



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, NOVEMBER 23, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Vacant**

**Ross Turner**

**Toni Parkins**

**John Leach**

**Gary Strack**

**Mayor:**

All members of the Council were present.

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

**D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS: None**

**E. BUSINESS FROM THE FLOOR:**

John Richards, Corning Skate and Bike Park Association stated that the Association is starting their meetings back up; their next meeting will be at 6:30 p.m. on December 2, 2010 in the Corning City Council Chambers. He also wanted to commend some of the kids that are members of the Skate Park Committee that are Volunteering at the Senior Center and at the Christian Assistance Building.

Valanne Cardenas: Outlined the schedule and times for the Hometown Christmas Events on Saturday, December 4, 2010.

**F. 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 November 9, 2010 City Council Meeting with any necessary corrections:**
- 3. November 17, 2010 Claim Warrant - \$198,036.52.**
- 4. November 17, 2010 Business License Report.**
- 5. Approve Progress Pay Estimate No. 2 in the Amount of \$39,860.20 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**
- 6. Approve Rodger's Theater Improvement Project Contract Change Order No. 2 in the Amount of \$1,955 for a total Project Cost of \$181,039.69.**

Andrew Meredith requested that Consent Items 5 & 6 be pulled for further discussion.

Councilor Turner moved to approve Consent Agenda Items 1-4. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

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

**5. Approve Progress Pay Estimate No. 2 in the Amount of \$39,860.20 to Azevedo Construction for the 2010 Rodgers Theater Improvement Project.**

Mayor Strack introduced this item by title. Andrew Meredith congratulated the Mayor on his re-election. He stated that one of the Sub-Contractors listed on this project is Synder Electric. He stated that he wanted to bring to the Councils attention that this Contractor does not carry Worker's Compensation Insurance, which is a requirement for a Contractor that has an employee that does work for that business. Synder Electric Company uses an electrician by the name of Dennis Synder to perform the electrical work for the Company and his name is not on the C-10 License that is held by his wife Lorie Synder. Because his name is not on this license, he is also required to be a State Certified Electrician to perform work in the State of California, and he is not that either. So this Contractor is using an uncertified electrician to perform their work, and he is an unauthorized employee because his company does not carry Worker's Compensation Insurance.

He stated that before the Council approves any Progress Payment that would involve money going to that company, he stated that he believes it important that the Council address that issue.

Mayor Strack responded stating that he doesn't think the Progress Payment includes any money going to this company for electrical work. Mr. Meredith stated that he has read the Agenda and believes that there is about \$740 listed as part of this Progress Payment. Public Works Director John Brewer reviewed the list and stated that no funds were included on this Progress Pay Estimate for electrical work completed by this Company. After some discussion it was concluded that the \$740 Mr. Meredith refers to is from a previous payment. Mayor Strack stated that the Change Order involves electrical work.

Mr. Brewer stated that to his understanding, as the sole proprietors of the Company and the individuals doing the work, Mr. and Mrs. Synder are not required by law to have Worker's Compensation Insurance in order to do the electrical work on the Theater as sub-contractors. Mr. Meredith stated that for whatever reason only Mrs. Synder's name is listed as the proprietor of the business, therefore they would be required to have Worker's Compensation Insurance for projects in which her husband is performing work. Mr. Meredith stated that if Dennis Synder's name was listed on the license, Staff's assessment would be correct, however for whatever reason his name is not listed on the license and therefore it is required.

Mr. Meredith stated that they would be monitoring the project, if they find him on the job site one time, they will file a Worker's Compensation violation against the Company, and also file an electrical certification complaint against Synder Electric and Mr. Synder. He stated that it would best serve the City to find a way to ensure that someone is on the job that has Worker's Compensation Insurance and is a State Certified Electrician.

Mayor Strack stated that the City would ensure prior to any work being done that the City is meeting all requirements.

Mr. Meredith then thanked Councilor Turner for his service. Councilor Turner asked Mr. Meredith whom he represents; Mr. Meredith responded stating that he is Vice President of the International Brotherhood of Electrical Workers.

Mayor Strack stated that the Council would like a report prior to any further electrical work being done. City Manager Kimbrough stated that Staff would not be able to get a report to Council prior to next week due to the Thanksgiving Holiday.

Mr. Brewer stated that he had spoken with Lorie Snyder tonight prior to the meeting about this issue and she reported to him that yes, there is a requirement for certification of people that are not sole proprietors. She stated that she is prepared and has a relative that is State Certified that they can have on the job. Mr. Brewer stated that this would trigger other things such as prevailing wage, etc.

Mayor Strack stated that Council would like a report that confirms that this matter has been resolved prior to any work from Synder Electric commencing on the Change Order.

**6. Approve Rodger's Theater Improvement Project Contract Change Order No. 2 in the Amount of \$1,955 for a total Project Cost of \$181,039.69.**

Mayor called for a motion. Councilor Parkins moved to approve Consent Items 5-6 with the stipulation that no electrical work performed by Synder Electric is to take place until this is worked out. Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

**H. 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.** None.

**I. REGULAR AGENDA:**

**7. Park Bond Grant Action: Authorize the City Attorney to Prepare, and the Mayor to Sign Purchase Agreements for Properties Located at 1485 Toomes Avenue (APN 71-250-35) and 1624 Houghton Avenue (APN 71-250-04) for the Development of the Corning Community Park Pursuant to the Prop. 84 Grant Funds Awarded to the City Contingent Upon Receipt of Final Grant Contract.**

Mayor Strack introduced this item by title and Councilor Turner excused himself from discussion and vote on this item due to a possible conflict at 7:45 p.m.

City Manager Kimbrough briefed the Council on the status of Staff's work related to this item. He informed the Council of the need to move forward with preparing the Escrow documents which require Council approval. He confirmed that the City would not be able to move forward without the Grant funding.

Mayor Strack explained the reason for Mr. Turner excusing himself and abstaining from voting on this issue was because of doing work for the people owning the property located at 1624 Houghton Avenue.

Mayor Strack stated that the City has already negotiated the price for the two properties. Councilor Leach asked if everything was still a "go" with the two properties. He was informed yes. Planning Director Stoufer stated that before the City will receive the Grant Contracts from the State, the State requires that we have the purchase agreements signed.

Councilor Parkins moved to authorize the City Attorney to prepare and the Mayor to sign Standard Form Purchase Agreements for the property at 1485 Toomes Avenue, APN 71-250-35, and 1624 Houghton Avenue, APN 71-250-04, for the development of the Corning Community Park pursuant to the Prop. 84 grant funds awarded to the City. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a vote of 3-0 with Turner abstaining and one vacancy remaining on the Council.**

Councilor Turner stated regarding another Grant for the improvements west of Woodson School, the property owner who he represents located within the vicinity Blackburn and Toomes Avenue is somewhat upset that they have received no notification that this project is back on and they have recently made some renovations that might be affected. Mr. Brewer explained that he has not moved forward with this because the City still has not received the Standard Agreement, he stated that he didn't want to get these people going again until we knew for certain that we were going to receive this money, stating that the City received a grant from the State previously to do these improvements and then it was taken back. Councilor Turner stated that he believes as a courtesy the City should have notified them.

**8. Property Lien Appeal Hearings for Notified Property Owners with Delinquent Payments on Water and/or Sewer Service as Stipulated in City Code, Section 13.04.460 and 13.08.210 "Appeals".**

Mayor Strack introduced this by title stating that the City has received payment by two more individuals. No Action taken at this time.

**J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.**

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

**L. REPORTS FROM MAYOR AND COUNCIL MEMBERS:** City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

**Turner:** Thanked the City and its residents for allowing him to serve.

**Parkins:** Nothing.

**Leach:** Stated that last Thursday was the first Sub-Committee meeting for the Tripartite Board.

**Strack:** Stated that the 40% total cost of the Library Server totaled \$2,841.52.

**M. ADJOURNMENT!: 7:52 p.m.**

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Lisa M. Linnet, City Clerk