

CITY OF BISHOP
CITY COUNCIL MINUTES
July 28, 2008

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

INVOCATION The invocation was given by Pastor Ron Sargent of the Bishop Christian Center followed by the Pledge of Allegiance led by Councilmember Dishion.

COUNCIL PRESENT Griffiths, Dishion, Cullen, Connolly

COUNCIL ABSENT Crom

OTHERS PRESENT Richard Pucci, City Administrator
Denise Gillespie, Assistant City Clerk
Peter Tracy, City Attorney
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 provided.

PROCLAMATION The proclamation in recognition and celebration of the centennial of the First United Methodist Church Sanctuary located at Church and North Fowler Street was read by staff. It was presented to members of the celebration committee: Rick and Karen Scott and Chuck Kilpatrick. The celebration will be held on August 16, 2008.

First United Methodist Church Sanctuary Centennial (1)

CONSENT CALENDAR A motion was made by Mayor Pro Tem Cullen and passed 4-0 to approve the Consent Calendar as presented. Councilmember Crom was absent.

(2)
Motion/Cullen

FOR APPROVAL AND FILING

- (a) Council Minutes – 7/14/08
- (b) Council Study Session Minutes – 6/23/08
- (c) Personnel Status Change Report
- (d) Investment Portfolio – 6/08
- (e) Execution of Agreement between the Bishop Volunteer Fire Department and the 18th District Agricultural Association/Eastern Sierra Tri-County Fairgrounds for the Destruction Derby scheduled for Sunday, August 31, 2008.
- (f) Lease Agreement with Inyo County for office space located in the Clark Wing, 301 West Line Street.
- (g) Lease Agreement with Inyo County on behalf of Inyo County Courts for office space located in the Clark Wing, 301 West Line Street.

FOR INFORMATION AND FILING

(h) Water and Sewer Commission Minutes – 7/8/08

NEW BUSINESS

RESPONSES TO THE
INYO COUNTY GRAND
JURY REPORT – 2007-08
(3)
Motion/Cullen

Mayor Pro Tem Cullen made a motion to approve the responses as drafted for the 2007-2008 Inyo County Grand Jury Report relating to the Police Department needs for more space. The motion passed on the following roll call vote: Ayes: Cullen, Dishion, Griffiths, Connolly. Absent: Crom.

CITY ATTORNEY
CONTRACT EXTENSION
(4)

The City Administrator reported this item has been pulled from the agenda and will be rescheduled for a future date.

RESOLUTION NO. 08-10
Support for Energy
Partnership Between
S.C.E. and E.S.C.O.G.
(5)
Motion/Connolly

On a motion by Mayor Connolly the Council voted 4-0 to adopt Resolution No. 08-10 by title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE EASTERN SIERRA COUNCIL OF GOVERNMENTS TO BE NAMED *THE EASTERN SIERRA ENERGY INITIATIVE*"; and appoint the Community Services Director to serve on the Eastern Sierra Energy Initiative Working Group. Councilmember Crom was absent.

PARS ENHANCEMENT
PLAN ACTUARIAL
VALUATION
(6)
Motion/Dishion

The City Administrator reported it is in the best interest of the City to combine the services of Bartel Associates for both the GASB 45 required reporting relating to post employment benefits and the biennial PARS Enhancement Plan Actuarial Valuation. The GASB 45 contract was previously approved by Council February 25, 2008.

Councilmember Dishion moved to waive the formal bid procedure under the professional services exemption of the Municipal Code and authorize Bartel Associates to prepare the biennial PARS Enhancement Plan Actuarial Valuation in an amount not-to-exceed \$10,000 and authorized the necessary budget adjustments to allow for the preparation of the GASB 45 post-retirement benefit reporting documents in an amount not to exceed \$13,000. The motion passed 4-0 with Councilmember Crom absent.

ORDINANCE NO. 522
Establishing Compensation
for City Commissioners -
Introduction
(7)
Motion/Connolly

Mayor Connolly made a motion to approve the introduction of Ordinance No. 522 which establishes compensation for City commissioners and schedule the adoption of the ordinance for the August 11, 2008 meeting. The motion passed on the following roll call vote: Ayes: Connolly, Dishion, Griffiths, Cullen. Absent: Crom.

APPROVAL OF ENVIRONMENTAL CONSTRAINTS CONTRACT – ENPLAN (8)

The Public Works Director reported that in the event of a release or exchange of Los Angeles Department of Water and Power land in the City of Bishop area which could provide the potential for development of affordable housing or other uses and it would be advantageous to know what areas are environmentally sensitive. The City has been awarded a CDBG \$35,000 grant which can be used to determine such environmental constraints as the presence of endangered plants or animals, wetlands, or historic or prehistoric resources. Following the release of the RFP, nine proposals were received:

RM Associates, Fresno	\$35,000
Quad Knopf, Bakersfield	\$42,405
RBF Consulting, Irvine	\$43,391
Ecologic, Reno	\$43,750
Resource Concepts, Carson City	\$43,700
Christopher Joseph Assoc., Tahoe City	\$36,760
Willdan, Industry	\$45,214
PMC, Rancho Cordova	\$43,725
Enplan, Redding	\$43,750

After conducting interviews with four of the companies, the Public Works Director reported the department is requesting approval of a contract with Enplan to conduct the study which would take approximately four months to complete.

Motion/Griffiths

Councilmember Griffiths made a motion to approve the execution of a contract with Enplan from Redding, California for the Environmental Constraints Studies in support of affordable housing in an amount not to exceed \$43,750 and authorize any changes necessary for the 2008-2009 fiscal year budget from unbudgeted reserves. The motion passed 4-0 with Crom absent.

APPROVAL OF CONTRACT FOR 2008 WATER AND SEWER RATE STUDY – Ecologic (9)

The Public Works Director reported that in 2003 a Water and Sewer Service Charges Study was conducted by Boyle Engineering in response to financial concerns with both the City water and sewer funds at that time. A series of four rate increases was put in place beginning July 2004 and July 2007. It was established that in 2008 the Public Works Department would conduct a comprehensive water and sewer rate review including engineering, capital improvement program and progress toward meeting capital funding programs.

Request for proposals were released in May for the rate review with five responses coming in from the following firms:

Tuckfield & Associates, Newport Beach	\$19,800
EPS, Sacramento	\$33,000
Nolte, Plam Desert	\$26,800

Ecologic, Rocklin	\$20,000
Foresight, Davis	\$20,000

The Director recommending entering a contract with Ecologic for the rate study.

Motion/Connolly

Mayor Connolly made a motion to approve execution of a contract with Ecologic of Rocklin, California for the 2008 Water and Sewer Rate Study in an amount not to exceed \$20,000; and authorize the appropriate changes to the 2008-2009 fiscal year budget. The motion passed 4-0 with Councilmember Crom absent.

COUNCIL REPORTS

CLOSED SESSION

The Mayor recessed open session at 8:01 p.m. to convene in closed session with the City Attorney pursuant to Government Code Section 54956.9(a) relating to City of Bishop v. K.C.M. Bhakta Motel Corporation – Inyo County Superior Court Case No. SICVCV 08-46169. Present: Griffiths, Dishion, Cullen, Connolly.

RECONVENE OPEN SESSION

At 8:15 p.m. the Mayor reconvened open session. Present: Griffiths, Dishion, Cullen, Connolly; absent: Crom.

ANNOUNCEMENT FROM CLOSED SESSION

The City Attorney announced the City has settled Case No. SICVCV-08-46169 pending in Inyo County Superior Court against K.C.M. Bhakta Motel Corporation for unpaid transient tax. On a motion by Mayor Connolly, the Council voted 4-0 (Crom absent) to approve the proposed settlement and settlement agreement and authorized the City Administrator to execute the necessary documents. The Corporation has already filed and paid transient occupancy taxes, penalties and interest for January-May 2008 for Rodeway Inn and Thunderbird Motel. The Corporation will obtain reinstatement by the State of California and the State of Nevada by October 31, 2008. The Corporation will pay City of Bishop an additional \$10,000 by December 31, 2008. If all conditions are timely met, the Corporation will get acknowledgement of full satisfaction of default judgment to be taken in favor of the City for \$33,566.40 plus court costs. If all conditions are not met, the City will have the right to execute on its default judgment for full amount, and the Corporation will forfeit the business license and TOT certificate. Three companion cases will be dismissed: Case Nos. SICVCV-08-46172, MBCVLO-08-46132 and MBCVLO-08-46136.

ADJOURNMENT

The Mayor adjourned the meeting at 8:17 p.m. to the next Council meeting scheduled for Monday, August 11, 2008 at 7:30 p.m. in the City Council Chambers.

MARTIN L. CONNOLLY, MAYOR

Attest: Richard F. Pucci, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

APPROVED BY COUNCIL AUGUST 11, 2008