



**CITY OF CORNING
CITY COUNCIL MINUTES
SPECIAL MEETING CLOSED SESSION MINUTES
7:00 p.m.**

**TUESDAY, MAY 22, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

NOTICE IS HEREBY GIVEN that a Special Meeting of the Corning City Council is hereby called by Mayor Gary Strack and under the authority vested in him by Section 54956 of the Government Code of the State of California.

A. CALL TO ORDER: 7:00 p.m.

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

The Brown Act prohibits the Council from consideration of any item not on the printed agenda at Special Meetings.

The Corning City Council hereby provides the public with an 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:

Ross Turner: Stated he has 2 or 3 points he'd like to bring to the Council's attention. As the State Budget is potentially going to be adopted by June 15th per Legislature's overture, he asked:

1. Mr. Kimbrough (Financial Advisor) was brought on as a consultant for a period of time potentially to end on July 1st. He is required to receive 30-day's notice. If the Budget is adopted by the State on or before June 15th, you as a body will not have that to be acted on until sometime in June, which means he could possibly be retained, based on his contract, for 30-days longer which means it would carry him into the next fiscal year. He stated that in his opinion there would be absolutely nothing for him to be doing if the Budget had been adopted. He asked, if that is being considered, and it is not agendaized for tonight's meeting so that his termination would be before July 1st, have you as a governing body given it any consideration to having a special item as an add on, to act on in your Closed Session, which it could be decided, to formally notify the consultant employee of his non-need after the adoption of the State Budget?

Mayor Strack responded stating that in the proposed budget it is proposed that he not be continued under the existing contract, he believes that the contract states that upon agreement of both parties, and he doesn't know whether it requires the 30-day notice if both parties agree, if both parties agree it could be terminated immediately. There was some discussion on whether the contract had an automatic renewal clause; Mayor Strack stated that Staff would check on this.

2. Mr. Turner then inquired, in light of Mr. Stoufer's leaving the employment of the County and imminent retirement from the City, we have a gentleman who's currently the interim City Manager/Public Works Director who is certainly capable of doing the Planning, but would give that gentleman/position a great deal of power similar to that of Mr. Crabtree

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

in Red Bluff handling three positions. He stated that his biggest fear as an individual would be that we would consider retaining the gentleman who is possibly being relieved of his financial counseling for the City as a consultant be retained or pursued as a Planning Consultant. We went through a period of time where basically we created a position for that individual and he would hate to see as a tax payer a position again created to satisfy the financial needs of an individual.

Mr. Turner then stated that he has also heard a great many rumors that the furlough days are hopefully going to be eliminated in December. He said he finds it very ironic, with the economy the way it is, and with the minimal increase in sales tax revenue, that we have the financial wherefore, when we are supporting other entities with subsidies to be maintained in this Community, that we could possibly come up \$300,000 to \$500,000 additional income to relieve ourselves of the unpleasant unhappiness that the ladies and gentlemen are having to endure through furloughs. He stated that he would really like to see that evaluated as to the need, if there is going to be that income, maybe a study of the positions and how we have gotten along on four days, he stated that he knows Public Works is shorthanded, he doesn't deny that, but the economics...

He then asked about the overlay on Marguerite Avenue that was listed in the Red Bluff paper. Mr. Turner stated that he was under the assumption that it was going to be reconstructed. However reconstruction is not going to be worth a darn up there until an easement is bought on the east side of the road so that the water will drain out of there, instead of pocket up where that culvert dead ends right now into the property that one of our past City Councilwomen owns.

Mr. Brewer stated that Marguerite Avenue is a joint project with the County and is going to be a complete reconstruction from where the City's asphalt Street ends to Neva. Mr. Turner responded that in the description of the previous meeting when discussing the Capital Improvement Plan it is referred to as an overlay and that would be an absolute waste of money to just overlay and end up with the same swale there with water going across there and dead end. Mr. Brewer explained that in the Capital Improvement Plan there were two segments of Marguerite Avenue proposed for improvement. One was in the south end where near where Councilman Leach lives, and the other is going to be the reconstruction adjacent to the Airport.

Susan Price: Stated she had a question about what is listed on the closed session, obviously Public Employee Appointments, Dismissals, Personnel Evaluations and things like that are legally appropriate for the closed session, but if you are going to be discussing the direction that the Council wants to take and have some open dialogue, she believes it would be appropriate to hold that dialogue in open session. This allows the public to come up and chime in on how their tax dollars are being used and give their opinion on how that might be decided. She stated that had it just been listed as Public Employee Appointment – Planning Director she would have had no problem. However the dialogue after the Planning Director which says, "Discuss the Council's direction in reference to the approaching retirement". That is really open session fodder, in terms of direction, dialogue, listening to the Council, the public, and everybody being able to have some input and thoughts which maybe the Council had not thought about. She further stated that it is a little gray to her.

Mrs. Price then expressed that the second part of the closed session she honestly doesn't see where it could be discussed in a closed session. Hiring a Budget Consultant, who we all know refers to Steve Kimbrough vs. using an Independent Contractor, again that is dialogue, and if she was sitting on the Council, she would be saying this needs to be on the open session agenda because she thinks we should have some open dialogue about this. She stated she would like to have some dialogue about this and it does not belong on a closed session. She expressed that she believes this is inappropriate. She further said she would hate to see the City Council looking like it is attempting to not allow public discussion on that, or not being open to what tax payers think, it is not just about people, it is about process, and it's about money. Those are two very important aspects of government to me, process in government, equality and process in

government. Whatever vote you finally take, it is all legitimate if you've had all the information provided to you by your City Manager or Department Heads and you have had the opportunity to discuss it. At that point if you vote whatever way, she is fine with that because you have been able to have all the information, have that open dialogue, and have some input from the public. She stated that she believes that is what the local government process is in California. She then informed the Council that she has made some calls regarding the legality of this particular section on the Closed Session Agenda and has gotten some advice, and she believes it should be an open session item.

Mayor Strack stated that the City Attorney has given the opinion that we can discuss what we need to do, however he then guaranteed that if the Council makes any decisions we will agendize it so that the public can be a part of it.

D. ADJOURN TO CLOSED SESSION: 7:00 p.m.

PUBLIC EMPLOYEE APPOINTMENT (Pursuant to California Government Code Section 54957(b):

Title: Planning Director – Discuss Council's direction in reference to the approaching retirement of John Stoufer and the impending end to the part-time contract with the County for his Planning Services.

PUBLIC EMPLOYEE APPOINTMENT (Pursuant to California Government Code Section 54957 (b) (1):

Hiring a Budget Consultant vs. using an Independent Contractor

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:30 P.M.

Mayor Strack stated that taking into consideration the comments made prior to the Closed Session, both items will be listed on the next meeting's agenda for June 12, 2012. Actually direction was given to Staff to put these items on the June 12, 2012 Agenda.

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL: 7:35 p.m.

Lisa M. Linnet, City Clerk



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TUESDAY, MAY 22, 2012

7:30 p.m.

**CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

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

D. INVOCATION: Led by Councilman John Leach.

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:

Susan Price stated she had a question about a claim warrant, the Mayor stated it would be addressed during the consent Agenda.

Delores May asked why the weeds and grass on the corner of Marguerite Avenue and Solano Street are not cut down. Councilor Leach stated that around the front of the stones has all been done and the property owner is responsible for the area behind the stones which is on private property. Ross Turner stated that when the Council spent \$2,700 approximately to be compatible with the landscape of the property owners there, doing nothing would have been just as compatible as what is there now. Chief Spannaus stated the abatement schedule and procedure, stating that the deadline is June 15th.

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 May 8, 2012 City Council Meeting with any necessary corrections:
3. May 16, 2012 Claim Warrant - \$232,679.66.
4. May 16, 2012 Business License Report.
5. Approve Agreement with the Tehama County Auditor-Controller to recover billing and collection costs in the amount of \$1.15 per parcel for collection of Special Assessments for City Landscaping and Lighting District 1, Zones 1, 3 and 4.

Susan Price asked about a Claim Warrant, specifically the check issued on May 9th to Stephen Kimbrough for \$4,500. Is he being paid prior to the work he is doing, at the beginning of the month for the rest of the month? Does his contract specify how he is to be paid? Mayor Strack

stated that he would check on this, find out when he is being paid and provide this information to her.

Councilor Parkins moved to approve Consent Items 1-5 and Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. 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:

6. Approve annual Agreement with 3CORE Economic Development District at a cost of \$5,000.

Mayor Strack introduced this item by title. The Council discussed the increase in contract fees from the previous year, the contract re-entry fees should they decide not to renew the contract at this time, and the services the contract membership would provide.

Councilor Dickison moved to approve the annual participation in 3CORE and commit \$5,000 from the City's General Fund as the City's share of the local grant match. Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Dickison and Linnet. Opposed: Leach, Absent/Abstain: None. Motion was approved by a 4-1 vote with Leach opposing.**

7. Approve appropriations of Ridell Funds for:

- **Library Building Maintenance Improvements - not to exceed \$5,548.82; and**
- **Purchase of new books - not to exceed \$5,000.**

Mayor Strack introduced this item by title. He then stated that City Staff has checked with the City Attorney who confirmed these are an approved use of these funds. Councilor Dickison stated her concern that the books purchased by the City would not stay in the City, Mr. Brewer responded stating that the County Librarian has given her word that they would stay in the Corning Library.

Library Commissioner Susan Olson-Higgins asked questions relating to who governs the use of the \$800 budgeted for books and periodicals at the Library. She was informed that it is budgeted annually for the purchase of periodicals and the County Librarian makes that decision. Mrs. Olson-Higgins then asked if the Commission had any input on how these funds were expended; she was informed that basically it was the County Librarian, however the Commission could possibly make recommendations.

Councilor Linnet moved to:

1. Approve the appropriation of Ridell Funds in the amount of \$548.82 to purchase paint for the Corning Library;
2. Approve the appropriation of Ridell Funds in an amount not to exceed \$5,000 for the purchase of new books for the Corning Library with the stipulation that the new books will remain at the Corning Branch; and
3. A) Direct Staff to acquire additional proposals for pressure washing, sealant and anti-graffiti coating application
B) Approve the appropriation of Ridell Funds in the amount not to exceed \$5,000 to pressure wash, apply two coats of sealant and one coat of an anti-graffiti solution to the exterior wall of the Corning Library, and authorize the City Manager to award the work in accordance with the City's Purchasing Procedures.

Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

Ross Turner then asked that the motion be amended to state that these books be stamped as property of the City of Corning at the time of delivery so that they not revert into County possession.

Councilor Linnet amended his motion to add item four (4) that all books purchased with the appropriated \$5,000 be stamped as property of the City of Corning at the time of delivery. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet.**
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).

Parkins: Very good Landfill meeting, however the electronics pick-up closed up early in light of the Fire Dept. Centennial Celebration. Martin Spannaus asked Councilor Parkins to thank the Landfill Agency for bringing the sharps disposal back.

Leach: Community Action Agency Meeting reported on their meeting on Thursday here at City Hall and also on the Airport Fly-In on Saturday. He stated they had 108 children participating.

Dickison: Reported on her LAFCO meeting attendance stating that Corning's Water Extension Project was approved. She stated only one party was present that said her parents did not want City water. She announced that they would be having a LAFCO meeting next month also.

Linnet: Reported on the "Pay it Forward" Committee project stating they have worked some more on the faux book store. He announced that next meeting is Thursday at 1:00 p.m.

Strack: If Council approves, maybe we could have Staff look into whether we can place a limit on the number of portable restaurants...taco wagons. He also stated that it doesn't look like the Solano Street Pear trees have been sprayed. He was informed that due to weather, etc. they did not get sprayed. Mayor Strack then asked for Council to consider a possible date, possibly the week of the 12th for a budget study session.

N. ADJOURNMENT!: 8:03 p.m.

Lisa M. Linnet, City Clerk