



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, MARCH 10, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council:

Hill

Turner

Parkins

Leach

Strack

Mayor:

All Council Members were present except Councilor Turner.

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.

Council received no public comments.

C. ADJOURN TO CLOSED SESSION: 6:05 p.m.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

Agency Negotiator: William May, Labor Relations Consultant

Public Safety Employees Bargaining Unit.

Adjourned Closed Session at 6:20 p.m.

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:30 p.m.

All members of Council were present. Mayor Strack stated that Council had met with the City's Labor Negotiator and gave him direction.

E. CALL TO ORDER: 7:32 p.m.

F. INVOCATION AND PLEDGE OF ALLEGIANCE:

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

G. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

1. Proclamation: March 2009 AMVETS White Clover (Remember Me) Month in the City of Corning.

Mayor Strack presented the Proclamation to Post Commander A.C. "Buck" Bordeau III.

H. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT:

Nolan reported on the selection of next year's Homecoming Theme and the various spring sports.

I. BUSINESS FROM THE FLOOR:

Bucky Bowen: Addressed the Council responding to what he referred to as the Mayors "attack" at the close of the last meeting.

Jerry Wolverton: Suggested Animal Control Officer check on animals.

Another member of the Audience: Spoke about the proposed garbage rate increase and was informed that this would be discussed later in the meeting during the Public Hearing section.

- 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.
2. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
 3. **Waive the Reading and Approve the Minutes of the February 24, 2009 Meeting with any necessary corrections.**
 4. **March 4, 2009 Claim Warrant - \$156,406.46.**
 5. **March 4, 2009 Business License Report.**
 6. **February 2009 Wages and Salaries - \$329,446.67**
 7. **February 2009 Treasurer's Report.**
 8. **February 2009 Building Permit Valuation - \$99,250.**
 9. **City of Corning Wastewater Operation Summary Report – February 2009**
 10. **Recommend Appointment of R.J. "Tony" Miller to the Corning Airport Commission.**
 11. **Resolution No. 3-10-09-01; A Resolution Amending Resolution 01-08-08-02; Vacating that Portion of North Street Between Third and Fourth Streets.**

Mayor Strack introduced Mr. Miller to the Council stating that he recommends the appointment of Mr. Miller to the Airport Commission based upon his past experience with Airplanes and Airports.

With no further discussion Councilor Hill moved to approve Consent Items 2-11. Councilor Parkins seconded the motion. Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. The motion was approved by a vote of 5-0.

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

None.

- 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.**

12. Public Hearing and Action on Request for Disposal Service Rate Increase.

Mayor Strack introduced this item by title announcing that there had been a change in the percentage stated in the Staff report on the rate increase for Fuel Adjustment, it is now proposed at 2% and 4.47% for the CPI. Mr. Kimbrough then outlined the proposal stating that the proposed rate for the City of Corning is lower than any of the surrounding Cities with the exception of Anderson, however the City of Corning's Contract includes some services such as street sweeping that the City of Anderson does not have. Mr. Kimbrough stated that notices had been sent to all residents and the City had only received 8 letters opposing the rate increase.

Councilor Turner asked if the cards sent meet legal perimeters with the change in rates. City Attorney Michael Fitzpatrick stated yes it does.

Mayor Strack declared the Public Hearing open at 7:48 p.m. Tim Magill of Waste Management (Corning Disposal) briefed the Council and members of the public on the rationale behind the rate increase request. He also stated that the increase of the diesel rate is an arrears adjustment to reflect the previous years higher fuel costs. Mr. Magill stated that next year, should the rates stay the same or continue to go down the garbage rates should reduce at the next rate negotiation.

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

Councilor Turner corrected Mr. Magill's statement on the rate on crude oil. Mayor Strack asked about a place to recycle batteries; Mr. Magill stated that they are working on that.

Jerry Wolverton asked about dumping of long fluorescent bulbs. Councilor Parkins stated that the JPA is working on this at the County level.

Bill Moses: Addressed the Council on mandatory garbage...he stated that the City is illegally dictating that residents are required to have mandatory garbage service.

Unknown resident: Stated his disagreement with the proposed rate increase.

Harry Zemansky stated he appreciates the garbage service.

Mayor Strack then closed the public hearing at 8:07 p.m.

Councilor Hill asked Mr. Magill if he would, in light of the current economy, ask if Waste Management would consider a lower CPI. Mr. Magill stated that he could do that, however he couldn't shoot from the hip tonight, he would need to work out the figures. Mayor Strack then stated that this suggestion seems like more of a negotiation. Councilor Leach stated his agreement with Councilor Hill. Councilor Turner asked if the proposed rate increase was not approved, would it trigger negotiations with Waste Management; City Attorney Mike Fitzpatrick stated that it would only trigger negotiations related to the rates.

Mr. Confer addressed the Council stating that he was unable to see anywhere in the contract that states rates would go down if the CPI or Fuel costs decrease. City Attorney Mike Fitzpatrick stated the exact section where this is stated. Mr. Cofer also stated that in his interpretation of the Contract the City could also ask for a reduction should the CPI or Fuel costs be reduced.

Mayor Strack reopened the public hearing at 8:17 p.m. for additional comments. An audience member asked about recycle containers that were promised but not received and inquired about any rebates the City receives in conjunction with this program. Mayor Strack stated that there are no rebates and anyone wanting a recycle container should contact Corning Disposal. Councilor Parkins stated that she is very happy with Waste Management.

With no further comments, Mayor Strack closed the public hearing again at 8:22 p.m.

Councilor Parkins moved to approve the proposed CPI increase of 4.47% and the fuel cost adjustment of an additional 2% for a total rate increase of 6.47%. Councilor Turner seconded the motion. **Ayes: Strack and Parkins. Opposed: Hill, Turner and Leach. Absent/Abstain: None. Motion was defeated by a vote of 3-2.**

Councilor Hill moved to continue the public hearing to the March 24th meeting in order for the City Staff, Waste Management and two members of the City Council could meet as an Adhoc Committee to discuss the CPI increase. Councilor Leach seconded the motion. (Council will appoint adhoc). Ayes: Hill, Turner and Leach. Opposed: Strack and Parkins. Motion was approved by vote of 3-2. By Council consensus the Adhoc will consist of Mayor Strack and Vice Mayor Hill.

A Short recess was requested by Councilor Hill so that she could meet with Mr. Magill of Waste Management to schedule a meeting time. The recess was granted and called at 8:29 p.m. The meeting was called back to order at 8:30 p.m.

M. REGULAR AGENDA:

13. Comfort Inn Appeal of Transient Occupancy Taxes.

Mayor Strack introduced this item by title noting that Mr. and Mrs. Patel, nor his Attorney was present. City Attorney Michael Fitzpatrick reported the status of the issue to the Council, informing the Council that the Attorney representing the Patel's had been contacted and a

response received. Mr. Fitzpatrick advised the Council that the City should proceed with the lien so that the City was protected. Councilor Turner moved for denial of appeal based on direction from the City Attorney. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

14. Authorization to Record Tax Lien for Delinquent Transient Occupancy Taxes.

Mayor Strack introduced this item by title explaining that Resolution 03-10-09-02 imposes a Lien on the Comfort Inn for delinquent and uncollected Transient Occupancy Taxes. With little discussion, Councilor Turner moved to adopt Resolution 03-10-09-02 approving the recording of the Resolution and attached Notice of Lien in the amount of \$99,980.24 on the Comfort Inn Property to secure the payment of delinquent Motel Taxes through February 2009. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

15. Report on Freeway Welcome Sign Refurbishment Costs.

Mayor Strack introduced this item by title. Mr. Cofer suggested this item be placed on the agenda. Mr. Cofer stated that the report presented by Mr. Brewer is incorrect and "Mr. Mayor" you are being misled. He stated that he has spoke with the McDaniels about the charges. He renewed his request that Mr. Kimbrough reimburse the Chamber of Commerce, or that the City reimburse the Chamber. Mr. Cofer read a statement from Mr. McDaniels relating to this item.

Mayor Strack asked Mr. Cofer if the Chamber of Commerce had requested he speak as their representative in this request for the Mr. Kimbrough or the City to pay the amount he is requesting; Mr. Cofer responded stating no, he was representing himself.

With no further comment this item was closed.

Councilor Hill acknowledged Chris Copley and asked that we go back to Item I "Business from the Floor". Mr. Copley stated that business owners should not be blamed for the appearance of the entire downtown. He stated that painting the buildings will not change the situation; their are newer, freshly painted buildings such as Heritage Square and the Transportation Center that have vacant units.

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

O. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None

P. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

16. Hill: None

17. Turner: None

18. Parkins: Stated that she has copies of the City Manager Salaries of the surrounding area including the City of Corning's. She stated that they are available should anyone be interested.

19. Leach: None

20. Strack: None

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 tonights 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.

Mayor Strack: Stated his appreciation to Councilor Leach for the letter regarding his actions at the last meeting.

Paulyne White: Stated she appreciates the job the City Council, City Manager and Staff have done for the City. Mrs. White noted that unlike other City Governments, ours is not currently experiencing lay-offs, furloughs, etc.

A member of the audience stated that she has noted the differences of opinions stated tonight and that those present no longer seem to represent Corning.

Q. ADJOURN TO CLOSED SESSION: 8:49 p.m.

PUBLIC EMPLOYMENT:

Pursuant to Government Code Section 54957:

Continuation of City Manager Evaluation

R. RECONVENE AND REPORT ON CLOSED SESSION: 10:15 p.m.

Mayor Strack reconvened the meeting and reported that the Council had set goals for the City Manager and will evaluate his job performance at the next quarterly evaluation in six months.

S. ADJOURNMENT!: 10:20 p.m.

Lisa M. Linnet, City Clerk