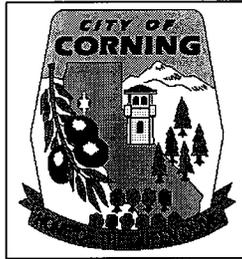


**CITY OF CORNING
CITY COUNCIL MINUTES**



**TUESDAY, SEPTEMBER 11, 2007
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 Councilors were present.

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

City Manager Stephen Kimbrough led the Pledge of Allegiance. Mayor Strack called for a moment of silence in memory of those that perished six years ago today and Pastor Rob Kee of the Harvest Christian Church gave the invocation.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS:

1. National Alcohol and Drug Addiction Recovery Month and September 15, 2007 as "City of Corning Recovery Happens Day".

City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Alcohol Advisory Board Chairperson Pat Rasmussen and Sharon Bailey, Board Member.

2. September 15, 2007 through September 22, 2007 Disabled Veteran's Forget-Me-Not Days in the City of Corning.

City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Jim Darrow, Treasurer of J.E. Wilson Chapter 115 of Disabled Veterans.

E. BUSINESS FROM THE FLOOR: None.

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.

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 August 28, 2007 meeting with any necessary corrections.

5. September 5, 2007 Claim Warrant - \$140,919.08.

6. September 5, 2007 Business Licenses.

7. Wages and Salaries for August 2007 in the amount of \$486,378.89.

8. **Building Permit Valuation Report - \$5,016,925.66.**
9. **Release of Safe Routes to School Contract Retention Fees in the Amount of \$24,180.**
10. **Approve Corning Recreational Activities Contact List.**
11. **August 2007 Wastewater Treatment Plant Summary Report.**
12. **Award Bid for Installation Chain Link Fencing for Security of the Blackburn Well to Mike's Fence Company in the Amount of \$14,910.**

Councilor Hill asked to pull item 10 for further discussion. With no other discussion Councilor Turner motioned to approve items 3-9 and 11-12. 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.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

10. Approve Corning Recreational Activities Contact List.

Councilor Hill stated that she would like to return the listing to the Recreation Commission for further research because the list is incomplete. She stated that the annual pet show, various church activities, and school-sponsored camps such as cheerleading are not on the list. Mayor Strack confirmed that upon acceptance and completion of the list of recreational activities available in the City, the list shall be placed on the City Web Site so that the public could access to find out what activities are available within the City.

Councilor Turner recommended that the Recreation Commission contact the Ministerial Association to obtain a listing of the various church sponsored activities available. Councilor Zuniga asked if participation in church related recreational activities would require church membership, Councilor's Hill and Turner stated not necessarily. Mayor Strack and Councilor Hill also stated that possibly there are local contacts other than those listed for Girl Scouts and Boy Scouts.

By Council consensus, it was decided to return the list to the Recreation Commission for further research.

H. PUBLIC HEARINGS AND MEETINGS:

13. **Vesting Tentative Tract Map No. 07-1004; Shaan Estates; to Create 14 Single-Family Residential Parcels in an R-1 Zoning District. Located on the North Side of Blackburn Avenue and approximately 140 feet east of Marguerite Avenue. APN 75-310-42, approximately 2.74 acres. Hirday Singh, applicant.**

Mayor Strack introduced this item by title and Planning Director John Brewer gave a brief explanation of the project stating that the project proposes 14 single-family residential lots on the north side of Blackburn Avenue. The Planning Commission recommended approval on August 21, 2007 with 42 recommended Conditions of Approval and 5 Findings. Mr. Brewer then noted that a representative from the Engineering Group was present to answer any questions the Council might have of the applicant. Mayor Strack then opened the Public Hearing.

Mayor Strack stated that he has discussed a few things such as fencing, additionally he would like to see the driveways for lots 1 and 14 that front Blackburn Avenue set back so that they are not right at the intersection for safety. Mayor Strack noted that the City is not allowing them to come out on Blackburn Avenue, which is good. Mr. Brewer suggested possibly adding a 43rd Condition of Approval stating that the homes constructed on lots 1 and 14 shall have the garages positioned to the north side of the dwellings.

Councilor Hill asked if emergency vehicles would be able to access the homes in the back if vehicles parked on the street, if not she suggested possibly installing a red curb area. Planning Director Brewer deferred to Fire Chief Pryatel to respond to this question. Chief Pryatel stated he did not think emergency access would be a problem. Councilor Turner asked about drainage

retention; Mr. Brewer explained the proposed drainage system and the City's standard requirements. Mr. Turner confirmed that the runoff would drain to the northeast.

Councilor Hill asked why the City is considering a vesting tentative map when the City is considering fee changes supposedly this year. If we approve this vesting tentative map, could they go two years and then get a continuance for an additional two years for a total of four years and the development fees charged would be the same as when the project was first approved regardless of whether the fees have increased? If this is the case, then a vesting tentative map with extensions could be utilized to avoid payment of increased fees. She stated that this is possibly something the City should consider. Mr. Brewer stated that possibly the City could add a condition on Vesting Tentative Map applications which states that payment of Development Fees are required at the time an extension application is submitted. Councilor Hill stated that she had discussed this with some developers and found that some Cities require payment of fees in advance, rather than upon issuance of certificate of occupancy. Mr. Brewer stated that the City could require payment of Development Fees when the Building Permit is issued. Public Works Director Tom Russ stated that currently the developer has a choice of when to pay the fees, either at the time the permit is issued or upon issuance of Certificate of Occupancy. Mr. Brewer asked the City Attorney if the City could specify when the Development Fees are to be paid. City Attorney Mike Fitzpatrick stated that no adjustment could be applied during the possible four years if a vesting tentative map were approved.

Councilor Turner confirmed that the application of fees could not be altered without amending the Ordinance and a Public Hearing. Councilor Hill asked that since we currently don't have the "Fixed 5 Fees" numbers yet, that the developer is subject to whatever "Fixed 5 Fee" numbers come up, or are they subject to 0 dollars since we currently don't have a number. Mayor Strack stated that this was one of the conditions. Mr. Brewer stated that the developer would be required to pay whatever fee the City of Corning implements in relation to the Fixed 5 fees.

With no other discussion, Mayor Strack closed the public hearing. Councilor Dickison motioned to approve Vesting Tentative Tract 07-1004; adopt the five (5) Findings, and adopt the 42 Conditions of Approval and add Condition 43 that states lots 1 and 14 shall have garages positioned to the north side of the dwellings. Councilor Zuniga seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

I. REGULAR AGENDA:

Mayor Strack announced the need to add a Resolution to the Agenda as it was submitted after the Agenda was closed and sent out. City Manager Stephen Kimbrough explained that this item was received at the League of California Cities Convention and could benefit the surrounding communities. Councilor Hill motioned to add the Resolution to the Agenda as an urgency item. 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.**

14. Extension Request; Tentative Tract Map-Blackburn Circle Subdivision, Alexander-Leggett Properties; Located on the North Side of Blackburn Avenue, and approximately 660 feet east of the Marguerite Avenue Intersection. APN 75-080-19; approximately 20 acres.

Mayor Strack introduced this item by title and Planning Director Brewer gave a brief explanation of the project and the reason for the extension request. Councilor Hill asked how many extensions this project has received and how many are allowed; Mr. Brewer responded stating that by City Ordinance they are allowed two years and an additional two year extension for a total of four years.

Councilor Turner confirmed with Mr. Brewer that these lots were substandard, under the 6,000 square foot minimum.

Councilor Hill motioned to approve a two-year extension to the Tentative Map initially approved on August 9, 2005 for Alexander-Leggett Properties as requested in the extension request submitted July 11, 2007. 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.**

15. Resolution No. 09-11-07-01, a Resolution of the City Council of the City of Corning in Support of Locating the New Cyberspace Command Center to Beale Air Force Base.

Mayor Strack introduced this item stating that City Manager had briefly explained the reasoning for the Resolution; he then asked if anyone else had any questions. With not further discussion Councilor Hill motioned approval of Resolution No. 09-11-07-01. 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.**

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

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None

L. REPORTS FROM MAYOR AND COUNCILMEMBERS:

15. Hill: Report on the League of CA Cities Convention and thanked the City for sending her. She also announced that she was voted the first Vice President of the Sacramento Valley Division of the League of CA Cities.

16. Dickison: Thanked the City for sending her to the League of California Cities convention, she stated that she would be attending a LAFco meeting tomorrow.

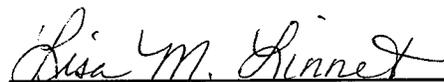
17. Zuniga: None.

18. Turner: Report on attendance at the General Plan meeting at the Memorial Hall. He stated that it would be very fortunate if it was adopted and in place by mid spring because he believes there might be some legal issues. Mayor Strack stated that City Planning Director John Brewer also attended this meeting. Mayor Strack asked Mr. Brewer if there was anything that he felt the City should be aware of, or as a City should be looking at? Mr. Brewer stated that the City has previously reviewed the planned land use element for the areas Sphere of Influence. The and one thing that he had noticed that he believed was a change from what the Mayor had communicated to George Robison was relative to those properties that ajoin South Avenue that are outside of the City between Toomes Avenue and Kirkwood Road/Railroad, these properties still appear as Rural Small Lot Residential. He and Councilor Turner stated that there would be a 45 day solicitation period in November for additional commentary and then two public meetings by the Board with some requests that this be expanded to five meetings so that one could be held in each Supervisory District.

Councilor Turner stated that a concern mentioned was driveways off of South Avenue. Mayor Strack stated that the Council needed to obtain some information from Mr. Brewer and possibly the City Council could respond as a unit. City Manager Kimbrough stated that a joint meeting would be held on October 3rd and that the City and Council could prepare and present something then. Both Councilor Turner and Planning Director Brewer stated that one of the issues is smaller lots.

19. Strack: Stated that he spent the last 8 days in New York. Mayor Strack commented that Corning is a great place to live. He informed the Council on the practices utilized in New York for garbage collection and provided pictures of the stacked bags of garbage on the streets.

M. ADJOURNMENT! 8:23 p.m.


 Lisa M. Linnet, City Clerk