



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, MARCH 13, 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 J. Kimbrough led the Pledge of Allegiance.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS: None.

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

F. BUSINESS FROM THE FLOOR:

Mayor Strack announced that Public Works would be refurbishing the bleachers at Estil Clark Park.

Harry Zemansky commented on Rodgers Theatre, stating that there are no single Theatres in in small towns anymore and predicts that there won't be any in the United States in the near future. He stated that when he saw Robert Heaton's estimate to repair and refurbish the Theatre, he thought "Wow," the Premier West Bank building is in better shape and they are going to tear it down. He stated that he and his wife have been to Rodgers Theatre about twice in the last 5 years and they were the only ones there.

Mr. Zemansky further stated that at the last meeting parents were here requesting money for recreation programs. The Swim Team asked for and received \$1,000 for a Swim Team Coach. He asked where the money would come from for this and to repair and refurbish Rodgers Theatre, and stated if the Council spends the money on this, he feels it will be another Iraq.

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 February 27, 2007 Meeting with any necessary corrections.**
- 3. March 7, 2007 Claim Warrant - \$126,317.10.**
- 4. February 2007 Wastewater Treatment Plant Summary Report.**
- 5. February 2007 Building Permit Valuations - \$73,747.**

6. **March 2007 Treasurer's Report.**
7. **February 2007 Wages and Salaries - \$330,683.58.**
8. **Approve Recommendation by the Recreation Commission of Darlene Haskins and Shannon Boles to the Recreation Ad-Hoc Committee with Wini Peterson as the Commissions Alternate.**

Mayor Strack introduced each item on the Consent Agenda by title and asked if anyone had an item they would like pulled from the Consent Agenda for further discussion. Councilor Hill stated she would like Item No. 8 removed for further discussion.

With no further discussion on Consent Agenda Items 1-7, Councilor Turner motioned to approve Consent Agenda Items 1-7. 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:

8. **Approve Recommendation by the Recreation Commission of Darlene Haskins and Shannon Boles to the Recreation Ad-Hoc Committee with Wini Peterson as the Commissions Alternate.**

Councilor Hill stated she would like to have Staff put together a Staff Report setting perimeters for the Ad-Hoc Committee and have it brought back for Council approval. Councilor Zuniga stated she would like to wait until after the Committee meets. Mayor Strack agreed with Councilor Zuniga, stating that the Committee should meet and put together a list of what they want and then present it to the Council and set the perimeters at that time.

City Attorney Mike Fitzpatrick asked if the Committee had set up any kind of meeting yet? Mr. Fitzpatrick was informed by Councilor Turner that they were waiting for the outcome of tonight's meeting before setting a date to meet. Mr. Fitzpatrick suggested that the two members of the Recreation Commission serving on the Recreation Ad Hoc Committee be volunteers rather than Council appointed to avoid Brown Act issues. It was stated that the Committee members from the Council were not appointed; rather they volunteered to serve on the Committee. It was acknowledged that Shannon Boles, Darlene Haskins, and Wini Peterson, all members of the Recreation Commission volunteered to serve on this committee, however after discussion it was determined that only Mrs. Haskins and Mrs. Boles would participate on the Committee.

Mayor Strack stated that according to the minutes of the last meeting, Council stated the Committee would also consist of two volunteers from the audience. He also stated that he would like at least one of the two public members of the Committee reside in the City. Councilor Turner stated that he didn't know if the Council could set such restrictions. Councilor Zuniga asked who will coordinate the meeting times and dates; Mayor Strack stated it would be City Manager Kimbrough, City Clerk Lisa Linnet, or someone from City Staff.

Councilor Turner asked Public Works Director Tom Russ who volunteered from the audience at the last meeting; Mr. Russ stated Mr. Maday and Mr. Albee, and stated that both reside in the County.

Councilor Turner suggested rewording the Staff Report recommendation from "appointed" to "volunteer" for the two representatives from the Recreation Commission.

Councilor Turner motioned to accept Recreation Commissioners Shannon Boles and Darlene Haskins as volunteers to the Ad-Hoc Recreation Committee. 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.**

Mayor Strack asked that a report from the Recreation Ad-Hoc Committee be placed on the March 27, 2007 Council Agenda.

- 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.**

9. Rezone No. 2007-01; To Implement a Density Bonus and Affordable Housing Incentive Ordinance Pursuant to State Law; Ordinance No. 627.

Mayor Strack introduced this item by title and asked Planning Director John Brewer to brief the Council further. Mr. Brewer briefly informed the Council of the regulations and reasoning behind this rezone.

Mayor Strack declared the public hearing open. John explained the type of concessions that could be requested in relation to Density Bonuses for Affordable Housing such as reducing the side-yard standards on a 50' lot for building. He explained that the State has declared a housing shortage in California and stated that this could affect the ruling of the Council.

With no further discussion Mayor Strack closed the public hearing.

Councilor Hill motioned to adopt the three findings, waive the first reading, and introduce Ordinance No. 627; an Ordinance to add chapter 17.62 to the Corning Municipal Code to provide State mandated incentives for affordable housing in accordance with Government Code Section 65915. Councilor Zuniga seconded the motion. **Ayes: Strack, Hill, Dickison, and Zuniga. Opposed: Turner. Absent/Abstain: None. Motion was approved by a vote of 4-1 with Councilor Turner opposed.**

Mayor Strack stated that this would be on the March 27, 2007 Council meeting Consent Agenda for final approval.

J. **REGULAR AGENDA:**

10. Resolution No. 03-13-07-01; A Resolution of Intent to Vacate Unconstructed Portions of Blossom and Orange Avenues Within and Adjacent to the Shasta View Tract.

Mayor Strack introduced this item by title and referred to Planning Director John Brewer to brief the Council. Mr. Brewer explained the various phases, stating that SHHIP has requested the Density Bonus on Phase II. He stated that the portion of Orange Avenue for vacation is minimal because it would never be developed because a bridge is placed there. Councilor Turner asked if the lots would be longer than the others; Mr. Brewer stated yes. Mayor Strack asked if SHHIP would approach Council at a later date to rename Orange Avenue; Mr. Brewer stated yes, he had suggested this to avoid confusion because there was an Orange Avenue/Street in the County in Richfield, etc. Councilor Hill asked if the Council could suggest Blossom Avenue.

Councilor Hill motioned to adopt findings one through eight and adopt Resolution No. 03-13-07-01, a Resolution of intent to schedule a Public Hearing for the purpose of vacating the unconstructed Blossom and Orange Avenue Right-of-Way. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

11. Discussion of Complaint by JoAnn Landingham and Request for Installation of Separation Fence Between Her Property and Flying J.

Mayor Strack introduced this item by title. Mrs. Landingham addressed the Council stating that she didn't think she would win on this item, Flying J has a Permit and so does she and hers would probably be the one pulled.

She stated that she did not specifically state in her previous letter that she wanted a fence, however she had expectations that they would install one. She stated that she has informed her caretakers not to call Flying J again; she hopes that they have not.

Mrs. Landingham responded to the letter from Flying J stating that she doesn't think they built it to remove an eyesore; rather they built it because it is one of the best locations on the west coast. She stated her preference of a fence similar to what is around McCoy's. Regarding the West Nile Virus, Mrs. Landingham responded that her concern was a Mesquito Abatement Problem and with West Nile in Tehama County, left unchecked it could pose a risk. She stated that there has never been "tullies" at this location, however there are now.

Mrs. Landingham stated that the Oleanders are dying and will not provide the screen that was going to be there. She further stated that should they survive they would become a health hazard because that is where the garbage will accumulate. She stated that Flying J doesn't mow back there, she does, and she also trims their trees. She stated that she does her part, however they do not. Mrs. Landingham acknowledged that this is a nation-wide company and wondered if they conduct business like this in other Cities.

Mayor Strack confirmed that Mrs. Landingham would like a fence, not at her fence level but starting on Flying J's raised side, installed separating the two properties. Concern relating to a truck backing into it was brought up to which Mrs. Landingham suggested something similar to a speed bump being placed there to prevent this. Mayor Strack asked if the Council had any questions of Mrs. Landingham, Mr. Turner stated that he had spent approximately 45 minutes at Mrs. Landingham's property discussing and reviewing the problem. He saw garbage, etc. there. Councilor Turner also stated that he observed no drip system in place for the Oleanders. Mayor Strack stated that he had visited the area two weeks ago and it didn't look that bad to him. Councilor Hill asked if this would be a code enforcement issue. Mayor Strack stated that it was his opinion that we just need to enforce the area more. Councilor Turner asked how Petro handles it problems such as this. He was informed that there have been no complaints from the adjacent Hotel. Councilor Turner asked if City Staff could contact Flying J and request more cleaning of the area. Building Official Jack Alexander stated that he has made contact on numerous occasions. Mr. Alexander also stated that Flying J does not pick up trash daily; they do it three times a week. Mrs. Landingham asked if they could remove one parking stall and place a garbage bin and portable bathroom in the back lot near her property. Mr. Alexander stated that he has discussed this with them; however the problem is there is no plumbing access at this location and they would get knocked over by the trucks. Councilor Zuniga suggested installing signs or fake video cameras.

Mayor Strack and Council directed Staff to continue working with Flying J Staff to remedy the problem and continue the line of communication.

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

M. REPORTS FROM MAYOR AND COUNCILMEMBERS:

12. Hill: The Theatre group is moving forward and will be doing a benefit concert on March 23, 2007 at the Memorial Hall beginning at 7:30 p.m., tickets are \$6 each. They will have three bands.

13. Dickison: Announced that she would be attending the LAFco meeting tomorrow, and the Tripartite meeting on Thursday.

14. Zuniga: None.

15. **Turner:** Stated he had attended a dinner at the Capay Fire Department and was informed that the Corning Fire Department Dispatch is discussing assuming dispatching responsibilities for the Capay and Orland Fire Departments. He wanted to know why the Council had not received any information on this matter. Mayor Strack stated that he had heard rumors, but had received no information relating to this. City Manager Kimbrough stated that nothing has been brought to City Staff. He stated that something like this has been discussed in the past but has never come to fruition. Councilor Turner stated that he was informed by persons present at this dinner that monetary figures had been discussed, and believed Council should be aware of such issues prior to them being discussed publicly.
16. **Strack:** Nothing, except the Veterans fed them well tonight and will be out selling green poppy's on March 17th.

N. **MEETING RECESSED:** 8:44 p.m.

O. **ADJOURN TO CLOSED SESSION:** 8:53 p.m.

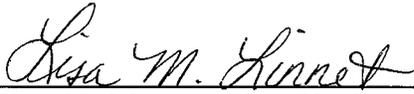
PUBLIC EMPLOYEE EVALUATION:

Pursuant to Government Code Section 54957:
City Manager Evaluation

P. **RECONVENE AND REPORT ON CLOSED SESSION:**

City Council discussed the City Manager's evaluation and continued this discussion to a closed session following the March 27, 2007 City Council meeting.

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



Lisa M. Linnet, City Clerk