



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, OCTOBER 27, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. <u>ROLL CALL:</u>	Council:	Becky Hill Ross Turner Toni Parkins John Leach
	Mayor:	Gary Strack

All members of the City Council were present.

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilor Leach gave the Invocation and Gene May led the Pledge of Allegiance.

D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

1. Proclamation Designating November 2nd – November 3, 2009 as Buddy Poppy Days in the City of Corning.

City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Art Moniz and Gene May of the Veterans of Foreign Wars (VFW).

E. BUSINESS FROM THE FLOOR:

Dean Cofer addressed the Council commending them for giving City Manager Kimbrough a five-day suspension. He also stated that he has not as of this date received copies of the emails as he has requested. He stated that he believes that there have been at least three violations of the Brown Act in relation to this item. He informed the Council that he has asked the District Attorney to investigate these allegations.

Mayor Strack stated that the Council could not respond due to the possibility of litigation.

F. 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.

2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.

3. Waive the Reading and Approve the Minutes of the following City Council Meetings and Special Meeting with any necessary corrections.

- September 8, 2009 Regular City Council Meeting**
- September 22, 2009 Regular City Council Meeting**
- October 13, 2009 Regular City Council Meeting**
- October 15, 2009 Special City Council Closed Session Meeting**

4. October 21, 2009 Claim Warrant - \$149,275.82.

5. Business License Report – October 2009.

6. Adopt Resolution 10-27-09-02 Acceptance of 2009 California Citizen's Options for Public (COPS) Safety Grant.

7. **Request Authorization to Seek Bids for Pavement Striping and/or Removal Services.**
8. **Approve Annual Statement of Investment Policy 2009.**
9. **Adopt Ordinance 628, An Ordinance Regulating Panhandling through the addition of Chapter 9.20 to the Corning Municipal Code. (Second Reading and Adoption)**

Mayor Strack introduced the Items listed on the Consent Agenda by title and asked if any of the Council or audience would like an item pulled for further discussion.

Dean Cofer asked to pull the Minutes of the October 15, 2009 Closed Session stating that they are incorrect...he stated that Mayor Strack stated that "no action taken" and gavelled the meeting closed. It was only after the meeting was closed that a statement was made.

Mayor Strack asked if the Council would like to make a motion on the other Items listed on the Consent Agenda prior to discussing the October 15th Special Closed Meeting Minutes. **Councilor Turner moved to approve Consent Items 2-9 with the exception of the Minutes of the October Special Closed Meeting. Councilor Leach seconded the motion. Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

Waive the Reading and Approve the Minutes of the following City Council Meetings and Special Meeting with any necessary corrections: October 15, 2009 Special City Council Closed Session Meeting.

Mayor Strack stated that he has in his possession tonight the copy of the statement provided to him by the City Attorney at the Special Closed Session on October 15, 2009 that he read after reconvening the meeting that night. Councilor Turner stated that to his recollection, he remembered a member of the press asked the Mayor to re-read the statement. Mayor Strack clarified that Councilor Turner stated: "re-read". Councilor Turner responded stating that he remembered the Mayor read the statement prior to gaveling the meeting closed.

After some discussion, Councilor Hill moved to approve the Minutes of the October 15, 2009 Special City Council Closed Session Meeting as written. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

H. 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.

10. Consider Adopting the Mitigated Negative Declaration filed on the 2009-2014 Housing Element and Adopt Resolution 10-27-09-01 to implement General Plan Amendment 2009-1A, the 2009-2014 Housing Element Update.

Mayor Strack introduced this item by title and John Stoufer further briefed the Council on this item and introduced Mr. Eihnard Diaz of Diaz and Associates the Consultant on this project. Mr. Stoufer handed out an Errata Sheet noting some corrections to the documents previously provided to the Council. He stated that it is important that the City try to accomplish as many of the goals set in the Housing Element, acknowledging that he believes many of the listed goals to be reachable.

Councilor Turner confirmed that should property be annexed into the City, although the City would still be required to meet the CEQA and NEPA requirements, this document will make the process easier.

Mr. Diaz addressed the Council highlighting the important projects and requirements associated with this project and what HCD is actually looking at, noting the requirement of having emergency shelters, mixed use designation areas, etc. Councilor Hill asked if the City could partner with the Schools for emergency Shelters; Mr. Diaz stated not necessarily explaining that the emergency shelters he is referring to are more of a temporary housing for homeless people.

Councilor Turner asked, if we are mandated to provide this, will the City become a magnet for those needing this type of service. Mr. Diaz stated that these people generally gravitate to areas that can provide for their needs, i.e. medical and transportation services such as can now be found in Red Bluff and Redding. Councilor Hill confirmed that these are mandated unfunded requirements.

Mr. Diaz stated that within the next year the City will have to prezone approximately 58 acres to provide for low income housing in order to meet the goals. He informed the Council that if these areas were designated within the Housing Element, after discussions with the County, he was informed that additional environmental documents would not be required, environmental documents within the Housing Element could be used, however only for the areas designated. He also discussed SRO Zones (Single Room Occupancy) requirements and PH7, and the feasibility of Development of a Redevelopment Program and Agency.

A member of the audience asked why First, Second and Butte Street are being considered. Planning Director John Stoufer stated that there are already mixed uses in those areas, i.e. Commercial, etc.

A member of the audience stated that there are a number of extremely low income individuals within this Community. She stated that affordable housing is needed for our Veterans and those on Social Security.

Mayor Strack then closed the Public Hearing. Councilor Leach moved to adopt Subfinding and Finding No. 1 and adopt the Mitigated Negative Declaration filed on the 2009-2014 Housing Element Update as meeting the requirements of CEQA and its guidelines. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.** Councilor Turner then moved to adopt Resolution No. 10-27-09-01, a Resolution to implement General Plan Amendment 2009-1A; the 2009-2014 Housing Element of the Corning General Plan. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

11. Recommend Revocation of Use Permit No. 127 Prohibiting Any Future Residential Use at 609 4th Street Pursuant to Section 17.54.060 of the Corning Municipal Code.

Mayor Strack introduced this item by title and excused himself on the grounds of a possible conflict of Interest due to the proximity of his residence. Mayor Strack then left the Council Chambers at 8:34 p.m. Vice Mayor Hill then chaired the discussion and deferred to Planning Director John Stoufer for an explanation and briefing on this item. Mr. Stoufer presented the Council with a letter received from Mr. John Altman, owner of the property being discussed. Mr. Stoufer stated that the safety issues drive the proposed Use Permit revocation, explaining that any revocation of a Use Permit is difficult. He informed the Council that Mr. Altman stated in his letter that he has started eviction procedures and would like to retain the current Use Permit. Mr. Stoufer stated that should Council approve the Use Permit revocation, the residential use would be prohibited. He also said he has personally served the documents to the residents and they have asked for additional time to relocate.

Councilor Turner stated that he believes that there is a time frame from the time served to the time they had to leave, he believed it was 60-days. Councilor Hill announced that the public hearing was now open. Mr. Cofer stated that he seemed to recall that City Hall had received a complaint

months ago, and he believed that they were told at that time this property had been grandfathered in. Councilor Turner read the minutes from 1989 clarifying that it was not grandfathered in. Mr. Stoufer stated that information pertaining to this site has been discovered since the previous discussion with Mr. Cofer and based upon that information this action is allowed.

Lesia Lane addressed the Council stating that she is a neighbor of this property and it has been a nightmare for a long time. She outlined some of the problems experienced by neighbors of this property such as drug addicts, drug dealers, and criminals and people with mental issues. She informed the Council that there are usually more than 5 people living at this location and stated that this is a nuisance and under City Code, nuisances should be removed.

Councilor Turner stated that at the time the Use Permit was issued, the City had no idea of the problems to come.

Another member of the audience stated that she has lived across the street from this property for 11 years. She stated that she came to the City with a complaint related to this property in 2006 and discussed construction going on at this location. She spoke with the Building Official, City Manager, etc. She also informed the Council that between 2000 and 2006 no one lived at this location.

With no further comments, Councilor Hill then closed the public Hearing.

Councilor Leach moved to adopt the five Subfindings and Findings as presented in the Staff Report and revoke Use Permit No. 127, thereby prohibiting any future residential use of the suite located at 609 4th Street. Councilor Parkins seconded the motion. Councilor Turner asked if he could amend the motion to include the statement that this would take effect 60-days from serving notice of the revocation. Council did not amend consensus the motion. **Ayes: Hill, Turner, Parkins and Leach. Opposed: None. Absent: None. Abstain: Strack. Motion was approved by a vote of 4-0 with Strack abstaining.** Mayor Strack reentered the meeting at 8:57 p.m.

I. **REGULAR AGENDA:** None.

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

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

L. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

12. Hill: None.

13. Turner: Stated he has received numerous calls from parents and residents regarding the traffic issues on Houghton Avenue and their concerns. Mayor Strack asked the Police Chief if his trailer was available.

14. Parkins: None.

15. Leach: None.

16. Strack: Apologized for his language.

M. **ADJOURNMENT!:** 8:58 p.m.

Lisa M. Linnet, City Clerk