



**CITY OF CORNING  
CLOSED SESSION MINUTES**

**TUESDAY, MARCH 12, 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  
Gary Strack**

**Mayor:**

**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: 7:00 p.m.**

- 1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:  
Agency Negotiator: William May, Labor Relations Consultant  
Miscellaneous Bargaining Unit**

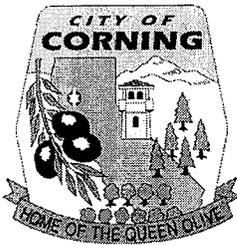
**E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:30 p.m.**

Mayor Strack reported that Council met in Closed Session with the City's Labor Negotiator and gave him direction.

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

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**Lisa M. Linnet, City Clerk**



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**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 Mayor Gary R. Strack.**

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: 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.**

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. March 6, 2013 Claim Warrant - \$ 217,451.02.
3. March 6, 2013 Business License Report.
4. February 2013 Wages and Salaries: \$339,322.48.
5. February 2013 Building Permit Valuation Report - \$101,467.
6. February 2013 Treasurer's Report.
7. City of Corning Wastewater Operations Summary Report – February 2013.

**8. Adopt Resolution No. 03-12-2013-01 authorizing the Tehama County Sanitary Landfill Agency to submit Regional Household Hazardous Waste Grant Applications on behalf of the City.**

Councilor Dickison moved to approve Consent Items 1-8 and Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

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

**J. REGULAR AGENDA:**

**9. Approve Alignment and Engineering Cost Estimate for Airport Perimeter Fencing Project as Presented by City Engineer Ed Anderson.**

Mayor Strack introduced this item by title and City Manager John Brewer stated that the City has been trying to obtain approval by the Federal Aviation Association (FAA) of an Airport perimeter fence for a number of years. This approval also includes an important component of FAA financing to the tune of 95%.

The City's initial plan was to fence completely around the perimeter of the Airport however the City encountered NEPA (National Environmental Policy Act) issues because part of the fence alignment would require construction of fence through wetland areas. Instead we reduced the scope of the project to replacing the security fences that run along the street frontages on Blackburn, Marguerite and Neva Avenues. In 2011 the reduced project was found to have little or no effect on the environment. Mr. Brewer then explained the exact locations where the proposed fencing would be installed and the height and type of fencing proposed.

Mr. Brewer informed the Council that Staff expects the overall cost to be \$ 85,000-\$95,000 and FAA typically pays 95% of those costs with the City responsible for 5% or \$4,250 - \$4,750. Before we can proceed with the project, FAA must approve the alignment, fence type and location. Fence plans and specifications must be prepared by an Engineer, and prior to completing the final fence design work, the FAA must approve the Engineers service proposal. City Engineer Ed Anderson was asked and has prepared this and has presented it (it is attached). The final cost for this is \$7,950 which includes contract administration, inspections, bid review and award recommendation.

Following some questions related to funding, and confirmation of fencing locations, Councilor Cardenas moved to approve the attached security fence alignment shown on the attached photo and drawing, and to approve the proposal and cost estimate presented by City Engineer Ed Anderson. Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

**10. Award Bid for Development and Construction of Phase 1 of the Corning Community Park Project in the amount of \$1,843,346.20 to Kendel Trent Construction.**

Mayor Strack introduced this item by title stating this is the Company that installed our new well. Mayor Strack stated that this items presentation was delayed for a couple of weeks because Staff wanted to confirm that Additive Bids were added correctly to confirm the low bid. Engineer Ed Anderson stated that if awarded tonight, we could schedule the preconstruction meeting next week. Once we have that done then they can get the SWPPP (Stormwater Polution Prevention Plan) completed and approved by the Regional Board, that has to be in place before they can start moving dirt. In the meantime we can get the concrete out of there, get the well abandoned, complete demolition. He stated we are probably looking at starting the beginning of May with completion of this phase this season.

Councilor Cardenas moved to approve a line item budget increase of \$45,355.50 from Revenue Account 355 to Account No. 355-6337-9025 for the Toomes Avenue Offsite Improvements and award the Bid for Phase 1 of the Corning Community Park Project to Kendel Trent Construction in the amount of \$1,843,346.20. Councilor Smith seconded the motion. **Ayes: Strack, Dickison,**

**Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

**11. Adopt Resolution 03-12-2013-02 permitting continued service of part-time City Attorney Michael Fitzpatrick.**

Mayor Strack introduced this item by title. City Attorney Michael Fitzpatrick explained that for many years, a person retired and drawing retirement through PERS cannot go back and work for a PERS Agency at the same time they are drawing their retirement. These are rules that apply to employees. Although for a few years I was an employee, but I have been an independent contractor for most of the time I have worked for the City of Corning, and the last few years he stated he was still an independent contractor. He stated his concerns relating to the new pension laws, explaining that they are not clear on how these new laws apply to independent contractors as well as employees. This is why he is asking Council to adopt this Resolution which takes the position that he is needed for a limited period of time because of the skills that he has in training another person to do his work. This is an exception, and the law states that "if the Council, at a public meeting, agrees that the skills of that person are needed for a limited period of time" (the law doesn't specify a time limit though) they can make that point. Mr. Fitzpatrick explained that this will not only protect him and his retirement, but the City as well.

Mayor Strack explained that the proposed Resolution actually has listed a specific time period, January 1, 2013 through June 30, 2014.

Councilor Cardenas moved to approve Resolution 03-12-2013-02 making Findings concerning the position of City Attorney for the City of Corning. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

**12. Annual Mid-Year Budget Review and General Discussion.**

Mayor Strack introduced this item by title and City Manager John Brewer presented the Council with the Mid-Year Budget. Mr. Brewer provided the following information on how the City is faring at near the mid-point of the fiscal year, specifically 12-31-2012. He stated that now that the annual audit for 2011-2012 has been completed and accepted by the City, we can compare the Staff projection included in that budget, with the actual numbers. Using the actual numbers we have a better picture of where we are at mid-year.

To summarize, he stated that the point is that while we anticipated having a total of \$191,880, in fact what we are ending up with is just under half of that at \$89,566, that is only about 2% of the overall General Fund Revenue, he stated that his point is that we need to be very conservative with expenditures at this point. He stated that we are meeting our **Sales Tax Triple Flip** projections; with two quarters of the four quarters in, we are almost \$50,000 over our projection. **Sales Tax** presented does not include the \$210,878 recovered in December because it was accounted for in another manner in the Budget. **Fuel Sales:** Down by 5.7%, why is still unknown. **Transient Occupancy Tax:** Currently above expected and if trend continues through 1<sup>st</sup> quarter we will exceed our \$260,000 TOT budget projection by between \$63,000 and \$80,000. **Property Tax:** Currently just about right on target at about 60%, and **Vehicle License Fees:** Right in there. He stated that everything seems about right with the exception of Building Permit and Plan Check Fees; we will probably take a hit of \$30,000-\$35,000 there due to the downturn in construction. **Utility Fund Revenues:** In the Short term the sewer fees are right on target, water fees are a little ahead, however in the long term we have some shortfalls in primarily the Sewer Enterprise Fund so this Spring we will approach Council to increase the sewer utility rates, and it will have to be a little more than the 3% increases previously utilized. He stated that water will be a little short, but not as much as the Sewer Enterprise Fund.

Mr. Brewer closed by stating in summary that some funds were up a little, and some were down a bit. Expenditures are near what we projected when the budget was approved. Overall, barring any catastrophic event or condition, we believe we will finish the fiscal year without the need to "raid" our \$800,000 Operating Reserve and be positively positioned to go into next fiscal year.

Councilor Dickison moved to receive the Mid-Year Budget Report for information and discussion, and transfer \$3,960.02 from Fund 152, Flood Mitigation – FEMA to the General Fund. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

**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 her March 1<sup>st</sup> attendance at the special meeting of the Community Action Agency and stated that the LAFCO meeting had again been cancelled.

**Linnet:** Reported the Pay it Forward Committee had a clean-up day last Saturday at which they collected Shopping Carts throughout town and returned them. He announced that the Committee would be meeting with the Realtor handling the former M & M Building on Wednesday to discuss whether the Committee could do something with the building.

**Cardenas:** Reported on his March 1<sup>st</sup> attendance of the Everett Freeman Promise Neighborhood Planning Meeting stating that they broke out into three groups; Pre-Kindergarten Group, the K-12<sup>th</sup> Grade Group, and the third Group – After 12<sup>th</sup> Grade. They have plans for several meetings between now and May at which point they will put it all together and submit. He also stated that Beth Birk contacted him regarding the SERRF Program on March 19<sup>th</sup> to invite the Council to attend and if interest help serve. He then reported on the Corning Chamber Meeting stating the Board of Directors expressed their thanks to the Council and Staff for the new Solano Street sign off I-5, and April 27<sup>th</sup> is Relay for Life and Sonya Ackers is this areas Chairperson for Relay for Life. She will be coming to our next Council Meeting to discuss what they would like to do for Relay for Life and seeking a Proclamation from the City.

**Smith:** Reported on the Corning Senior Center Meeting stating that the Senior Nutrition Program is still in trouble, they are about \$15,000 short of being able to feed the seniors. They are having a bunco day on Saturday the 23<sup>rd</sup> to raise money for the program. They are also seeking donations for prizes. She stated that all the money raised here will stay in Corning. She stated the importance of this program explaining that for some seniors, that is the only meal they have, and some of the seniors live on anywhere from \$500 to \$600 a month...that is all that they have.

**Strack:** Nothing.

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

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**Lisa M. Linnet, City Clerk**