



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JULY 26, 2011
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Toni Parkins
John Leach
Darlene Dickison
Dave Linnet
Gary Strack**

Mayor:

All members of the Council were present.

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

D. INVOCATION: Led by Mayor Strack.

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None.

F. BUSINESS FROM THE FLOOR: None.

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.

- 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. Waive the Reading and approve the Minutes of the following meetings with any necessary corrections:
 - A. June 23, 2011 Special City Council Meeting, and**
 - B. June 28, 2011 City Council Meeting, and**
 - C. July 12, 2011 City Council Meeting.****
- 3. July 20, 2011 Claim Warrant - \$236,583.93.**
- 4. July 20, 2011 Business License Report.**
- 5. Waive Recreational Use Fee for 3rd Annual Tucker Mesker Memorial Scholarship Softball Tournament Fundraiser.**
- 6. Adopt Resolution No. 07-26-2011-02 Authorizing the Tehama County Sanitary Landfill Agency to Submit a Regional Used Oil Payment Grant Application for FY 2011-2012.**
- 7. Authorize the City Manager to Recruit for and Appoint the Assistant Public Works Director.**
- 8. Authorization to Purchase Police Vehicle.**

Councilor Leach requested Consent Agenda Item 7 be pulled for further discussion. Councilor Parkins moved to approve Consent Agenda Items 1-6 and 8. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

- 7. Authorize the City Manager to Recruit for and Appoint the Assistant Public Works Director.**

Councilor Leach asked if any employees have shown interest in this position and was informed yes by City Manager Kimbrough. Councilor Leach then moved to authorize the City Manager to recruit for and appoint an Assistant Director of Public Works and authorize the expenditure of funds to employ the new person by October 17, 2011. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

I. PUBLIC HEARINGS AND MEETINGS:

9. CDBG Annual Grantee Performance Reports: Annual Grantee Performance Reports for the fiscal year 2010-2011 Community Development Block Grant (CDBG) Program Income and Standard Agreement 10-STBG-6707.

Mayor Strack introduced this item by title. City Manager Kimbrough stated that he, Mr. Stoufer and Mrs. Linnet have nothing to add that isn't already in the report. Mayor Strack then declared the public hearing open.

Mr. Stoufer informed the Council of the requirement to have a sign-in sheet available for members of the public and stated that it is located on the table against the south wall of the room. Mayor Strack then confirmed that this is related to the construction of the houses on the 12 single-family residential parcels approved as part of the Salado Orchards Phase II on Blackburn Avenue which is a condition of the grant funding for the Blackburn Avenue Street Widening Project.

With no further comment, Mayor Strack closed the public hearing. Councilor Leach moved to, having conducted the public hearing to accept public comment, direct the City Manager to execute all documents pertaining to the Annual Grantee Performance Reports and submit them to the California Department of Housing and Community Development. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

Sherie Abel then addressed the Council regarding the railroad tracks on South Street. Ms. Abel stated that she has spoken with Mr. Kimbrough about this and was informed that it was an issue the Railroad needs to address. She informed the Council that she recently got stuck and tipped over in her wheelchair on the railroad tracks. She stated this has happened a number of times and that it possibly is time for the City to take action. Public Works Director John Brewer informed the Council that he also spoke with Ms. Abel about this issue last week.

Mr. Kimbrough stated the City makes it a priority to correct problems brought to our attention as soon as funding is available. He informed the Council that Staff would research possible solutions and prepare a report to bring back.

Mayor Strack informed the public of the difficulty in working with the Railroad, and stated this is an issue we need to address. He informed Ms. Abel that Staff will do what they can to expedite solving this problem, and suggested that possibly the newspapers could assist with an article to help shake up the Railroad.

Ms. Abel then stated that she is having problems with the foundation of her house and has been working with the City for three years to acquire funding to address this issue and currently is working with the City on acquiring CDBG Funding. Ms. Abel stated that she would appreciate any assistance to expedite this issue so that the problem could be addressed prior to winter. **Mayor Strack asked if the City Manager would prepare a report for the Friday Notes to update the Council on the status of this issue.**

J. REGULAR AGENDA:

10. Designation of League of California Cities Voting Delegate and Alternate.

Mayor Strack introduced this item by title and confirmed with the City Manager and Council that no Staff or Council Members planned on attending the Conference this year due to lack of funding. Councilor Leach moved to appoint the Mayor as the City's voting delegate and the City Manager as

the alternate. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

11. Appoint Two Councilmembers to Serve with Two Planning Commissioners on an Adhoc Committee to Develop Off-Site Directional or "Wayfinding" Sign Regulations.

Mayor Strack introduced this item by title and Planning Director John Stoufer announced that the Planning Commission had appointed Commissioners Ryan Reilly and Melodie Poisson to the Ad-Hoc Committee. Following little conversation, Councilor Linnet moved to appoint Councilors Leach and Dickison with Mayor Strack as an alternate to serve on this Ad-Hoc Committee. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

12. Resolution 07-26-2011-01; a Resolution Approving an Application to the California State Department of Housing and Community Development for Funding under the Home Investment Partnerships Program.

Mayor Strack introduced this item by title and Planning Director John Stoufer stated that this would be beneficial to the City explaining that this is for the 12 single-family houses on Blackburn Avenue to meet the conditions of the funding for the Blackburn Avenue Street Widening Improvements. It was asked if those homes would be tied to the First Time Homebuyers Program; the response was we do not know at this time.

City Manager Kimbrough emphasized that the City is lucky to have John Stoufer and John Brewer on Staff. They have worked hard to address this issue at a time when no one is building. He also stated how grateful he is to have John Stoufer working here explaining that he has taken over the entire CDBG Program.

Councilor Parkins moved to adopt Resolution No. 07-26-2011-01; a Resolution approving an application for funding a First-Time Homebuyer Project from the Home Investment Partnerships Program. Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

13. Final Approval of 2011-12 Street paving Project and Authorize Preparation of Plans and Specifications.

Mayor Strack introduced this item by title and Public Works Director John Brewer briefed the Council on the plans for the entire project. Mr. Brewer stated that in addition to the Solano Street Projects, he has spoken with County Public Works Director Gary Antone about a possible joint project to address Marguerite Avenue north of Blackburn Avenue. He emphasized that this is currently in the preliminary stages and nothing is firm, however Mr. Antone seems to be agreeable to the idea. Mr. Brewer stated the benefit would be that the City would be contributing half the money and receiving a completed street project.

Councilor Linnet asked if the drainage issues would be addressed in this area should this joint project go through; he was informed yes, these drainage issues are currently being researched. Councilor Linnet also stated that this is primarily a County Road and would we be spending money to assist County residents when we have interior City Streets needing repair? Mr. Brewer explained that it is a shared maintenance road (shared maintenance with the County); we are responsible for maintaining half of the street width.

Councilor Parkins moved to:

- Approve the 2011 Street Repaving Project to include the street segments identified as "Project A" and shown on Attachment 9, including Solano Street Segments 1b, 2 & 6a as adopted by the City Council on June 28, 2011 and shown in the "Solano Street Repaving Project" Map labeled Attachment 5, the reconstruction of Marguerite Avenue between Victorian Park Drive and Neva Avenue, repaving Pear Street between Fig Lane and Almond Street, and Sixth Street between Solano and Yolo Streets; and
- Direct Staff to obtain a Joint Project Agreement for the reconstruction of Marguerite Avenue between Victorian Park Drive and Neva Avenue with the Tehama County Public Works

Department, and return to Council for final approval of said Agreement prior to advertising for project Bids; and

- Direct the Public Works Director and City Engineer to prepare Plans and Specification for the 2011 Street Paving Project.

Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

14. Application for an Off-site Beer and Wine License (Type 20) and Finding of Public Convenience or Necessity: Love's Travel Stop, 2120 South Avenue.

Mayor Strack introduced this item by title. Following suggestion from Assistant City Attorney Jody Burgess, Councilor Parkins stated she would need to abstain from discussion on this issue due to a possible conflict of interest. She left the Council Chambers at 8:01 p.m.

Assistant City Attorney Jody Burgess cautioned the Council if they are considering denying the application, there needs to be something unique that is different from the others that have been approved.

Mayor Strack moved to consider a Type 20, Off-site Beer and Wine License at the Love's Travel Stop, 2120 South Avenue, 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 and return it to the State Department of Alcoholic Beverage Control. Councilor Dickison seconded the motion. **Ayes: Strack and Dickison. Opposed: Linnet and Leach. Abstain: Parkins. No action from the Council will take place and the time period will be extended.**

Mayor Strack stated that he erred by not allowing comments from the public. Jody Burgess advised Council if members of the public were present and would like to comment they should be heard.

Two representatives from Loves Truck Stop spoke. They informed the Council that identification is required and checked from anyone under the age of 35. They stated this is being sought for the convenience of their patrons so that they won't have to make more than one stop. City Manager Kimbrough asked the Council to reconsider their vote, from the stand point of supporting local business and emphasizing that this is really about customer convenience.

Councilor Leach asked Chief Cardenas if he is seeing a lot of problems within the City related to the sale of alcohol; Chief Cardenas stated no. Councilor Linnet explained that we just denied the medical marijuana and they are telling us that it is not as bad as the booze, so we denied the medical marijuana and we are going to add another liquor store? He stated that was why he voted the way he did. Mayor Strack stated that medical marijuana has a little more federal issues and alcohol is controlled and has a controlling agency over it. Councilor Linnet stated that alcohol was more regulated than the marijuana and he didn't consider that when he voted.

Mayor Strack asked the Council if they would like to reconsider the issue. Mayor Strack was informed by Jody that the Council could make a motion to reconsider. Councilor Dickison moved to reconsider the item and revote. Councilor Linnet seconded the motion. **Ayes: Strack, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: Parkins. Motion was approved by a 4-0 vote with Parkins abstaining.**

Councilor Dickison moved to consider a Type 20, Off-site Beer and Wine License at the Love's Travel Stop, 2120 South Avenue, 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 and return it to the State Department of Alcoholic Beverage Control. Councilor Linnet seconded the motion. **Ayes: Strack, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: Parkins. Motion was approved by a 4-0 vote with Parkins abstaining.** Councilor Parkins reentered the room at 8:18 p.m.

15. Approve City Membership in Shasta Cascade Hazardous Response Team (SCHMRT) and Appropriate \$1,000 for Annual Membership.

Councilor Leach asked City Manager Kimbrough if this is something new to the City and whether it was included in the budget; he was informed that it was not a budgeted item and Fire Chief Spannaus explained that it is something new and informed the Council why he believes it is beneficial for the City to become a member. He stated that currently the department does not have the equipment or training to respond and take immediate action should such incidents occur; our only response would be to contact an agency such as this and close off and secure the area until they arrive. Also should such a hazmat incident occur now, the City could possibly end up responsible for the cost of the hazmat cleanup; whereas should the City become a member of SCHMRT, they would collect any costs associated with the hazmat cleanup from the responsible party, not the City.

Councilor Leach moved to approve membership in the Shasta Cascade Hazardous Response Team and Appropriate \$1,000 from the General Fund Reserve to Fire Department Professional Services Account 001-6300-2300. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

16. Adopt Resolution 07-26-2011-03 Adopting a Marketing and City Logo for the City of Corning.

Mayor Strack introduced this item by title. City Manager Kimbrough provided Council with additional language to be added to the Resolution which he publicly read. Mr. Kimbrough presented illustrations of the logos. He then referred to Assistant City Attorney Jody Burgess for information regarding copyright and trademark issues. Mr. Burgess suggested Staff and Council ensure that the appropriate Agreement/Lease Right for the use of the logo was in place before that goes forward. Councilor Linnet then clarified with Mr. Lucero that Exhibit B would be used for City vehicles only; Mr. Lucero stated that his intention was for Exhibit B to be for the City itself, which identifies the City as a separate entity.

Councilor Parkins moved to adopt Resolution No. 07-26-2011-03, a Resolution adopting a Marketing and City Logo for the City of Corning with the additional terminology as suggested by the Assistant City Attorney and that the City Attorney and City Manager are directed to obtain the licensing. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

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).

Parkins: Reported that the Tehama County Sanitary Landfill Waste Meeting was held in the Corning City Council Chambers last Wednesday and that interesting things are coming down the pike.

Leach: Reported on the last Community Action Meeting last Thursday. He stated that they are sad that PATH lost their million dollar grant. He also stated how nice the Corning Florist building looks following the repainting by Louis Davies.

Dickison: Nothing.

Linnet: Reported that the awards for the Business of the Month and Employer of the Month will be on the next meeting. Mayor Strack stated that there is graffiti behind Corning Rental.

Strack: Nothing.

N. ADJOURNMENT!: 8:45 p.m.

Lisa M. Linnet, City Clerk