



**CITY OF CORNING  
RECREATION COMMISSION AGENDA**

**TUESDAY, FEBRUARY 4, 2014  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 6:00 p.m.**

**B. ROLL CALL:**

**Chairperson: Kyle Lauderdale  
Commissioners: Larry Johnson  
Khrystie Shoemaker  
Luis Saavedra  
Vacant**

**C. BUSINESS FROM THE FLOOR:** If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, give your name and address, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

**D. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

**E. REGULAR AGENDA:** All items listed below are in the order, which we believe, are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, state your name and address and explain the reason you are asking for the order of the Agenda to be changed.

- 1. Waive the Reading and Approve the Minutes of the November 5, 2013 Recreation Commission meeting with any necessary corrections.**
- 2. Introduction of new Commissioner Luis Saavedra appointed to the Commission by the City Council on November 26, 2013.**
- 3. Briefing on Verizon Land Lease for location cell tower at Clark Park (Informational Only – No action necessary).**
- 4. Presentation and review of proposed Parks Ordinance.**
- 5. Update on Phase II of the Corning Community Park.**

**G. ADJOURNMENT!**

The Corning Recreation Commission serves as an advisory body to the Corning City Council on Public Parks and Recreation issues including park use, master planning, acquisition and development, beautification, improvement and maintenance of City Parks. The Commission provides a public forum for the proposal and discussion of public recreation services that benefit the Community. Ideally the Commission would encourage community volunteers and youth/adult volunteer sports groups to work together in the planning for current and future facility and program needs.

**POSTED THURSDAY, JANUARY 30, 2014**

The City of Corning is an Equal Opportunity Employer



**CITY OF CORNING  
RECREATION COMMISSION MINUTES**

**TUESDAY, NOVEMBER 5, 2013  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 6:00 p.m.**

**B. ROLL CALL:**

**Chairperson: Kyle Lauderdale  
Commissioners: Larry Johnson  
Khrystie Shoemaker  
Vacant  
Vacant**

All Commissioners were present. The Commission currently has two vacancies.

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

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

**E. REGULAR AGENDA:**

- 1. Waive the Reading and Approve the Minutes of the March 5, 2013 Recreation Commission meeting with any necessary corrections.**

Commissioner Johnson moved to approve the Minutes as written. Commissioner Shoemaker seconded the motion. **Ayes: Lauderdale, Johnson and Shoemaker. Opposed/Absent/Abstain: None. Motion was approved by a 3-0 vote with two vacancies on the Commission.**

- 2. Update on Phase II of the Corning Community Park.**

Public Works Director Patrick Walker provided the Commissioners with an update and timeline for construction of Phase II of the Park. Mr. Walker presented the Phase II Park design which illustrated the location and configuration of the two soccer fields, type and location of park lighting, parking lot design and location, foot-bridge, restroom, snack-bar and playground area. He informed that Commission that Staff expects to advertise seeking bids the beginning of 2014.

Commissioner Shoemaker suggested the establishment of a policy for the operation of the snack-bar if the City currently has none.

**G. ADJOURNMENT! 6:17 p.m.**

The Corning Recreation Commission serves as an advisory body to the Corning City Council on Public Parks and Recreation issues including park use, master planning, acquisition and development, beautification, improvement and maintenance of City Parks. The Commission provides a public forum for the proposal and discussion of public recreation services that benefit the Community. Ideally the Commission would encourage community volunteers and youth/adult volunteer sports groups to work together in the planning for current and future facility and program needs.

**Patrick Walker, Public Works Director**

**ITEM NO. E-3  
INFORMATIONAL ITEM-PROPOSED  
CELL PHONE TOWER LEASE AREA  
AT CLARK PARK**

**FEBRUARY 4, 2014**

**TO: CHAIRPERSON AND RECREATION COMMISSIONERS  
CORNING CALIFORNIA**

**FROM: JOHN L. BREWER, AICP; CITY MANAGER *JLB*  
PATRICK WALKER, PUBLIC WORKS DIRECTOR *PW***

**SUMMARY:**

Verizon Wireless proposed to lease a portion of Clark Park in order to install a monopole cell tower and accessory facilities. The proposed lease will generate monthly payments (currently proposed to be \$1,350) that will supplement the City's General Fund; the revenue source for parks maintenance and operations.

See the attached aerial photo and site plan.

**STAFF RECOMMENDATION:**

No action is necessary or recommended. This is an informational item only. The matter will be presented to the City Council for their consideration of the lease proposal and the Corning Planning Commission for land use compatibility consideration/approval.

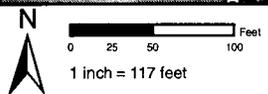


FIG LANE

PROPOSED  
LEASE  
AREA

Map Features  
City Limit  
Coming Parcels

Path:

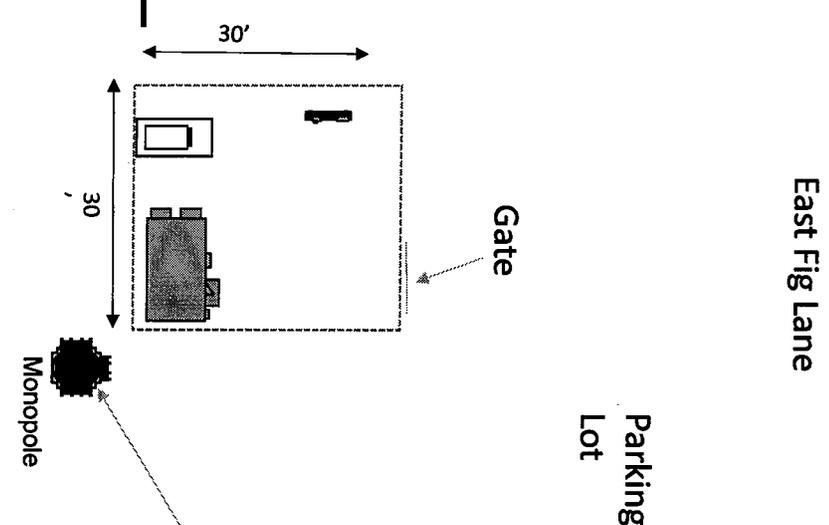
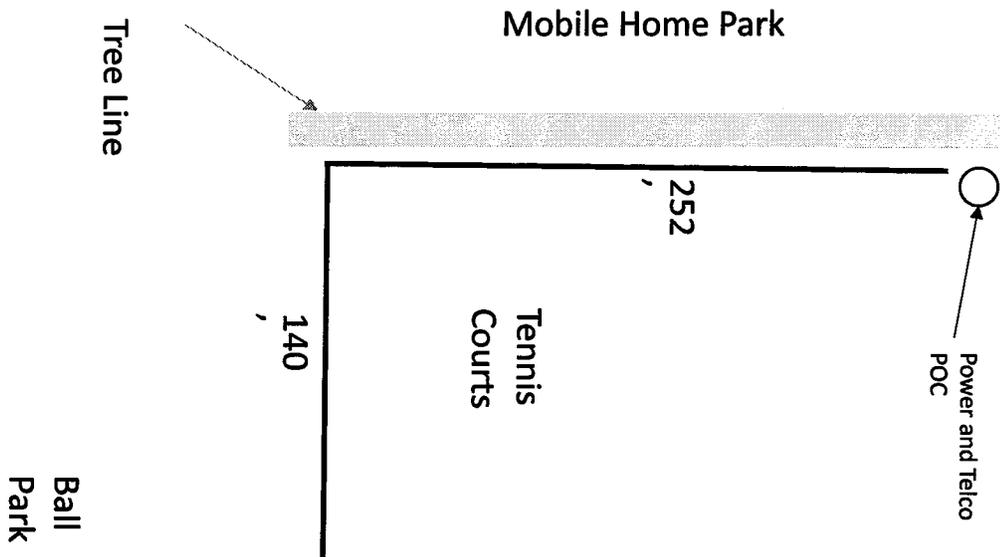


Feature and boundary locations are approximate only. Not a survey product.

City of Corning

CLARE PARK





New build site 124' monopole yielding an antenna centerline of 120' and the collocation of the stadium lights at approximately 50'. 4 Sector Site, 8 antennas, 8 RRUs, and 2 microwaves dishes.

**Oren's Corona**



Not to Scale



Gravel Side Road

**ITEM NO.: E-4  
ORDINANCE NO. 655, REAFFIRMING PARK  
REGUALTIONS STATED IN URGENCY  
ORDINANCES 653 & 654 AND ENACTING  
REGULATIONS SPECIFIC TO MARTINI PLAZA  
AND CORNING COMMUNITY PARK**

**FEBRUARY 4, 2014**

**TO: CHAIRMAN AND RECREATION COMMISSIONERS, CORNING, CALIFORNIA**

**FROM: JOHN L. BREWER, AICP; CITY MANAGER** JLB  
**PATRICK WALKER, PUBLIC WORKS DIRECTOR** PW

**SUMMARY:**

Staff recommends the Recreation Commission review proposed ordinance No. 655. The ordinance essentially repeats the regulations adopted by Urgency Ordinances No. 653 and 654. Urgency ordinances have shorter review/adoption procedures. For that reason, the League of California Cities and our City Attorney recommend that we follow up Urgency Ordinances with regular Ordinances that provide the normal lengthened review and adoption procedures.

**BACKGROUND:**

As we were preparing to open Phase 1 of the new Corning Community Park, Staff noted that we'd not adopted the Skate and Bike Park operational rules that were recommended by our liability insurance provider. Adopting and then posting those rules provides the City some immunity from liability resulting from injuries that might occur. As it turned out, we had insufficient time prior to the scheduled opening to adopt the regulations as a regular Ordinance. Staff quickly prepared and adopted the rules via an Urgency Ordinance (No. 653).

More recently, in an effort to curb uses that discourage general public use at Martini Plaza, the City Council also adopted smoking and drinking bans specific to Martini Plaza. That too was done as an Urgency Ordinance (No. 654). It is now appropriate to incorporate those two Urgency Ordinances into one regular Ordinance.

**STAFF RECOMMENDATION:**

**That the Recreation Commission:**

- **RECOMMEND THE CITY COUNCIL ADOPT ORDINANCE NO. 655, AN ORDINANCE REAFFIRMING PARK REGULATIONS LISTED IN URGENCY ORDINANCES NO. 653 AND 654 AND ENACTING REGULATIONS SPECIFIC TO MARTINI PLAZA AND CORNING COMMUNITY PARK.**

## ORDINANCE NO. 655

### AN ORDINANCE OF THE CITY OF CORNING RELATING TO THE USE OF THE SKATEBOARD/BMX BICYCLE PORTION OF THE CORNING COMMUNITY PARK AND ADOPTING REGULATIONS WHICH APPLY TO OTHER PARKS WITHIN THE CITY

The City Council of the City of Corning does ordain as follows:

#### I

#### REAFFIRMATION AND ADOPTION OF USE OF SKATEBOARD/BMX/ROLLERBLADE REGULATIONS APPLICABLE TO CORNING COMMUNITY PARK

**Section 1.** The City Council of the City of Corning finds and determines that:

- a. The City of Corning owns and maintains public parks within the City for the recreational use and enjoyment of its residents and their invitees; and
- b. There is a need to enact reasonable laws, rules and regulations to govern activities which occur at these parks to ensure that everyone can enjoy these facilities without the presence or occurrence of public nuisances of various kinds; and
- c. Public nuisances may take the form of loud noise, littering, animal waste, abuse of alcohol or drugs, smoking, panhandling and other activities or conditions; and
- d. The enactment of reasonable laws, rules and regulations will ensure that everyone using the parks will be allowed to use and enjoy them without undue interference from others; and
- e. There is a need to adopt regulations on a continuing basis to confirm those recently adopted in an urgency ordinance to ensure public safety within that portion of the new Corning Community Park dedicated to skateboard, rollerblade and BMX bicycle activities; and
- f. There is a need to adopt further regulations which apply to other parks within the City.

**Section 2.** The following new sections are added to the Corning Municipal Code:

#### CHAPTER 7.20 SKATEBOARD/BMX/ROLLERBLADE FACILITIES, RULES AND REGULATIONS

##### **7.20.010 Location and Purpose of Skateboard/BMX Bicycle/Rollerblade Facilities.**

Facilities have been installed within the new Corning Community Park (itself hereafter referred to as the "Park") which are designed specifically for the use of skateboard riders, rollerblade riders and riders of BMX bicycles only (these facilities themselves hereafter referred to as the "riding facilities") and these riding facilities are not supervised on a regular basis as described in the California Health and Safety Code Section 115800.

##### **7.20.020 Requirements to Use Safety Equipment and Abstain from Dangerous Activities.**

Persons riding skateboards, rollerblades or BMX bicycles within the riding facilities located within the Park shall at all times wear all required protective gear. It is unlawful and shall be an infraction for anyone to engage in any of the following actions:

1. Ride a skateboard, rollerblade, BMX bicycle or any other device within the riding facilities without wearing all required protective gear. The phrase "all required protective gear" refers to all of the following: a helmet securely fastened under the chin, elbow pads on each elbow and knee pads on each knee, all of which items have been commercially manufactured and designed to provide protection of the rider from personal injury in the event of impact with a solid surface;
2. Ride any type of motorized device within the riding facilities;
3. Ride any type of cycle or scooter except for BMX bicycles within the riding facilities;
4. Engage in activities within the riding facilities which knowingly create a reasonably foreseeable danger of physical harm or injury to another person;
5. Engage in activities within the riding facilities which violate any of the posted rules;
6. If, under age 12, ride any type of device within the riding facilities without the presence of a supervising adult;
7. Failure to immediately leave the riding facilities upon demand of a City employee to do so after being observed using the riding facilities in violation of any of the rules set forth above.

#### **7.20.030 Posting of Signs.**

The Public Works Director of the City shall post a sign or signs near the riding facilities which describes the basic safety requirements set forth above and which alerts members of the public violating the rules relating to the use of the riding facilities that they are subject to citation for infractions and to confiscation of their skateboards, rollerblades and/or BMX bicycles. In addition to the foregoing requirements, the Public Works Director may make and/or post other rules which apply to the use of the riding facilities such as the hours of use, prohibitions of graffiti or tagging, rules pertaining to drinking and smoking, etc.

#### **7.20.040 Confiscation.**

If a person is observed to have violated any of the rules set forth above, a citation may be issued to him or her and his or her skateboard, rollerblade and/or BMX bicycle may be immediately confiscated by the City and retained until such time as a court of law has made of determination on the citation. If the person is found guilty, his or her skateboard, rollerblade and/or BMX bicycle is automatically deemed forfeited to the City to dispose of in whatever manner it deems appropriate. The forfeiture of such device shall be in addition to and not in lieu of whatever penalty is imposed by a judge for the infraction. If the person is not found guilty, such device shall forthwith be returned to the individual by the City.

#### **7.20.050 Assumption of Risk.**

Any and all persons riding skateboards, rollerblades or BMX bicycles within the riding facilities of the Park or in close proximity thereto shall be deemed to have assumed the risk of any harm or injury they may incur in that activity. The use of such devices even with the safety equipment (ie. protective gear) required is considered a "hazardous recreational activity" within the meaning specified in California Health and Safety Code Section 115800 and California Government Code 831.7. This riding facilities within the Park are "use at your own risk" facilities and persons using the riding facilities must recognize that their use is "high risk" exposing the user to serious injury including broken bones, paralysis or death. Users of the riding facilities are expected to know their own abilities and ride accordingly.

## **II**

### **AMENDING CHAPTER 7.04 PERTAINING TO BEVERAGE USE IN PARKS**

**Section 3.** The City Council of the City of Corning further finds there is a need because of the small size of Martini Plaza to restrict the use of alcoholic beverages altogether at that location and therefore section 7.04.010 of the Corning Municipal Code shall have the following changes and the underlined language added to it:

**7.04.010 Possession of alcoholic beverages prohibited**

Any person possessing any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, in any city park in the city of Corning, between the hours of midnight and six a.m. of the following day, shall be guilty of an infraction. Also, due to the small size of Martini Plaza which places all park users in close proximity to each other, the foregoing prohibition and corresponding penalties apply at all times during all hours of the day and night to this particular park. Any person cited for a violation of this section may be instructed by the citing officer to leave the premises for a reasonable period of time and may be escorted from the premises by such officer if necessary.

**III**

**ADDING NEW REGULATIONS PERTAINING TO SMOKING IN PARKS**

**Section 4.** The City Council of the City of Corning further finds and determines that:

- a. Medical findings suggest that secondhand smoke produces cancer-causing materials known to cause cancer in humans as well as heart disease, asthma, and other illnesses and health problems; and
- b. Medical findings further suggest that infants, children, and elderly people are especially vulnerable to secondhand smoke; and
- c. The California Health and Safety Code currently restricts smoking in designated areas of publically owned places to lessen the exposure to the known health risks associated with secondhand smoke; and
- d. California Health and Safety Code § 104495 specifically regulates smoking within areas defined as playgrounds and tot lot sandbox areas and expressly states that any "county, city, or city and county ... may adopt and enforce new regulations that are more restrictive than this section, on and after January 1, 2002"; and
- e. The City of Corning has a compelling interest in ensuring that a more restrictive prohibition on smoking within its parks and recreational facilities exists to lessen the exposure to the known health risks associated with secondhand smoke.

**Section 5.** The following new sections are therefore added to the Corning Municipal Code:

**CHAPTER 7.05 SMOKING IN CITY PARKS AND RECREATIONAL AREAS**

**7.05.010 Smoking Prohibited.**

Smoking is prohibited within and within 20 feet of the following City owned Parks/Recreational Areas: (a) Martini Plaza; (b) the skateboard/BMX bicycle/rollerblade facilities of the Corning Community Park; and (c) the children's playground areas of the Corning Community Park.

**7.05.020 Smoking Defined.**

Smoking as used herein shall include the burning and/or lighting of tobacco, marijuana and/or any weed or plant irrespective of the method or methods of which it is burned or lighted.

**7.05.030 Violations and Penalties.**

Any person who violates Section 7.05.01 of this Chapter is guilty of an infraction. Any person cited for a violation of this section may be instructed by the citing officer to leave the premises for a reasonable period of time and may be escorted from the premises by such officer if necessary.

**Section 6.** The City Clerk shall certify to the passage of this Ordinance and have it published in accordance with law.

**Section 7.** If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held legally invalid, the remainder of the ordinance, including the application of such provisions to persons or circumstances other than those to which it has been held to be invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

**Section 8.** This Ordinance shall be published in the Corning Observer, a newspaper of general circulation in the City of Corning, in the manner provided by Section 36933 of the Government Code of the State of California, and shall be effective 30 days after its passage.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on \_\_\_\_\_, **2014**, and adopted at a regular meeting of the City Council of the City of Corning held on \_\_\_\_\_, **2014** by the following votes:

**Ayes:**

**Noes:**

**Absent:**

**Abstain:**

\_\_\_\_\_  
**GARY STRACK, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**LISA LINNET, CITY CLERK**

**STATE OF CALIFORNIA  
COUNTY OF TEHAMA  
CITY OF CORNING**

I, Lisa M. Linnet, City Clerk of the City of Corning do hereby certify that the foregoing is a true and correct copy of Ordinance No. 655. This Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on \_\_\_\_\_, **2014**, and adopted at a regular meeting of the City Council of the City of Corning held on \_\_\_\_\_, **2014**. Ordinance No. 655 was published in a newspaper of general circulation within the required legal time lines.

**ATTEST:**

\_\_\_\_\_  
**LISA M. LINNET, CITY CLERK**