



**CITY OF CORNING  
CITY COUNCIL MEETING MINUTES  
TUESDAY, SEPTEMBER 22, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 6:30 p.m.**

**B. ROLL CALL:**

**Council:**

**Robert Snow  
Jose "Chuy" Valerio  
Dave Demo  
Karen Burnett  
Douglas Hatley Jr.**

**Mayor:**

All members of the City Council were present except Mayor Hatley.

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

**D. INVOCATION: Led by Councilwoman Burnett.**

**E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

**1. Proclamation: October 4<sup>th</sup> – 10<sup>th</sup> 2020 as Fire Prevention Week in the City of Corning.**

The Proclamation was read by City Clerk Lisa Linnet and presented to Fire Chief Tom Tomlinson by Vice Mayor Robert Snow. Chief Tomlinson emphasized that it is good to have a fire extinguisher in the kitchen and a working fire alarm.

**2. Status update on the Solano Street Remediation provided by City Attorney Collin Bogener.**

City Attorney Collin Bogener provided a brief statement on the City's efforts to remediate the issue. He stated that first and foremost, this matter is currently in litigation which limits the details he reports, as that would waive necessary confidentiality in trial and potentially hurt the City's case. The City Council and City Manager want to provide the public with answers to their questions regarding this subject but they are following his direction to keep the matter confidential so as not to jeopardize the case at trial based on a confidentiality waiver.

He stated that in 2015/16 work was performed and completed on Solano Street pursuant to the Solano Streetscape Project. The Project was engineered by City Engineer Ed Anderson and the work was performed by Trent Construction along with some Subcontractors. Shortly after completion of the project, the condition of the street began to subside and deform which resulted in very rough transitions at the intersections. The work is now far worse than it was prior to the project.

The City is alleging that the subsiding and deformity was caused by the negligence of Engineer Ed Anderson, Trent Construction, and Subcontractor Eagle Paving. A lawsuit has been filed by the City against those three parties, and trial has been scheduled for August of 2021 with Judge Thompson in Colusa County. The distant date is due to the fact that Colusa County only has two Judges and COVID-19 has delayed trial setting. Mr. Bogener stated that the lawsuit seeks recovery from the alleged negligent parties for the costs to make the necessary repairs. The parties are also actively trying to mediate the case, which would allow for a sooner resolution.

Mr. Bogener further stated that because litigation can take a very long time to resolve, the City is moving ahead in coordinating the necessary fix for the roadway as opposed to waiting for resolution at trial. The City is working with our Engineers and hope to have an RFP (Request for Proposals) prepared before the end of the year. The RFP Proposal will be brought before the City Council at a regular meeting for approval prior to being sent out.

In conclusion, City Attorney Collin Bogener stated that the City is simultaneously moving forward with fixing the road through the regular route of preparing engineering work and putting the job out to bid; and pursuing the alleged negligent parties in Court to recover the costs associated with the repair. He re-emphasized that although the City is moving forward as diligently as possible, the process is lengthy and will still take some time.

### **3. Update on COVID-19 by City Manager Kristina Miller.**

Currently to date there have been 508 confirmed cases in Tehama County, those testing positive have been primarily coming from the Corning area. She emphasized the need for everyone to continue wearing masks so that we can get our businesses open.

### **F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

John Richards addressed the Council regarding a need for a noise Ordinance in the City. He referred to an incident last Saturday night which occurred at a residence two blocks from his home. City Manager Miller responded explaining some of the issues that our Police Officers have encountered. Police Chief Fears also responded stating that the Corning Police Department currently enforces California Penal Code Section 415(2) and the California Vehicle Code Section 27007 to address this issue and stated the associated fines/penalties associated with these Code Sections. Vice Mayor Snow stated that this issue can not be addressed tonight, however the Council can direct Staff to look into this. He then asked that it be placed on the next agenda.

**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 request separate discussion and/or action.

- 4. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 5. Waive the reading and approve the Minutes with any necessary corrections of the September 8, 2020 Closed Session and Regular City Council Meeting.**
- 6. September 16, 2020 Claim Warrant in the amount of \$356,870.45.**
- 7. September 16, 2020 Business License Report.**

Councilor Valerio moved to approve Consent Items 4-7; Councilor Burnett seconded the motion.

**Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

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

### **I. PUBLIC HEARINGS AND MEETINGS:**

- 8. Public Hearing: Consider objections/appeals from the property owners of 803 Butte Street and 852 Hickory Street and adopt Resolution 09-22-2020-01 declaring a public nuisance on both properties, and authorize the Fire Chief and City Clerk to initiate abatement procedures as outlined in the City's Municipal Code.**

Introduced by Fire Chief Tom Tomlinson who announced that both property owners were sent notices and concluded by stating that neither property has been cleaned up. The Public Hearing was opened at 6:50 p.m.; with no comments the Public Hearing was closed at 6:50 p.m.

Councilor Demo moved to declare that a public nuisance exists on the properties at 803 Butte Street and 852 Hickory Street, that such conditions are seasonal and recurrent nuisances, and authorize the Fire Chief and City Clerk to initiate abatement procedures including, but not limited to issuing misdemeanor violations and civil penalties on these properties/parcels as specified in the City's Municipal Code as well as liens to recoup any costs incurred by the City for the abatement. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

- 9. Public Hearing: Addendum and Rezone 2020-2, Tentative Tract Map 20-1000, TK Ranch: Request to rezone approximately 9.95-acre parcel from R-1-8000 to R-1-4000 and subdivide into 47 Single Family Residential Lots. Location: South side of East Carona Avenue approximately 1,328 ft. east of the Marguerite Intersection. APN: 073-120-018.**

Presented by Planner I Christina Meeds who stated that initially Mr. Kay of TK Ranch submitted a Tentative Tract Map 05-1021 to create 35 Single Family Residential Parcels in 2005 which were never completed. A CEQA study was completed by City Staff at that time.

Mr. Kay recently submitted a Rezone 2020-2, to rezone 9.95 acres from R-1-8000 to R-1-4000 and approval of Tentative Tract Map 20-1000 on June 16, 2020 to the City's Planning Commission for an increase in lots from 35 to 61. In response to concerns from neighboring property owners, the Planning Commission continued the June 16<sup>th</sup> Public Hearing to August 18, 2020 for a traffic study to be prepared to address potential traffic impacts associated with the proposed increase in lots from 35 to 61. The proposed TK Ranch Rezone 2020-2 and Tentative Tract Map 20-1000 traffic study was presented confirming that the Project would have no significant impact, in fact, the updated traffic study indicated an improvement of the level of service due to the installation of the traffic light at Marguerite and Solano Streets since the original study was performed. Two neighbors remained concerned about the proposed rezone to R-1-4000. As a result, there was a lack of a motion on this issue.

As a result of the Planning Commissions lack of a motion, the Developers have resubmitted Rezone 2020-2 and Tentative Track Map 20-1000 with a significant decrease in the number of lots from 61 to 47 with an increase in lot size for consideration. The smallest lot size would be 5,251 sq. ft. and the largest 10,417 sq. ft., the average lot size would be 6,274 sq. ft. This is an increase of 12 lots from the original 35 approved lots. Ms. Meeds stated that the Planning Commission, at the September 15, 2020 Planning Commission Meeting voted in favor of the project 4 to 1 with the added Condition of Approval (#52 to state that Tentative Tract Map 20-1000 is not allowed to have a lot smaller than the proposed minimum 5,251 sq. ft.) , approval of the 8 Factual Subfindings and 9 Legal Findings, and recommended the project to the City Council. She concluded by stating that tonight Staff is requesting City Council approval of the proposed Rezone 2020-2 and Tentative Tract Map 20-1000 subject to the 52 Conditions of Approval and 8 Factual Subfindings and 9 Legal Findings as presented.

Vice Mayor Snow opened the Public Hearing at 7:54 p.m.; Mr. Kay was present and commented that he appreciated the assistance of City Staff on the proposal presented. With no other comment the Public Hearing was closed at 7:55 p.m.

Councilor Demo stated his concern regarding the traffic study, specifically the traffic on East Carona to Oren, this road is bad. Mr. Kay stated that City Manager Miller could best address this. City Manager Miller stated that as Council is aware the City prioritized road/street repairs to those most traveled and in the worst condition. She stated that Oren Avenue was not known to be a City road until recently which is one reason it has not been addressed in the past...as well as the reduced number of homes in that vicinity.

Vice Mayor Snow stated that he also has concerns related to the road. He asked the City Attorney what legal issues could stem from this and stated that he would like to see City staff look into a possible overlay and street widening.

Councilor Demo moved to approve the Addendum to the original Mitigated Negative Declaration as none of the Conditions described in Section 15162 calling for a subsequent analysis have occurred. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

Councilor Demo moved to adopt the 9 Legal Findings and 8 Factual Subfindings as presented in the Staff Report and approve Rezone 2020-2 and Tentative Tract Map 20-1000 subject to the 52 Conditions of Approval as presented in the Staff Report. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

#### **J. REGULAR AGENDA:**

- 10. Award Bid for purchase of new 2021 Ford F-350 Pickup for conversion to Mini Attack Chiefs Truck in the amount of \$37,663.34 to Corning Ford and authorize payment from Fire Capital Replacement Fund 076-9500-2301 upon delivery.**

Presented by Fire Chief Tom Tomlinson who stated that Corning Ford was the only bid received. The Bid Notification was printed in the paper and a total of four companies were contacted and provided the Bid Notification.

Councilor Burnett moved to award Bid for a new Ford F-350 Pickup to Corning Ford in the amount of \$37,666.34 and authorize Fire Chief Tomlinson to order the new Ford F350 Pickup and authorize payment upon delivery from Fire Capital Replacement fund 076-9500-2301. Councilor Demo seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

**11. Approve Addendum #2 for Agreement between the City and NorthStar for Public Works Consultant Services.**

Presented by City Manager Miller who stated that if approved this would be the second extension. She stated that she is very impressed with Mrs. Kampmann's services. She stated that NorthStar is not proposing any rate increases this year. Councilor's Demo and Snow both stated that they have been impressed with Robins work.

Councilor Demo moved to approve Addendum #2 for the Agreement between the City and NorthStar for Public Works Consultant Services. Councilor Burnett seconded the motion. **Ayes: Snow, Valerio, Burnett, and Demo. Absent: Hatley. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hatley absent.**

**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).**

**Snow: None.**

**Valerio: None**

**Demo: None.**

**Burnett: Attended the Tripartite Board Meeting in Red Bluff.**

**Hatley: Absent.**

**N. ADJOURNMENT!: 7:10 p.m.**

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**Lisa M. Linnet, City Clerk**