



**CITY OF CORNING
CLOSED SESSION MINUTES
TUESDAY, OCTOBER 8, 2013
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

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

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All members of the City Council 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.

C. PUBLIC COMMENTS: None.

D. ADJOURN TO CLOSED SESSION: 6:30 p.m.

- 1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:
Agency Negotiator: William May, Labor Relations Consultant
Management, Dispatch and Public Safety Units**
- 2. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the
Government Code. (1 potential case)**

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:30 p.m.

Mayor Strack announced that Council met in Closed Session on the two agenda items and he reported that on items:

1. Council met with the City's Labor Negotiator and gave him direction; and
2. Council received a status update on the potential litigation from the City Manager and City Attorney.

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL: 7:31 p.m.

Lisa M. Linnet, City Clerk



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A. CALL TO ORDER: 7:31 p.m.

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

All members of the City Council were present.

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

D. INVOCATION: Led by Mayor Gary R. Strack.

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:

1. Proclamation: October 20 – 26, 2013 as “Western Open Fiddle Week”. Co-Chairman Tex Ash, Pat Scott and Rich Reynolds were present to accept the Proclamation and played three tunes for the Council and audience. Mr. Ash invited everyone to attend the Western Open Fiddle Championships to be held at the Tehama District Fairgrounds in Red Bluff on October 24 -26, 2013.

2. Proclamation: October 17, 2013 “Lights on After School Day”. Beth Birk, Tehama County Department of Education’s Recreation Specialist was present to accept the Proclamation from Mayor Strack. Ms. Birk announced the upcoming activities planned to commemorate “Lights on After School”.

F. BUSINESS FROM THE FLOOR:

Dale McFall, Ranchers Deli and Meats owner announced that he would like to have a Grand Opening in about 3 weeks dependant upon the weather and would like permission to block off a section of the street. Mayor Strack directed him to schedule a meeting with the City’s Public Works Director and Police Chief to discuss. City Manager Brewer inquired as to the potential date; Mr. McFall responded stating possibly November 2nd.

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.

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 September 24, 2013 City Council Meeting with any necessary corrections.
5. October 2, 2013 Claim Warrant - \$289,913.18.
6. September 2013 Wages and Salaries: \$332,732.25.
7. October 2, 2013 Business License Report.
8. September 2013 Building Permit Valuation Report - \$280,435.00.
9. September 2013 Treasurer's Report.

10. City of Corning Wastewater Operations Summary Report for September 2013.

Councilor Dickison moved to approve Consent Items 3-10. Councilor Smith seconded the motion.

Ayes: Strack, Dickison, Linnet, Cardenas and Smith. 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:

11. Approve Contract Change Order No. 3 in the amount of \$12,583.30 increasing the Corning Community Park Phase I Project total project cost to \$1,892,090.50; and approve Progress Pay Estimate No. 6 to Trent Construction in the amount of \$198,855.82 for the Corning Community Park Phase 1 Project.

Councilor Cardenas moved to approve:

- Contract Change Order #3 increasing the Corning Community Park, Phase I Project by \$12,583.30 for a project cost of \$1,892,090.50;
- Approve Progress Pay Estimate No. 6 in the amount of \$198,855.82;
- Retain the 5% contract retention in the amount of \$9,942.79; and
- Issue payment in the amount of \$188,913.03 to Trent Construction, Inc. for the Corning Community Park Project, Phase 1.

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

12. Approve appropriation of \$4,000 from Fund 341-4127 (Parkland Development Improvement Fund) to Fund 3001 (St. Projects) for Slurry Seal application on Toomes Avenue from south end of Jewett Creek Bridge to Fig Lane.

Councilor Smith moved to authorize:

- Installation of a slurry seal coat and lane divider on Toomes Avenue, between Fig Lane and the south side of the Jewett Creek Bridge at a cost of \$4,000; and
- Appropriation and transfer of \$4,000 from the Parkland Development Improvement Fund 341-4127 to Street Projects Fund 3001.

Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. 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).

Dickison: Stated she would be attending the LAFCO meeting tomorrow afternoon; and on Friday there will be a tailgate "Food Giveaway" from 9 a.m. to 2 p.m. at New Life Assembly sponsored by the Community Action Agency with the food supplied by Food Link.

Linnet: Announced the next "Pay it Forward" project will begin at 8:00 a.m. on Saturday morning; the Tehama County Sanitary Landfill Meeting will be held in the Council Chambers here tomorrow at 6:00 p.m. and there will be a "Waste Tire", car and pick-up event here on January 18th, they are trying to get a tractor tire drop off scheduled in February, they are trying to get one here in the south county. Tagging occurred in four places in town that were covered today.

Cardenas: Announced he had attended the Chamber of Commerce Board of Directors meeting today and they are actively seeking input for Business/Business Person of the Year. He also attended the Tehama First Five meeting today (relating to where tobacco tax dollars are spent), they focus on children ages 0-5. In Corning they have been gathering information since 2007-2008 about how preschool age children's health needs were being met. They reported today, in Corning as of 2012, children entering kindergarten, 96% of children had health insurance, 97% had physical exams prior to entering kindergarten, and 98% had oral exams.

Smith: Nothing

Strack: Announced he had attended a meeting with the soccer organization here in town to obtain input on the second phase of the Park. At that meeting they asked the Public Works Director about closing the Street (Fig Lane between Olive View and Maywood School) for a soccer tournament this weekend where 11 teams will compete. He then asked Police Chief Atkins how the City will address and control the issue of the homeless people in our parks (specifically Martini Plaza and the new park). City Attorney Jody Burgess stated that he is working on this and can prepare a report. Mayor Strack asked Jody to work with Public Works and the Police Chief on this issue. Councilor Linnet stated that he has discussed with the City Attorney regarding a one hour use time restriction and the City Attorney stated something like that is possible. Mayor Strack stated that we need to ensure that the City has the resources to enforce any new regulations.

N. ADJOURNMENT!: 8:10 p.m.

Lisa M. Linnet, City Clerk