



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, OCTOBER 13, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Becky Hill
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All Council Members were present.

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.

C. ADJOURN TO CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

**Pursuant to subdivision (b) of Section 54956.9:
1 Issue**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.8

**Potential Land Acquisition for Parks – Potential Property: APN No. 73-010-02
(Adjacent to Yost Park).**

Negotiating Party: City Manager.

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:37 p.m.

Atticipated Litigation: Mayor Strack reported that the City Council met with the City Attorney to discuss one potential litigation case and Council gave the City Attorney direction.

Park Acquisition: Mayor Strack reported that the City Council met with the City's negotiator (City Manager) to discuss potential properties for Park acquisition and gave the City Manager direction.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

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

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

- 1. Proclamation – October 22, 2009 “Lights on After School” Day and October 18-24, 2009 as Character Counts Week in the City of Corning.** City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Beth Birk, Recreation Specialist with SERRF, Tehama County Department of Education. Ms. Birk stated

that this is the 10th year for the program and reported on some of their programs and the number of program participants.

2. **Proclamation – October 23 – 31, 2009 “Red Ribbon Week” in the City of Corning.** City Clerk Lisa Linnet read the Proclamation and Mayor Strack presented it to Tina Zastrow, Prevention Specialist with the Tehama Department of Education.

G. BUSINESS FROM THE FLOOR:

A member of the Community addressed the Council asking how we can proclaim “Red Ribbon Week” in the City of Corning and have a “Pot Shop” on our Main Street.

- H. 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.

3. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
4. **Waive the Reading and Approve the Minutes of the December 2, 2008 Special City Council Meeting with any necessary corrections.**
5. **September 2009 Wages and Salaries - \$354,223.41.**
6. **September 2009 - Treasurer’s Report.**
7. **October 7, 2009 Claim Warrant - \$405,676.20.**
8. **Business License Report – October 2009.**
9. **September 2009 Building Permit Valuation - \$108,397.94.**
10. **City of Corning Wastewater Operation Summary Report – September 2009.**
11. **Approve Resolution 10-13-09-01 Waiving the Required Sixty-Day Notification for the Corning HealthCare District’s Property Lease to the County.**
12. **Appointment to Coordinated AB-3030 Groundwater Management Committee.**

Councilor Leach asked to pull Consent Item 9 for further discussion. Councilor Turner moved to approve Consent Items 3-8 and 10-12. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

9. **September 2009 Building Permit Valuation - \$108,397.94.**

Councilor Leach asked about an entry on the Building Permit Report in regards to a roofing permit that showed no permit valuation. He asked if a fee was paid for this permit, and if so how much was it and why did the valuation not show up on the report. He was informed that this will be checked and an answer emailed and hand delivered to the Council on the Building Permit for roofing for Loretta Henderson (dollar value was 0). Councilor Leach moved to approve the Building Permit Valuation Report for the month of September 2009. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

- J. **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. Approve Resolution 10-13-09-02, Water Rate Increase for “Construction Water” in the City of Corning”.

Mayor Strack introduced this item by title and Public Works Director John Brewer explained that this rate increase is for water used in construction, not residentially. Mr. Brewer stated that a lot of water is used for this, citing the current Airport project as an example (7,000,000 gallons projected for dust abatement, etc.). Mr. Brewer stated that we are hoping that the cost of the water usage can be used as a credit towards the City's Grant Match dollars.

Mayor Strack then opened the public hearing. With no comment, Mayor Strack closed the public hearing. Councilors Leach and Hill both asked questions relating to ways of monitoring use of water (using meters at both ends) and how the City monitors where (location of hydrants being used) the water is drawn. Councilor Leach moved to adopt Resolution No. 10-13-09-02 and authorize an increase to the construction water rate in the City of Corning. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

K. **REGULAR AGENDA:**

14. Ordinance 628, An Ordinance Regulating Panhandling through the addition of Chapter 9.20 to the Corning Municipal Code. (First Reading)

Mayor Strack introduced this item by title. Councilor Leach asked if the panhandlers we are talking about are those on street corners asking for money; or does this apply to Vendors as well. Chief Cardenas explained that the Ordinance has specific regulations and it applies to those that are aggressive and/or impeding traffic. Chief Cardenas explained the complexities and the process and the needed involvement of the property owners.

Councilor Hill moved to read by short title and introduce Ordinance No. 628, an Ordinance regulating panhandling through the addition of Chapter 9.20 to the Corning Municipal Code. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

15. Resolution No. 10-13-09-03 Approving Participation in Bond Program through California Communities Development Authority to Offset State Taking of Tax.

Mayor Strack introduced this item by title. City Manager Kimbrough explained the Bond Program stating that the City of Corning has no obligation at all once they sell the debt to California Communities. He stated that the City would get a check in January and in July. Councilor Turner moved to adopt Resolution No. 10-13-09-03 approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State, and directing and authorizing certain other actions in connection therewith (Approving Resolution 10-13-09-03 approving participation in the Bond Program through California Communities Development Authority to offset State taking of Property Tax). Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

16. Appropriate Funding for Design and Installation of Signals at Marguerite Avenue and Solano Street.

Mayor Strack introduced this item by title and City Manager Kimbrough stated that this is a finance issue as the Council has already approved the project. Mayor Strack confirmed that the City had the funds. Councilor Leach asked how soon this project would begin, City Engineer Ed Anderson stated that it should be completed this spring. Mayor Strack confirmed that the dollar amount listed includes obtaining the right-of-way and off-site improvements.

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Councilor Leach moved to appropriate traffic mitigation funds in the amount of \$230,000 to account no. 116-9254-3001, and \$20,000 to account no. 116-9254-4200. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

17. Initiate Annual Water Rate Increases to Account for Inflation within the City of Corning.

Mayor Strack introduced this item by title stating that this will set the date for initiating a water rate increase. Councilor Turner asked just the amount of income the 3% increase would provide. City Manager Kimbrough stated about \$30,000. Councilor Turner stated if there was any way we could delay this by one year, especially in these economic times. City Engineer Ed Anderson stated, "these funds are needed like a dead man needs a coffin" in order to help fund a new well, especially with three wells down.

City Manager Kimbrough stated that should this be initiated it needs to be done over a five year plan.

Councilor Parkins moved to direct Staff to schedule a public hearing for December 8, 2009 to consider implementing five separate annual 3% water rate increases. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

M. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

18. Hill: Stated that she won't be attending the Joint Meeting on October 22nd, she will be attending a League of California Cities golf tournament with Staff Members. She stated that she would like Staff to look at placing a crosswalk or something at North Street and Houghton Avenue again stating that there are no sidewalks there and buses and people fly down that street.

19. Turner: Nothing.

20. Parkins: Nothing.

21. Leach: Has CCA (3 Core, formerly Tri-County Economic Development Corp.) tomorrow at 3:00 p.m.

22. Strack: Met with the Park group.

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O. ADJOURN TO CLOSED SESSION: 8:26 p.m.

PUBLIC EMPLOYMENT:

Pursuant to Government Code Section 54957:

City Manager Evaluation

P. RECONVENE AND REPORT ON CLOSED SESSION:

Mayor Strack announced that Council had met and performed the City Manager's evaluation.

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Q. ADJOURNMENT!: 8:42 p.m.

Lisa M. Linnet, City Clerk