



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, MAY 12, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Hill  
Turner  
Parkins  
Leach  
Strack**

**Mayor:**

All Commissioners were present.

**C. INVOCATION AND PLEDGE OF ALLEGIANCE:**

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

**D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:**

1. **Proclamation – May 2009 “Mental Health Month”.** Nancy Stratton, Mental Health Board Vice-Chairperson was present to accept the Proclamation from Mayor Strack.

**E. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT:** Not Present.

**F. BUSINESS FROM THE FLOOR:**

Dean Cofer: Spoke regarding the letter received in response to his request for information from Building Official Terry Hoofard. He stated that he disagrees with Mr. Hoofard's statement that he did not know when or who did the work at the building located on the northwest corner of Solano and Fifth Streets. Mr. Cofer stated the building owner should be cited and fined, to not do so sends a terrible message to residents regarding Building Permit violations. He also stated his concerns relating to the demolition of the old Alcoholics Anonymous Building on Fifth Street with the owner allegedly not adhering to the asbestos laws regarding proper removal. He stated that he respectfully requests that the City Council join with him and the Concerned Citizens and conduct an investigation into this issue. He also requests a response in writing as to the action the Council plans on taking. By City Council consensus, Staff was advised to investigate this issue and prepare a report to be presented to the Council at the May 26, 2009 City Council meeting.

Two members of the audience addressed the Council regarding an act of violence that took place in the City of Corning noting that the attacker was still at large. He stated that it is time to “Stop the violence in Corning”. He informed the Council that the victim is still in the hospital with his injuries and that the attack occurred near the victim's residence. He stated that he is staging a free show, and a walkathon to raise awareness to stop the violence.

Valanne Cardenas on behalf of the Chamber of Commerce thanked the Council and City Staff for their assistance with the Car Show this weekend. She stated that everyone helped make the May Madness Car Show Event a great success.

**G. CONSENT AGENDA:**

2. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

3. Waive the Reading and Approve the Minutes of the April 28, 2009 Meeting with any necessary corrections.
4. May 6, 2009 Claim Warrant - \$175,623.96.
5. April 2009 Wages and Salaries - \$363,343.42.
6. April 2009 – Treasurer’s Report.
7. Business License Report – May 2009.
8. April 2009 Building Permit Valuation - \$123,096.
9. City of Corning Wastewater Operation Summary Report – April 2009.
10. Approve Change to Airport and Library Commission Meeting Schedules from Monthly to Quarterly – Discussion and Action.
11. Approve Annual Agreement with Tri-County Economic Development Corporation at a cost of \$2,850 for the 2009-2010 Fiscal Year.
12. Approve Progress Pay Estimate (No. 6) for the Safe Routes to School Cycle 7 Project in the amount of \$94,648 to Thomas Williams Construction.

Councilor Turner asked to pull item 11 for further discussion. Councilor Turner motioned approval of items 2-10 and 12. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

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

11. Approve Annual Agreement with Tri-County Economic Development Corporation at a cost of \$2,850 for the 2009-2010 Fiscal Year.

Councilor Turner stated that he would like to postpone payment on Item 11 until such time as the Council has a better understanding of the budget situation, and next year’s budget. City Manager Kimbrough stated that we already budgeted this in the current year budget. Councilor Hill motioned that this item be held over until the City completes its Budget Studies. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

- 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.**

13. Review and Consider Public Comments Relating to the Community Development Block Grant No. 06-EDBG-2554, Planning & Technical Assistance Grant for:
  - a. Planning Study for Flood Prevention in Southwest Corning; and
  - b. Retail Trade Analysis and Market Opportunity Study; and**Adopt Resolution No. 05-12-09-01 Accepting the Studies as Complete in Accordance with the Established Work Program.**

Mayor Strack introduced this item by title. Public Works Director John Brewer stated that this item and Item No. 14 are both agendaized along with the Resolutions in order to complete the closeout documents for these two grants. Mayor Strack then opened the public hearing. With no discussion Mayor Strack closed the public hearing. Councilor Turner moved to adopt Resolution 05-12-09-01 accepting the Planning Study for Flood Prevention in Southwest Corning and the Retail Trade Analysis and Market Opportunity Study. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

**14. Review and Consider Public Comments Relating to the Community Development Block Grant No. 06-STBG-2555, Planning & Technical Assistance Grant for:**

**a. Geospatial Data Compilation and Implementation Study; and Adopt Resolution No. 05-12-09-02 Accepting the Study as Complete in Accordance with the Established Work Program.**

Mayor Strack introduced this item by title. Public Works Director John Brewer outlined the project stating that this produced a 1-foot contour map of the entire City which is useful for planning sewer lines and in development. Mayor Strack then opened the public hearing. With no discussion he then closed the public hearing. Councilor Hill asked if these two maps help with FEMA when they come into the area to determine the flood plain, she was told that it could when they go to update their map, but its main purpose is to assist us locally. Councilor Hill moved to adopt Resolution 05-12-09-02 accepting the Geospatial Data Complilation and Implementation Study. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

**J. REGULAR AGENDA:**

**15. Approve Appropriation of \$50,000 from Fund 380 WWTP Capital Replacement for Emergency Expenditure for a new Aerator for Oxidation Ditch at the Wastewater Treatment Plant.**

Mayor Strack introduced this item by title, stating that the City contacted our Insurance Carrier to see if they would cover this as they did before and they won't. Councilor Leach asked if we are going with the stainless steel or galvanized; Mr. Brewer stated the galvanized as it is \$18,000 cheaper. Councilor Hill moved to appropriate \$50,000 from Fund No. 380 to Budget Line Item 380-9206-5250. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

**16. Determination of Priority Projects – Comprehensive Economic Development Strategy (CEDs).**

Mayor Strack introduced this item by title. Councilor Leach asked if the street repairs will cover North Street, he was informed that it would cover all streets as funding allowed. Mayor Strack then read the priority listing. Councilor Hill stated she would like to move #7 to Priority B Projects (Near Term or Priority C Projects – Long Term). Councilor Turner stated that he thinks item 3 should be moved up to item 1. Councilor Turner asked if we had reached the amount of land at the airport to complete the airport expansion; Mr. Kimbrough stated no. Councilor Turner moved to approve the priority list with the following changes: Move number 3 to number 1, and move number 10 up to where number 7 is...number seven would then become number 8, etc. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, and Parkins. Opposed: Leach. Absent/Abstain: None. Motion approved by a 4-1 vote with Leach opposed.**

**K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

**Proposed Agenda Addition: Approve Agenda Addition, Approve City Support of "Save Your City: Main Street Recovery and Protection Campaign, Shielding Local Funds from State Raids", and Adopt Resolution No. 05-12-09-03.**

Councilor Hill moved to add Resolution 05-12-09-03 to the Agenda as an Emergency item and Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 Vote.** Councilor Hill explained the proposed Resolution and the reason why, stating that we voted in Prop. 1A to stop the raiding of local funds. City Manager Kimbrough further explained the amount of local taxes that could be taken by the State. Councilor Hill moved to approve City support of "Save Your City: Main Street Recovery and Protection Campaign, Shielding Local Funds from State Raids" and to adopt Resolution 05-12-09-03. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

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

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

17. **Hill:** Reported on her attendance at the Sacramento Valley Division Meeting in Loomis. She stated that we need to watch for the CALPERS pulls over the next two years. She also stated that she has been asked to serve on the League Board for a two-year term and she has declined due to the current budget constraints. Mr. Cofer stated that he believes Councilor Hill should serve on the Board stating that City representation on this Board would be well worth the money. The Council unanimously stated that they also support her serving on the League of California Cities Board.
18. **Turner:** Reported that he will be attending the LAFCO Meeting tomorrow. He stated that two properties in the Corning area with issues relating to the Water District are to be discussed. Councilor Turner commended the City Staff and Chamber of Commerce on the success of the Car Show. He also voiced concerns relating to the presence of dogs at these events and the possibility of injuries (dog bites, etc.) and the close proximity of the animals to food vendors. He stated this should be addressed before next year's event. He also voiced a concern about the close proximity of bicyclists and skateboarders around the vehicles and veering in and out amongst pedestrians walking. After some Council discussion Council stated they would support the Police and Chamber in posting no skateboards or bicycle riding within the car show area, and possibly state no dogs allowed unless "guide dog".
19. **Parkins:** Nothing.
20. **Leach:** Reported on the Community Action Agency meeting last Thursday night and announced that the next meeting is May 19<sup>th</sup> at 8:30 p.m.
21. **Strack:** Mayor Strack addressed the latest card sent out from the Concerned Citizens and Councilor Hill announced that she was the female Councilor addressed in the last mailing.

**Councilor Hill announced that she would not be at the May 26<sup>th</sup> meeting.**

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.

No Comments were received from the audience.

N. **ADJOURN TO CLOSED SESSION:** 8:45 p.m.

Mayor Strack called for a for 5 minutes recess before reconvening the Closed Session.

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to Section 54956.8

Potential Land Acquisition for Parks – Accessor Parcel No's. 71-136-01 thru 09  
Negotiating Party: City Manager.

O. **RECONVENE AND REPORT ON CLOSED SESSION:**

Mayor Strack reported that Council had met with the Property Negotiator and gave him direction.

P. **ADJOURNMENT!:** 9:00 p.m.

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Lisa M. Linnet, City Clerk