



**CITY OF CORNING
CITY COUNCIL MINUTES**

**THURSDAY, NOVEMBER 13, 2008
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**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, RECOGNITION'S, APPOINTMENTS: None.

E. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT:

Not present.

F. BUSINESS FROM THE FLOOR:

Mr. Joe DeScala was present and addressed the Council regarding the following:

- Request for a copy of the City Budget (he stated that he has contacted the City regarding obtaining a copy of the Budget and did not get anywhere).
- Possibly placing the City Budget on the website.
- Request that the minutes of the October 21, 2008 Planning Commission Meeting reflect that the recording of the September 16, 2008 Planning Commission meeting was blank for some reason. Mayor Strack asked, and City Attorney Fitzpatrick clarified that by law the minutes are required only to contain the item and corresponding actions of the Council, they are not required to contain the discussion.
- Request for information relating to the City Street Fund, specifically relating to his property on Loleta Avenue.
- Agendizing two items for the next Council meeting (City Attorney Michael Fitzpatrick suggested that Mr. DeScala submit his request in a letter to the City stating exactly what he would like agendized, and Councilor Turner stated that it should be submitted for the Planning Commission first). After discussion, the suggestion was made that it be submitted for the January Planning Commission Meeting. Planning Director Stoufer suggested a study session for the January Planning Commission meeting, stating that anything other than that would require that notices be sent to surrounding residents within 300 ft. Mayor Strack stated that this request should be submitted in writing at least two weeks prior to the Planning Commission Meeting and would be reviewed for consideration of agendizing.

Mr. Michael LePeilbet spoke in relation to Salado Orchard Apartments and a possible four-way stop at North and Toomes Avenue. He stated that a four way stop is necessary for safety and asked when this would be installed. Public Works Director John Brewer stated that a traffic survey is currently being done relating to this. Councilor Hill stated that this study is being done not only at the request of the residents in the vicinity, but because the Council also requested it.

Dean Cofer addressed the Council regarding the "Welcome to Corning Signs" stating that nothing is on the Agenda tonight relating to this item. Mayor Strack responded stating yes it is

agendized under "Reports from Mayor and Council Members". Mr. Cofer stated Council approved payment of the sign work at the last Council meeting; was this paid and the wording completed? What was the final decision on the wording? Mayor Strack responded stating that payment was made for the work completed to date, however the sign wording has not yet been determined.

- 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 October 28, 2008 Meeting with any necessary corrections.**
 3. **November 5, 2008 Claim Warrant - \$165,248.46.**
 4. **Treasurer's Report – October 2008.**
 5. **Wages and Salaries –October 2008 - \$342,819.11.**
 6. **October 2008 Building Permit Valuation - \$247,141.90.**
 7. **October 2008 – Southwest Water Company Wastewater Operation Summary Report.**
 8. **Resolution 11-13-08-01 Designating "No Parking Zones" on Portions of Toomes Avenue and Blossom Lane.**
 9. **Approve Progress Pay Estimate No. 1 for \$22,834 to Thomas Williams Construction for the Safe Routes To School Cycle 7 Project.**

Councilor Turner asked to discuss Item 2 clarifying that the gentleman who spoke noted it under discussion tonight. Councilor Hill stated that the problem with the recording was a malfunction of the recording system causing the tape to be unusable.

With no further discussion of the items listed on the Consent Agenda, Councilor Hill moved to approve Consent Items 1-9. Councilor Dickison seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

10. Approve Waiver of Water Connection Fees for Corning High School.

Mayor Strack explained that this is a one-time thing and clarified that the School is billed for and pays for their water. With no further discussion, Councilor Turner moved waive the connection fee for a new 2" water meter to serve the restrooms near First and Blackburn Avenues at Corning High School. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

11. Rodger's Theatre and Hometown Revitalization; Discussion and Action on the following items:

- a) **Non-Profit Status**

Mayor Strack stated his request that this item be placed on the Agenda in order to obtain a direction to go from here in relation to the Theatre and speak with the City Attorney regarding obtaining non-profit status for the Theatre. Hometown Revitalization Treasurer Marilyn Bright reported that to date total funds collected for the Theatre amount to \$49,694.50, (\$28,370.02 in checking, and \$21,324.78 on a Certificate of Deposit).

Mayor Strack asked for Councils opinions on obtaining non-profit status for the City Theatre. After some discussion, the Council, by consensus requested the City Attorney to research obtaining non-profit status for the Rodgers Theatre.

b) Rodger's Theatre Improvement Phases and Improvements Timeframe.

Mayor Strack introduced this item stating his concerns regarding funding. Julie Johnson clarified the cost of \$400,000. Dean Cofer asked how the City would pay this \$30,000 yearly debt. Teresa Smith spoke, stating that this is something for the youth. Paulyne White spoke relating to the lack of community participation on the committee. An audience member suggested contacting the Hewett Packard Foundation.

Councilwoman Dickison stated that she also asked that this item be Agendized in order to get the Park money Grant to be used (in the amount of \$220,000) for the Theater. Danny Dunigan spoke on the possibilities should the Theatre be restored.

Councilor Zuniga left meeting at 8:44 p.m.

Harry Zemansky thanked the City for getting the neon lights working on the Marquee at the Theatre again.

Councilor Zuniga returned to the meeting at 8:47 p.m.

Councilor Hill asked, should the City submit a pre-application, and if was approved, could the City decline the application at that stage if that was the decision of the Council; she was informed yes. Council was informed by City Manager Kimbrough, if at that point it was the decision of the Council to decline to move forward, the only cost to the City would be for City Engineer Ed Andersons time spent on the pre-application preparation.

After further discussion, Councilor Hill moved for Council to authorize the USDA Rural Development Pre-Application and Application for Community Development Funds in the approximate amount of \$400,000 in order to complete the work listed in the Report in order to reopen Rodgers Theatre. Councilor Dickison seconded the motion. Councilor Turner request to amend the motion to include the terminology "subject to review upon acceptance". Councilor Hill accepted that amendment. Mayor Strack stated his opinion that this was premature, we have two new Council members that will be sitting on this after December and the Council here is committing them to something that is a little above something they should do at this time. **Ayes: Hill, Dickison, Zuniga and Turner. Opposed: Strack. Absent/Abstain: None. Motion approved by a vote of 4-1.** Councilor elect, John Leach confirmed that acceptance of the final application would come before the new Council.

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

City Clerk Lisa Linnet read a letter received from Mr. and Mrs. Gary Wheeler commending the Building Official (Terry Hoofard), Public Works Director (John Brewer), and Planning Director (John Stoufer) on their immediate action to resolve an issue relating to the odor and insects coming from the neighboring business's garbage bin.

M. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

12. Hill: Nothing.

13. Dickison: Reported that she had attended the 2 minute LAFCO meeting that was continued to December 10th. She also stated that she would be attending the Tripartite Board meeting next Tuesday.

14. Zuniga: None

15. Turner: None.

16. Strack: Discussion and Action: City Entry Arch Signs.

Stated that we need to set up a Committee and would like two Volunteers from the Council to serve. He stated that he would like to volunteer to serve on the Committee and Councilwoman Hill stated that she would serve. He also updated the Council on the sign status to date.

Discussion and Action: City Museum Wall Mural.

Mayor Strack stated that the Museum would like to put a mural on the outside west wall and he would like to make sure that Council has no objection. By Council consensus there was no objection to the mural.

N. ADJOURN TO CLOSED SESSION: CANCELED.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

Agency Negotiator: William May, Labor Relations Consultant

(a) Public Safety Employees Bargaining Unit

(b) Dispatch Association Unit Negotiations

O. RECONVENE AND REPORT ON CLOSED SESSION: CANCELED.

P. ADJOURNMENT!: 8:58 p.m.

Lisa M. Linnet, City Clerk