



**CITY OF CORNING
CLOSED SESSION MINUTES
TUESDAY, FEBRUARY 26, 2013
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

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

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

All members of the Council were present.

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.

C. PUBLIC COMMENTS: None.

D. ADJOURN TO CLOSED SESSION: 6:30 p.m.

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Pursuant to Government Code 54957

Title: City Manager.

2. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

Agency Negotiator: William May, Labor Relations Consultant

Miscellaneous Bargaining Unit

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:30 p.m.

Mayor Strack reported that Council met and completed a portion of the City Manager's Performance Evaluation and scheduled another closed session for March 26th to complete the evaluation by setting goals for the next year.

Mayor Strack reported that Council met with the City's Labor Negotiator Bill May and gave him direction in relation to the upcoming Miscellaneous Unit Negotiations.

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL: 7:30 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, FEBRUARY 26, 2013
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

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

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All members of the City Council were present.

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

D. INVOCATION: Led by Councilman Cardenas.

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: None.

F. BUSINESS FROM THE FLOOR:

Joyce and Jerry Lequia complemented the City and their employees on how well they take care of our City Parks.

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. Waive the reading and approve the Minutes of the February 12, 2013 regular City Council Meeting with any necessary corrections.
3. February 20, 2013 Claim Warrant - \$150,049.91.
4. February 20, 2013 Business License Report.
5. Adopt Resolution 02-26-2013-01 authorizing the City Clerk, with written consent of the City Attorney, to purge City Records according to the adopted Records Retention Guidelines.

6. Authorize the purchase of a \$5,503.97 towable Water Trailer from Dietz Equipment utilizing funds received from the sale of the City's 1980 International Water Truck.

Mayor Strack introduced each item on the Consent Agenda by title and asked if anyone from the audience or from the Council would like to pull any item for further discussion. Councilor Linnet responded requesting to pull Consent Item 6 for further discussion.

With no further discussion on the remaining Consent Agenda Items, Councilor Dickison moved to approve Consent Items 1-5. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a vote of 5-0.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

6. Authorize the purchase of a \$5,503.97 towable Water Trailer from Dietz Equipment utilizing funds received from the sale of the City's 1980 International Water Truck.

Councilor Linnet stated that he would like to see the City go with something new rather than used; and secondly he would like the City to ensure that we are able to pull the equipment with the vehicles the City currently has. Public Works Director Patrick Walker confirmed that the City currently has equipment that can pull the proposed trailer. Councilor Linnet stated that he would rather see the City invest in new equipment rather than piecing something together.

Other items discussed were issues relating to metal vs. plastic tank and concerns of whether the estimates received last September were still current. Mr. Walker stated that the estimate from Dietz is. Councilor Dickison stated that we should obtain new estimates if planning on going with something new. Councilor Cardenas suggested leaving it in the hands of Staff to decide what they believe would be best for the City and let them make their recommendation to the Council. If we can use the existing equipment wouldn't it be prudent to do that?

Councilor Dickison moved to authorize the purchase of a completed towable water trailer from Dietz Equipment Sales utilizing an existing City Utility Trailer in the amount of \$5,503.97, and utilize funds from the Public Works Equipment Replacement Fund for this purchase. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed: Linnet. Absent/Abstain: None. Motion was approved by a 4-1 vote with Linnet opposing.**

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

7. Presentation and Acceptance of Annual City Audit for Fiscal Year 2011-2012.

City Auditor, Mr. Donald Reynolds, CPA stated that the Staff Report provided by City Manager Brewer hits some of the highlights of the Financial Statements.

Mr. Reynolds explained that these financial statements are the City's financial statements, and are a work product of City Staff, and he puts it into the form of a financial statement. However, these numbers reflect the activities of the City of Corning and their employees for that fiscal year. He stated that he produced the three audit opinions, in prior years there has only been one, however this year one of the differences is that this year the City had a "Single Audit" which is required by law (under OMB Circular A-133) if you expend more than \$500,000 which differs from previous years. He then explained the need for the additional Auditor's opinions. Mr. Reynolds explained that the specific project that put the City over the top was the Clark Park Well Project.

Mr. Reynolds stated that the first opinion issued, which he believes is the most important by far, is the initial opinion on page one and two which states whether or not we believe that your financial statements fairly represent the financial position of the City of Corning for year ending June 30, 2012. He further stated that following the audit, he is happy to "report that they have issued an unqualified opinion on the financial statements that they do in fact believe that these statements do present the financial condition and the results of its operations for the twelve month period of July 1, 2011 through June 30, 2012.

He stated the City, in the General Fund, had a pretty good year with a \$750,000 increase in sales tax revenue over June 30, 2011. Even though the City had some shortfalls in other areas to the tune of \$250,000, the City still ended the year with about a \$500,000 more revenue than you originally anticipated which bodes well for the future if the sales tax trends continue. He further stated that the City budgeted expenditures based upon anticipated revenues, and the anticipated expenditures exceeded budget by a little over \$100,000, but even at that, the City's budget verses actual came in well over \$300,000 to the good allowing the City to recover some of the reserves.

Councilor Dickison moved to receive and accept the Annual Audit for Fiscal Year Ending June 30, 2012. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a vote of 5-0.**

8. Approve California Department of Transportation (Caltrans) Grant Application preparation by Diaz and Associates.

Mr. Stoufer stated that Staff is always aware of available grants/funds; this particular one is a Caltrans for transportation improvement planning and studies. We believe that there is one that would benefit the City currently and in the future which is the "Transportation" Section. It deals with bicycle plans/pathways and then pedestrian movement plans within the community and falls into certain planning laws such as sustainable communities. He further explained that this would be a plan, should we receive a grant, which would provide what we call a "shovel ready project" for an interior pedestrian/bicycle plan within the City. He stated that this grant provides for in-kind funding in the amount of \$7,500.

Councilor Cardenas moved to authorize the expenditure of up to \$2,000 and authorize City Staff to work with Diaz Associates to prepare the Grant Application and the City Council Resolution to be adopted at a later date. Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a vote of 5-0.**

9. Approve Progress Pay Estimate No. 1 in the amount of \$44,500 to Lance Jones Construction for the Rodgers Theater, Phase 2 Improvements.

Mayor Strack introduced this item by title and explained that the dollar amount has changed from \$44,500 to \$38,790. Mr. Brewer explained that the amount was revised to reflect that the electrical work was only 80% complete following the latest inspection by the City's Building Official. He further explained that the revised amount is now \$43,100 less the retention of 10% which is \$4,310, leaving a balance due to the contractor of \$38,790.

Councilor Cardenas moved to approve Progress Pay Estimate No. 1 in the amount of \$38,790 to Lance Jones Construction for the Rodgers Theater, Phase 2 Improvement Project. City Manager Brewer stated that the amount to be approved should be \$43,100. Councilor Cardenas amended his recommendation to be \$43,100, not \$38,790. Councilor Dickison seconded the motion as amended. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a vote of 5-0.**

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).

Dickison: Reported on attendance at the Community Action Agency meeting last Thursday at which reports were provided on status of existing projects and was informed that all new members are now required to attend a work/training session to be held on March 6th. She also stated that she attended the Exchange Club dinner on Saturday.

Linnet: Pay it Forward Committee was interviewed by Channel 7 and was on the news this morning. He further stated that Gary's Gift Shop is now closed before it opened as the building has been rented out.

Cardenas: Reported that Friday (the 1st) will be the day all the groups get together to start working on the planning for the Promise Neighborhood Grant.

Smith: Reported on attendance at the Senior Center Meeting. She informed the Council that the stipend funded by a government bill used to pay Dot Linnet (Linda Lima's Assistant) is running out so they are currently seeking funding to pay for her expenses (vehicle fuel).

Strack: Reported on attendance at the Exchange Club and congratulated the members of the Corning Fire and Police Departments who received awards.

N. ADJOURNMENT!: 8:07 p.m.

Lisa M. Linnet, City Clerk