



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, FEBRUARY 24, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Hill
Turner
Parkins
Leach
Strack**

Mayor:

All Council Members were present.

Council received no public comments were received prior to the Closed Session.

C. ADJOURN TO CLOSED SESSION: 6:02 p.m.

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:
Agency Negotiator: William May, Labor Relations Consultant
Public Safety Employees Bargaining Unit**

D. RECONVENE AND REPORT ON CLOSED SESSION: 6:31 p.m.

Council met and gave City Labor Negotiator direction.

E. ADJOURN TO SPECIAL MEETING: 6:32 p.m.

**CITY OF CORNING
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F. CALL TO ORDER: 6:32 p.m.

1. Team-Building Workshop for City Council. Facilitated by City Attorney Michael Fitzpatrick.

City Attorney Michael Fitzpatrick stated he had just attended something similar to this in the City of Anderson and it was very helpful in gaining insight into ways to better work together and be more effective and efficient. He acknowledged that we have two new Councilors and have recently incurred many changes in City Staff. Mr. Fitzpatrick confirmed that all members had received and were familiar with the adopted Council Procedures. Following this brief introduction the following topics were discussed:

Time Limits: City Attorney addressed the issue of speaker time limitations, stating that the Council is legally entitled to limit the speaker's time, or move it to later in the meeting. He stated that doing this maintains fairness to those who have agendaized their items for discussion. Councilor Turner asked if the City Attorney was in favor of having a public comment period at the end of the meeting; he stated that he was. Mayor Strack stated that the Council allows the public to speak at the time the item is brought up; Councilor Hill stated that she liked to receive comments at the time agendaized items were discussed stating that possibly we could move

"Business from the Floor" to "Items Placed on the Agenda from the Floor". By consensus It was decided to keep things as they are for now.

Urgency Items: Mr. Fitzpatrick clarified the stipulations and justifications for urgency items.

Closed Sessions: Mr. Fitzpatrick informed Council of what could/could not be discussed in closed session reiterating that following the closed session a report must be made to the public and advised on extent of information released. Mr. Fitzpatrick also spoke on the confidentiality of Closed Sessions.

Minutes: Mr. Fitzpatrick stated that the Council decides what should and should not be included into the minutes.

Not voting on Agendized Items: Mr. Fitzpatrick stated if Council members were not prepared to vote on an agendized item they should inform the Mayor or City Clerk prior to meeting and the item could be agendized for a future meeting. According to City Policy a not voting is considered a yes vote. If you abstain from voting, you must state the reason and leave the room during discussion. It was stated that a Councilor does not need to state reason for a no (against item) vote.

Duties of the Presiding Officer: If making a motion, person making the motion must state the state the entire motion in order to inform the public of what action is being taken.

Vice Mayor: Mayor Strack suggested rotating the selection of Vice Mayor every year for a one-year term with the change occurring during the first meeting in December with the effective date the first meeting in January. This way each member of the Council had the opportunity to serve in this capacity. Council agreed by consensus. Councilor Hill stated that every time you change Vice Mayor the City would be required to change the signature card at the Bank for City accounts.

Copies of Documents given to Council: Copies must be made available to the public after the meeting.

Distribution of Materials: Mr. Fitzpatrick stated that the Council receives everything within the 72-hour specifications.

Roberts Rule of Order: Mr. Fitzpatrick stated that occasionally he has noticed members of the audience talking to other audience members or Staff and they should be addressing the Council. He stated that we are sometimes informal which is not a problem, however the Council needs to set the pace. Mayor and Council stated questions/comments should be directed at the Mayor, however the Council can address public members speaking at the podium. Mr. Fitzpatrick stated that another issue is members of the public addressing Staff members; Mayor Strack reiterated that he would like questions, etc. addressed to the Council.

Councilor Turner asked clarification of what types of items required a 4/5th vote and what items only require 2/3rd vote. Mr. Fitzpatrick clarified this. He also discussed Ordinance reading procedures and the fact that if there is no second on a motion...it dies and does not move forward.

Tie Vote: Motion doesn't pass.

Motions: Once a motion is made, public participation ends. Further discussion on an item where a motion was made stays within the Council.

Hearings: Requires 10-days notice usually, they are posted and are published in the paper. Hearings are formally opened for public discussion and closed following public discussion. Mr. Fitzpatrick advised the Council on proper procedures relating to "Quasi-Judicial Matters" (Appeals), especially in regards to Planning Commission items. He also informed the Council on proper procedures relating to Planning Commission items versus City Council items.

Dean Cofer clarified when audience participation will be closed on an agendized item.

Joe DeScala had question relating to Urgency Items, Closed Session Items, and Site visits relating to appealed items; these questions were answered. He then asked the procedure for agendizing an item and was informed that agenda items must be approved by a Council Member, the City Attorney, or through the City Manager.

G. ADJOURN TO REGULAR MEETING: 7:25 p.m.

H. CALL TO ORDER: 7:37 p.m.

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilor Leach gave the Invocation and City Manager Stephen Kimbrough led the Pledge of Allegiance.

J. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None

K. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT:

Nolan stated that Homecoming went great. He announced who was Mr. Cardinal and stated they are now thinking of Homecoming themes for next year.

L. BUSINESS FROM THE FLOOR:

Dean Cofer: He produced a letter to the Council regarding the north and southbound entry signs, an item previously addressed by the Council. Mr. Cofer stated his strong objection to the additional costs the City incurred due to the City Manager moving ahead on the signs prior to Council approval. Mayor Strack responded explaining the situation and asking Councils response to the request that it be agendized. Councilor Hill suggested it be discussed during the City Manager evaluation and City Attorney Mike Fitzpatrick stated that it could be done that way and then reported at the end of the closed session.

With no other discussion Mayor Strack moved the meeting to the Consent Agenda.

M. 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 January 27, 2009 and February 10, 2009 Meetings with any necessary corrections.**
- 4. February 18, 2009 Claim Warrant - \$166,918.93.**
- 5. February 18, 2009 Business License Report.**
- 6. Annual Tehama County State Fair Exhibit Contribution from the City of Corning.**
- 7. Authorization to Record Tax Lien for Delinquent Transient Occupancy Taxes.**
- 8. Accept the Safe Routes to School Cycle 7 Project Notice of Substantial Completion and Approve Release of Contract Retention in the Amount of \$30,604.53.**

Mayor Strack introduced each item by title stating that Item 7 would be removed and agendized for the next meeting. With no discussion, Councilor Turner moved to approve items 2-6 and Item 8. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

N. **ITEMS REMOVED FROM THE CONSENT AGENDA:** Item 7 was removed by the Mayor and will be agendaized for the next meeting.

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

P. **REGULAR AGENDA:**

9. Presentation of Recreation Survey by Recreation Supervisor Kim Beck and the Corning High School ROP Leadership Class.

Recreation Supervisor Kimberly Beck introduced this item briefing the Council on the survey. ROP Recreation Leadership Class Councilor Jeff Nelson also addressed the Council acknowledging Kim's positive influence and participation in his class and the resulting survey. Student representatives, Jake Johnson, Jessica Flores and Cheila Madrigal of the Recreation Leadership Class outlined the collaboration efforts for the survey questions through to the completed survey results. They prepared and presented a power point presentation on the survey and survey results.

Councilor Leach thought it was a great presentation and Councilor Hill thanked the students involved for their hard work.

10. Program and Funding Review of Corning Chamber of Commerce and Tehama Economic Development Corp.

Mayor Strack introduced this item by title with a brief explanation stating that at a previous meeting a Council by consensus scheduled to revisit for discussion at mid year budget.

Chamber of Commerce Manager Valanne Cardenas briefed the Council on the number of Chamber yearly Event and attendance numbers. Councilor Turner stated he didn't believe the previous meetings motion only was regarding TEDC.

Bill Moule, President and Claudia Martin, Executive Director of Tehama EDC: Addressed the Council regarding tasks and goals of Tehama Economic Development. Mrs. Martin reported on her attendance last Thursday at a Stimulus Meeting in Sacramento. Mayor Strack asked about the new web page Claudia was working on; Claudia stated that she is still working on it and hope to have something to present at the end of May. Mayor Strack also asked about including the southern end of Tehama County in the Agricultural tours and trade; Claudia stated that she is working hard on this almost to the point being accused of being biased (since she came from Corning).

Councilor Turner asked if Red Bluff or the City of Tehama has reduced their funding to Tehama EDC and what funding have they allocated? Mr. Moule stated that Tehama EDC is listed on the City of Red Bluff's cutting table, as yet they don't know how much.

Mayor Strack made the statement that he would not like to tell either agency that we will reduce their funding. He stated that he believes the City should continue the allocated budget. By Council consensus the Council agreed to they funds for this year as budgeted for both the Chamber of Commerce and Tehama Economic Development.

11. CEQA Mitigated Negative Declaration; Blackburn Avenue Widening Project.

Mayor Strack introduced this item by title and Public Works Director John Brewer further explained the CEQA Mitigated Negative Declaration for the Blackburn Avenue Widening Project. He explained the need for the widening on this street and the terms of the Grant funding. He informed the Council of the seven mitigation measures and the steps to complete the process. Mr. Brewer also informed the Council that they had received no public comments.

Councilor Hill asked if we had any preliminary numbers at this time for the project; Mr. Brewer stated not at this time. He then outlined the various stages from acquiring property for easements, relocation of power lines, etc. Mr. Brewer also informed the Council of the delays in relation to the completion of the Agreement and Agreement terms.

Councilor Leach motioned to adopt the Subfinding and Finding pursuant to the California Environmental Quality Act (CEQA). 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.**

12. Informational Item; Dedication of Public Property from HPT PSC Properties Trust; South Avenue Interchange Project.

Mayor Strack introduced this item by title explaining the location of the property and that the City didn't officially accept the deed at the time it was originally presented. **Discussion item only – no action required.**

13. Review of City Public Nuisance Abatement Codes to Identify Needed Changes.

Mayor Strack introduced this item by title stating that the City has the Codes; Council now needs to direct Staff on how hard we want City personnel to enforce the Codes and Fines. Councilor Hill stated that she would like to see the Codes more strictly enforced and monetary fines issued. Councilor Turner stated he believed that this was brought before Council so that Council could decide if too much latitude had been allowed. Councilor Hill stated the public noticing and public hearing process needs to be followed and the public informed that the City is going to strongly enforce these Codes.

Mayor Strack asked Chief Cardenas about enforcement issues; Mr. Cardenas responded with some suggestions requiring a strict plan for enforcement timelines. Councilor Hill verified the paper trail, possibly requesting signature on verbal warning. Chief Cardenas suggested certified mailing; Council members stated that would be fine. City Attorney Michael Fitzpatrick stated this could be policy and doesn't specifically need to be written into the Codes word for word. Chief Cardenas stated his main concern is that the Police Department and Code Enforcement Officers have the backing of the Council; the Council stated that the department had the Council's full support.

Dean Cofer: Addressed the Council stating that they had gone a different direction than what he thought the Council would. He referenced prior complaints by Gene May in regard to his neighbor's property. He stated he doesn't believe that the Codes need to be changed, just enforced.

Councilor Hill suggested clean-up language on page 94, 8.6.100 regarding the solid waste contractor; City Manager Kimbrough stated he would get with the City Attorney and go over this language. Public Works Director John Brewer stated that a fence permit had been issued for the property in question and relating to Mr. May's complaints.

Teresa Smith addressed the Council stating notices should be given to the tenants as well as the owner.

Chief Spannaus stated some items, such as 95-2 might need to be reviewed.

By Consensus of the Council authorized City Staff to enforce the Ordinances/Municipal Codes as they are written with the noted corrections to fit the times.

Allan Turner, brother of Mr. May's neighbor wanted to know why his brother is being singled out. Councilor Parkins stated that the Council wasn't specifically addressing this towards his brother, this is a complaint brought to our attention and regarding a Code Enforcement complaint and review. Don McCallister asked the definition of clean.

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

R. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

City Clerk Lisa Linnet read a card received from the Harvest Church thanking the City Council and Staff.

S. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

- 14. **Hill:** Reported on the Joint Meeting in Red Bluff on Thursday, February 19, 2009.
- 15. **Turner:** Reported on attendance of the Water Board Meeting here last Thursday night, the Indian Gaming Commission Meeting, and the Awards Dinner.
- 16. **Parkins:** None.
- 17. **Leach:** Reported on the Tripartite Board Meeting he attended last Thursday.
- 18. **Strack:** Reported that the Airport Commission will be meeting March 2, Recreation Commission will be meeting on March 3 and will be discussing a skateboard park.

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.

Bucky Bowen: Addressed the Council regarding rumor heard of statements he made.

T. ADJOURN TO CLOSED SESSION: 9:01 p.m.

PUBLIC EMPLOYMENT:

**Pursuant to Government Code Section 54957:
Continuation of City Manager Evaluation**

U. RECONVENE AND REPORT ON CLOSED SESSION: 10:01 p.m.

Reported that Council wanted to emphasize Code Enforcement and Public Nuisance Abatement. Council scheduled a continuation of the City Manager evaluation to follow the next City Council Meeting on March 10, 2009.

V. ADJOURNMENT!: 10:02 p.m.