



CORRECTED  
CITY OF CORNING  
CITY COUNCIL MINUTES

TUESDAY, MAY 8, 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.

Mayor Strack announced that City Manager Stephen Kimbrough would not be present tonight because his grandson was kicked in the head by a horse and is undergoing surgery for his injuries; he is in San Diego with his family.

**C. INVOCATION AND PLEDGE OF ALLEGIANCE:**

Gene May led the Pledge of Allegiance.

Mayor Strack asked to alter the Agenda schedule by moving the Regular Agenda Item regarding the Fixed 5 to item 17 on the Agenda, Council all agreed. Also it was asked to move the Recreation Ad-Hoc Committee Progress Report to item 21 prior to the approval of the 2007/2008 Capital Improvement Budget for all City Departments; all Council members agreed.

**D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS:**

**1. Proclamation: May 16, 2007 Tehama County Peace Officers' Memorial Day.**

City Clerk read the Proclamation and Mayor Strack presented it to Kurt Lampe of the Tehama County Peace Officer's Association.

**2. Proclamation: May 13<sup>th</sup> – 19<sup>th</sup> of 2007 as American Legion Auxiliary Poppy Days.**

City Clerk read the Proclamation and Mayor Strack presented it to Gene and Delores May, members of the American Legion Auxiliary.

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

**F. BUSINESS FROM THE FLOOR:**

Gene May addressed the Council and audience explaining the reason behind the Poppy Sales and where the money goes, that the money from the sales of the poppies helps the Veterans and their families.

Corrine Maday addressed the Council in relation to Recreation. She stated statistics on teen pregnancy stating that the City of Corning was a "Hot Spot" for this. She also stated statistics relating to obesity, drug use, gang membership, smoking, etc. She stated that the City is growing, and the students are ready for Recreation Program and role models. She stated that Corning High School has over 900 students, not all are able to be on the available recreational teams. She presented the Council with handouts supporting some of her statements made tonight.

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**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.

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 April 24, 2007 Meeting with any necessary corrections.**
5. **May 2, 2007 Claim Warrant - \$101,967.22.**
6. **May 2, 2007 Business License.**
7. **May 2007 Wages and Salaries - \$320,715.37.**
8. **April 2007 Treasurers Report.**
9. **April 2007 Building Permit Valuations Report - \$403,990.00.**
10. **April 2007 Wastewater Treatment Plant Summary Report.**
11. **Approve Resolution No. 05-08-07-01 Authorizing the Tehama County Sanitary Landfill Agency to Submit a Regional Application to the California Integrated Waste Management Board for a FY 2007/08 Used Oil Recycling Block Grant.**
12. **Application for an Off-Sale Beer & Wine Alcoholic Beverage License and Finding of Public Convenience or Necessity, Kuldeep Sidhu, 2985 Highway 99W; I-5 Beer & Wine.**
13. **Request by the Friends of the Theatre for Approval of Building Concept Plan Cost.**
14. **Approve Agreement with Tehama County, the Hepatitis Vaccinations of at Risk Employees.**
15. **Request Council Approval to Install City Sewer Connection at 4015 Mary Avenue.**

Mayor Strack introduced the Consent Agenda Items by title and asked if any of the Council or members of the audience would like any items pulled for further discussion. Councilor Hill asked for item 12 to be removed for further discussion. Councilor Turner motioned approval of items 3-11 and 13-15. 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:**

12. **Application for an Off-Sale Beer & Wine Alcoholic Beverage License and Finding of Public Convenience or Necessity, Kuldeep Sidhu, 2985 Highway 99W; I-5 Beer & Wine.**

Councilor Hill stated that she didn't see the necessity and the convenience is already there across the Street and within 100 yards. Councilor Turner stated that based on the comments by Corrine, he stated that he knew they would not be serving or selling to minors, however the City has already received complaints about the truck parking to access the established business that sells alcohol from residents in this area. Secondly there is a truck polishing business currently operating behind this location whether it is legal or not, and third, there is the truck facility and liquor store already selling liquor in this vicinity and the area is already saturated, therefore he

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will vote to deny this application. Mayor Strack stated that there are currently eleven such businesses in this area when generally there should be a maximum of nine.

Councilor Turner asked if City Attorney asked if ABC could over-rule Councils decision. He was informed by Mike Fitzpatrick, City Attorney that they will deny the license. Planning Director John Brewer stated that it will require a letter recommending denial.

Councilor Hill motioned that Mayor and Council deny approval of this application. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion to approve the application was denied by a vote of 5-0.**

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.** None.

J. **REGULAR AGENDA:**

**16. Update on Tehama County Mosquito and Vector Control District Activities by D. Andrew Cox, Manager.**

Mr. Cox updated the Council and audience on actions taken by the Vector Control to control West Nile virus spread in the County and stated that in 2006 fewer cases were reported confirming that the vaccine works. He stated that they will continue to spray and take measures to keep reported cases down. He stated that the public can participate by reporting dead birds to the Vector Control. He stated that the virus is here to stay in the State; however they are going to continue to do their best to keep the numbers down. Contact them about standing water and mosquitoes in the area. Councilor Hill confirmed where to call to report dead birds, etc., the Mosquito and Vector Control Office and Mosquito fish are available; the number for the Mosquito and Vector Control District are 527-1676 or 824-5636.

A member of the audience asked if he should put the mosquito fish in his horse trough, he was told yes. Various other questions were asked to which Mr. Cox responded.

**17. "FIX 5" Interstate 5 Partnership Presentation of need for new Development Fee to expand capacity of Freeway. Request authorization for Consultant to proceed with analysis to implement fee. (Moved from item 23.)**

Gary Antonne Tehama County Director of Public Works introduced himself and then he and his associates (Barbara O'Keeffe, Jeff Kay, and Tim Huckelbee, and Dan Wayne) presented information on Fix 5 and explained the reason for its development. Mr. Jeff Kay presented a quick overview stating this was Partnership covering Shasta and Tehama Counties and listed the Partners involved in this project. He explained the growth projections expected from 2005 – 2030, the problems to come; lack of State and Federal Funding, and increasing traffic congestion and listed the possible solutions such as:

- I-5 Traffic Impact Development Fees.
- Delay development until fees are in place.
- Self-Help Fees (not being looked at now on this project).

Mr. Kay stated the project objectives which are:

- Create Regional Partnership
- Develop new revenue source
- Spread burden to new development equitably.
- Streamline permit process and bring greater certainty to development mitigation.
- -Implement Phase I and Phase II development Impact fees.

Mayor Strack explained that a developer fee is a fee paid on new construction. He also stated that this Partnership is only looking at widening I-5 not the freeway entrances and exits at this time. Councilor Hill asked what is determined a large development and falling under the CEQA

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process, they confirmed that it would be any construction. Councilor Turner confirmed the southern boundary as South Avenue and suggested that it go all the way to Liberal Avenue. Mr. Antonne asked the Council to provide authorization to continue working on this. Randy Maday asked if the cost would be per house or if it was by unit, he was told by unit. Councilor Hill motioned for Mayor and Council grant approval for authorization of Consultant to proceed with analysis to implement Development Fees. 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.**

Councilor Hill asked Barbara O'Keeffee about the free TRAX, Mrs. O'Keeffee informed the Council that TRAX will offer free services during the week of May 7 through 11. She also stated that summer passes are available; they are for three months for the price of two beginning in June.

### **18. Corning Museum Association Lease Renewal.**

Mayor Strack introduced this item by title and stated that Councilor Dickison noted a needed change to item 4 stating Museum instead of City. Councilor Hill motioned for Mayor and Council to approve an extension of the term of the Lease with the Corning Museum Association to June 30, 2017 with the correction to item 4 to state Museum instead of City. 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.**

### **19. Resolution No. 05-08-07-02; Initiating Annexation of Stonefox Ranch Subdivision into Landscaping and Lighting District No. 1; Daniels Construction.**

Mayor Strack introduced this item by title and asked Planning Director John Brewer to give further information. Mr. Brewer stated that this is the first of three hearings to add this subdivision to the existing Landscape and Lighting District to fund landscaping and graffiti maintenance within the subdivision. Councilor Hill asked if the owners had been given a ballot; Mr. Brewer stated actually that he didn't think that a ballot was necessary; that is the advantage to an annexation into the existing Landscaping and Lighting District. We envision this as Landscape and Lighting District No. 1, Unit 2, with Unit 1 being Doug Starr's project. Councilor Hill asked what if one of the developments doesn't want to be a part of this; Mr. Brewer stated that this had been made a Condition of Approval and should they not do this the City could deny their map. Councilor Turner motioned to adopt Resolution No. 05-08-07-03 to initiate the annexation of the Stonefox Ranch Subdivision into Lighting and Landscaping District No. 1 as Zone 2. Councilor Dickison seconded the motion. **Ayes: Strack, Hill, Dickison, and Turner. Opposed: None. Absent/Abstain: Zuniga. Motion was approved by a vote of 4-0 with Zuniga abstaining.**

### **20. Resolution No. 05-08-07-03; Initiating Annexation of Blossom Avenue Project Phases 2 & 3 into Landscaping and Lighting District No. 1; Self Help Home Improvement Project.**

Mayor Strack introduced this item by title. With very little discussion it was acknowledged that this was similar to the previous Agenda Item for Daniels Construction. Mr. Brewer stated that this would be essentially the same as the annexation of Landscape and Lighting District that will only apply to units II and III. Councilor Turner motioned Mayor and Council adopt Resolution No. 05-08-07-03, to initiate the annexation of the Blossom Avenue Project Phases 2 & 3 into Lighting and Landscaping District No. 1 as Zone 3. 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. Extension & Phasing Plan Request; Tentative Tract Map-Green Garden Subdivision, Jason Abel construction; Located on the west side of Marguerite Avenue, and north of the Moon Road Intersection, APN 73-260-22 & 23; approximately 9.9 acres.**

John stated that if this permit expires, Mr. Abel would have to resubmit the Tract Map. Mayor Strack asked exactly was the extension was for, Phase I or Phase II or both. Councilor Hill asked

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if we could ask Mr. Abel to complete lot 8 and half of 9 both sides of street. Councilor Zuniga asked about the time frames and Mr. Brewer responded. Councilor Hill motioned to:

- Approve a one-year extension to the Tentative Map initially approved on May 11, 2004 for Jason Abel Construction, Inc. as requested in the extension request submitted March 19, 2007, thereby extending the life of the tentative map to May 11, 2008; and
- Approve the Phasing Plan presented on the drawing submitted March 26, 2007 thereby permitting the recording of two separate final maps, and requiring completion of all adjacent street frontage and utility improvements and the two temporary gravel “turn arounds” as shown on the Phasing Plan prior to filing the Phase 1 Final Map with a modification to the Phasing Plan to incorporate Lot 8 into Phase 1; and
- Due to the unique nature of the development project, encourage Mr. Abel to present draft Conditions, Covenants and Restrictions to the Planning Director for review at the earliest opportunity.

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.**

### **22. Progress Report from Recreation Ad-Hoc Committee and Possible Action. (moved to item 23).**

Councilor Zuniga reported that the Recreation Ad-Hoc Committee has been meeting regularly and make the following suggestions:

-Use the Pool Manager salary and providing additional funding to this to start a Recreational Program for the youth, seniors, etc.

Councilor Turner stated that the Committee has a young lady assisting with possible grant programs and a young man interested in possibly assisting with the program. These programs will provide for youth programs, senior programs, etc. The Ad-Hoc Committee is considering an intern should the responsibilities be too extensive for the Pool Manager. Mayor Strack stated that the Recreational Director/Pool Manager position is listed in the Capital Improvement Program and generally a wish list for the City shows an actual budget increase need of \$27,146. This would entail hiring an additional Lifeguard.

Mayor Strack asked for comments from the audience.

Michelle Burton – stated that they are not in favor of a part-time employee; they would prefer someone with credentials. She asked the Council to consider recreation over additional purchase of parklands. These events bring in outside tax revenue to the City such as Swim meets, Corning Rodeo, etc. Transient Occupancy Tax, earmarked for tourism, recommend using the shortfall to hire a Recreation Director. Mayor Strack responded that each of the items Mrs. Burton stated are all part of the General Fund, this shortfall.

Councilor Hill stated that Developer Fees are one time fees; we need to find ongoing funding.

Randy Maday – He stated that there is re-occurring fees, why can't some of these funds be utilized. Councilor Hill stated that these fees are limited to certain areas. Mayor Strack stated that to realign the current Development Fees would require another public hearing. He asked if the one public works employee is solely dedicated to park/recreation, Tom Russ confirmed this was true. Mr. Maday quoted from an email received from City Manager Kimbrough.

Councilor Turner asked about sales tax revenue, using those same figures, what are our total expenditures per capita in comparison to other areas. Mr. Russ explained \$37,167 last year just on pool wages. Councilor Turner asked if Staff could pursue obtaining more information on this.

Debbie Mackey: Stated that when she first moved here there were very few gymnasiums, she then listed the facilities that are in the area now that are available for recreational purposes. She

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stated that if she was a young person wanting to move to a small community she would look at the recreational opportunities for her family and ask what Corning has to offer. She asked the Council to hire someone with a Recreation Decree so that it will be a program that can succeed.

Mike Albee: Asked the Council to think about a dream. The Ad-Hoc committee is working hard, they want success. The Grant Writer is working with the Committee to come up with suggestions such as:

-\$30,000 McConille Foundation Grant for Equipment in Tehama County.

-\$200,000 Park Bond funds

They have made various suggestions for funding. He reiterated that this position needs to be full time and a College Graduate with a degree.

Mayor Strack stated that he is waiting for a compromise, he has not heard anything about a Recreation District being formed and stated that he represents the City of Corning. Nothing has been suggested for a District. Councilor Zuniga stated that she agrees that we need a successful program to support the request for a District. Councilor Turner stated that at the Ad-Hoc Committee meetings they have discussed a Recreation District, however it was decided that based on the last time this was brought up we need a successful program in order to get the support for a District.

A student stated that if kids were given an opportunity to play on teams and teach other kids it would be incredible. She stated that other kids wouldn't mind giving a weekend or time to assist with a program. Another student stated that she lives 13 miles from Corning in Flournoy, there is nothing to do there. I would be in Corning more on the weekends if there were programs.

Linda Lucero, stated that she didn't now how better Mike Albee could present this to the Council. She stated that it is painful to be standing here, where she stood 25 years ago begging for a program. The same excuses where given back then. She stated that her kids are grown and raised and all they had was swim team. Tori Prest stated has a ten year old son and she is trying to figure out where to send her son for the summer, there is nothing for them to do here. A student stated that she has a niece and nephew that live here and do nothing but play video games, her nine year old niece is obese. Another student stated that she loves this town, but she will go elsewhere because there is nothing to do here, she will go elsewhere to raise a family. Numerous High School Students addressed the Council in support of a Recreation Program. One student suggested that the Council stated that the City of Orland has a Recreation Program, the City of Corning has a good Fire and Police Department, possibly the City wouldn't need such a good fire and police department if we had a Recreation Program and activities for these kids.

Councilor Hill stated that the City needs a continued funding source so that it will not be a failure. Mayor Strack stated that the City has tried over the years with various employees and it has failed.

Randy Maday presented information on the City of Orlands Recreation Budget and the various programs. Councilor Zuniga asked what year he derived these figures from, stating that it was an established program. Randy Maday stated that he just wanted the Council to set this as a priority; Mayor Strack stated that they have prioritized this in the Capital Improvement Budget. Another student stated that she would like to see a program; she stated that she is a Freshman and she won't try out for any of the Recreational Programs because of an incident that occurred in Junior High School.

Mr. Albee again addressed the Council stating that it was now up to the Council and wanting to know what they can do next to find the funding to hire a full time qualified Recreation Director. Mayor Strack stated that various programs are available now here. Councilor Dickison requested that some of the people here stay and listen to the Capital Improvement Fund and where the funds go.

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Mayor Strack stated that the City funds the PAL Program, and it is all free.

Another member of the audience asked about filling the vacant position on the Recreation Commission. Mayor Strack stated that there were three applicants and a decision should be made by the next meeting.

Rex Roush addressed the Commission stating that he has been pretty impressed by the turn out. He stated that currently the programs are operated by volunteers. He stated that in the past coordinators have coordinated with Shasta College for some programs, etc., however he stated that he doesn't think another program will work. He stated that unless we get a really exceptional coordinator he doesn't think it will work.

Harry Zemansky addressed this Council. He stated that he grew up in San Francisco, and they played basketball. He stated that you mean three guys can't get together without a coordinator and play basketball. The City has a nice basketball court at Northside Park. He stated that he would be glad to teach anyone to play tennis free.

Mayor Strack asked the two members of the Council what action they would like the Council to make. Councilor Turner responded stating that the public has demanded a projected compromise and committed funding be escalated, it was obvious from the outcry of the audience they would like a commitment from the Council for available sources of funding and a three to five year commitment.

Councilor Hill stated that possibly the Council could direct Staff to research possible funding sources, if the City Manager is saying that the funds are there, possibly he could show us where these funds are. Mayor Strack stated that the City Manager hasn't said the funding is available, he is looking to the Council to find where we want to fit this within the budget. Mayor Strack stated that the City would have roughly \$3,500,000 to run the City for the next year. Councilor Hill confirmed that last year there was approximately \$6,000 in discretionary funds. Councilor Turner stated that actually we had \$206,000 because \$200,000 of Transient Occupancy Tax (TOT) did not come in. Councilor Turner stated that it was projected in your income for last year; Mayor Strack interjected that this was projected income for this year. Councilor Turner continued stating the City Attorney can stop him at any time if this is inappropriate. He stated that the Council was aware last June 30<sup>th</sup> when it closed the fiscal year that the City was short \$200,000 in TOT's; Mayor Strack responded yes. Councilor Turner stated that it took to December to act on this? Councilor Hill stated no, the City had been working on this, she was interrupted by Councilor Turner stating loudly that he didn't care if it was out of line, he has had this "Jacked around me long enough". He stated that December 5<sup>th</sup> when he came onto this Council he asked for accountability and he is still waiting for accountability. He stated that we did get a Memo from Mr. Kimbrough (Mayor Strack laughed and Councilor Turner heatedly told Mayor Strack to knock the laugh off) and this was not a confidential Memo. He said, and I quote Ladies and Gentlemen, and Mike (City Attorney) censor me if you need to, this was not a confidential Memo from Steve (City Manager), "There was going to be a payment in June of 2007, a payment in July of 2007 of a projected money that was shorted through negotiations" is this correct.

City Attorney Mike Fitzpatrick stated that the City has a lien that has been imposed on this property. Councilor Turner stated that that was not what Mr. Kimbrough stated.

Councilor Hill stated that Mr. Kimbrough was not present. Councilor Turner stated he knew Mr. Kimbrough wasn't present, and he feels sorry about his son, but he is saying...Mayor Strack interjected that you are asking Mike (City Attorney) about a Memo that you received and he may not have received a copy of it. Councilor Turner asked why he received it when all Council members received the same Memo, Mayor Strack stated that the Council did receive it. Councilor Turner stated that it was not confidential so it is public information, that the proposed payments are due in June and July to recover the \$200,000 shortfall yes or no? City Attorney Mike

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Fitzpatrick stated he thinks the money will be coming in during the next two or three months, I say "think" because there have been promises made in the past that haven't come through.

Councilor Turner stated that this is money that can be used discretionally correct? The City Attorney stated that these are funds that go into the General Fund. Councilor Turner stated that the City Council has the discretion to use these funds for possible recreation funding. The City Attorney stated that these funds could be used for anything within the City budget; it could be used for recreation as well as roads. Mayor Strack stated that to be financially prudent we would not spend the money before we got it because we have been promised this money a few times. He stated that he finds everything Councilor Turner is saying to be true, and he doesn't know what point he is trying to make, unless he is campaigning for four years from now. Councilor Turner told Mayor Strack to knock that stuff off; his political career is ending when he finishes this term. Mayor Strack stated we don't need to go into this, we are moving on. Councilor Turner said let me finish my...Mayor Strack used the gavel and stated we are moving on...Councilor Turner continued and Mayor Strack used the gavel again stating we are moving on! Mayor Strack thanked Councilor Turner.

Short recess was taken at 10:08 p.m. The meeting was reconvened at 10:13 p.m.

Mayor Strack suggested continuing the Capital Improvement Budget to the next meeting or scheduling a special meeting. Consensus of Council was to check with the City Manager to find out if a Special Meeting is necessary, if not the Capital Improvement Budget will be addressed at the next Council Meeting.

**23. Approve 2007/2008 Capital Improvement Budget for all City Departments.**

Continued to the next meeting.

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

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

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

**23. Hill: Kodos to Chief Bob on the new Council Book cover.**

**24. Dickison: None.**

**25. Zuniga: None**

**26. Turner: He and Yvette will be scheduling the next Ad-Hoc Meeting.**

**27. Strack: None.**

**N. ADJOURMENT! 10:15 P.M.**

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**Lisa M. Linnet, City Clerk**