



**CITY OF CORNING  
CITY COUNCIL MINUTES**

**TUESDAY, FEBRUARY 14, 2012  
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 Council were present.

**C. PLEDGE OF ALLEGIANCE: Led by Boy Scouts Seth Blackburn and Taylor Holly.**

**D. INVOCATION: Led by Mayor Strack.**

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:**

**1. Presentation of Business and Employer of the Month Awards:**

**BUSINESS OF THE MONTH:**

**Daisy's Ice Cream Shop**

**EMPLOYER OF THE MONTH:**

**TA Travel Centers of America**

City Councilman Dave Linnet presented the award for Employer of the month to Patty Chapman of TA Travel Centers. No one was present from Business of the Month recipient Daisy's Ice Cream Shop so Chamber of Commerce Manager Valanne Cardenas will make sure that they receive the award.

**2. Proclamation: Certificate of Recognition and Presentation of Excellence in Transportation Awards to Mayor Strack and Public Works Director John Brewer by Barbara O' Keeffe, Deputy Director of Transportation for Tehama County Transportation Commission & Transit Agency.**

Barbara O' Keeffe, Deputy Director of Transportation for the Tehama County Transportation Commission and Transit Agency presented both Mayor Gary Strack and Public Works Director John Brewer with Caltrans Certificates for the "2011 Excellence in Transportation Award" for the South Avenue Interchange System Operations.

Following Barbara's presentation to Mayor Strack and Mr. Brewer, Mayor Strack and Mr. Brewer surprised her with a City "Proclamation of Recognition" for "her tireless and unselfish work to improve transportation infrastructure, not just in Corning, but throughout Tehama County".

**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.**

**3. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

**4. Waive the Reading and Approve the Minutes of the following meetings with any necessary corrections:**

**a) January 24, 2012 City Council Meeting and Closed Session.**

- b) **January 26, 2012 Special City Council Meeting and Closed Session.**
- c) **February 1, 2012 Special City Council Closed Session Meeting.**
- 5. **February 8, 2012 Claim Warrant - \$313,761.95.**
- 6. **February 8, 2012 Business License Report.**
- 7. **January 2012 Treasurer's Report.**
- 8. **January 2012 Wages and Salaries - \$330,774.43.**
- 9. **January 2012 Building Permit Valuation Report - \$291,338.60.**
- 10. **City of Corning Wastewater Operations Summary Report – January 2012.**
- 11. **Second Reading and Adoption of Ordinance 650, an Ordinance to Officially Disband the Corning Redevelopment Agency and Repeal Chapters 2.56 and 2.60 of the Corning Municipal Code.**
- 12. **Approve Progress Pay Estimate No. 7 in the amount of \$129,935.15 to Trent Construction for the Clark Park Municipal Water Well Project.**
- 13. **Authorize Staff to Seek Bids for Pruning of City Street Trees.**
- 14. **Accept Resignation of Ed Pitman from the Airport Commission.**

Mayor Strack introduced each item on the Consent Agenda by title. With no discussion, Councilor Parkins moved to approve Consent Items 3-14 and Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed, Absent or Abstaining: 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:**

- 15. **Adopt Resolution No. 02-14-2012-01, a Resolution authorizing the City's Public Works Department to work with Tehama County Public Works on a Joint Project to Reconstruct a 1600 foot long segment of Marguerite Avenue adjacent to the Corning Municipal Airport.**

Mayor Strack introduced this item by title. Councilor Leach asked the length of street to be removed and repaired, Public Works Director John Brewer responded stating that the street repairs would be intermittent; however the street sections removed will be replaced with a sub-base minimum depth of 8 to 10 inches. Councilwoman Parkins thanked John for his work in coordinating this project with the County.

Councilor Linnet moved to adopt Resolution 02-14-2012-01, a Resolution authorizing the Department of Public Works to work cooperatively with the County of Tehama Public Works Department on the Marguerite Avenue Project. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed, Absent or Abstaining: None. Motion was approved by a 5-0 vote.**

- 16. **Adopt Resolution No. 02-14-2012-02, a Resolution Honoring the Corning Volunteer Fire Department for 100 Years of Service to Citizens and Businesses in the City of Corning.**

Mayor Strack introduced this item by title and City Clerk Lisa Linnet read the Resolution. Fire Chief Spannuas stated that the Department was formed exactly 100 years ago today, probably at this very same time. Chief Spannuas stated that the official celebration would take place on April 28, 2012 beginning with a Pancake Breakfast at the Fire Hall followed by a Parade, Statistic Displays and culminating with a dinner at Rolling Hills Casino.

Councilor Leach moved to adopt Resolution No. 02-14-2012-02, a Resolution honoring the Corning Volunteer Fire Department for 100 Years of Service to Citizens and Businesses in the City of Corning. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed, Absent or Abstaining: None. Motion was approved by a 5-0 vote.**

**17. Approve Application for State Indian Gaming Funds to support a portion of Police Officer salary.**

Mayor Strack introduced this item by title explaining that this year the City has been told it may receive \$4,875.43 through an application to the County Indian Gaming Committee. Mayor Strack stated that as in previous years, if awarded, these funds will be utilized to support a portion of the salary of one Police Officer. Councilor Parkins moved to approve the submittal of an application for Indian Gaming Funds in the amount of \$4,875.43 to support funding a portion of the salary of a Police Officer. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed, Absent or Abstaining: None. Motion was approved by a 5-0 vote.**

**18. Discussion of Options for City Manager Replacement, Option Selection and Possible Appointment.**

Mayor Strack introduced this item by title and City Attorney Michael Fitzpatrick briefed the Council on the new law, Assembly Bill 1028 that became effective on January 1<sup>st</sup> which prohibits the City of Corning from continuing to employ Mr. Kimbrough as its City Manager for more than one year now that he's a "retired annuitant" under the Public Employees Retirement System (PERS). He then outlined the three proposed options, the costs associated with each option, and a proposed contract for Mr. Kimbrough's services as a consultant to assist with the City budget and teaching Mr. Brewer about the budget, should Mr. Brewer be selected as the next City Manager. Mayor Strack explained that this would be especially important since we will be doing the next budget within the next 4-5 months.

Mayor Strack then opened the meeting for public input.

**Ross Turner:** Asked if the Consultant position had been advertised, was there a "Request for Proposals" (RFP) sought, or was it solely derived for one individual? Has any of the Mid-Year Budget been started?

Mayor Strack responded stating that yes the Mid Year Budget is done and was planned to be on tonight's agenda, however it has been postponed and will be on the February 28<sup>th</sup> agenda.

**Teresa Smith:** Stated that John Brewer has done an outstanding job and believes he would do a great job as City Manager, and City Manager Kimbrough has flown his flag long enough and it is time for a change.

**Dewey Lucero:** Encouraged the City Council to find and hire a new City Manager that will encourage business growth and economic development. A part-time City Manager does not have the time to promote this growth; one person does not have the time to devote to doing two jobs.

**George Freeman:** Stated that the City has a number of professionals that work for the City and one of them is Roy Seiler, City CPA.

**City Engineer Ed Anderson:** Stated he has been the City's Engineer since 1968 and that he has worked with John Brewer and feels he could easily do the job as City Manager. He stated that the City recently hired Patrick Walker as Assistant Public Works Director and he is extremely competent and could easily step up and take on many of the duties of the Public Works Director.

**John Stoufer:** Stated he has had the pleasure of working with John Brewer for over 25 years. John has worked for many entities and is well respected. John's experience and the contacts he has made provide a priceless resource to the City and the job.

Councilman Leach stated he has heard nothing but good things about Patrick around town and he has heard many good things about John. He stated that he feels that John could learn the budget quickly and stated that in the Public Works Department he has done an outstanding job.

Councilor Dickison stated that everything she has taken to John he has taken care of immediately. She further stated that she believes that with the budgetary assistance, especially through the end of June, John will do a great job.

Councilor Linnet stated he was glad that Steve stepped up and went to part-time when we needed it, and now John has stepped up. He reiterated that Steve has offered to stay and help as long as needed.

**Councilor Parkins moved to approve Option 3 without the step determination, as written (Move John Brewer, the City's Public Works Director into the position of City Manager/Public Works Director and bring Mr. Kimbrough back as a consultant and independent contractor to assist the City strictly in the area of budgeting.). Councilman Linnet seconded the motion.** Mayor Strack stated he would like to start John at Step B. City Attorney Fitzpatrick stated that the last paragraph states two contracts; however there will only be one which is for Mr. Kimbrough. Mr. Fitzpatrick then explained the contents of the proposed consulting contract.

Councilor Leach stated he would like to remove the automatic renewal clause from the proposed consultant contract and have it brought back for discussion. Mayor Strack stated he would like to leave it in as the contract is on a monthly basis. Councilor Leach then asked about the indemnification clause. Mr. Fitzpatrick stated that this was standard in some of the contracts we have for work done for the City.

**Ross Turner:** Asked if the City would be providing liability insurance for a consultant. Mr. Fitzpatrick responded stating that the City would be providing liability protection for work associated with City projects and then clarified that the contract cost would consist of a \$4,500 monthly rate for 75 hours of work per month.

**Barbara O'Keeffe:** Stated that July can be an extremely busy month due to year end close out and John will be dealing with all kinds of funding sources. She stated that having someone available who has performed year-end close-out is of great help.

**Councilor Parkins clarified her previous motion to include that the position (City Manager) start at Step B and include approval of the contract with Steve Kimbrough as an Independent Contractor. Ayes: Strack, Parkins, Dickison and Linnet. Opposed: Leach. Absent/Abstain: None. Motion was approved by a 4-1 vote with Leach opposing.**

**19. Adopt Resolution No. 02-14-2012-03, A Resolution of the City Council of the City of Corning Clarifying Status of Police Chief.**

Mayor Strack removed this item and stated that it will be on the next Agenda for February 28th.

**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:** Announced the Indian Gaming Committee meeting on February 28<sup>th</sup> at 3:00 p.m.

**Leach:** Announced the Community Action Agency meeting on Thursday from 1:30 to 5:00.

**Dickison:** Announced that the LAFCO meeting had been again cancelled. She stated that the State Fair Exhibit will be moving forward.

**Linnet:** None.

**Strack:** Acknowledged the report in the Chico Enterprise Record about Bell Carter receiving recognition from PG&E.

**N. ADJOURNMENT!: 8:37 p.m.**

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**Lisa M. Linnet, City Clerk**