

CITY OF BISHOP  
CITY COUNCIL MINUTES  
February 12, 2007

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| CALL TO ORDER                                   | Mayor Pro Tem Crom called the meeting to order at 7:30 p.m.   |
| INVOCATION                                      | The invocation was given by Pastor Chris Costello of the Oasis of Grace Foursquare Church followed by the Pledge of Allegiance led by Councilmember Henderson.  |
| COUNCIL PRESENT                                 | Henderson, Connolly, Cullen, Crom   |
| COUNCIL ABSENT                                  | None. With the recent resignation of John Young, there will be only four Council seats filled until the General Municipal Election scheduled for March 6, 2007.   |
| OTHERS PRESENT                                  | Richard Pucci, City Administrator<br>Denise Gillespie, Assistant City Clerk<br>Peter Tracy, City Attorney<br>Ray Seguine, Fire Chief<br>David Grah, Public Works Director<br>Gary Schley, Public Services Officer<br>Bob Kimball, City Treasurer        |
| PUBLIC COMMENT                                  | The Mayor announced the public comment period. No public comment was given.   |
| PRESENTATIONS<br>Beautification Awards<br>(1)   | Councilmember Cullen presented Robin Stater a residential beautification award for her residence at 187 East Line Street. Clarence Hurd received an award from Councilmember Henderson for 406 East Line Street.  |
| CONSENT CALENDAR<br>(2)                         | A motion was made by Councilmember Cullen to approve the Consent Calendar as presented:   |
| Motion/Cullen                                   | FOR APPROVAL AND FILING<br>(a) Council Minutes – 1/22/07<br>(b) Warrant Register – 1/07<br>(c) Fund Transactions – 7/1/06 – 1/31/07<br><br>FOR INFORMATION AND FILING<br>(d) Fire Department Activity Report – 1/07<br><br>Motion passed on a 4-0 vote. |
| CORRESPONDENCE –<br>No Response Required<br>(3) | A letter from Suddenlink dated February 2, 2007 was received relating to customer-requested changes to channel lineup and addition of services. No reply was necessary.   |
| OLD BUSINESS                                    |   |
| CONTINUED PUBLIC<br>HEARING – 162 Willow        | The Mayor Pro Tem reopened the public hearing that was continued from the January 8, 2007 City Council meeting to   |

(4)

receive further public comment on an environmental review on the initial study and mitigated negative declaration to allow the proponent Jerry Fendon to place a warehouse facility with site improvements at 162 Willow which is located in a C-2 Zoning District (General Commercial).

The public hearing had been continued in order to evaluate easement rights respecting properties to the south of the proposed warehouse project. The City Attorney determined that the City has no interest in the private easements and any dispute among third parties over these easement rights would need to be resolved with private litigation.

The proponent, Jerry Fendon, reported the uses for the warehouse will be for both the furniture store and to store supplies as needed.

Mr. Mel Poole, who is an adjacent property owner and spoke in opposition to the project at the first meeting, stated he was in favor of the project as it will clean up the area.

Motion/Henderson

Councilmember Henderson made a motion to close the public hearing at 7:45 p.m. The motion passed unanimously.

CONSIDERATION OF A  
MITIGATED NEGATIVE  
DECLARATION –  
162 Willow Street  
(5)  
Motion/Henderson

Following discussion in which the Council members spoke in favor of the project, Councilmember Henderson made a motion to adopt the mitigated negative declaration and file a notice of determination that the proposed project would not have a significant adverse impact on the environment for the following reasons:

- The request to develop this project is consistent with the City's General Plan land use designation of C-2 (General Commercial). The project is also consistent with the goals and policies of the General Plan's land use element.
- The project provides for and is consistent with the City of Bishop Municipal Code requirements for parking, landscape and other public improvements.
- The project will not require the expansion of existing public services (electrical, telephone, sewer, water, storm water drainage and solid waste disposal).
- Based on the Initial Study and Environmental Evaluation of the proposed project and the mitigation measures incorporated herein, the project involves no potential for adverse effect, either individually or cumulatively, on wildlife, native plants, streams, water course, scenic or historic resources and human beings.

The required mitigation measures are as follows:

Land Use and Planning (Section IX of the Initial Study)

Potential Impacts: The width of an existing driveway easement that services three adjacent parcels does not meet the City's minimum standard for a two-way driveway. Bishop Municipal Code Section 17.52.080.

Proposed Mitigation: The project proponent will be required to grant an additional four foot to an existing 20 foot driveway easement which will bring the driveway into compliance with the City's minimum 24 foot two-way driveway standard. By implementing this mitigation measure potential impact to design hazards will be reduced to a less than significant level.

Motion passed 4-0.

MEMORANDUM OF UNDERSTANDING  
Bishop Senior Recreation Center  
(6)

The City received a written request from Charles Broten, Director of the Inyo Mono Area Agency on Aging to approve the Memorandum of Understanding between the Bishop Senior Recreation Center, the County of Inyo, the City of Bishop and the Inyo Mono Area Agency on Aging concerning the Bishop Senior Center. Mr. Broten's letter requested approval of the M.O.U. and additional funding of \$13,000.00 annually to cover utility costs at the Senior Center.

Mr. Broten addressed the Council on the M.O.U. and did not feel the other parties to the agreement would have any problems with the revisions under Article IV as suggested by the City of Bishop to clarify the City's position on the removal of snow and debris from trees in the area of the Center or the addition of the City of Bishop as an additional insured under D. Other Insurance Provisions of Appendix #1 Insurance.

He suggested a meeting be set with staff and the County to discuss future funding strategic planning.

Motion/Connolly

Councilmember Connolly made a motion to approve the Memorandum of Understanding between the Bishop Senior Recreation Center, the County of Inyo, the City of Bishop and the Inyo Mono Area Agency on Aging concerning the Bishop Senior Center as revised. Motion passed on a 4-0 vote.

FINAL ADOPTION  
2005-2006 California  
Constitution Article XIII B  
Proposition 4 Appropriations  
Limit and Calculations  
(7)

Staff reported the procedure for the Prop 4 appropriations limit is an annual requirement. The report confirms compliance with Article XIII B of the California Constitution by the City with the actual limit being under the statutory limit by \$1,292,047.00 for fiscal year ending June 30, 2006.

Motion/Cullen

Councilmember Cullen made a motion to adopt the report prepared by Larry Bain, CPA relating to the City of Bishop's Proposition 4 Appropriations for fiscal year 2005-2006. Motion passed on a 4-0 vote.

PUBLIC UTILITIES  
COMMISSION – Change  
Options to 760 Area Code  
(8)  
Motion/Crom

Information was received from the California Public Utilities Commission on the upcoming change to Area Code 760 to be implemented by either an overlay process using two area codes or a split into two areas assigning the new Area Code 442 to one of the two regions. County Supervisor Susan Cash reported on discussion held at a recent public meeting held in Apple Valley and stated the County Supervisors will be submitting their opposition to the overlay and requested retention of the 760 Area Code. A motion was made by Mayor Pro Tem Crom directing staff to submit comments on the change to Area Code 760 making the same recommendations as the County. Motion passed 4-0.

APPROVAL OF  
CALIFORNIA J.P.I.A.  
MEMBERSHIP –  
City of San Gabriel  
(9)  
Motion/Connolly

On a motion by Councilmember Connolly, the Council voted 4-0 to approve the membership of the City of San Gabriel into the California Joint Powers Insurance Authority.

ORDINANCE NO. 521 -  
Prohibiting Operation of  
Medical Marijuana  
Dispensaries – Introduction  
(10)

Staff reported that the state law allowing possession and cultivation of marijuana for medical purposes under limited and specified circumstances is in violation of federal law which makes it unlawful to do essentially the same activities. The City Administrator indicated that many cities have adopted ordinances prohibiting the operation of medical marijuana dispensaries because of the inconsistencies in the state and federal laws

Brett Birmingham from Big Pine voiced his opinion that there are many citizens supporting the opening of a medical marijuana dispensary in Bishop. He indicated that with the right people an operation could be set up in the City with tight regulations that would appease the Council and Police Department.

Council raised many questions on security and the potential of an increase in crime without the manpower to regulate this type of activity. Mr. Birmingham stated that Health and Human Services is setting up an identification card program making sure documents are valid and on-site private security would be provided inside and outside the business to insure safety. He indicated the City would benefit from the revenue this type of business would bring as the closest location now is in Ridgecrest where prices are high.

Motion/Crom

Mayor Pro Tem Crom simply stated that the federal government said it is illegal. He made a motion to adopt the introduction of Ordinance No. 521 by title only, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, ADDING CHAPTER 8.36 TO THE BISHOP MUNICIPAL CODE TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA DISPENSARIES”. Motion carried on a 4-0 vote. The adoption of Ordinance No. 521 will be scheduled on the next Council agenda.

BID AWARD – Backup Generator – Public Works (11)

The Public Works Director stated that five bids were received for the backup portable generator that will be used to power the City’s production wells 2 and 4 and the waste water treatment plant in the event of a power failure. He reported that \$30,000.00 will come from CDBG grant funding with the remaining cost to come from City funds. The five bids received ranged in cost from \$75,000.00 to \$108,000.00 which included one bid from a local vendor. A review of the bids eliminated the lowest bidder as being non-responsive to the specified requirements.

Motion/Connolly

A motion was made by Councilmember Connolly to approve the purchase of the portable backup generator from PTS Rentals in Bakersfield, California in the amount of \$79,539.00 funded by \$30,000.00 in CDBG funding, \$7,500 from sewer funds and \$42,039 from water funds. The motion passed on a 4-0 vote.

REQUEST TO GO TO BID Pool Heater Replacement Community Services Dept. (12)

At the request of staff, Mayor Pro Tem Crom made a motion to approve the request to go to bid for a pool heater replacement for the City Park Pool. Funding will be provided by Proposition 40 grant monies. Motion passed 4-0.

Motion/Crom

COUNCIL REPORTS

The three challengers for City Council for the General Municipal Election on March 6, 2007, introduced themselves to the audience: Bruce Dishon, Kay Kessler, Jeff Griffiths.

ADJOURNMENT

The Mayor Pro Tem adjourned the meeting at 8:26 p.m. to the next Council meeting scheduled for Monday, February 26, 2007 at 7:30 p.m. in the City Council Chambers.

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FRANK CROM, MAYOR PRO TEM

Attest: Richard F. Pucci, City Clerk

By: \_\_\_\_\_  
Denise Gillespie, Assistant City Clerk

*Approved by Council on February 26, 2007*