

**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JULY 24, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Hill
Dickison
Zuniga
Turner
Strack**

Mayor:

All Council members were present. Commission members present were:

Planning Commission: Robertson, Hatley and Reilly.

Recreation Commission: Purcell and Price.

Airport Commission: None.

Library Commission: Bright.

C. BROWN ACT AND CONFLICT OF INTEREST STUDY SESSION:

1. Instruction and Information from City Attorney Mike Fitzpatrick to City Council, Planning, Recreation, Airport and Library Commissioners and City Staff.

City Attorney Michael Fitzpatrick gave a brief overview on the various legal procedures in relation to the Brown Act such as lobbying, etc.

Mr. Fitzpatrick stated that usually you hear about the Brown Act when someone makes the accusation that you are violating it, whether in fact you are or not. He informed those present that Brown Act is the "Open Meeting Law" in the State of California, stating that there are limited areas where closed session are legal such as in reference to active litigation, real estate, City Manager evaluation, etc. This law affects all of us, however the one exception is when the City Council appoints two of its members to a committee, other members of staff could attend, however they cannot be voting members, only the two appointed Council members (these meetings do not have to be public).

Mr. Fitzpatrick defined what is a meeting, stating it is a gathering of the majority of the members to deliberate, discuss and issue decisions on a specific matter and is subject to the posting notice regulations, etc. This also includes telephone calls, etc. He also explained the violation of serial meetings and the definition of serial meetings.

He stated that members of the public attending a public meeting are allowed to tape the meeting. If the City records a meeting, the recording must be retained for at least 30 days and made available to the public should be requested. If something is added to the Agenda, it must meet the requirements and those requirements must be stated in the minutes of the meeting. Any paper work presented to the Council during a meeting must be made available to the public if requested.

Mr. Fitzpatrick informed those present of the penalties for violation such as: Intentional Violation is a misdemeanor. Penalties can apply to elected officials as well as City employees attending closed sessions for disclosure of proceedings occurring in the Closed Session. Any decisions

requiring a vote in closed session must be reported to public when reconvene (vote numbers). Those voting members abstaining must state the reason for abstaining from voting, Mr. Fitzpatrick clarified the justifiable reasons for abstaining from voting on an issue. If there is a conflict of interest in relation to an item to be voted on, the member abstaining must leave the room according to the Fair Political Practices Commission (FPPC). The question was asked on what to do on a tie vote (2-2); Mr. Fitzpatrick stated no action is taken.

Mr. Fitzpatrick informed those present that there are three tests for a Conflict of Interest and defined these tests.

Absenteeism, quasi-judicial – If you have not been present for the entire meeting, you should not vote, however if the Commissioner/Councilor listens to the recording, and they should state that they have listened to the proceeding meeting recording, then they can vote. It was asked, what if you have a turnaround in the Commission/Council leaving you without a quorum of those present at the previous meetings where the item was discussed. Mr. Fitzpatrick responded stating that they can either listen to the recordings, or start all over with the presentations, however generally they should not vote on what was presented prior to their attendance.

Findings: Place in the minutes of the meeting your reason for making the decision. Must state any additions/deletions to findings in the minutes. He suggests giving Staff a ten-minute break to go into another room and put in writing the findings and reasons for the findings (can be extremely important in a legal case).

With no other questions to the City Attorney, Mayor Strack stated his appreciation to the various Commissioners for their attendance tonight and for their service to the City.

Mayor Strack then adjourned the meeting at 7:23 p.m. stating they will reconvene at 7:30 p.m.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS:

2. Presentation of State Proclamation from Doug LaMalfa, State Assemblyman 2nd District Commemorating 100th Anniversary of the City of Corning.

Assemblyman Doug LaMalfa presented a Proclamation to the City of Corning commemorating the City's 100th Anniversary. Mayor Strack stated that Councilor Dickison has been working for and involved with the City for 44 of those 100 years.

Assemblyman LaMalfa stated that he really likes visiting Corning and that he is presenting a Resolution to the City from the State Assembly commemorating this occasion.

Mayor Strack stated his appreciation to Assemblyman LaMalfa for the numerous occasions where he has assisted the City.

Mr. LaMalfa then briefed the Council on the State Budget status.

Councilor Turner asked Mr. LaMalfa's opinion on the raids of the Transportation Funds. Mr. LaMalfa responded stating that the urban transit dollars might be stripped away towards other budgetary needs.

E. BUSINESS FROM THE FLOOR: None.

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 June 12, 2007, June 21, 2007, and June 26, 2007 meetings with any necessary corrections.
5. July 18, 2007 Claim Warrant - \$452,721.65.
6. July 18, 2007 Business Licenses.
7. Parcel Map 05-59; Accept Public Improvements and Partial Release of Financial Security; Coastal View Construction.
8. Wages and Salaries for June 2007 in the amount of \$331,888.65.
9. Approve Three-Year (3) Landscape and Turf Maintenance Agreement with Ken Vaughn at \$8,450 per year and Appropriate the additional \$950 from the General Fund Reserve needed to complete funding of this Agreement.
10. Treasurers Report for June 2007.
11. Accept and Approve Final Parcel Map No. 06-29; Larry L. Marple; 2444 Highway 99 W; APN 87-040-06.
12. Approve Agreement with James Norvall, Community Development Consultant to Administer Three CDBG PT-A Grants.

With little discussion, Councilor Hill motioned approval of Consent Agenda Items 3-12. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. A vote of 5-0 approved the motion.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

H. PUBLIC HEARINGS AND MEETINGS: None.

I. REGULAR AGENDA:

13. Designation of Voting Delegate and Alternate for 2007 League Annual Conference.

Councilor Turner nominated Councilor Hill as the voting Delegate and Councilor Dickison as the alternate as they will both be attending the Conference. Councilor Zuniga seconded the motion. **Ayes: Strack, Hill, Dickison, Zuniga and Turner. Opposed: None. Absent/Abstain: None. A vote of 5-0 approved the motion.**

**14. Yard Sale Signs or a Community Bulletin Board – City Code Enforcement.
Presentation by Hometown Revitalization**

Mayor Strack stated that he had gone to three intersections and counted and removed 20 posted signs, and stated that the posting has gotten a little out of hand. Yvonne Boles addressed the Council stating that they have presented the Council with Hometown Revitalizations ideas for a message board stating that they suggest Plexiglas frontage. They suggest locating a signboard behind the sidewalk on Solano Street facing the west at the Park and Ride. She stated that the flyers should be left up a week and then removed. Councilor Turner stated that he would much rather have steel poles than the proposed vinyl posts at \$416 and stated he believes he could find this at a less expensive cost. City Manager Kimbrough stated that if Council approves this, possibly it is a project that could be turned over to the Public Works Department for construction. Paulyne White stated that possibly a charge for posting can be imposed to help fund this project should it be approved. Mayor Strack stated that posting of signs needs to be monitored, especially on Mondays, possibly by a Community Service Officer. Mayor Strack confirmed that the Hometown Revitalization could not fund this endeavor; Mrs. Boles responded stating that they could possibly raise the funding. Councilor Hill stated that she would like to alter the location encouraging drivers to enter the park & ride to post and read. It would be safer also. Councilor Zuniga stated that she would also

like it to be ascetically pleasing and in keeping with our Spanish style. Councilor Hill stated she would like to authorize the Committee to begin raising funds for this.

Mayor Strack confirmed that it was the Councils consensus to have Hometown Revitalization pursue funding and the City will contribute.

Walter Dodd stated that candidate political signs were posted on property without permission. Mayor Strack informed Mr. Dodd that the City Clerk is looking into this.

Mayor Strack stated that it was the Council consensus to possibly pursue the box (display board) however the board supports the Council would like to be sturdier possibly steel supports. Public Work's Director Tom Russ stated that the supports should be steel that is powder coated, however it would be expensive. He also stated that Public Works could design, build and install; however it would need to be done this fall because their schedules are full now.

Gena Bowen asked if the City had enquired of other City's at to what they are doing regarding sign posting. She was informed that they are basically in the same position that we are.

Councilor Turner stated that he believed that Tom Russ and Public Works could work with Hometown Revitalization to prepare a plan. Chief Cardenas stated that the proposed placement would be north of Solano Street on the east side of the park and ride behind the sidewalk at the handicap parking, that way people posting will be on the sidewalk.

Council consensus is that Public Works (Tom Russ) and Hometown Revitalization will work together. Mrs. Boles requested that a proposal be placed on the next Agenda so that Hometown can begin fund raising. It was the Councils desire to start issuing Yard Sale Permits as is stated in the Ordinance.

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

K. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:** None.

L. **REPORTS FROM MAYOR AND COUNCILMEMBERS:**

15. Hill: None.

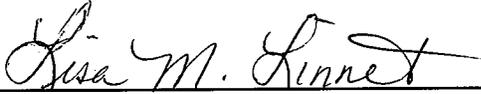
16. Dickison: Reported on last Thursday's Tripartite Board meeting and as usual the North County won out.

17. Zuniga: None.

18. Turner: None.

19. Strack: Request for Status report on the Recreation Grant. Yvette stated that she hasn't spoken with Annie (the Grant Writer) however the application deadline is in September.

M. **ADJOURNMENT! 8:20 p.m.**


Lisa M. Linnet
Lisa M. Linnet, City Clerk