



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JANUARY 27, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

Hill

Turner

Parkins

Leach

Strack

Mayor:

All members of Council were present.

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

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

D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None.

E. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT:

Nolan Schlereth, Corning High School Liaison updated the Council on the High School basketball teams, and stated that the soccer team is currently undefeated. He also stated that the Basketball Homecoming is Friday night.

F. BUSINESS FROM THE FLOOR:

Noble Engle: Stated that he owns a 10-acre property on Palm Avenue and proposes to use this property for solar power generation. He stated he was seeking a "feel" from the Council on this proposed use. Mr. Engle stated that this possible project would benefit the City, and would require no water or sewer usage. He would provide security fencing.

Joe DeScala: Presented a copy of the back page of the City's Encroachment Permit for 2120 Loleta Avenue signed by Dewey Lucero and copies of various emails between himself and Public Works Director John Brewer to members of Council. Mr. DeScala then stated he would like to clarify what construction requirements are necessary for the driveway approach at 2120 Loleta in order to satisfy the City under the terms of the Encroachment Permit.

Gene May: Approached the Council regarding neighboring property stating the vacant lot has tarps over fence with a "Tent City" appearance. He stated he isn't finding any assistance from the City Council. He stated that we need a stronger public nuisance ordinance with a timeframe to clean the property, and a penalty if not done by that time. He added that this will be his last effort tonight. Mr. May stated that it is time to look for a new City Manager, City Attorney, and Police Chief and stated that he will seek assistance from another agency outside the City that may bring some help. Councilor Leach responded asking if a citation is issued, what is the timeframe for action, and Councilor Parkins requested a report on the existing public nuisance ordinance at the next meeting. Fire Chief Spannaus stated that he has been to Mr. Turner's business and spoken with him regarding a prior complaint about his business on Solano Street, and Mr. Turner has taken steps to clean up the front of his business.

Dean Cofer: A couple of years ago he was at a meeting at the High School regarding mandatory garbage, which he was opposed to. He asked all to drive by the location Gene May is speaking about and requests that the City get their ordinance people out there and do something about this.

Numerous members of the Community (**Corine Maday, Beth Birk (Tehama County Dept. of Education Recreation Specialist for SERF), Bud Gott, CUESD Superintendent Stephen Kelish, and High School Teacher/ROP Instructor Jeff Nelson**) voiced their support for Recreation Director Kim Beck and the Recreation Department stating that she is doing an excellent job. Mr. Gott also stated that he strongly opposes reducing funding to the Recreation Department and the Chamber of Commerce. He stated that the Chamber of Commerce ranks up there with the City Council when it comes to trying to perpetuate, promote and come up with results which are positive and desirable for the City and it is vital to the Community. Mr. Kelish stated that the Corning Elementary School is still committed to supporting the Recreation District and will not charge for the Recreation District or any group for the use of School Facilities. He also spoke about the new uniform program to be initiated at the Elementary School District next year.

Mayor Strack thanked the School's for their support of the Recreation Department.

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. **January 23, 2009 Claim Warrant - \$211,606.31.**
3. **Business License Report – January 23, 2009.**
4. **Ordinance No. 633; Rezone No. 2008-2, An Ordinance Amending the Minimum Height, Bulk and Space Requirements for Residential Zoned Parcels. (Second Reading)**
5. **Approve Re-Allocation of Indian Gaming Funds.**

Mayor Strack introduced items listed on the Consent Agenda by title and asked if any member of Council or the audience would like an item pulled for further discussion; with no response he called for a motion on these items. Councilor Hill moved to approve Consent Items 1-5 and Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

6. **Presentation and Acceptance of Annual City Audit for Fiscal-Year 2007-2008.**

After Mayor Strack introduce this item by title, Don Reynolds, CPA and City Auditor presented the Annual City Audit for Fiscal-Year 2007-2008. Mr. Reynolds stated line items are normal to go over and under, this City is in good hands with City CPA Roy Seiler. He explained and discussed the letter contained in the audit (pages 1-4 of the audit). Mr. Reynolds informed the Council of no difficulties in the audit stating that the City's CPA Roy Seiler keeps everything in order.

Councilor Turner asked Mr. Reynolds if it was a common practice of his company not to furnish a management letter accompanying the audit stating that there have been errors in the past corrected, or corrected criticisms, or problems that may rear there ugly heads. Mr. Reynolds stated not only is it policy, it is required now by statements on auditors standards (stads) 112 and 113. He stated that it wasn't included because of the short period of time between the time audit was

approved and time that the meeting was scheduled. Mr. Reynolds complimented City CPA Roy Seiler and City Finance Staff. He noted that there were no significant deficiencies.

Councilor Parkins moved to receive and accept the Annual Audit for Fiscal Year Ending June 30, 2008. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

7. Mid-Year Budget Review and General Discussion.

Mayor Strack introduced this item by title. City Manager Kimbrough stated that the City General Fund is proceeding as we had expected, we have not yet received the vehicle registration, property tax revenues, or the revenues from the "Triple Flip". He stated that the sales tax revenues were a little higher than last year and the TOT (Transient Occupancy Tax) is a little low because of a delinquent Hotel not current on their TOT's.

Councilor Turner asked the length of time before the City notifies the Hotel owner of the delinquency; City Manager Kimbrough stated they are contacted the same month, immediately. He stated that the City continues to work with the Hotel owner to bring them current on their TOT's. The Finance Department has the Delinquent Hotels pay their TOT's monthly, rather than the standard quarterly payments until current on payments.

City Manager Kimbrough reported that the General Fund is \$200,000 lower than last year. In reference to funding received from the State, Mr. Kimbrough stated that no one can predict what the State will do at this point.

Mayor Strack stated that with the Flying J reimbursement for street improvements paid; those funds should be noticed in the next budget year, City Manager Kimbrough stated it should be an estimated a \$110,000.

City Manager Kimbrough complimented City Contracted CPA Roy Seiler and the Finance Department for their work.

Councilor Turner asked the status of the COPS Funding. City Manager Kimbrough responded stating they are sending the revenues quarterly now instead of annually.

Discussion item only, no Council action required.

8. Report on City Employee Salaries and Benefits.

Mayor Strack introduced this item by title stating this was information requested by a member of the City Council.

Discussion item only, no action required of the Council.

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: Mayor Strack announced that Saturday, January 24th an electronic waste dump site will be held at the Tehama County Social Services parking lot, on February 6th Olive View is having a ribbon cutting. Curriel Orchards provided a statement on the Olive Crop at Woodson Park, they have donated all proceeds (\$264) minus the picking costs.

M. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

9. Hill: Reported on her attendance at the Admin. Service Policy meeting, she provided information to City Attorney Mike Fitzpatrick who will prepare a report on some of the information she received at this meeting. She discussed FPPC rules regarding gifts. She also stated that the Senior Center serves many people and suggested the Council consider purchasing additional plates, bread saucers and spoons for the Center, with a cost of roughly \$1,000. Mayor asked if the Senior Center has remaining Ridell funds

remaining that could possibly fund this; City Manager Kimbrough stated that he believes they are using these funds for cash flow, however we can request budget information from the Center and prepare a Staff Report.

10. **Turner:** Reported on his final attendance as the City's representative at the JPA II meeting, he now serves as the City's representative to LAFCO and will be attending those meetings. During discussion of the JPA II meeting it was stated that the City needs a place to recycle batteries, Council directed Staff to look into a recycling location for batteries.
11. **Parkins:** Thanked the City for sending her to the League Training and stated her wish to assist Mr. May.
12. **Leach:** Reported that he had attended his first League Conference, received training in Public Officials Code of Ethics.
13. **Strack:** Spoke about scheduling Ethics training for City Council and Staff.

N. ADJOURN TO CLOSED SESSION: 8:57 p.m.

PUBLIC EMPLOYMENT:

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

O. RECONVENE AND REPORT ON CLOSED SESSION: 9:55 p.m.

Mayor Strack reconvened the meeting and Councilor Hill read the following statement: During the closed session, a vote was taken to place City Manager Stephen Kimbrough on administrative leave (allowed by City Ordinance 609 adopted in May of 2004). This action can only be taken 90 days following the last election of new council members (Nov. 4, 2008) which would be February 4, 2009. Therefore this action would release him of his position 30 days following afore mentioned date of February 4, 2009. A vote was taken and counted as follows:

Ross Turner:	Yes
Becky Hill	No
Toni Parkins	No
John Leach	Yes
Gary Strack	No

Council then scheduled a closed session to further evaluate and bring back goals for the City Manager at the February 10, 2009 City Council Meeting.

P. ADJOURNMENT!: 10:00 p.m.

Lisa M. Linnet, City Clerk