



**CITY OF CORNING
SPECIAL CLOSED MEETING MINUTES**

**TUESDAY, OCTOBER 12, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All members of the Council were present except Councilor Parkins. Councilor Parkins arrived at 6:40 p.m.

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 public comments were received.

C. ADJOURN TO CLOSED SESSION: 6:32 p.m.

PUBLIC EMPLOYMENT:

**Pursuant to Government Code Section 54957:
City Manager Evaluation**

D. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:12 p.m.

Mayor Strack reported that Council met in Closed Session for the evaluation of the City Manager and disciplinary measures are being pursued.

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

F. ROLL CALL:

Council:

**Vacant
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All members of the Council were present.

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

H. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS: None.

I. BUSINESS FROM THE FLOOR:

Bernadette Pryatel: Addressed the Council and asked if Mayor Strack would apologize to her daughter stating that he said her daughter never spoke with him and later saying she did. Mayor Strack stated that he would not discuss this with her. Mrs. Pryatel asked how Mayor Strack could run for Mayor and not apologize to her daughter. She then asked the City Manager if he thought the Mayor should apologize and admit that he lied in public. Mr. Kimbrough stated he has no opinion. In response to Mrs. Pryatel, Mayor Strack stated that he had too much respect for her and the family to argue with her. He also stated that her daughter Camille was an outstanding employee to the City.

Gene May: Spoke about the cemetery for the Veterans at Igo and the effort to raise funds for a chapel there. Mr. May then read from a brochure providing information for those interested in donating to this project for our Veterans.

Councilor Turner then asked if a motion was needed to agendaize a special closed session at the end of the meeting to discuss the Cofer vs the City and Gary Strack litigation which the City received after the posting of the Agenda. He was informed yes. Councilor Turner then motioned to add a closed session at the end of tonight's regular meeting to discuss this new litigation. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach.**

Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.

Dave Linnet: Thanked the Council and City Staff for all that they do for the citizens of Corning.

J. 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. **October 6, 2010 Claim Warrant - \$423,873.68.**
3. **October 6, 2010 Business License Report.**
4. **September 2010 Building Permit Valuation - \$92,990.29.**
5. **September 2010 – Treasurer's Report.**
6. **September 2010 Wages and Salaries - \$320,928.60.**
7. **City of Corning Wastewater Operation Summary Report – September 2010.**
8. **Authorize Eagle Scout Candidate Cody Loper to Install a Bench and Concrete Pad at Park & Ride Property in Honor of Officer Robert Warren Hart.**
9. **Approve Progress Pay Estimate No. 1 in the Amount of \$176,680.15 to Northwest Paving for the 2010 Street Improvement Project.**
10. **Resolution No. 10-12-2010-1 Repealing Resolution 01-05-93-1; Eliminating the Curbside Disabled Parking Space at 1011 Second Street.**
11. **Approve Americans with Disabilities Act Grievance Procedures.**

Councilor Leach stated he would like to pull number 8. Councilor Turner motioned to approve Consent Items 1-7 and 9-11. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

K. ITEMS REMOVED FROM THE CONSENT AGENDA:

8. Authorize Eagle Scout Candidate Cody Loper to Install a Bench and Concrete Pad at Park & Ride Property in Honor of Officer Robert Warren Hart.

Eagle Scout Candidate Cody Loper addressed the Council stating that he would like to install a bench and concrete pad at the Park and Ride Property in honor of Corning Police Officer Robert Warren Hart who died in the line of duty on April 7, 1978. Mayor Strack thanked him for addressing the Council and for suggesting this. Councilor Leach commended Cody on this endeavor and Councilor Parkins stated she has known him for a number of years and is very proud of him.

Councilor Turner motioned to authorize Eagle Scout candidate Cody Loper and other volunteers to install a concrete pad and bench honoring former Corning Police Officer Robert Warren Hart at the southern end of the City Park & Ride property. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

L. 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.

M. REGULAR AGENDA:

12. Clark Park Well Project: Approve Bond Counsel Agreement for USDA Loan.

Mayor Strack introduced this item by title and City Manager Kimbrough outlined the loan procedure correcting the fee amount for Bond Counsel that was listed in the Staff report, stating it was \$18,500 not \$16,500.

Councilor Turner motioned to approve the Agreement with Bond Counsel, Jonathan Cristy and the Firm of Kronick, Moskovitz, Tiedemann and Girard of Sacramento, CA and authorize the City Manager to execute the Agreement. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

13. Approve Agreement for the Provision of Part-time Interim Planning Director Services by the City to the County of Tehama.

Mayor Strack introduced this item by title and City Manager Kimbrough outlined the proposal stating it is a one-time offer and the County would cover the cost of one half of Mr. Stoufer's time. Councilor Turner asked which projects would be deferred; Mr. Kimbrough stated some of the long range planning elements such as development fees, etc., the Housing Element has been completed. City Manager Kimbrough stated that Mr. Stoufer would return to fulltime from the furlough hours in order to allow for the full 20 hours per week for the City/County. Councilor Leach asked about a business move on the south end of the City; how much of his time will that take? Mr. Stoufer responded stating that he and John Brewer had performed a site visit today.

Councilor Parkins motioned to approve an Agreement with the County of Tehama for the provision of half-time Planning Director Services to the County while the County recruits for a permanent Planning Director and authorize the City Manager to execute the Agreement. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

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

O. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

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

- 14. **Turner:** None
- 15. **Parkins:** None
- 16. **Leach:** None
- 17. **Strack:** None.

With no public comment on the upcoming closed session Mayor Strack adjourned the meeting to the closed session which will reconvene at 8:10 p.m.

Q. ADJOURN TO CLOSED SESSION: 8:10 p.m.

**CONFERENCE WITH LEGAL COUNSEL – NEW LITIGATION (Subdivision (a) of
Section 54956.9:
Cofer vs. City of Corning and Gary Strack**

R. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 8:25 p.m.

Mayor Strack reported that Council met with Legal Counsel and gave him direction to move forward.

S. ADJOURNMENT: 8:30 p.m.

Lisa M. Linnet, City Clerk