

CITY OF BISHOP
CITY COUNCIL MINUTES
November 13, 2007

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

INVOCATION The invocation was given by Pastor Michael Wolford of the Seventh Day Adventist Church followed by the Pledge of Allegiance led by the Mayor.

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 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. No public comment was given.

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

Motion/Cullen FOR APPROVAL AND FILING
(a) Council Minutes – 10/22/07
(b) Special Council Meeting Minutes – 11/5/07
(c) Personnel Status Change Reports
(d) Fund Transactions – 7/1/07 – 10/31/07
(e) Warrant Register – 10/07

FOR INFORMATION AND FILING
(f) Adjourned Parks and Recreation Commission Agenda -
11/10/07
(g) Planning Commission Agenda – 11/27/07
(h) Water and Sewer Commission Agenda – 11/14/07
(i) Public Works Report – 10/07
(j) Public Works Permit Report – 10/07

Motion passed unanimously.

PUBLIC HEARING

The Neighborhood Church Mayor Frank Crom and Councilmember Bruce Dishion recused
Appeal of Planning themselves from the public hearing on the appeal by The

Commission Decision on September 25, 2007 denying a Conditional Use Permit for Gymnasium/Fellowship Hall (2)

Neighborhood Church on the decision of the Planning Commission on September 25, 2007 to deny the conditional use permit for the expansion project 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 at 7:40 p.m. to receive and consider citizen input on the appeal of the decision of the Planning Commission denying the conditional use permit for The Neighborhood Church for the addition of a gymnasium/fellowship hall at 315 South Street.

The City Administrator reviewed the procedure for the public hearing with the audience and the use of speaker cards to address the Council.

Speaking as the appellant, Pastor Ben Peavy, 2374 Navajo Circle, stated the goal of the church is to serve the community and do their best to be an asset to the City of Bishop and outlying communities; to be responsible for strengthening and serving the family; to be a place of refuge and resource; to be a place when there is an emotional, financial or spiritual need.

He indicated the purpose of the project is to better serve the community and address what they feel their responsibilities are within the community to help their fellow man. The Pastor stated the building plan has been to better equip the congregation to facilitate the needs of the community the church serves and not to stir up controversy.

Peavy stated that all the mitigations imposed on the proposed project were met when it was presented to the Planning Commission. He felt the Commission did not give the project fair consideration with the main issue of parking which is addressed with the lot across the street and the DWP lease that has been in existence for 33 years. He remarked that the City's parking lots leased from DWP are based on the same contingencies as the church's lot and he is unaware of any concern on the City's part about the potential loss of those leases.

The expansion project for the church as explained by Peavy would be a positive addition to the resources of the City for the sake of the children, youth, emergency services and disaster relief if ever needed. Twenty nine on-site parking spaces would enhance what is already provided. He stated that the church would meet the mitigations outlined on the proposed project and hoped the Council would vote in favor of the project. He stated the church should have the right to do what they desire to with the property in seeking to provide religious services which government should not impede. He requested a favorable declaration by the Council.

Members of the public speaking in favor of The Neighborhood Church expansion project included:

- Jason Etheridge, 291 Grandview, youth pastor and member of the church for more than 12 years, stated the addition of the fellowship hall would provide support to the youth and help invest in the future of the community.
- Jesse Gorham, 2759 Sunset, stated that many churches and accessory buildings in Bishop are in, or were located in, R-1 zoning and surrounded by houses. He asked if other churches have had to go through the same process The Neighborhood Church has had to in order to get their properties developed? If so the outcome was a successful completion of their projects. If the outcome of this struggle is negative he stated that the only plausible difference for this church from others inside the city limits is that this church is in close proximity to the Mayor's house. This is a politically charged topic and he felt it had an effect on the Planning Commission decision and smacked of religious discrimination.
- Shirley Ramirez, 109 Terrace Drive, Big Pine, stated the church is trying to do something good for the community, the youth and adults and be available in cause of disaster.
- Frank Carr, Jr., 111 Johnston Drive, a long time resident living on the east side of Bishop, supports the project to build a fellowship hall where youth will have supervised recreational activities.
- Bill Cody, 225 West Elm Street, member of the church, stated there is a big problem with the morals of the youth of this country. He felt the church is the answer to help.
- Dave Babb, 1544 Lazy A, stated the church is simply asking for the opportunity in the future to provide a gymnasium/youth center to continue the long term involvement in the community and give the youth a place to grow. He referred to Rev. Andrew Clark, one of Bishop's founding fathers, who brought the gospel to the community; made property available for many projects; worked toward making Bishop a thriving business community; and helped with the incorporation of the city. The church's project should be welcomed and not feared.
- True Everhart, 150 N. Third Street, resident since 1939, asked the Council, representing her as a taxpayer, to consider these questions before voting on this issue: What is wrong with providing a healthy environment for the youth? What is the difference with living next to a church and living next to a school? Why is workforce housing better accepted than what the church facility would like to do? What is the true motivation behind the opposition to this project?
- Debborah Morales, 786 West Elm Street, born and raised in this community felt Bishop is not as "family friendly" as it used to be. The church provides youth activities and opportunities for the youth which her children have benefited

- from, the facilities are used for Alzheimer's support groups; the church is also an outlet for travelers during road closures or disaster relief.
- Patrick Thompson, works with children at the church and lives next door, felt there is a need to reach out to the youth and the gymnasium would facilitate that. He asked the Council to consider what is best for that.

Members of the public opposing the church expansion included:

- Jerry Rodgers, residence of 25 years - 487 East South Street, stated the neighborhood is overwhelming against expansion on the lot.
- Mike Hoodman, 358 Clarke Street since 1963, stated he has nothing against the church but it has overgrown its area and his view of the back of the church is ugly with the heating and a/c units. He recommended the church locate property where there is room to expand.
- Pat Mathieu, 359 South Street, stated that the neighbors opposed to this project are not against the church's religious organization. She noted that the letter she submitted on this issue was not included in the packet of information. She stated this project is not good for the neighborhood and criticized the City and Commission on previous decisions on South Street. She went on record that she is opposed to it.
- Sally Martin, 330 Clarke Street, stated the parking issue is a huge part of the problem because so many spaces were waived when the church was built and again they are asking for more spaces to be waived. During weddings and funerals parking spills over into the neighborhood because there is not sufficient parking now. She stated the community is not denying the church cannot be available for emergencies to serve the community, or that they cannot have their religion, or youth program - it needs to be in an area where there is sufficient parking.
- Bil Askin, 337 Clarke Street, stated the issue is not about God or religion; it is about building a gymnasium in an R-1 neighborhood. The church's congregation feels that they should be allowed to do what they want with their property. He asked "What about our properties and our rights?" This is an R-1 zone and it should remain a residential neighborhood.
- Yvette Ward, 351 Clarke Street, asked the Council to review the letters that had been sent in from those in the neighborhood. Beulah Currie's letter commented about when the church was first built no one spoke to them about how it would impact their property. With this project no one from the church has come around the neighborhood to discuss or incorporate them in the process or reached out to the community.
- Ernie Kelley, 325 Clarke Street, stated he is not opposed to having the church on South Street – it is wonderful. He is

- opposed to having the church and Rudolph Construction wanting to construct a 11,000 square foot gym that violates every aspect of R-1 zoning.
- Virginia Crom, 351 East South Street, has opposed the project from its inception. In response to the comments on the Willow Plaza Workforce Housing Project she stated the zoning in that area allows apartments. She criticized the person who suggested the Planning Commission’s decision to deny the church’s project was based on the proximity of their home to the project. She felt the past waiver when the church was built and current request to waive more parking spaces would have an impact on the neighborhood if the parking lot lease was lost. She felt the Planning Commission gave serious consideration to the project and requested the Council uphold their decision.
 - Lou Syre, 363 Clarke Street, stated this is not a religious issue—it is a parking issue. The parking in the community is limited now and with the gymnasium it will get worse.
 - Andy Bell, 351 Clarke Street, stated this issue is about zoning and parking regulations and as taxpayers they have a right to protect their residential neighborhood. He agreed that the church has overgrown its location and needs to find a more appropriate area.
 - Patricia Syre, 363 Clarke Street, stated that other churches moved when their growth exceeded their space – Calvary Baptist moved from Home to West Line, Christian Science moved from East Line Street to West Line, the Catholic Church moved from Elm to Home Street, and the Jehovah Witness Church moved to Highway 395. She requested the Council protect the quality of the neighborhood and uphold the decision of the Planning Commission.

Motion/Cullen

At 8:35 p.m. Councilmember Cullen made a motion to close the public hearing. The motion passed unanimously.

NEW BUSINESS

Action on The
Neighborhood Church
Appeal of the Planning
Commission Decision of
September 25, 2007 Denying
the Expansion Project
(4)

At the request of Councilmember Griffiths, the City Administrator explained the difference between the decision on the Mitigated Negative Declaration made by the Council and the Planning Commission’s decision on the project.

Clarification was given on the church’s use permit with the Department of Water and Power for the parking lot across the street. It has been leased consecutively by the church for 33 years. There is currently a 3 year lease with a cancellation clause. Griffiths asked for further clarification on recent correspondence to the church from Inyo County on the lack of a conditional use permit on the lot that is zoned R-1 residential. Pastor Peavy stated that the church recently received the letter from the County and

has not had the opportunity to discuss the letter with them or formulate a response. They will pursue a conditional use permit with the County.

Discussion was held on the possibility of continuing the appeal until more information was received on the issues on the parking lot across the street from the church. It was determined that the item would move forward.

Recess/Reconvene

The Council took a five minute recess and reconvened with Mayor Pro Tem Connolly and Councilmembers Cullen and Griffiths in attendance.

The letter received July 27, 2007 from Gene Coufal, Manager of the Aqueduct Section of the Department of Water and Power addressed to Gary Schley, Public Services Officer for the City relating to the proposed Mitigated Negative Declaration for the Neighborhood Church Expansion Project was read into the record. Mr. Coufal's letter was in response to the initial study and mitigated measures prepared on the church's expansion project and related to parking and the lack of contingency plans in case the lease is terminated.

Motion/Cullen

Councilmember Cullen stated that on July 16, 2007 she met with the Pastor and Ken Abbott of Rudolph Construction. She suggested the church hold a community meeting to work out the issues with the neighborhood and was later told the church would be contacting the neighbors individually. She felt it was unfortunate that it never happened.

Councilmember Cullen made a motion to uphold the Planning Commission's decision of September 25, 2007 denying the conditional use permit for The Neighborhood Church for the addition of a gymnasium/fellowship hall at 315 South Street.

Councilmember Griffiths also spoke with representatives of the church and learned of all the good deeds they do and received a good idea of what would happen with the addition of the gymnasium. As a foster parent he understands the need for activities for the youth but cannot ignore the unanimous opposition to the project in the community. He had also expressed to the church that a community outreach would go a long way to build bridges within the community. With numerous recent phone calls it became aware to him that none of the residents in the neighborhood had been contacted by the church. Considering the opposition he also voted to uphold the decision of the Planning Commission.

Mayor Pro Tem Connolly stated that he had spoken with several people both for and against the project. He indicated that when he ran for Council 15 years ago he made a promise to both the

young and older people that anything he could do for them he would do. He voted in favor of the appeal by the Neighborhood Church.

The motion to uphold the Planning Commission's decision of September 25, 2007, denying the conditional use permit for the Neighborhood Church expansion project passed on the following roll call vote:

Ayes: Cullen, Griffiths

Noes: Connolly

Disqualified: Crom, Dishion

Recess/Reconvene

The Council recessed for 10 minutes and reconvened with all five Council members present.

PUBLIC HEARING

Relating to Acceptance of Final Product 2006-2007 CDBG Planning and Technical Assistance (General Allocation) Program

(3)

Motion/Griffiths

The Mayor opened the public hearing required by the CDBG to receive input on the acceptance of a final product funded by the 2006-2007 Community Development Block Grant (CDBG) Planning and Technical Assistance (General Allocation) program. No public comment was given. Councilmember Griffiths made a motion to close the public hearing. Motion passed unanimously.

Acceptance of Final GIS Products – CDBG Grant

(5)

The Public Works Director reported that all the elements included in the first Community Development Block Grant for Planning and Technical Assistance (PTA) for the development of a municipal Geographic Information System (GIS) for the City have been delivered and have already proven to be of tremendous value. Work on the second grant to expand the system is continuing.

Motion/Griffiths

On a motion by Councilmember Griffiths, the Council voted 5-0 to accept the final GIS products produced with funding from the 2006-2007 PTA (General Allocation) CDBG program.

Request to Advertise South Street Curb and Gutter 200 Block Project – Public Works Department

(6)

The Public Works Director requested authorization to advertise for the project to extend the curb and gutter in the 200 block of East South Street to further improve parking compliance in the area. He stated that the weather and supply of asphalt and concrete will be an issue and the Department may not be able to complete the job until spring and therefore asked for time allowances that best suit the project. Griffiths suggested that the budget for the next fiscal year be adjusted to reflect the cost for this project that will be completed in the current fiscal year.

Motion/Griffiths

On a motion by Councilmember Griffiths, the Council voted 5-0 to approve the request to go to bid for the South Street Curb and Gutter 200 Block Project on a schedule to be determined by the

Public Works Department and authorize the cost not to exceed \$7,000 to be funded from unbudgeted reserves.

Approval of M.O.U. for the Bishop Senior Recreation Center
(7)

The City Administrator requested that the updated Memorandum of Understanding between the City of Bishop, County of Inyo and the Inyo Mono Area Agency on Aging for the Bishop Senior Recreation Center be approved. He noted that the address for the Center in the M.O.U. should be 506 Spruce Street and not Park Avenue.

Motion/Cullen

Councilmember Cullen made a motion to approve the Memorandum of Understanding with the City of Bishop, County of Inyo and the I.M.A.A.A. for the Bishop Senior Recreation Center. The motion passed 5-0.

Resolution No. 07-16 Fixing the Employer's Contribution for the City Council under the Public Employees Medical and Hospital Care Act
(8)
Motion/Crom

Mayor Crom made a motion to adopt Resolution No. 07-16 by title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION FOR THE CITY COUNCIL UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT." Motion passed 5-0.

COUNCIL REPORTS

ADJOURNMENT

A Special Meeting is scheduled for Wednesday, November 14, 2007 at 3:00 p.m. to meet in closed session for consideration of Public Employee Discipline/Dismissal/Release.

The Mayor adjourned the meeting at 9:37 p.m. to the next Council meeting scheduled for Monday, November 26, 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 Council November 26, 2007