



**CITY OF CORNING
CLOSED SESSION MINUTES
TUESDAY, MARCH 26, 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: 6:30 p.m.

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All members of the City 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: 6:30 p.m.

1. CONTINUED PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Pursuant to Government Code 54957

Title: City Manager.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Pursuant to subdivision (A) of Section 54956.9 of the Government Code.

(2 potential cases)

3. 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:

Council met with the City's Labor Negotiator William May and gave him direction.

2. Council met with City Attorney Michael Fitzpatrick and received information concerning two separate potential litigation cases; and

3. Council met with the City's Labor Negotiator William May and gave him direction.

1. Council met with City Manager John Brewer and completed his performance evaluation.

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:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

All members of the City Council were present.

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. **Proclamation – April 2013 Child Abuse Prevention Month.** Linda J. Lucas, Chairperson of the Tehama County Child Abuse Prevention Council accepted the Proclamation from Mayor Strack and briefed the Council on past and future planned activities of the Child Abuse Prevention Council.
2. **Proclamation – April 2013 Relay for Life Month.** Corning Relay for Life Representative Renee Beckley accepted the Proclamation from Mayor Strack and announced the upcoming fundraising walk planned for April 27 – 28, 2013 at the Corning Union High School track.
3. **Proclamation – April 14 - 20, 2013 as “Week of the Young Child” in the City of Corning.** Paula Brown-Almond, Early Childhood Education Project Director accepted the Proclamation from Mayor Strack on behalf of the Tehama County Department of Education and informed the Council on their planned activities.

F. BUSINESS FROM THE FLOOR:

Senior Center Activities Coordinator Linda Daniels Lima addressed the Council and invited the City Council and Staff to the Senior Center Volunteer Appreciation Banquet on Friday, April 5th at 11:30 a.m. She also presented the Council with a thank you card for their continued support and individual donations to the Senior Nutrition Program. She thanked the City's Public Works Crew for their continued assistance with the lady's room handicap

stall at the center, and City Manager John Brewer and City Clerk Lisa Linnet for their assistance with a grant application.

Ross Turner asked about the law suit submitted to the court in the latter part of January; Mr. Brewer explained that he believes the document Mr. Turner is referring to was related to the PERS Side Fund Refinance. City Attorney Michael Fitzpatrick, the Mayor, and City Manager Brewer stated that they would check on this and report back (it was confirmed that the court document Mr. Turner referred to was in fact part of the PERS Side Fund Refinance documents).

A gentleman introduced his grandson, JJ. Houston, member of Boy Scout Troop 62 and stated that he is attending tonight's meeting in order to earn his citizenship badge...he is twelve years old.

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 following meetings with any necessary corrections:**
 - a. **February 26, 2013 Closed and Regular City Council Meeting; and**
 - b. **March 12, 2013 Closed and Regular City Council Meeting.**
6. **March 20, 2013 Claim Warrant - \$81,331.94.**
7. **March 20, 2013 Business License Report.**
8. **Adopt Resolution 03-26-2013-01 Establishing an Appropriations Limit for the City of Corning for Fiscal Year 2012-2013 at \$10,864,523.**
9. **Request authorization to solicit Bids for the Safe Routes to School (SR2S) Cycle 10 Project.**
10. **Accept Moule's Tehama County Glass Inc. quote of \$2,888.77 to provide and install ADA Automatic Electronic Door in the Finance Department.**

Councilor Linnet moved to approved Consent Agenda Items 4-10. Councilor Cardenas 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:

11. **Adopt Resolution 03-26-2013-02 authorizing the City Manager, or his designee, to execute Agreements with the California Department of Transportation for the City of Corning's Bike and Pedestrian Transportation Improvement Plan.**

Mayor Strack introduced this item by title and stated that he had attended the County Transportation Commission meeting today at which a letter in support of this project was presented and approved and the City should be receiving it shortly. Mr. Brewer then explained the proposed project.

Councilor Dickison moved to adopt Resolution 03-26-2013-02 authorizing the City Manager, or his designee, as the authorized person to enter into the contract and execute all fund transfer agreements and any amendments thereto with the California Department of Transportation. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith.**
Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.

12. Authorization to enter into Project FINISH Memorandum of Understanding (MOU) and appoint a member of the City Council to the Project FINISH Advisory Board.

Mayor Strack introduced this item by title. Councilor Cardenas explained that the Department of Education, as lead education agency, is applying to the U.S. Department of Education for a Carol M. White Physical Education Program Grant (PEP Grant) to implement an integrated physical activity and nutrition program for students of the Corning Union Elementary School District and the Corning Union High School District.

Councilor Cardenas explained that preference priority will be given to PEP Grant applicants that include as part of their application an agreement detailing the participation of the grant required partners, one of which is the head of local government, or an appropriate designee. Therefore the Tehama County Department of Education is seeking the City of Corning's participation in the PEP Grant partnership by executing the local government section of the attached MOU. He further explained that as a partner of Project FINISH (Fitness Integrated with Nutrition Instruction and Student Health), the City would ensure that its recreational resources and activities are coordinated with the project school-based programs. This would include use of City Parks and buildings, when available, at no cost for larger public events supporting health and nutrition. Additionally, a member of the City Council will actively participate in the Project FINISH Advisory Board.

Councilor Dickison moved to authorize the Mayor to execute the attached Memorandum of Understanding (MOU) and appoint Councilor Cardenas, as a member of the City Council, to the Project FINISH Advisory Board. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

13. Review League of California Cities Board of Directors Proposed Bylaw Amendments and provide voting direction for attached ballot.

Mayor Strack introduced this item by title. City Clerk Lisa Linnet stated that Council had previously designated the Mayor as voting designate and the City Manager as the Alternate in relation to the Resolutions presented at the League of California Cities Convention.

Following some discussion, Councilor Cardenas moved that the Council agrees with the direction the League of California Cities is taking on these two positions; that the Mayor be the City's voting delegate and the City Manager the alternate. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

14. Authorize Purchase of a 2001 Genie S40 Boomlift for \$14,000 from Corning Rentals, declare the Public Works 1978 Chevrolet Bucket Truck Surplus, and authorize its sale at auction.

Mayor Strack introduced this item by title. Public Works Director Patrick Walker stated that Mr. Davies stated that the unit is actually a 2004, not a 2001. Following discussion, Councilor Cardenas moved that Mayor and Council approve the purchase of a Boomlift from Corning Rentals in the amount of \$14,000, funded by Public Works Equipment Replacement Fund 078-1020-9999; and declare the 1978 Public Works Chevrolet Bucket Truck as surplus property and authorize its sale at auction. Councilor Linnet 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 attendance at the March 15th Community Action Agency Training Session, the March 21st Community Action meeting, and the March 19th SERRF Highlights show.

Linnet: Reported on his attendance at the JPA (Tehama County Sanitary Landfill Agency) Meeting on March 20th, they are still discussing having someone else run the County Dump. He reported on the Pay it Forward Committee meeting which occurred earlier today stating that Gary's Gift Shop will be moved a the new location. Mayor Strack informed Councilor Linnet that Doug Bowman at the County Probation had informed him that he has a group which could assist with grafitti removal. Councilor Linnet announce that he would be participating in the Relay for Life Walk to take place at the Corning High School on April 27th – 28th and announced that there are many spots open.

Cardenas: Reported on the Neighborhood Promise Grant progress, everything has to be completed and submitted by May. Restrooms at the Theater are completed. Mayor Strack asked the status on the City's remaining funds for this project; Mr. Brewer stated that the City's funds have almost all been used, however Darlene stated that the Friends of the Theater still had some funds, not much though.

Smith: Reported on the Senior Nutrition Program's "Bunco Night".

Strack: Mentioned concerns related to speeding occurring on Edith Avenue. Commented on the recent 15 Minutes Program conducted at the High School and asked if the Fire Department had an available copy of the video for the Council to view. Chief Spannaus stated he would get a copy for City Hall which would be available to the Council.

N. ADJOURNMENT!: 8:15 p.m.

Lisa M. Linnet, City Clerk