recommendation. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: Hill. Absent: None. Abstain: Turner. Motion was approved by a 3-1 vote with Hill opposing and Turner abstaining.**

Mayor Strack also announced that a concrete barrier would be installed out in the Street so that a left turn cannot be made when coming through that intersection.

Councilor Turner returned to the meeting at 8:31 p.m.

21. Adopt Resolutions 01-12-10-02 & 01-12-10-03 Authorizing Partnership with Northern Rural Training & Employment Consortium (NoRTEC) and Approve Participation in Citywide Energy Efficiency Retrofit Programs.

Mayor Strack introduced this item by title and City Manager Kimbrough briefed the Council on the Consortium, their members and what it will provide to the City. He stated that this is a benefit to the City in which the City will not have to shoulder any cost other than Staff time.

Councilor Parkins moved to approve Resolutions 01-12-10-02 and 01-12-10-03 Authorizing the partnership with Northern Rural Training & Employment Consortium (NoRTEC) on a Residential Energy Efficiency Retrofit Program to provide energy efficiency retrofit measures in residential, municipal and commercial buildings and authorize NoRTEC to apply for and receive funds on behalf of the City. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

N. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

O. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

22. Hill: None

23. Turner: None

24. Parkins: None

25. Leach: None

26. Strack: None

P. ADJOURN TO CLOSED SESSION: 8:35 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

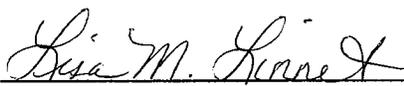
Pursuant to subdivision (b) of Section 54956.9:

1 Issue

Q. RECONVENE AND REPORT ON CLOSED SESSION: 8:40 p.m.

Mayor Strack reconvened the meeting and reported that Council had met with Legal Counsel and have directed the Planning Director and Police Chief to start code enforcement on THC, Inc.

R. ADJOURNMENT!: 8:41 p.m.



Lisa M. Linnet, City Clerk