

CITY OF BISHOP
CITY COUNCIL MINUTES
July 23, 2007

CALL TO ORDER Mayor Crom called the meeting to order at 7:30 p.m.

INVOCATION The invocation was given by David Fairley with Youth with a Mission followed by the Pledge of Allegiance led by Mayor Pro Tem Connolly.

COUNCIL PRESENT Griffiths, Cullen, Dishion, Connolly, Crom

COUNCIL ABSENT None

OTHERS PRESENT Richard Pucci, City Administrator
Denise Gillespie, Assistant City Clerk
Peter Tracy, City Attorney
Keith Caldwell, Community Services Director
Ray Seguire, Fire Chief
Deston Dishion, Public Works Superintendent
Gary Schley, Public Services Officer
Bob Kimball, City Treasurer

PUBLIC COMMENT The Mayor announced the public comment period. No public comment was given.

PRESENTATION

First Annual Breastfeeding Awareness Walk (1) Sherry James representing the Inyo/Mono WIC Program and Irene Mason representing Toiyabe Health Clinic informed the Council of the First Annual Breastfeeding Awareness Walk scheduled for August 7, 2007 at the Tri-County Fairgrounds. The public is invited to participate.

CONSENT CALENDAR (2) A motion was made by Councilmember Cullen to approve the Consent Calendar as presented:

Motion/Cullen

FOR APPROVAL AND FILING

- (a) Council Minutes – 6/25/07
- (b) Council Minutes – 7/9/07
- (c) Investment Portfolio – 6/07
- (d) Personnel Status Change Report

FOR INFORMATION AND FILING

- (e) Parks and Recreation Commission Agenda – 7/25/07
- (f) Planning Commission Agenda – 7/31/07

Motion passed on a 5-0 vote.

PUBLIC HEARINGS

ENVIRONMENTAL
REVIEW – Vons Fuel
Center/Convenience Store
1190 North Main Street
(3)

Mayor Crom opened the public hearing to receive comment on the environmental review for the Vons project to construct a fuel center and convenience store with site improvements at 1190 North Main Street located in a C-2 Zoning District (General Commercial).

Karl Huy from Travis Companies spoke on behalf of Vons Companies in Arcadia. He reviewed the project which requires a mitigated negative declaration.

Councilmember Griffiths noted the comments relating to the unsafe traffic movement on the westbound driveway to Highway 395. Mr. Huy indicated that signs will be placed at the convenience store and on the pump islands directing traffic to use the Wye Road exit.

Kenny Lloyd, 237 North Third Street, asked about the depth of the water table at the proposed site for the project. Mr. Huy responded with the information and tank capacity information. Mr. Lloyd asked if it would be a 24-hour operation. Mr. Huy stated that it was unknown at this time but it would be staffed at all times when open. Discussion was held relating to customer safety when unloading fuel.

Motion/Connolly

Mayor Pro Tem Connolly made a motion to close the public hearing which passed on a 5-0 vote.

NEW BUSINESS

MITIGATED NEGATIVE
DECLARATION – Vons
Fuel Center - 1190 N. Main
(5)
Motion/Cullen

The Public Services Officer reported that the project had been approved by all the appropriate agencies.

Comment was made on the public safety issue when trucks unload fuel. It was recommended that fueling of underground tanks be done when the business is closed.

Councilmember Cullen made a motion to adopt a Mitigated Negative Declaration with the added condition that unloading fuel from trucks into underground tanks be done when the convenience store is closed and file a Notice of Determination for the Vons Fueling Center and Convenience Store at 1190 North Main Street and 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 of Bishop’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 land use element.

- The proposed project will not require the expansion of existing public services (electrical, telephone, sewer, water, solid waste disposal).
- The proposed project provides for and is consistent with the City of Bishop Municipal Code requirements for parking, driveways, landscape and other public improvements.
- Based upon 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 courses, scenic or historic resources and human beings.

MITIGATIONS: The required mitigation measures are as follows:

XV. TRANSPORTATION/TRAFFIC (Section XV. Of the Initial Study)

Potential Impacts:

1. There are already some illegal / unsafe left turn movements out of the existing Kmart Vons Center driveway on US 395: the fuel center could contribute to an increase in these types of movements.

Proposed Mitigation: To mitigate the potential hazard signage should be installed on site to direct southbound US 395 traffic to Wye Road.

Motion passed 5-0.

PUBLIC HEARING

ENVIRONMENTAL
REVIEW – CONDITIONAL
USE PERMIT
Neighborhood Church
Expansion – 315 E. South St.
(4)
Motion/Cullen

Mayor Frank Crom and Councilmember Bruce Dishion recused themselves from the public hearing for the expansion project at the Neighborhood Church located at 315 East South Street due to the fact they both have property interests within 500 feet of the proposed project location.

Mayor Pro Tem Connolly opened the public hearing continued from the meeting of June 23, 2007, on the environmental review for a Mitigated Negative Declaration relating to a request for a conditional use permit for the Neighborhood Church (315 East South Street) to construct an 11,000 sq. ft. youth gymnasium/fellowship hall; set aside the minimum number of legally-designed parking requirements from 126 to 29 spaces (a waiver of 97 spaces); allow the construction of two replacement housing units in an R-1 zone; set aside the building height requirement from 26 feet to 32 feet; and to set aside front yard setback from 15 feet to 8 feet and rear yard setback from 15 to 10

feet.

A presentation was given by Ruben Mejia from Wildan who prepared the mitigated negative declaration. Mr. Mejia reported that the initial study was prepared and it was determined that a mitigated negative declaration would be needed due to the potentially significant impacts involving aesthetics, noise and transportation/traffic. He discussed each category and conducted a power point presentation.

- Aesthetics – Scenic Vista – Mr. Mejia indicated it was difficult to quantify the impact on the scenic vistas; therefore it was determined to be 30% or less as a mitigation. To make that determination he used the size of the proposed structure and how it would impact each residence. The closest neighbor would be impacted the most and as distance from the church increased, the impact would be lessened.
- Noise – Noise levels can be controlled and mitigated through the use of walls, building materials and hours of operation. There is no established standard and therefore difficult to judge what will exceed any noise standards.
- Transportation/Traffic – Inadequate Parking Capacity – A traffic study dated 5/2/07 was conducted by LSA Associates and it was determined there was no significant impact to the traffic intersection; but the study did evaluate the parking situation and determined there was adequate parking for the demand under any standard situation. It was concluded that in the worst case scenario the demand would exceed the supply.

Mr. Mejia stated the contingency plan addressed the worst case scenario (simultaneous church events / unusable muddy parking lot) and without a plan the worst case scenario would create a significant unavoidable impact.

Wildan Proposed Mitigated Measures:

- Aesthetics – Restrict the development to no more than 30% impact to views verifiable through architectural drawings during plan checks.
- Noise – In order to be able to monitor noise levels a safe standard would need to be established to enforce. Staff will review building plans and materials to control noise.
- Traffic/Parking – It could be required that the applicant obtain a lease for parking spaces and provide the Public Works Department with a copy. Require the applicant

provide a contingency plan for parking or waive the requirements.

It was noted that the church is not able to make improvements to the lot used for parking which includes paving it.

Before public comment was taken the City Attorney reiterated that the issue before the Council is not whether this project should go forward but whether the environmental document presented is adequate.

PUBLIC COMMENT:

The City Administrator stated that all written comments received up to today have been provided to the Council for consideration.

A letter dated July 17, 2007 from Virginia Crom, 351 East South Street was read into the record as requested and in summary she did not find any changes to the plans and no substantive difference between the proposed negative declaration and the mitigated one. She does not feel the lack of parking can be resolved even with a ride sharing plan if the DWP parking lot was no longer available. She stated her objections are based on the facts presented by the Neighborhood Church and asked that the City uphold their zoning and building codes.

Ben Peavy, 2374 Navajo Circle, stated that residents of Bishop have been positively and permanently affected by the ministry and activities provided by the Neighborhood Church for 55 years. It is a positive influence in the City of Bishop and contributes to the community at large and the health and welfare of the youth and it is their desire to continue to do so.

Kenney Scruggs, 162 East Line Street Suite A, spoke on behalf of the Neighborhood Church indicated whether the church has any kind of impact on the environment considering what the facility is now and what it proposes to be. She stated that the initial negative declaration presented by Mr. Mejia without the mitigations is appropriate in this case as in regard to the aesthetics the proposed project will have less impact than the existing structure does now and questioned the 30% impact on scenic views. They would be difficult mitigations to impose and unnecessary. Relating to the noise mitigation Ms. Scruggs felt the current noise ordinance will satisfy any concerns. Relating to the parking mitigation, the church is not able to get a long-term lease for the parking lot from the City of Los Angeles.

Ernie Kelley, 325 Clarke Street, directly north of the church stated that his main concern is that the mitigation measures are vague and not enforceable. Mr. Kelley stated that his previous letters clarify his concerns and recommendations and provide

information from the U.S. Department of Justice Civil Rights Division “Protecting the Religious Freedom of All: Federal Laws Against Religious Discrimination” and requested the Council delay action on the mitigated negative declaration.

Penny McCoy, 2477 Sunset Drive, spoke on the benefits and services provided by the church and in favor of the expansion project.

Bil Askin, 337 Clarke Street directly behind the church, commented on how the church looks from the outside from his viewpoint. The heating and air conditioning system is painted silver and the church should have considered the neighborhood when doing so. He indicated there is currently a lot of noise and if the gymnasium is built (80 yards from his house) the noise level will increase.

Les Card, LSA Associates, Inc. of Irvine, California, the planners and engineers retained to prepare the parking demand analysis for the proposed project stated at the initiation of the report it was reported that while the gymnasium is an extension of the church the two facilities would not be operated concurrently eliminating the concern for peak parking demand on Sunday mornings. He reviewed the study which used current city ordinance requirements. The conclusion of the report is that 138 spaces supplied by the parking lot and on-site exceeds the city’s requirement of 110 spaces.

Clarence Martin, 330 Clarke Street, whose property adjoins the church, indicated he submitted a letter addressing all the points of the initial study and required mitigations. He provided suggestions for all the mitigations: 1) noise issues can be addressed by city ordinance; 2) lower the height of the gymnasium; 3) conceal the vents from the residents’ view; 4) to help with privacy issues use the upper story for storage only. He requested these restrictions be put in writing in case of any changes in use of the property.

Yvette Ward, 351 Clarke Street, stated she is concerned about the aesthetics with the height of the proposed building and the venting system. There is currently noise coming from church activities and increased traffic on her street creating safety concerns. She suggested people visit the neighborhood to see the impact the church currently has on the views on a daily basis.

On a motion by Councilmember Cullen, the Council voted 3-0 to close the public hearing with Crom and Dishion disqualified.

NEW BUSINESS

MITIGATED NEGATIVE
DECLARATION –
Neighborhood Church 315
East South Street
(6)
Motion/Griffiths

The City Administrator stated that any suggestions made by the public can be made part of the conditional use permit if it is approved by the Planning Commission.

In response to the question posed by Kenney Scruggs during the public hearing, Mr. Mejia stated that existing natural or man-made structures were not taken into account when developing the 30% impact on the neighborhood and therefore the impact created by the proposed project would be lessened.

In response to a question on existing noise ordinances, the City Administrator reported that it is a very limited and requires that no undo noise is allowed from 10:00 p.m. to 7:00 a.m. There are no decibel levels set by ordinance.

Councilmember Griffiths asked for clarification on Ms. Scruggs and the church's position on the aesthetics impact of 30% limit of views. She indicated that with the explanation provided by Mr. Mejia there is no opposition to that mitigation. Griffiths also asked for her opinion of the document discussed by Mr. Kelley relating to the zoning and landmarking laws for churches.

Councilmember Griffiths encouraged the residents to communicate with the Neighborhood Church to possibly develop mitigations to all concerns.

Griffiths made a motion to adopt the Mitigated Negative Declaration and file a Notice of Determination that there will not be a significant effect because the mitigation measures described in the Mitigation Monitoring Program will reduce the potential impacts to a level of insignificance. The motion passed on the following roll call vote:

Ayes: Griffiths, Cullen, Connolly
Disqualified: Dishion, Crom

Crom and Dishion returned to the dais.

RECESS/RECONVENE

The Council took a ten minute recess and reconvened the meeting at 8:45 p.m.

APPROVAL OF BUDGET
ADJUSTMENTS AND
TRANSFERS – FY 06-07
(7)
Motion/Connolly

On a motion by Mayor Pro Tem Connolly, the Council voted 5-0 to approve the budget adjustments and transfers for fiscal year 2006-2007 through June 30, 2007 as presented.

BID AWARD – City Park
Pool Filter System

Councilmember Cullen made a motion to award the bid for the park pool filter system to Knorr Systems of Santa Clara,

Community Services Dept.
(8)
Motion/Cullen

California, in the amount of \$8,367.04. Motion passed 5-0.

BID AWARD – Supply of
Propane to City Facilities
Community Services Dept.
(9)
Motion/Griffiths

Councilmember Griffiths made a motion to award a one-year contract for the supply of propane to City facilities and the Sunrise Mobile Home Park to Amerigas of Bishop in the amount of \$0.2655 over the McKittrick advertised weekly posting. Motion passed 5-0.

APPROVAL TO
ADVERTISE – Portion of
MacIver Street Improvement
Project – Public Works Dept.
(10)
Motion/Griffiths

On a motion by Councilmember Griffiths, the Council voted 5-0 to approve the request to go to bid for a portion of MacIver Street Improvement Project.

COUNCIL REPORTS

CLOSED SESSION

The closed session scheduled for department heads evaluations was cancelled due to the fact the evaluations were completed during the closed session held during the earlier Study Session.

ADJOURNMENT

The Mayor adjourned the meeting at 9:00 p.m. to the next Council meeting scheduled for Monday, August 13, 2007 at 7:30 p.m. in the City Council Chambers.

FRANK CROM, MAYOR

Attest: Richard F. Pucci, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

Approved by City Council August 13, 2007