



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JULY 28, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Becky Hill
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All members of 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. ADJOURN TO CLOSED SESSION: 6:31 p.m.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Gov't Code 54957

Title: City Attorney

Title: City Clerk

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:30 p.m.

The Mayor announced that the Council reviewed the PERS issue that has been raised concerning our City Attorney. We have seen no documentation of any kind which would allow us to conclude that it would be illegal for the City now to pay the City Attorney these retirement funds. However, we're willing to take no action on this matter at this time to allow adequate time for others to fully investigate this issue.

Mayor Strack also stated that they gave the City Clerk direction on how to respond to Public Records Act Requests.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilor Leach gave the invocation and City Manager Kimbrough led the Pledge of Allegiance.

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None.

G. BUSINESS FROM THE FLOOR:

Mr. Wolverton stated that he had addressed the City Manager and the Council regarding the pet rescue issue and wished to know the final outcome. Mayor Strack stated that Animal Shelter Caretaker Debbie Englebarger had withdrawn her request for the additional funding due to the current financial situation of the City.

Gene May addressed the Council in relation to the response by the Grand Jury regarding his complaint. Mr. May stated three people have finally come and talked to him after seven years and he is still waiting for the Police Chief to contact him. He announced that he is now a member of the Concerned Citizens Group and believes that both the Police Chief and City Manager should be removed from office.

- H. **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 Corrected Minutes of the June 18, 2009 Special Meeting with any necessary corrections.
 3. Waive the Reading and Approve the Minutes of the June 23, 2009 Meeting with any necessary corrections.
 4. Waive the Reading and Approve the Minutes of the June 30, 2009 Special Meeting with any necessary corrections.
 5. Waive the Reading and Approve the Minutes of the July 7, 2009 Special Meeting with any necessary corrections.
 6. July 22, 2009 Claim Warrant - \$266,949.07.
 7. Business License Report – July 22, 2009.
 8. Approve Resolution No. 07-28-09-02 Authorizing the Tehama County Sanitary Landfill Agency to Submit a Regional Used Oil Recycling Grant Application for FY 2009-2010.
 9. Accept Resignation of Mr. Jerry Rindahl from the Airport Commission.
 10. Appoint Mr. Tony Miller as City Representative to the Tehama County Airport Land Use Commission.
 11. Approve Relocation and Remodel Plans for the Transportation Center, Suites B & D and City Hall Storage Room to Provide Accommodations for the PAL Program and the Recreation Supervisor.
 12. Adopt Ordinance No. 635 – An Ordinance of the City of Corning adding a chapter to Title 5 of the Corning Municipal Code that would regulate street vending in the City. (Second Reading and Adoption).
 13. Authorize Public Works Staff to Complete Weed Abatements on Non-Compliant Properties and Imposition of Liens for Cost Recovery.

Councilor Turner asked that Items 11 and 13 be removed for further discussion and Councilor Hill requested that Item 9 be removed for further discussion. Councilor Leach moved to approve Consent Items 1-8, 10 and 12. Councilor Hill seconded that motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

I. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

9. **Accept Resignation of Mr. Jerry Rindahl from the Airport Commission.**

Councilor Hill stated that she would like to publicly acknowledge Mr. Rindahl's importance to the City Airport and thank him for the contributions he has made to the City and the Airport during his years on the Airport Commission. It was announced that a formal presentation is being planned. Councilor Hill moved to regretfully accept Mr. Jerry Rindahl's resignation from the Airport Commission. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

11. Approve Relocation and Remodel Plans for the Transportation Center, Suites B & D and City Hall Storage Room to Provide Accommodations for the PAL Program and the Recreation Supervisor.

Councilor Turner asked if the City is required to obtain State approval for the remodeling plans for the Transportation Center. The City Manager stated that in past discussions the State doesn't have a problem as long as the City maintains a bus waiting area. Public Works Director John Brewer stated that he has been in touch with the County Transportation Contact, Barbara O'Keeffe, and she has stated that she has no problem with this arrangement as long as the bus waiting area remains available to the public.

With no further questions, Councilor Turner moved to approve the relocation/remodel plans for the Transportation Center's Suites B & D and the City Hall Storage Room to accommodate the PAL Program and the Recreation Supervisor's relocation. Councilor Parkins seconded the motion.

Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.

13 Authorize Public Works Staff to Complete Weed Abatements on Non-Compliant Properties and Imposition of Liens for Cost Recovery.

Councilor Turner asked why the City didn't use an outside contractor to do the weed abatement work rather than Public Works Personnel. City Manager Kimbrough stated that because General Fund dollars would be used for this, and it might take 1-2 years to recover these funds, it was better to spend it on our own employees.

With no further discussion, Councilor Turner moved to authorize Public Works Staff to complete the weed abatements on non-compliant properties and impose liens on these properties for cost recovery. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

J. PUBLIC HEARINGS AND MEETINGS: None.

K. REGULAR AGENDA:

14. Designation of Voting Delegate and Alternate for 2009 League Annual Conference.

After little discussion, Mayor Strack moved to appoint Councilor Hill to be the City's voting representative at the 2009 League of California Cities Annual Conference since she is the only member of Council that will be attending. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

15. Ordinance 636 Amending the Dollar Amount Limits of Corning Municipal Code Chapter 15.32; Contract and Biding Procedures for Public Projects (First Reading).

Mayor Strack introduced this item by title and Public Works Director John Brewer explained that this is being proposed to raise the thresholds for Force Account Labor (Public Works Employees) from the existing \$25,000 to \$30,000 in response to State law.

Councilor Hill moved to waive the first reading and introduce Ordinance No. 636, an Ordinance to amend the dollar amount limits of Corning Municipal Code Section 15.32.010 from \$25,000 to \$30,000. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

16. Approval of Corning Municipal Airport Improvement Plans and Financing Plan, and Authorize Staff to Seek Bids for the Project; CEQA Notice of Exemption.

Mayor Strack introduced this item by title. Public Works Director John Brewer then presented a brief explanation of the project explaining that the projected funding would be from FAA

(\$2,375,000), the State (\$59,375), and what the City's match would be (\$65,625). He outlined the possible funding sources for the City's match and Staff's recommendations to Council. Councilor Leach suggested utilizing City Transportation Funds rather than seek funding via a loan. City Manager Kimbrough stated that if this is the Council's decision then he suggests the City draw up a loan note against these funds to be presented for Council approval.

Mayor Strack moved to:

- a. Find that the Corning Municipal Airport Runway and Taxiway Improvement Project is exempt from the California Environmental Quality Act (CEQA);
- b. Approve the Plans for the Corning Municipal Airport Runway and Taxiway Improvement Project, including the additive bid item;
- c. Authorize Staff to seek bids for the project, including the additive bid item, returning to Council for bid award; and
- d. Direct the City Manager, Consultant Bob Wadell and City Staff to pursue the Grant Funding for the Project from the Federal Aviation Administration and California Department of Transportation – Division of Aeronautics.

Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach.**

Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.

By Council consensus, the funding source for the City's matching funds is to be decided by Council at a later date.

17. Informational Item Only – Report on City Council Vote to Reduce Mayor and Council Monthly Stipend.

Mayor Strack introduced this item by title. He informed the Council that the City Council may not reduce the salary of its members during their current terms of office. Mayor Strack asked to Agendize this item for the next Council Meeting on the Regular Agenda. Councilor Hill stated she would also like a legal opinion on whether Council can voluntarily take a reduction.

18. City Attorney Employment Agreement – Modify Method of Providing Retirement Contribution.

Council made the statement upon reconvening the meeting that no action would be taken on this item at this time.

19. Approve Resolution No. 07-28-09-01 Adopting the 2009-2010 Budget and Program of Service for the City of Corning, Discussion and Action.

Councilor Hill stated she would like to postpone a decision on the budget until the State finalizes their budget. By Council consensus this will be carried over to the next meeting.

Councilor Turner stated that he had heard that the City of Orland received some stimulus funds and asked Chief Cardenas if this was associated with the grants he had applied for. Chief Cardenas stated no, they were different kinds of grants. Chief Cardenas then announced that the City had received notification that they had received the funding for the vehicle, however we did not receive the funding for the officer at the elementary school.

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

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

N. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

20. **Hill:** Reported on the League's Sacramento Valley Division Meeting in Paradise.

21. **Turner:** Nothing.

22. **Parkins:** Nothing.

23. **Leach:** Stated that the Skateboard Committee had a meeting and have selected Leaders.

24. Strack: Discussion of proposed Museum Wall Mural. He stated that he would like one or two members of the Council to serve on a committee to select an artist. Councilors Leach and Hill have both stated they would like to serve on this.

Mayor Strack announced that the Airport Lease would be on the Council Agenda for August 28th.

Julie Johnson stated that Assembly Member Theona Ma would be visiting Tehama County including Lucero Olive Oil per Supervisor Robert Williams

O. **ADJOURNMENT!: 8:10 p.m**

**Lisa M. Linnet,
City Clerk**