



**CITY OF CORNING
SPECIAL CLOSED MEETING SESSION MINUTES**

**TUESDAY, JANUARY 11, 2011
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

Toni Parkins

John Leach

Vacant

Darlene Dickison

Mayor:

Gary Strack

All members of the City Council were present with one vacancy remaining pending legal verification of ability of Councilman elect Jesse Lopez to serve as an elected member of the Council.

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: 6:31 p.m.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

Agency Negotiator: William May, Labor Relations Consultant

**Management, Miscellaneous, Dispatch and Public Safety Employees
Bargaining Units**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

**Government Code Section 54956.9(b)(1) based upon failure to seat Council
Member following election.**

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

Mayor Strack announced that Council met with the City's Labor Negotiator and gave him direction and also met with the City Attorney and received advice on a matter that will be discussed later in the Agenda.

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL: 7:31 pm

Lisa M. Linnet, City Clerk



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

D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:

1. Proclamation: January 2011 National Mentoring Month in the City of Corning.

The Proclamation was read and Tehama County Department of Education Mentor Coordinator Melissa Mendonca accepted the Proclamation from Mayor Strack and introduced longtime local mentor Wayne Peterson. She stated that the City of Corning has a thriving program and invited all interested in becoming mentors to contact her. She stated that these are trying economic times and economic difficulties trickle down to our kids, therefore the care and guidance of mentors is especially needed.

2. Introduction of the new County Librarian Jessica Hudson.

Mayor Strack introduced and welcomed new County Librarian Jessica Hudson. She stated that she has been in her position as Tehama County Librarian for approximately 7-days.

E. BUSINESS FROM THE FLOOR:

A woman from the audience identified as "Kitty Claws" spoke presenting a poem on behalf of the local felines. She stated that a fundraiser known as "Corning Fur Bowl" would be held on Sunday, February 6th at Java Lanes from 2-5 p.m. to raise funds to address feline over population issues such as spaying and neutering, etc. She invited all to attend.

Ruby Tap addressed the Council asking who is the Police Chief's supervisor; she was informed that the City Council is his supervisor. She then asked why when calls are made from 918 Walnut Street the Police do not respond; however when the neighbor calls the City responds. Mayor Strack asked for direction from the City Attorney stating this seems to be an ongoing matter/dispute between two neighbors. City Attorney Fitzpatrick suggested putting the complaint in writing addressed to the City Manager and then Staff and Council can look at the facts and decide what, if any, action the City can take.

Rolling Hills Casino's Kate Grissom addressed the Council on the "Branding Process" and presented an update on the "Branding Project". She stated that currently they are in the process of raising funds to get Roger Brooks to assist with the Branding Project and informed the Council that he will be here in March to finalize the contract. She also stated that they are working on some fundraiser events for this project in the south County. Council requested that the City Clerk agendize Ms. Grissom's presentation on the Branding Project for the next Council Agenda (January 25th).

Mayor Strack then asked Ms. Grissom if she could provide the Council with an update on the Rolling Hills Medical Facility. She stated that the facility should be opening in March and hiring should begin in early February.

F. 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 December 14, 2010 City Council Meeting with any necessary corrections:**
5. **January 5, 2011 Claim Warrant - \$438,057.10.**
6. **December 2010 Building Permit Valuation - \$46,922.**
7. **December 2010 Wages and Salaries - \$467,058.45.**
8. **City of Corning Wastewater Operation Summary Report – December 2010.**
9. **November 2010 – Treasurer’s Report.**
10. **December 2010 – Treasurer’s Report.**
11. **Authorize the Installation of a Park Bench and Concrete Slab at Northside Park in Memory of Bobby Strack.**
12. **Approve Progress Pay Estimate No. 1 in the Amount of \$53,510 to Franklin Construction for the 2010 Traffic Signal Installation Project.**
13. **Approve Progress Pay Estimate No. 4 in the Amount of \$34,606.90 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**

Mayor Strack requested to remove item 11 because he will be unable to vote on this item due to a Conflict of Interest.

Councilor Leach moved to approve Consent Items 3-10 and 12-13. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez’ eligibility to serve.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

11. **Authorize the Installation of a Park Bench and Concrete Slab at Northside Park in Memory of Bobby Strack.**

Vice Mayor Parkins called for a motion. Councilor Dickison moved to Authorize the Gary Strack Family to install the concrete footing and bench adjacent to the tennis courts at Northside Park in memory of Bobby Strack with the final position to be approved by the Public Works Director or Assistant Public Works Director. Councilor Leach seconded the motion. **Ayes: Parkins, Leach and Dickison. Opposed: None. Absent: None. Abstain: Strack. Motion was approved by a 3-0 vote with Strack abstaining and one vacancy on the Council pending verification of Councilor elect Jesse Lopez’ eligibility to serve.**

H. PUBLIC HEARINGS AND MEETINGS: None.

I. REGULAR AGENDA:

14. Approve Contract Change Order No. 1 to the Traffic Signal Installation Project Increasing the Cost by \$28,225.37 for a Total Project Cost of \$280,467.37.

Mayor Strack introduced this item by title and Public Works Director John Brewer explained the reasoning for the Change Order.

Councilor Parkins moved to approve Contract Change Order No. 1 increasing the Traffic Signal installation Project by \$28,225 and set the budget appropriation from fund 116 to Street Projects Signal Improvements Account 116-9254-3001 at \$290,585. Councilor Dickison seconded the motion. Mayor Strack and Mr. Brewer explained that the light wouldn't be operational for a month or more in order to electrify the new vault for the traffic signal; PG&E is working with the City on the issue...the Contractor stated it could be up to a 12-week delay. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez' eligibility to serve.**

15. Approve Plans and Specifications and Authorize Public Works to Seek Bids for the New Water Well Installation. Plans and Specifications are available for review at City Hall.

Mayor Strack introduced this item by title and Public Works Director John Brewer updated the Council on the progress.

Councilor Parkins moved to approve the Plans and Specifications and authorize the Public Works Department to seek bids for the construction of a new water well, a pump station at Clark Park with the necessary waterline extensions, and related facilities as described in the project description, specifications and plans. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez' eligibility to serve.**

16. Approve Construction of Wall and Placement of City Seal and "In God We Trust" Message in City Council Chambers.

Mayor Strack introduced this item by title. Mayor Strack illustrated the proposed site and size of the City Seal and statement "In God We Trust". During discussion he stated he would like to see it scaled down some after seeing the display. He also asked if the Council wanted to proceed with this.

Councilor Parkins stated that Council and Staff have been discussing this for some time, however she is not sure if, with the budget being what it is now, if now is really the time and if we have the budget for it. Councilor Leach asked if the City had the funds; he was informed yes.

Woody Palmer suggested placing it in one of the arches, and asked if the traffic signal cameras were being funded by grants, etc. stating that he remembered when the first signal at Sixth/Solano Street signal was installed, it cost the City about \$75,000 and now it seems they cost a quarter of a million. Jerry Lequia suggested getting a committee together to raise funds for the construction and installation of the City Seal and "In God We Trust". Councilor Parkins suggests using the font size 11 for the lettering.

Mr. Kimbrough suggested Council approve the construction tonight without the funding and that way Mr. Brewer can begin working with a committee. Mayor Strack suggests scaling it down.

Councilor Dickison moved to authorize the project utilizing font size 11 pending funding from private sources. Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez' eligibility to serve.**

17. Approve Payment of the City's "League of California Cities" 2011 Membership Dues in the Amount of \$3,953.

Mayor Strack introduced this item by title stating that this cost has not been raised for a number of years. Councilor Parkins informed members of the audience that this is vital; this organization keeps Cities informed of new legislation affecting local government and helps initiate measures that insure that local taxes and revenues stay within the local Communities. Councilor Parkins moved to approve the continued membership in the League of California Cities and approve the payment of the annual dues in the amount of \$3,953. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez' eligibility to serve.**

18. Approve Increase of City Parking Violation Fees to \$32.50 and Handicap Parking Violation Fees at \$282.50.

Mayor Strack stated that the City receives no funds from moving violation Citations; those funds go to the courts. Councilor Leach moved to set the Parking Violation Fees at \$32.50 and the Fee for parking in a handicapped zone without proper placards or identification at \$282.50 to cover the additional State Mandated Penalties of \$7.50 per Citation that must be collected. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez' eligibility to serve.**

19. Consideration of Administering Oath to Successful Candidate for City Council or Postponing Action Pending Legal Determination of Jesse Lopez' Eligibility to Assume Office.

Mayor Strack introduced this item by title and stated that Council discussed this in closed session and received advise from Legal Council. City Attorney Michael Fitzpatrick stated that Council received a request from Mr. Lopez's Attorney for 40-days more to seek a court order (Judges determination) that would allow him to be seated. He advised Council to postpone action on this item until the January 25th Council meeting, not the 40-days requested as Council has 60-days from the date a vacancy occurs on the Council in which to make an appointment or they have to call a special election. The 60-days ends on February 5th. Therefore, he is recommending postponing a decision until the next Council meeting on January 25th and at that time hopefully we will know from Mr. Lopez what date he will be going to court and we can make a determination at that time. This recommendation is because the voters have chosen him and he believes that he is entitled to have a Judge determine whether or not Mr. Lopez is eligible to be seated. Mr. Fitzpatrick and Councilor Parkins both pointed out that a special election is extremely costly, between \$5,000 and \$20,000.

Susan Price...stated that calling for applications is not on the Agenda tonight. She was informed that she was correct. Mayor Strack explained that waiting until the 25th does not allow individuals much time to prepare applications. Mayor Strack requested that the City Clerk place accepting applications on the next Agenda.

Following other questions by Council and members of the audience, Councilor Parkins moved to Agendize discussion and action on this issue on the January 25, 2011 City Council Meeting. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy on the Council pending verification of Councilor elect Jesse Lopez' eligibility to serve.**

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

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

- L. **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 that the JPA1 will only be meeting every other month.

Leach: Nothing.

Dickison: LAFCO Meeting for tomorrow has been canceled due to a lack of agenda.

Strack: Nothing.

- M. **ADJOURNMENT!:** 8:24 p.m.

Lisa M. Linnet, City Clerk