



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, MARCH 27, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Councilmember:

Hill
Dickison
Zuniga
Turner
Strack

Mayor:

All Council members were present except Councilor Zuniga.

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

City Manager Kimbrough led the Pledge of Allegiance.

D. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS: None.

E. ROSE TOBISCH, CORNING HIGH SCHOOL LIAISON REPORT: Not present.

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. Waive the Reading and Approve the Minutes of the March 13, 2007 Meeting with any necessary corrections.**
- 3. Waive the Reading and Approve the Minutes of the December 7, 2004 Special Meeting subject to form.**
- 4. March 21, 2007 Claim Warrant - \$117,993.03.**
- 5. March 21, 2007 Business License.**
- 6. Rezone No. 2007-01; To Implement a Density Bonus and Affordable Housing Incentive Ordinance Pursuant to State Law; Ordinance No. 627 (Second Reading).**

Councilor Turner requested to pull item 6 from the Consent Agenda and voted on separately. Councilor Turner motioned approval of Consent Agenda Items 1-5. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison and Turner. Opposed: None. Absent: Zuniga. Abstain: None. Motion was approved by a vote of 4-0 with Zuniga absent.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

6. Rezone No. 2007-01; To Implement a Density Bonus and Affordable Housing Incentive Ordinance Pursuant to State Law; Ordinance No. 627 (Second Reading).

Councilor Turner stated that although this is State mandated, he wished to go on record as stating that he opposes it because it impacts local education, economy, etc.

With no other discussion, Councilor Hill motioned adopt Ordinance No. 627 adding Chapter 17.62 to the Corning Municipal Code to provide State mandated incentives for affordable housing in accordance with Government Code Section 65915. Councilor Dickison seconded the motion. **Ayes: Strack, Hill, Dickison. Opposed: Turner. Absent: Zuniga. Abstain: None. Motion was approved by a vote of 3-1 with Turner opposing and Zuniga absent.**

I. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

7. 2007 Community Development Block Grant (CDBG) Application.

Mayor Strack introduced this item by title and opened the public hearing. City Manager Kimbrough stated that this is the standard annual public hearing that we hold on Community Development Block Grant funding possibilities and the purpose of the meeting is to hear any suggestions from the community regarding possible programs that might be fundable. He stated that the major categories including housing, new construction, housing acquisition, housing rehabilitation, community facilities, public services, public works, and economic development. Mayor Strack asked for some examples of how these programs are used by the City; Mr. Kimbrough responded stating the public improvements on Edith Avenue in support of the development of Corning Ford, and future development on Solano Street, East Street, the Eller Business Park on Peach Streets, and the public improvements in front of Corning Truck and Radiator under economic development. From a housing stand point pretty close to a million dollars has been spent on housing rehab since 1987. Councilor Hill asked if the CDBG revenues received back to the City can only be used for grants, or could they be used as a housing down payment assistance program as was discussed the last time this was brought to Council. Mr. Kimbrough stated that he has asked SHHIP (Self Help Home Improvement Program) if they would review the latest offering that has come in to see if we could do that, the biggest problem that we have had is, we would need someone who could administer it, because we are so small we can't employ the staff, but it seems like it would make great since if it could be offered like the Self Help Housing Program. Mr. Kimbrough stated that he believes this is an eligible project category.

Mayor Strack asked if anyone from the audience would like to comment, with none, the public hearing was closed. Councilor Turner asked the City Manager to obtain more information. No action needed.

J. REGULAR AGENDA:

8. Authorize Fire Department to Proceed with Preparation of Agreement to Dispatch for Orland and Capay Fire Departments.

(Staff is to return for final City Council approval.)

Mayor Strack introduced this item by title confirming that this will enable Chief Pryatel to continue with negotiations, however the item will be brought back to Council for final approval. Councilor Hill asked if in the costs are higher than projected and the Capay and Orland Departments do not have the funds needed for additional equipment or training, could we look into the utilizing Indian Gaming Tribal funds the City received? Chief Pryatel responded stating that he has already looked into the costs of the equipment however, these costs don't include the computer in dispatch, and we could possibly look into that. Mayor Strack stated that he has no objection to this. Councilor Dickison asked if the City Dispatchers have discussed this and agree that they can

handle the additional calls? Chief Pryatel stated that Orland averages about two calls a day, we currently average about three to three and a half a day, we would only be adding two additional calls from the Orland Fire Department and Capay averages about five calls a month, so we would be adding about five calls a month from their department. Councilor Dickison again asked if it had been discussed with the Dispatchers and they have no problem with it? Chief Pryatel stated that they had some concerns about it, but a meeting with the representatives of the Orland and Capay Fire Department will be held to discuss our procedures and theirs what changes might be necessary. Mayor Strack confirmed that the additional calls would not reduce the service to City residents. Councilor Turner asked if this has been discussed with the insurance carrier and would this increase Insurance JPA costs to the City. Chief Pryatel stated that he has not looked into this, however he didn't think it would create any problems. Councilor Turner also asked about escalating the area of service and possible increased liability. City Manager Kimbrough stated that their were two important questions that Councilor Turner asked, first, regarding liability, our liability insurance is based on two factors, one is the number of claims we receive and the costs of those claims, and the other is our annual payroll. We don't expect any of those to go up. He stated that the indemnification clause should protect us. He stated that the increased activity is well within the certification and abilities of the current dispatchers. Councilor Turner asked if all of the fire dispatchers at the Corning Fire Department "Dispatcher Certified", Chief Pryatel stated that they all have their first responder certificates, and two of them currently have the medical dispatch certificate and the other two will be attending training to obtain this.

Councilor Turner stated that he had a letter from Steven F. Nord, Union Representative that was placed in his vehicle that stated in the event such as additional service obviously has impact upon working conditions of your dispatch, it triggers your obligation to meet and confer prior to, not after a presentation. Councilor Turner stated that he thinks since he has been back on this Council, we have already had an issue where the City moved ahead on some financial obligations in regards to salary that this governing body and the City Manager went ahead without conferring with the Union first and then it has come back and haunted us through correspondence with the Operators No. 3 that they find out about this decisions and interests being shown by us in the newspaper. I think it is very inappropriate that we not communicate with our Union Representative before we make commentary or decisions up here, or try to implement decisions to our working conditions when these are protected under negotiations in the MOU for certain union employees. Mayor Strack stated that he disagrees with Councilor Turner totally. He stated that those particular things he has been through, when there is money owed, they do not have to go through the union and that is basically what that amounts to. Councilor Turner countered stating Mr. Mayor you are stating then that when we, as a governing body tonight, if a decision is made can implement a public procedure, that we do not have to consult the Union. Mayor Strack stated that he is making reference to Councilor Turner's reference to the fact that this body was not aware, and did not talk to the Union on that discrepancy that came up with the SDI withholding. Councilor Turner announced that it was stated publicly in these meetings that the Union Representative had not been conferred with once again, which is past history of the situation about the clerical error or the monitoring. My question, based upon the letter I just read, or a quote from that letter, is that the City in its proper prospective should probably approach the Union before a decision is made that dictates the hours of service or the escalation of calls instead of stating we want to pursue this and then having the Union contest. Councilor Turner stated, as he read in the letter, the gentleman finds it ironic that he read this in the newspaper, (Councilor Turner stated that the letter was dated the 21st of March) and restated that in the event, such as additional service has an obvious impact upon working conditions of your dispatch staff, it triggers your obligation to meet and confer prior to, not after a presentation. It states a demand to comply with the law and contact him to schedule a meeting to discuss this issue, and that he finds it inappropriate that this Council or Governing Body in Corning goes ahead and makes decisions or makes recommendations without conferring with the Union. Mayor Strack asked whom the letter was addressed too, Councilor Turner stated that it was addressed to Stephen Kimbrough and was dated March 21st. Mayor

Strack confirmed that Staff was asking the Council tonight for permission to negotiate with the two departments and it will be brought back to the Council for further discussion. Mayor Strack stated that the letter was addressed to the City Manager and that he is sure he is aware of it. Councilor Turner stated that there were other correspondence received by the City Manager to Staff or Department heads and a denial was made that the City Manager was aware of some of it. Mayor Strack asked Councilor Turner what he was referring to in relation to the City Manager being aware of; Councilor Turner stated any kind of negotiation going forth. Councilor Hill stated that letter was dated after the last Council meeting. The last Council meeting was March 13th. Councilor Turner stated he has a copy of a letter dated January 3, 2007 to Chief Bob Pryatel from the Department Chief's in; Councilor Hill stated that Steve has stated that the two Chief's have been talking for some time. Councilor Turner stated that Mr. Kimbrough, almost evasively inferred that he was minimally aware, and I feel that this Council, same as any other governing body should be kept aware of situations that affect this Community, maybe it's micromanaging, but I think we are being kept in the dark on to many issues.

Dave Demo, Captain of the Volunteer Fire Department approached the Council stating that this issue has not been discussed with him or some of the other volunteers he has spoken with. He asked how the citizens of the City of Corning benefit from this; he also stated that if the other departments and the City are on a call at the same time how will that affect radio communications, will there be a problem or loss of communications with one or the other of the departments. Mr. Demo stated that he has been a fireman for 30 years because he is concerned about the City and the services provided.

Mayor Strack responded stating that it will have to come back to the City and the proposal will have to be beneficial to the City in some way.

Councilor Hill stated that she is not disputing Mr. Demo's dedication, however Chief Pryatel is just as dedicated and would not do something that would put any citizen at risk. Councilor Hill stated that no final decision would be made tonight on an agreement; tonight the Council is just authorizing the Fire Chief to participate in negotiations and obtain more definitive costs figures.

Mr. Demo stated he was under the impression that a final decision was being made tonight. He was informed that wasn't the case.

Marc Jenkins addressed the Council stating his concerns with liability, and questioning why the City would consider taking on these additional duties for out of County residents. He stated that he is not questioning the abilities of the current dispatchers. He also stated that members of the Department are not attacking Chief Pryatel they are just wondering why the City is considering this and stated that doing this will affect service locally. He mentioned a current problem with radios; Chief Pryatel stated that this has been remedied. He also stated that he would like the Council to sit down with the Dispatchers to get their feelings on this issue. Mayor Strack and Councilor Hill stated that to do so would possibly be a violation of the Brown Act and the Union might not like that.

Mayor Strack asked who the governing bodies were for the Orland and Capay Fire Departments. Chief Pryatel stated that Capay has it's own District and Orland is a City and District combination.

Mr. Jenkins asked why the City of Corning would stick their neck out and assume additional liability, he stated that he doesn't see were the citizens of Corning will benefit from this. If they are in dire need, Willows can dispatch for them right now. Mayor Strack stated that he thought the City had been approached because Corning's Dispatch was the best around. Mr. Jenkins stated that it was because we are the cheapest.

Chief Pryatel stated that he had been approached last year about the possibility of dispatching for them, but had no intention of doing anything until the women who was currently dispatching for

them was unable to continue. He was approached again about three months ago because she had been having some health problems, and in the near future would probably need to make other arrangements. They approached her to see if she wanted to retire, she said no she wanted to continue. A couple of weeks ago seek incurred additional health problems and they approached me again, at that time I asked about why they didn't want to utilize Willows Dispatch. They informed me that they have a problem with the way Willows does there dispatching, that problem being that when the Willows Dispatcher takes the call, he is the first one that leaves the premises to respond to the call leaving dispatch unmanned until somebody from the Volunteers comes in to take over handling the calls. They had a problem with that. He stated that they have also been discussing centralizing dispatch in Willows. Right now they are looking for funding to do a feasibility study and probably yes, if that study works out they will probably move their dispatch to Willows; right now they are looking for something in the interim.

Councilor Hill motioned to authorize the Fire Department to continue negotiations with the Orland and Capay Fire Departments. Councilor Dickison seconded the motion. **Ayes: Strack, Hill, Dickison and Turner. Opposed: None. Absent: Zuniga. Abstain: None. Motion was approved by a vote of 4-0 with Zuniga absent.**

Councilor Turner asked if the additional calls would go through the 911 System, Chief Pryatel stated that all the additional calls would go through the Fire Department Dispatch. Mayor Strack asked Chief Pryatel if this will be ready for the April 10th meeting, Kimbrough stated that it should. Councilor Turner asked the Mayor if he believed that a complete report will be ready by the April 10th meeting and all questions answered; Mayor Strack stated he hoped so, however if it isn't it can be continued. Councilor Turner also asked if the additional funds would be placed in the General Fund or under the Fire Department. Mayor Strack the Fire Department.

9. Approve Corning Museum Association Lease Renewal.

Mayor Strack introduced this item by title and gave a brief report highlighting the changes. Teresa Amundson asked that the Chamber have an equal consideration in the lease and a definitive percentage for PG&E listed in the lease. Mrs. Amundson stated that the Museum and the Chamber of Commerce work well together, that they compliment each other. Councilor Hill asked if the consideration would be for a time frame should the City do something with the building, Mrs. Amundson stated no, for the entire lease itself, as equal partners in the lease. Mayor Strack stated that the Lease now states that the only agency that the Museum can sub-lease to is the Chamber of Commerce, but it is strictly a sub-lease between the Museum and the Chamber of Commerce and the City doesn't get involved. Yvonne Boles stated that the City is involved though, as stated in Clause 7 of the proposed lease where the City states what the Museum can direct towards the Chamber of Commerce; therefore the Chamber should be included in the Lease. Mayor Strack stated that the reason for that is the \$80,000 that was spent by the Museum for work on the building; this gives the opportunity for the Museum to recoup some of that money. Mayor Strack stated that he asked Tom to do an audit on the PG&E costs, and stated if any upgrades are done, the Chamber will share the burden of the costs. Mrs. Boles stated that right now you are taking responsibility, the City is taking responsibility for all upgrades. Mayor Strack stated no, the Museum is. Mrs. Boles stated that possibly this needs to be discussed between the Museum Board, the Chamber of Commerce Board, and the City before any final Lease is completed.

Councilor Turner stated that he feels this item should be carried forward until all questions can be researched and answered. He stated his disagreement with a ten-year lease; it should be a five-year lease with a renewal option. Councilor Turner stated that you can't tell Jane or John Doe tourist that they can't go in there except for one day a week. Mayor Strack stated yes this could be done; there are many Museums only open one day a week, the Corning Museum could be open only one day a week if the Chamber weren't there. He stated that there is a good working relationship between the Chamber of Commerce and the Museum. Mayor Strack stated that the

Chamber of Commerce has not been charged rent for over one year. Councilor Hill stated that the Chamber might want to consider the costs before pursuing this because the Museum has been very generous. She also suggested a sub-lease agreement in writing between the Museum and the Chamber, at that time the City would not be involved. Councilor Hill suggested a sub-lease in writing between the Museum and the Chamber of Commerce listing all the stipulations then the City would not be involved and it would be in writing for information for future Museum Boards and/or Presidents.

Yvonne Boles questioned the clause relating to the phones, because currently the Chamber is answering the phones.

Mayor Strack stated this should come back to the Council with the suggested changes, such as eliminating clause 4, adding the correct verbage and inserting the term "Sub-Lessee" where appropriate.

Councilor Turner motioned to continue this item to a future meeting when the suggested corrections to the Lease are made. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison and Turner. Opposed: None. Absent: Zuniga. Abstain: None. Motion was approved by a vote of 4-0 with Zuniga absent.**

10. Approve Proposed Salary Increase for Lifeguards and Pool Manager.

After little discussion, Councilor Turner motioned to approve the hourly pay schedule for the City Pool Staff as recommended in the 2007 proposed salary schedule. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Dickison and Turner. Opposed: None. Absent: Zuniga. Abstain: None. Motion was approved by a vote of 4-0 with Zuniga absent.**

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

M. REPORTS FROM MAYOR AND COUNCILMEMBERS:

11. Hill: Discuss need for Public Street Encroachment Standards & Ordinance to prevent blocking sidewalks. Update on Friends of the Theatre Committee progress.

Councilor Hill stated that she had discussed current Encroachment Standards and Permit requirements with City Staff and have requested certain changes. Encroachment Standards information has been distributed today to local businesses and the permit forms have been changed. Councilor Turner asked if the changes were different from what is currently listed and not enforced; Councilor Hill stated no, before the enforcement action was complaint driven. Businesses have now been advised and enforcement will take place.

Councilor Hill gave a report on the Theatre, the group has raised \$32,000 to date and the recent fundraiser was extremely successful. They would like City Staff to hold off on the roof until after January 2008, this is the timeline the group has given themselves to reach the monetary goal of \$150,000 that they have set for themselves.

12. Dickison: None.

13. Zuniga: Not present.

14. Turner: Reported on the Ad-Hoc meeting of March 21st and announced that the next meeting is scheduled for April 5, 2007 at 7:30 p.m.

15. Strack: None.

N. ADJOURN TO CLOSED SESSION: 8:32 p.m.

