

CITY OF BISHOP
CITY COUNCIL MINUTES
November 28, 2005

CALL TO ORDER	Mayor Henderson called the meeting to order at 7:30 p.m.
INVOCATION	The invocation was given by the Mayor followed by the Pledge of Allegiance led by Councilmember Crom.
COUNCIL PRESENT	Crom, Connolly, Cullen, Young, Henderson
COUNCIL ABSENT	None
OTHERS PRESENT	Richard Pucci, City Administrator Denise Gillespie, Assistant City Clerk Peter Tracy, City Attorney Jim Barnes, Community Services Director Ray Seguine, Fire Chief Joe Pecs, Police Chief David Grah, Public Works Director Gary Schley, Public Services Officer Bob Kimball, City Treasurer
PUBLIC COMMENT	The Mayor announced the public comment period. She recognized two former mayors who were in attendance - Wilma Muth and Betty Denton.
COUNCIL PRESENTATIONS	
Beautification Award (1)	Mayor Henderson and Councilmember Cullen presented Blake and Samantha Bell a residential beautification award for their residence at 307 Hanby Street.
Outgoing Parks & Recreation Commissioner – Bob Langford (2)	Mayor Henderson presented Bob Langford with a City tile for his service as Parks & Recreation Commissioner from December 8, 1997 to August 24, 2005.
Robert William Muth – Assistance to the Police Dept. (3)	Police Chief Pecs and Sgt. Fred Gomez reported on the incident of August 7, 2005, in which Bill Muth assisted Sgt. Gomez who was injured in a struggle while attempting an arrest. Mr. Muth's assistance helped Gomez gain control of the suspect until other officers arrived. Mr. Muth was recognized for his outstanding public assistance with the presentation of a City tile.
Inyo County Tobacco Control Program Presentation (4)	Karen Christensen, Specialist with the County Tobacco Control Program, gave a report on current activities and information on the upcoming free 8-week cessation program available to residents who want to quit smoking.

PUBLIC HEARINGS
ALLEY VACATIONS

East of N. Third / North of
Willow / South of May – Map 1
Continued from November 14,
2005
(5)

Councilmembers Connolly and Cullen declared a conflict of interest due to their ownership of property located within 500 feet of the location to be discussed. They left the Council Chambers for the duration of the public hearing.

The Mayor reopened the public hearing which was continued from the November 14th meeting to receive public input on the possible vacation of the alley located approximately 300 feet east of North Third Street and lying north of the north line of Willow Street and south of the south line of May Street.

Cedrik Zemitis, 154 Moffett Street, encouraged the Council to vote “no” for any alley vacations due to setting precedent, current use and possible future uses of the alleys and potential liability issues.

The City Administrator provided another review of the process that began approximately 1½ years ago with a comprehensive evaluation of the City’s alleyways by all departments to determine which ones are necessary for City purposes such as public safety or infrastructure. He stated that this particular alley was determined to be unnecessary for those purposes; staff did not feel there was a liability issue; and a letter from an adjoining property owner had been received requesting the alley be vacated. It then became a process for the legislative body to determine if they want to keep or abandon the alleyway.

David Bloom, 351 Willow Street, indicated he owns property adjacent to the alleyway and would have a serious access problem to reach a dwelling and two private parking spaces at the back of his property if the alley is abandoned.

Bob Mayhugh, Willow Street resident, stated if the alleyway were abandoned he would use the 7 ½ feet adjacent to his property to his best interest which could include fencing the area and placing concrete to eliminate the current drainage problem.

The City Attorney stated that tabling any action on this item would allow the affected property owners to discuss bicycle, pedestrian and vehicular traffic access and determine if they can reach an agreement.

Motion/Crom

A motion was made by Councilmember Crom to close the public hearing. Motion passed 3-0 with Connolly and Cullen disqualified. Connolly and Cullen returned to the dais.

North of Keough / East of Home
/ West of Hobson – Map 2
Continued from October 24,
2005
(6)

The Mayor reopened the public hearing continued from October 24th, to receive input on the proposed vacation of an alley lying 125 feet north of the north line of Keough Street and lying east of the east line of Home Street and west of the west line of Hobson Street.

The City Administrator reported that with the upcoming redesign of Home Street which may include the portion in front of the Seventh Day Adventist Church and potential loss of parking, the church may move the parking to the rear portion of the property and as well as construct 1 or 2 residences adjacent to this alleyway. When the church decides on the extent of their project the City will determine if a conditional use permit or a variance are required. He stated options on the alley include: taking no action; denying the request; or moving forward with the abandonment with the production of the appropriate documents.

In response to concerns the City Administrator stated that a precedent is not set by any alley abandonment and clarified that each alley vacation request is looked at separately because of their individual character for necessity, City liability, and what may exist on these old rights of way.

Ron Scira, 663 Keough, stated he agreed with the City Administrator and will consider waiting to see how far the City will go to resolve the property line problem that has been in existence for many years.

Dr. Robert Denton, 687 Keough, informed Council that the property line at the alley has always been fuzzy. He stated many of the properties on the street including his were purchased by the current owners with landscaping or fencing unknowingly placed on the City's easement. He suggested Council hold off on any decision to vacate the alley.

In response to a question from Council, the City Administrator stated that he had met with the pastor of the church who, speaking for himself and not the church, did not anticipate a problem with the easement being placed on church property to allow the neighbors access to the back of their properties.

Staff suggested the Council wait to take action on the abandonment of this alleyway until the church has had time to develop a project and the effect the Home Street project will have on the church parking is known. Mr. Pucci stated the issue of the easement used as private property needs to be legalized and can be resolved at that time.

Motion/Crom A motion was made by Councilmember Crom to close the public hearing. Motion passed 5-0.

CONSENT CALENDAR (7) A motion was made by Councilmember Cullen to approve the Consent Calendar as presented:

Motion/Cullen FOR APPROVAL AND FILING
(a) Council Minutes 11/14/05
(b) Council Retreat 11/15/05
(c) Personnel Status Change Report
(d) Investment Portfolio - 9/05
(e) Investment Portfolio - 10/05

FOR INFORMATION AND FILING
(f) Planning Commission Agenda – 11/29/05

Motion passed on a 5-0 vote.

NEW BUSINESS

DIRECTION TO STAFF ON ALLEY VACATION – EAST OF N. THIRD / NORTH OF WILLOW / SOUTH OF MAY MAP 1 (8) Councilmembers Connolly and Cullen declared a conflict of interest due to their ownership of property located within 500 feet of the location to be discussed. They left the Council Chambers for the duration of the public hearing.

The City Administrator read a letter submitted by Bruce Dishion outlining reasons he felt alleys should not be closed to public use: access for residents and deliveries; safe routes for pedestrians.

Motion/Henderson Mayor Henderson made a motion to table the vacation of the alley east of North Third, north of Willow, and south of May Streets subject to the four affected property owners bringing a workable agreement back to Council for consideration and determining what impact the workforce housing project on Willow Street will have on the use of the alley. Motion passed 3-0 with Connolly and Cullen disqualified. The two Councilmembers returned to the dais.

DIRECTION TO STAFF ON ALLEY VACATION - NORTH OF KEOUGH / EAST OF HOME / WEST OF HOBSON – MAP 2 (9) Councilmember Crom made a motion to table the vacation of the alley north of Keough, east of Home, and west of Hobson Streets until a resolution to the particular issues can be determined. Motion passed 5-0.

Motion/Crom

REQUEST FOR RED CURBING – NORTH SIDE OF EAST LINE BETWEEN WHITNEY ALLEY AND The City Administrator gave a brief history of the parking on East Line Street. He reported that when Caltrans redesigned the intersection some years ago, the design was for red curbing on both sides of East Line Street. Businesses in the

MAIN STREET
(10)

area felt convenience would be compromised and the north side parking spaces were allowed to remain. He felt this is a convenience issue due to the delay in turning right onto Main Street and not a safety issue.

Mr. R. Warner who made the request for red curbing was not in attendance.

Motion/Connolly

Councilmember Connolly stated there is always a concern about losing parking spaces and since safety is not the issue, he made a motion not to change the parking structure on East Line Street between Whitney Alley and Main Street. The motion carried 5-0.

MEMORANDUM OF UNDER-
STANDING WITH
NORTHERN INYO HOSPITAL
FOR DONATION OF
PORTABLE BUILDING
(11)
Motion/Cullen

Staff reported that the donation of the portable building by Northern Inyo Hospital is a great opportunity for the City to be able to provide a training facility for the Fire and Police Departments.

Motion by Councilmember Cullen to accept the Northern Inyo Hospital donation of the Spectrum Design Commercial Coach and authorized the execution of the memorandum of understanding. Motion passed 5-0.

HOME FUND GRANT –
PROCEDURAL UPDATE
(12)

Staff reported that the City received notification of the award of the \$2.2 million HOME Funds grant in late October 2005 to assist in a proposed workforce housing project on Willow Street. Council was notified of two upcoming public hearings scheduled for December 12th and January 9th to receive comments on the project and hear a report by the developer who will be available to answer any questions. Action on accepting the funds is scheduled for the January meeting in order to move forward with the project. It was reported that the City Administrator will be visiting projects developed by The Pacific Communities before that time.

With the onset of questions from the Council about the project the City Attorney felt it was appropriate that Councilmembers Cullen and Connolly declare a conflict of interest due to property ownership within 500 feet of the proposed project and abstain from any discussions. They did so and left the Council Chambers.

Following the discussion Connolly and Cullen returned to the dais.

COUNCIL REPORTS

CLOSED SESSION

The Mayor recessed open session at 9:05 p.m. to convene in closed session pursuant to Government Code Section 54956.9, subdivision (a), to discuss with legal counsel five Inyo County Superior Court cases of pending litigation, to

wit: City of Bishop vs. K.C.M. Bhakta Motel Corporation, Case Numbers MBCVLO05-38405, SICVCV05-38463, MBCVLO05-39433 and CVUG05-39578; City of Bishop et. al., vs Aaron Schat et. al., Case No. SICVCV03-34368. All five Council members were present.

CLOSED SESSION REPORT

The Mayor recessed closed session at 9:45 p.m. with all Council members present and reported that there were no items discussed in closed session which were required by law to be reported on in open session.

ADJOURNMENT

The Mayor adjourned the meeting at 9:47 p.m. to the next Council meeting scheduled for Monday, December 12, 2005 at 7:30 p.m. in the City Council Chambers.

KATHRYN HENDERSON, MAYOR

Attest: Richard F. Pucci, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

Approved by Council on December 12, 2005