



**CITY OF CORNING
SPECIAL CLOSED SESSION MINUTES**

**TUESDAY, MARCH 22, 2011
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Toni Parkins
John Leach
Darlene Dickison
Dave Linnet
Gary Strack**

Mayor:

All members of the Council were present except Councilor Parkins.

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:

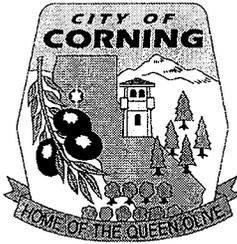
1. **CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:**
Agency Negotiator: William May, Labor Relations Consultant
Miscellaneous Unit
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9):**
People vs. Prather, Case No. 30441, 30418, 30434, 30667, et. seq.

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:

- 1) Mayor Strack reported that Council met with the City's Labor Negotiator and gave him direction.
- 2) Mayor Strack reported that the Council met with the City's Legal Counsel and discussed the fines and citations and decided that the City would not pursue them further.

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

Lisa M. Linnet, City Clerk



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A. CALL TO ORDER: 7:30 p.m.

B. ROLL CALL:

Council:

**Toni Parkins
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Gary Strack**

Mayor:

All members of the Council were present except Councilor Parkins.

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

D. INVOCATION: Led by Mayor 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, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS: None.

F. BUSINESS FROM THE FLOOR:

Ken Prather addressed the Council congratulating Darlene Dickison on her election to the Council and welcomed Dave Linnet to the City Council and congratulated him as well. He then asked the members of the City Council, former Council Members Becky Hill and Ross Turner, and City Staff members Steve Kimbrough, John Stoufer, Tony Cardenas and Mike Fitzpatrick to accept his sincere apology for the way he accepted information and followed the advice of his Attorney over the determinations and instructions given by all of you. He stated that the Judge presiding over this matter ruled in favor of the City and he stated that he respects that, although he did impose penalties for two infractions per citations per day when only one was to be charged by the City and that was done because of the way the citations were written. He stated that he now asks for the City's help in resolving two things:

1. With the pending citations against my daughter and myself which you have just informed me that you will and I thank you.
2. The second is to provide me with a letter of explanation that I can take to the Judge explaining that the City was imposing one infraction per citation per day so that it will help me try and get those punishments relieved a little bit.

Mayor Strack suggested that Ken meet with City Attorney Mike Fitzpatrick to discuss the citations and City Attorney Fitzpatrick suggested Ken request a copy of the minutes from the Clerk and stated that we had pointed out to the Judge that it wasn't the City's intention to impose two fines per day and he was aware of that. Mr. Fitzpatrick stated he would try to obtain a copy of the minutes for Mr. Prather. Kathy Prather also apologized to the Council and Staff and thanked them for their assistance.

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.**

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2. **Waive the Reading and Approve with any necessary corrections the Minutes of the following meetings:**
 - a. **March 1, 2011 Special City Council Meeting; and**
 - b. **March 8, 2011 Special City Council Meeting & Closed Session; and**
 - c. **March 8, 2011 Regular City Council Meeting.**
3. **March 16, 2011 Claim Warrant - \$154,005.11.**
4. **March 16, 2011 Business License Report.**
5. **Approve Progress Pay Estimate No. 8 for \$13,705.97 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**
6. **Accept and Approve the Notice of Completion on the Rodgers Theater Improvement Project and Authorize Release of Retention in the Amount of \$21,308.08 to Azevedo Construction.**

Councilor Leach moved to approve Consent Items 1-6 and Councilor Linnet seconded the motion. Ayes: Strack, Leach, Dickison and Linnet. Opposed: None. Absent: Parkins. Abstain: None. Motion was approved by a vote of 4-0 with Parkins absent.

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

7. New Street Name Sign Program – Approve Fee and Establish Revolving Fund.

Mayor Strack introduced this item by title and Public Works Director John Brewer briefed the Council on the Program and the proposed need for the revolving fund. Mr. Brewer informed the Council that the total cost per north/south or east/west signage would be \$160. Mayor Strack confirmed that the cost of the new signs for the Solano Street/Marguerite Avenue intersection had been included in the traffic signal costs. **With no further discussion, Councilor Leach moved to authorize the establishment of the Street Name Sign Revolving Fund, and appropriate \$2,000 to Street Department 3000, account 7364, Sign Replacement. Councilor Dickison seconded the motion. Ayes: Strack, Leach, Dickison and Linnet. Opposed: None. Absent: Parkins. Abstain: None. Motion was approved by a vote of 4-0 with Parkins absent.**

8. Approve Professional Services Agreement with Diaz & Associates for On-Call Planning Services and Environmental Document Preparation.

Mayor Strack introduced this item by title. Planning Director John Stoufer informed Council that the City had received ten proposals from qualified candidates and of those Staff recommends the selection of Diaz & Associates. Mr. Stoufer stated that this contract is a year by year basis and outlined the need for this service.

Councilor Dickison moved to approve the Professional Services Agreement with Diaz Associates to provide on-call planning services and environmental document preparation. Councilor Linnet seconded the motion. Ayes: Strack, Leach, Dickison and Linnet. Opposed: None. Absent: Parkins. Abstain: None. Motion was approved by a vote of 4-0 with Parkins absent.

9. Adopt Resolution No: 03-22-2011-01 Authorizing City Staff to Submit a Grant to Caltrans for the “Mid-Town Solano Street Master Plan”.

Mayor Strack introduced this item by title and City Manager Kimbrough outlined the area the proposed Grant would encompass and the history behind the design. Mr. Kimbrough stated that the State now has funds via this Grant that, if approved, could fund this Plan that which would

then be on the shelf and ready to go when a funding source is available for such a project. He informed the Council that the matching funds would come from the Traffic Mitigation Fund, not the General Fund.

Mayor Strack stated that he is not in favor of doing this utilizing the Traffic Mitigation Funds at this time due to the fact that the funding does not include paving Solano Street. He further stated that the City is sitting on a Plan dating from the 90's that is sitting on the shelf that would include paving Solano Street.

After further discussion and a lack of a motion, no action was taken on this item.

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).

Parkins: Absent.

Leach: Stated that last Thursday he attended a long meeting of the Community Action Board, the next meeting will be here on April 21st.

Dickison: Nothing.

Linnet: Nothing.

Strack: Mayor Strack asked about the status on Blackburn Avenue, John Stoufer responded stating that they will be moving forward now that Mr. Diaz is on Board and John Brewer stated that SHHIP is interested in moving forward with the construction of the low-income housing development as required in order to widen the Street. Mr. Brewer stated that we might be able to provide an incentive via the development fees. Mayor Strack suggested putting a notice on the water bill stating City would not be picking up brush.

N. ADJOURNMENT!: 8:06 p.m.

Lisa M. Linnet, City Clerk