



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, SEPTEMBER 25, 2012  
7:30 p.m.  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Toni Parkins  
John Leach  
Darlene Dickison  
Dave Linnet  
Gary Strack**

**Mayor:**

All members of the City Council were present.

**C. PLEDGE OF ALLEGIANCE: Led by the City Manager.**

**D. INVOCATION: Led by Councilman John Leach.**

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

**E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None**

**F. BUSINESS FROM THE FLOOR: None.**

**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 September 11, 2012 City Council Meetings with any necessary corrections.**
- 3. September 19, 2012 Claim Warrant: \$686,958.29.**
- 4. September 19, 2012 Business License Report.**
- 5. Approve appointment of Carol Mueller to the City's Library Commission.**
- 6. Award City Palm Tree Pruning Bid to Ken Vaughan & Son at \$17 per tree for pruning 514 City palm trees, authorize City Manager to sign associated contract, and authorize the Public Works Director to utilize any remaining "Tree Pruning" funds for pruning/replacement of City street trees.**

Councilor Leach moved to approve Consent Agenda Items 1-6 and Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

**H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.**

**I. PUBLIC HEARINGS AND MEETINGS: None.**

**J. REGULAR AGENDA:**

- 7. Resolution 09-25-2012-01, Trash and Recycling Bin Enclosures: Adoption of a Resolution adding Drawing S-25 to the City of Corning Construction Specifications**

**and Standard Details for Public Works requiring trash and recycling bin enclosures pursuant to Assembly Bill No. 341.**

Mayor Strack introduced this item by title explaining that this is something that we have to do and that it basically is for all new constructed 5 Unit Apartments. Planning Consultant John Stoufer provided Council with additional information regarding the requirements. He stated that this would be applicable to new construction or if any of the existing did a remodel, the City would then require that the trash bin enclosures be enlarged to also have a recycling container. Previously the goal was to divert 50% and now the goal is to accomplish 75% by 2020. It encourages recycling.

Mayor Strack confirmed that we are not going back and making any of the existing comply; Mr. Stoufer stated no, however he believes that they will be required to do some type of conversion.

Councilor Parkins moved to adopt Resolution 09-25-2012-01 adding drawing S-25 to the City of Corning Construction Specifications and Standard Details for Public Works requiring bin enclosures to include an area for recycling bins. Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent/Abstain: None. Motion approved by a 5-0 vote.**

**8. Kennel License Application: Consider granting a non-commercial Kennel License to Salome Serna for four (4) dogs at 1798 Blue Heron Court pursuant to Section 6.16.080 of the Corning Municipal Code.**

Mayor Strack introduced this item by title and stated that before we start discussion on this item, this is not a public hearing but we will listen to anyone in the audience that wants to speak on this, however the discussion must be addressed to the Council, not the audience as it is the Council that must make the decision on whether or not it is deemed a nuisance.

Planning Consultant John Stoufer stated that included in the Staff Report provided to Council is the applicable sections of the City's Municipal Code which states that the Council has to find that the establishment of the Kennel would not create a nuisance or public nuisance. He further outlined the contents of the Staff Report such as:

- Exhibit A (Letters from property owner dated August 20, 2012 and July 28, 2012 (which contained pictures of the animals with their children, vaccination and dog licensing records, copy of Citation and Court documents related to citation issued, Police logs, and medical information and physician reports relating to alleged stress caused to children),
- Exhibit B - an aerial photo of the property,
- Exhibit C - copy of City's Municipal Code definition that defines a nuisance,
- Exhibit D - a copy of the notice sent to property owners within 300 feet of the residence,
- Exhibit E - Letters and signed Petition from 14 residents of neighboring properties.

Mr. Stoufer then presented the Council with additional information received following the posting of the Agenda (letter and a color printout of Blue Heron Court showing in yellow those that have responded).

Five individuals from the audience addressed the Council.

Councilor Parkins asked Mr. and Mrs. Serna if they understand what has just been presented to the Council and that these comments are from your neighbors?

Mrs. Serna then addressed the Council.

Assistant City Attorney Jody Burgess provided the Council with legal guidance relating to what information the Council can consider and the legal definition of a nuisance.

Following further discussion among the members of the Council, statements by members of the Council to the petitioners, and an appeal by Mr. Serna, Councilor Leach moved to find that the establishment and maintenance of a private kennel for four small dogs owned by the Serna Family does create a public nuisance for adjoining property owners or others and deny the establishment and maintenance of a private kennel by the Serna Family at 1798 Blue Heron

Court. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote (two reluctantly).**

By consensus of the Council the Serna's will have 15 days from tomorrow (until October 11, 2012) to comply with City Municipal Code and remove one of the dogs with only three dogs remaining at that address. By direction of the City Council, Assistant City Attorney Jody Burgess will provide the Serna's with a letter stating the afore mentioned decision.

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

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

**M. REPORTS FROM MAYOR AND COUNCIL MEMBERS:** City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

**Parkins:** None.

**Leach:** Attended the Community Action Agency Board Meeting last Thursday.

**Dickison:** None.

**Linnet:** Stated that he would be unable to attend the 3CORE Meeting tomorrow in Willows at 10:00 a.m. and asked if any other member of the Council would be interested in attending. Councilor Dickison stated she would see if she could attend.

**Strack:** None.

**N. ADJOURNMENT!: 8:03 p.m.**

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Lisa M. Linnet, City Clerk