



**CITY OF CORNING
CLOSED SESSION MINUTES**

**TUESDAY, JANUARY 22, 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: 7:00 p.m.

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

All members of the City Council were present except Councilor Linnet who left prior to the start of the meeting because he was ill.

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:

D. ADJOURN TO CLOSED SESSION: 7:00 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code (1 potential case).

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

Mayor Strack reported that Council met with Legal Counsel and was briefed on the status of the anticipated litigation and they provided Staff and Legal Counsel with direction.

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

Lisa M. Linnet, City Clerk



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All members of the City Council were present except Councilor Linnet who left prior to the start of the meeting because he was ill.

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:

- 1. Presentation: Senior Center Profit & Loss Statement, the 2013 Tentative Projects, Fundraisers and Activities and a Review of the 2012 Senior Center Activities: Barbara Vandygriff and Linda Daniels Lima.**

Barbara Vandygriff presented the Senior Center's Profit & Loss Statement explaining that this is the second year they have been in the black. She also stated that the Board has hired Bretney & Associates to do the taxes and maintain the books for the Center.

Senior Center Manager Linda Lima introduced Board President Donna Walberg and Board Member Delores May. She thanked the City Council and Staff for their donations towards the Adopt a Senior Program, and thanked the Corning Fire Department, VFW, Corning Exchange Club, City of Corning Staff and many others for their continued support. Mrs. Lima then informed the Council of the planned projects/events for 2013 and provided a quick review of the Center's activities over the past year.

Mayor Strack asked for confirmation that the Senior Center's Lease Agreement with the City states that "Lessor shall at all times be entitled to have one voting member on Lessee's Board of Directors, subject to election by Lessee's membership". Ms. Vandygriff explained although the Lease provides for the City to have a voting representative on the Board, the Center's By-Laws, according to the articles of incorporation with the State, lists only 7 voting members on their Board. She explained that their elections occur in November and currently there are no

vacancies on the Board. She suggested that the Council contact the Center in November with their recommendation of a Council representative to serve on the Center's Board. She explained that the Council's suggested representative would then have to be elected by the members of the Center. Linda Lima announced the Center's Board Meeting dates/times (10:00 a.m. the second Wednesday of the month, and they are open to the public). Councilor Smith (Council appointed representative to the Senior Center) was invited to attend the meetings as a non-voting member at this time. Mayor Strack stated that it might work better to not have a voting member as is being done with the Chamber of Commerce.

3. Introduction of new Police Department Dispatcher/Clerk Ashley Knight.

By consensus of the Council this item was moved to item 2 on the Agenda. Police Chief Don Atkins introduced new police dispatcher Ashley Knight who comes to the City from the Tehama County Sheriff's Department. He informed Council that she started work last Thursday.

2. Presentation: "Tehama County Visitor Center" by Center Manager Kristin Gray.

Kristin Gray explained that a Tehama County Visitor Center is being started to serve all of Tehama County and it is sponsored by North Valley Services. It is planned to open this April with a staff of 15 to 18 provided by the North Valley Services Agency Job/Vocational Training Center.

Ms. Gray gave a brief outline of her work history and stated that she is involved with the Tehama County Branding Project also. She stated that the main focus will be Mt. Lassen, but they will also be utilizing the Corning Logo and promoting the local olive oil industry, wineries, tourism, etc. She announced that she would be managing the Center and that they will have an Advisory Board consisting of representatives from the Red Bluff and Corning Chamber of Commerce as well as members representing the local agricultural (olives, nuts, winery's etc.) industry.

They will be located at 250 Antelope Blvd. where Golden Corral Restaurant was previously located.

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.

- 4. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 5. Waive the reading and approve the Minutes of the January 8, 2013 Closed Session and Regular Meeting with any necessary corrections.**
- 6. January 16, 2013 Claim Warrant - \$ 253,948.93.**
- 7. Adopt Resolution No. 01-22-2013-01 authorizing the Tehama County Sanitary Landfill Agency to submit a Regional Tire Recycling Grant Application.**
- 8. Authorize Public Works to fill the vacant Public Works Maintenance Worker position.**

Mayor Strack confirmed that the City will be advertising locally after tonight for the vacant Public Works position. Public Works Director Patrick Walker stated we are looking at a closing date of February 22nd and hopefully following the interview process, bringing the selected candidate on board in April.

Councilor Dickison moved to approve Consent Items 4-7 and Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a vote of 4-0 with Linnet absent.**

H. **ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

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

J. **REGULAR AGENDA:**

9. Introduction of Ordinance 651; An Ordinance amending bidding requirements on Public Works Projects. (Introduction and First Reading)

Mayor Strack introduced this item by title and City Attorney Michael Fitzpatrick stated that this will update our requirements in keeping with State Law. He explained the proposed changes in dollar limits which are:

Current Municipal Code Limits

-Use own personnel or negotiate: \$30,000
 -Informal procedures allowed: \$175,000 or less
 -Requires formal bidding: over \$175,000
 -If all "informal" bids exceed **\$75,000**, City may still award contract in amount not to exceed **\$80,000** by 4/5 vote if cost estimate reasonable.

Limits permissible by current State Law

-Increased to \$45,000
 -Remains the same (\$175,000 or less)
 -Remains the same (over \$175,000)
 -If all "informal bids exceed **\$175,000**, City may still award contract in amount not to exceed **\$187,500** if cost estimate reasonable.

Councilor Dickison moved to introduce Ordinance No. 651 and place it on the February 12, 2013 Council Agenda to be considered for adoption. Councilor Smith seconded the motion.

Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a vote of 4-0 with Linnet absent.

10. Award Contract for Phase 2 of the Rodgers Theater Improvement Project to Richard Jones Construction.

Mayor Strack introduced this item by title confirming that the name listed should have stated Lance Jones, not Richard Jones. City Manager Brewer outlined the proposal and stated that Staff is recommending that the bid be awarded for only the base bid item at \$89,500 at this time. Mr. Brewer then outlined the lengthy bid processes, explaining that the City initially sought bids on August 28, 2012; no bids were received. City Attorney Mike Fitzpatrick then stated that the Public Contracts Code provides that we can select our own contractor at that point. As we reviewed the code we discovered that we were required to send bid proposals to some trade journals which we had not done. We then rebid the item; again we received no responsive bids (bids received by closing date). At that point we proceeded with hiring our own contractor and contacted Lance and Rick Jones.

Councilman Cardenas asked about obtaining some type of guarantee of expending the grant funds prior to March 1st so that the City will not be required to refund the money to the McConnell Foundation. Mr. Jones stated that he could provide this. City Manager Brewer also stated the City is requiring a Payment Bond only, not a Performance Bond as listed in the Staff Report.

Councilor Smith made the motion that, upon submittal of the Payment Bond, to award the Bid for Phase 2 of the Rodgers Theater Improvement Project, including the Base Bid Item Only (Restroom Improvements) for the amount of \$89,500 to Lance Jones Construction and waive the requirement for the Performance Bond. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a vote of 4-0 with Linnet absent.**

11. Review Park names submitted by students and selected by local Schools for consideration and selection as the name for the new City Park.

Mayor Strack introduced this item by title and requested that Council delay action at this time in order to allow the Community to get more involved. He stated that although he has no problem naming the Park after someone, he would like it to relate more to Corning, such as Corning Community Park, Corning Olive Grove Park, etc.

By consensus of the Council this will be postponed until the second meeting in February (26th). The Council would still like to present each of the School's that submitted a name with a plaque that could be presented when the name is selected.

It was explained that the City is looking for a submittal of more names, or input on the names already submitted which were: Bud Gott Community Park, Bud Gott Memorial Park, The Great Olive Park or "Kids Love It Park". It was announce that Park Name submittal forms will be available at City Hall and they will need to be submitted by Feb. 20th.

12. Resolution No. 01-22-2013-02; authorizing installation of a raised pedestrian crosswalk on Marguerite Avenue at Maywood School.

Mayor Strack introduced this item by title and City Manager Brewer explained that this was presented at the last meeting and postponed pending notification of local emergency services. Staff has made that contact (with the Sheriff's Dept., Ambulance Service, etc.) and received no comments. City Manager Brewer informed Council that he and Staff spoke with Fire Chief Spannaus about the concerns stated at the previous meeting and Chief Spannaus stated he saw no problems with this.

Councilor Cardenas moved to adopt Resolution 01-22-2013-02 authorizing the installation of a raised crosswalk across Marguerite Avenue at Maywood School, and include the raised crosswalk and the Marguerite Avenue asphalt overlay as an alternative bid item within the Fig Lane Safe Routes to School Project. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a vote of 4-0 with Linnet absent.**

13. Adopt Resolution 01-22-2013-03 approving City endorsement of the Everett Freeman Promise Neighborhood Project's MOU between the Paskenta Band of Nomlaki Indians and Partners.

Mayor Strack introduced this item by title and explained that this is a grant initiated by the Nomlaki Tribe and it would provide \$500,000 for planning to try and further the education of Corning students. It is just for the Corning area (although it doesn't state any boundaries it does say Corning only, so it is believed to encompass the Corning Elementary School Boundaries) and has the potential to provide up to \$6,000,000 for five years. Mayor Strack announced that Councilor Cardenas sits on the "Steering Committee".

Councilor Cardenas stated that it doesn't really specify the boundaries, but it says the Corning-Paskenta tribal geographical area contiguous three mile area adjacent to the Paskenta Band of Nomlaki Indians and the City of Corning. The whole idea is to go from K-High School to prepare students to go beyond to college or other technical schools. He explained that the one year planning grant will be developed and submitted and if accepted then we will get an implementation grant that could be up to \$6,000,000 for five years.

Councilor Dickison moved to adopt Resolution 01-22-2013-03 approving City endorsement of the Everett Freeman Promise Neighborhood Project's Memorandum of Understanding between the Paskenta Band of Nomlaki Indians and Partners. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Cardenas and Smith. Opposed/Abstain: None. Absent: Linnet. Motion was approved by a vote of 4-0 with Linnet absent.**

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 Tehama County Historical & Heritage Committee Meeting at the Tehama County Museum and she also attended the Chamber of Commerce installation dinner.

Linnet: Absent.

Cardenas: Nothing.

Smith: Reported on her attendance at the League of CA Cities New Mayors and City Council members Academy. She stated that she learned a lot and stated that people were very impressed with the City of Corning and how we were not bankrupt. She stated that it was interesting to realize that we are doing very well compared to a lot of other Cities.

Strack: Stated he would not be attending any more of the meetings at the High School on the every 15 Minutes Program and confirmed that Police Chief Atkins and Fire Chief Spannuas were actively attending these meetings.

N. ADJOURNMENT!: 8:28 p.m.

Lisa M. Linnet, City Clerk