

CITY OF BISHOP
CITY COUNCIL MINUTES
January 14, 2008

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

INVOCATION The invocation was given by Pastor Rick Klug of the Calvary Baptist 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 Seguire, Fire Chief
Kathleen Sheehan, 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
(1) the Consent Calendar as presented:

Motion/Cullen

FOR APPROVAL AND FILING
(a) Council Minutes – 12/10/07
(b) Personnel Status Change Report
(c) Investment Portfolio – 11/07
(d) Fund Transactions – 7/1/07 – 12/31/07
(e) Warrant Register – 12/07

FOR INFORMATION AND FILING
(f) Water and Sewer Commission Agenda – 1/8/08
(g) Parks and Recreation Commission Minutes – 11/28/07
(h) Fire Department Activity Log – 12/07
(i) Public Works Report – 11/07
(j) Public Works Permit Report – 11/07
(k) Public Works Report – 12/07
(l) Public Works Permit Report – 12/07

Motion passed on the following roll call vote:
Ayes: Cullen, Dishion, Griffiths, Connolly, Crom

OLD BUSINESS

D.W.P. CORRESPONDENCE
RELATING TO CITY PARK
APPRAISAL
(2)

Staff reported that correspondence had been received from the local office of Los Angeles Department of Water and Power relating to delays in obtaining the appraisal for the City Park. It is now anticipated the appraisal will be done by mid-to-late February.

PUBLIC HEARING

SOUTH SECOND STREET
IMPROVEMENT PROJECT
(3)
Motion/Griffiths

Mayor Crom opened a public hearing to receive public input on the City of Bishop South Second Street Improvement Project which will rehabilitate and improve South Second Street from East South Street to East Line Street.

Jean Freeman Hobbs, 221 South Second Street, stated that during the informational meeting on the project she had originally approved the bulb outs for existing trees but has since realized that parking would be negatively impacted and she has changed her opinion on the design of the project.

RECESS/RECONVENE

At the request of staff, the Mayor called for a 10-minute recess. The Council reconvened to the public hearing on Agenda Item No. 3.

Motion/Griffiths

A motion was made by Councilmember Griffiths to close the public hearing on the South Second Street Improvement Project. The motion passed by the following roll call vote: Ayes: Griffiths, Cullen, Dishion, Connolly. Mayor Crom abstained due to the location of his property in relation to this project.

The City Administrator announced that the Council would address the other items on the agenda to allow time for the City Attorney and the Public Works Director to research conflicts on interest relating to the South Second Street Improvement Project and Road Project A due to property interests within 500 feet of the project by some members of the Council.

RESOLUTION NO. 08-01
Master Agreement and Program
Supplements for Bus Stop
Improvements Project
(7)
Motion/Griffiths

A motion was made by Councilmember Griffiths to adopt Resolution No. 08-01 by title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR STATE-FUNDED TRANSIT PROJECTS". The motion passed on the following roll call vote: Ayes: Griffiths, Cullen, Dishion, Connolly, Crom.

APPROVAL OF WELL 3 TEST
WELL CONTRACT
Public Works Department
(8)

Staff reported that the scope of work for hydrogeologic consulting services associated with the City's Well 3 Test Well includes: (1) site assessment; (2) monitoring well, data collection, and data analysis; (3) monitoring well report; and (4) production well design.

Motion/Griffiths

Councilmember Griffiths made a motion to approve the contract with Wood Rodgers Incorporated for the hydrogeologic consulting services for Well 3 Test Well in the amount not to exceed \$130,116.00. The motion passed on the following roll call vote: Ayes: Griffiths, Cullen, Dishion, Connolly, Crom.

BID AWARD – Crack Seal
Material – Public Works Dept.
(9)
Motion/Cullen

Councilmember Cullen made a motion to award the bid for crack seal materials to the sole bidder, Environmental Concepts from Tehachapi, California in the amount of \$7,602.84.

The motion passed on the following roll call vote: Ayes: Cullen, Dishion, Griffiths, Connolly, Crom.

REQUEST TO FILL FULL TIME
MAINTENANCE WORKER
POSITION – Public Works Dept.
(10)

The City Administrator reported that this is a unique request due to the immediate work load and manpower requirements of the Public Works Department. It is recommended the Council waive the hiring freeze and authorize the filling of an additional Maintenance Worker II position.

Motion/Griffiths

Councilmember Griffiths moved to waive the hiring freeze and authorize the hiring on one Maintenance Worker II position. The motion passed on the following roll call vote: Ayes: Griffiths, Cullen, Dishion, Connolly, Crom.

APPROVAL OF 2007 ANNUAL
PROGRESS REPORT – General
Plan - Planning Department
(11)

The City Administrator stated the report is on the status of the City's General Plan and is required by the State of California. It is a summary of action taken by the Planning Commission for the calendar year 2007.

Motion/Crom

Mayor Crom made a motion to approve the 2007 Annual Progress Report for the City of Bishop General Plan. The motion passed on the following roll call vote: Ayes: Crom, Cullen, Dishion, Griffiths, Connolly.

BID AWARD – Ten Patrol Rifles
Police Department
(12)

The Police Chief reported that one bid was received for ten patrol rifles (Mini 14, 223 caliber) which was later corrected by the supplier at a savings of \$652.32.

Motion/Connolly

A motion was made by Mayor Pro Tem Connolly to award the bid for ten patrol rifles to the sole bidder, Pro-Force Law Enforcement Supply from Brea, California in the

amended amount of \$6,230.97. Motion passed on the following roll call vote: Ayes: Connolly, Cullen, Dishion, Griffiths, Crom.

REQUEST TO SURPLUS CITY
EQUIPMENT AND PROPERTY
Police and Public Works
Departments
(13)
Motion/Connolly

Mayor Pro Tem Connolly moved to approve the request to surplus the designated City and found property as presented by the Police and Public Works Department and dispose of the property in a manner best suited to the needs of the City. The motion passed on the following roll call vote: Connolly, Cullen, Dishion, Griffiths, Crom.

APPROVAL OF BUDGET
ADJUSTMENTS AND
TRANSFERS
Fiscal Year 2007-2008
(14)
Motion/Cullen

Councilmember Cullen made a motion to approve the budget adjustments and transfers for fiscal year 2007-2008 ending December 31, 2007 as presented. The motion passed on the following roll call vote: Cullen, Dishion, Griffiths, Connolly, Crom.

RECESS/RECONVENE

At the request of staff, the Mayor called for a 5-minute recess. The Council reconvened to regular session following the break.

The City Attorney stated that the City realized belatedly that under the Fair Political Practices Act there were potential conflicts of interest on the South Second Street Improvement Project and Road Project A.

He indicated that in respect to the South Second Street Project that Mayor Crom and Councilmember Dishion have property interests within 500 feet from the nearest point of their property to the nearest point on the South Second Street Project which creates a presumption of conflict of interest. They are disqualified from discussing and taking action on Agenda Item No. 5. Cullen, Griffiths and Connolly are eligible to vote on this issue.

As there was no discussion or deliberation by the Council during the public hearing held earlier on the South Second Street Improvement Project, Item No. 3 is concluded.

MITIGATED NEGATIVE
DECLARATION – South Second
Street Improvement Project
(5)

Mayor Frank Crom and Councilmember Bruce Dishion recused themselves from discussion and action on Item No. 5 for the Mitigated Negative Declaration for the City of Bishop South Second Street Improvements Project to rehabilitate and improve South Second Street from East South Street to East Line Street due to the fact they both have property interests within 500 feet of the proposed project location.

The Public Works Director reviewed the project that will rehabilitate pavement, improve drainage, which may

change the grade of the street, construct continuous curb, gutter and sidewalk, improve intersections, repair, rehabilitate, and improve water and sewer service and complete associated work. Associated work may include tree removal as required for curb, gutter and sidewalk and replacement; potential relocation of some private underground utilities; and private encroachments on the right of way that conflict with construction will be removed.

Proposed mitigations include:

1. Aesthetics: There is a potential impact to aesthetics through the removal of about 24 trees over 6 inches in diameter. This potential impact will be mitigated by providing three trees for every one removed tree. In addition “bulb outs” will be constructed that increase the planter space up to 13 feet to allow space for larger replacement trees.
2. Noise: There is a potential impact to noise during the construction of the project. This potential impact will be mitigated by limiting construction operations between 7:00 a.m. to 7:00 p.m.

Jean Hobbs, 221 South Second Street, restated her concerns about the “bulb outs” restricting parking for travel trailers. She had originally approved the “bulb outs” but now feels they will make the street too narrow. She was concerned about the safety of children playing in a narrow street.

Mrs. Hobbs was advised that even if the Mitigated Negative Declaration is approved, there will be the opportunity for her to address her concerns on the design with the Public Works Department to see if the parking can be worked out.

Marcia Peci, 210 South Second Street, expressed concerns about the semi trucks that use South Second Street and if it is narrower it will be unsafe for the children that live in the nearby apartments.

The Public Works Director commented that wider sidewalks would make it safer for the children and get them off the street. He indicated the consultants will be working on the design phase and there will be opportunity for interaction from the neighborhood. A realistic estimated time for construction is spring or summer of this year.

The City Administrator recommended modifying the wording for No. 1 of the Proposed Mitigations from “bulb outs *will* be constructed...” to “bulb outs *may* be constructed...”. This would allow for the consultants to modify the design as needed.

Motion/Connolly

Mayor Pro Tem Connolly made a motion to adopt the Mitigated Negative Declaration and authorize the filing of a Notice of Determination for the City of Bishop South Second Street Improvement Project and include a modification to the Proposed Mitigations No. 1. Aesthetics to read “In addition “bulb outs” may be constructed that increase the planter space up to 13 feet to allow space for larger replacement trees”. The motion passed by the following roll call vote: Ayes: Connolly, Cullen, Griffiths. Disqualified: Dishion, Crom

Mayor Crom and Councilmember Dishion returned to the dais.

PUBLIC HEARING

ROAD IMPROVEMENTS PROJECT A (4)

On Road Improvements Project A portion from Short Street from South Second Street to South Third Street, the City Attorney reported that three members have a potential conflict of interest because of the 500 feet rule established by the Fair Political Practices Act. Mayor Crom resides within 477 feet; Councilmember Cullen at 484 feet; and Councilmember Dishion at 477 feet. They are disqualified from the discussion and action on this project. The process to arrive at a quorum for action on this project is to place these three names in a “hat” and one name will be drawn and that member will be un-disqualified and eligible to participate. Councilmember Griffiths has no conflict of interest as the lease on his residence on Willow Street is on a month-month basis and does not disqualify him from voting.

Crom, Cullen and Dishion declared conflicts of interest due to property interests within 500 feet of the proposed project and left the Council Chambers.

A draw was conducted by the City Attorney and Mayor Crom was un-disqualified and a quorum was established. Crom returned to the dais.

Mayor Crom opened the public hearing to hear and consider citizen input on an Initial Study and Mitigated Negative Declaration for the City of Bishop project known as Road Improvements Project A. which will rehabilitate and improve North Third Street from East Pine Street to East Elm Street and Short Street from South Second Street to South Third Street.

The Public Works Director reviewed the project to rehabilitate pavement, improve drainage which may change the grade of the street, construct continuous curb, gutter and

sidewalk, improve intersections, repair, rehabilitate, and improve water and sewer service, and complete associated work. Associated work is anticipated to include tree removal as required for curb, gutter and sidewalk, and replacement, acquisition of a sewer and drainage easement across private property, construction of new sewer and drainage pipes across this easement, paving a portion of the easement as a driveway, construction of storm water quality enhancement features, and possible conversion of the section of Short Street affected by this project to one-way with diagonal parking on one side. Some relocation of overhead utilities is expected. Work required to match grades behind sidewalks and on driveways may include work off the street right of way. The relocation of some private underground utilities is possible. Private encroachments on the right of way that conflict with construction will be removed. In areas where there are no existing driveways or no existing curb and where vehicles access the street and cross pedestrian paths in an uncontrolled manner, driveway access will be defined.

Motion/Crom

Mayor Crom made a motion to close the public hearing. The motion passed on the following roll call vote: Ayes: Crom, Griffiths, Connolly. Disqualified: Cullen, Dishion.

NEW BUSINESS

ROAD IMPROVEMENTS

PROJECT A – Mitigated Negative Declaration

(6)

Motion/Crom

A motion was made by Mayor Crom to adopt the Mitigated Negative Declaration and authorize the filing of a Notice of Determination for the City of Bishop Road Improvements Project A and include a modification to the Proposed Mitigations No. 1. Aesthetics to read “In addition “bulb outs” may be constructed that increase the planter space up to 13 feet to allow space for larger replacement trees”. The motion passed by the following roll call vote: Ayes: Crom, Connolly, Griffiths. Disqualified: Cullen, Dishion.

Councilmembers Cullen and Dishion returned to the dais.

PRESENTATIONS

RETIRED POLICE CHIEF

JOSEPH PECSI

(15)

Presentations were made to honor Joseph Pecsí who recently retired after five years of service to the City as Police Chief. Inyo County Supervisor Susan Cash presented a Certificate of Appreciation from the Inyo Board of Supervisors. The City Council presented Joe Pecsí with a city tile and city centennial coin. Flowers were presented to Marcia Pecsí for her support during his law enforcement term. Mr. Pecsí thanked everyone who has supported him over the years including his wife, parents, staff members and Council Members past and present.

COUNCIL REPORTS

ADJOURNMENT

The Mayor adjourned the meeting at 8:40 p.m. to the next Council meeting scheduled for Monday, January 28, 2008 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 JANUARY 28, 2008