

CITY OF BISHOP  
CITY COUNCIL MINUTES  
January 26, 2009

CALL TO ORDER	Mayor Connolly 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 Pro Tem.
COUNCIL PRESENT	Griffiths, Dishion, Cullen, Connolly
COUNCIL ABSENT	Crom
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 Bob Kimball, City Treasurer
PUBLIC COMMENT	The Mayor announced the public comment period. Richard Kizer, 651 West Elm Street, requested the City's approval to compile a list of street locations that need to have minor corrections made for easier wheelchair travel. The Councilmembers felt the information would be very helpful.
ADDITION OF URGENCY AGENDA ITEM	Mayor Connolly announced that since the posting of the agenda, pursuant to Government Code Section 54954.2, the Council needed to take action to add an urgency item on an employee matter.
Motion/Connolly	On a motion by Mayor Connolly, the Council voted 4-0, with Crom absent, to add Agenda Item (10-A) Closed Session – Public Employee Performance Evaluation pursuant to Government Code Section 54957 – Title: Parks and Recreation Groundskeeper.
CONSENT CALENDAR (1)	A motion was made by Mayor Pro Tem Cullen and passed 4-0 with Crom absent to approve the Consent Calendar as presented:
Motion/Cullen	FOR APPROVAL AND FILING (a) Council Minutes – 1/12/09 (b) Personnel Status Change Report (c) Ratification of Amended and Restated PARS Retirement Enhancement Plan effective July 1, 2009 FOR INFORMATION AND FILING (d) Parks and Recreation Commission Agenda – 1/28/09 (e) Planning Commission Meeting Cancellation – 1/27/09 (f) Public Works Report – 12/08

## NEW BUSINESS

### DOWNTOWN BISHOP COMMERCIAL PROPERTIES Staff Report (2)

Due to the change in status of several downtown commercial properties, at the request of the Council, the City Administrator provided the following general overview on the situation and addressed the question on what the City can do to support, enhance and protect our commercial activities inside the city limits.

What has the City done to enhance and protect the business environment? The City Administrator reported there is strong recognition that sales and transient occupancy tax revenue is 68-70% of general fund. The City recognizes the need for involvement with business community. In the 1970's the City began monetary support to the Chamber of Commerce and provided the building site. \$176,000 in funding was approved for the 2008-09 fiscal year. The Chamber serves as the liaison between the City and business community. In the 1980's the City's Redevelopment Agency was used in a very limited way to establish the public/private purchase of LADWP property for industrial use which ended up as commercial use for the current Kmart/Vons location. The Redevelopment Agency was used as a tool to transfer property with private money and turned the land over to the private sector under very strict guidelines without any cost to the taxpayers. In 2006 the City established an Economic Development Task Force, a public and private idea committee, to discuss areas of interest and concern and how to partnership. The City is a fast track agency for building and planning services and is able to assist when the coordination of several agencies is necessary for a project such as the Eastern Sierra Community Bank complex. The City maintains parking lots through leases with DWP to support all businesses in the area and accepts the liability.

In response to the question if the City can do anything about commercial rents being doubled, the City Administrator stated that the City walks a fine line between providing public services, wanting to see commercial areas filled and intruding on rights of private property. Helping with rent control is outside the City's jurisdiction. There are no city ordinances for commercial or residential rent controls.

It was indicated that comments have been made that the City should not allow buildings to remain vacant or private parking lots to sit empty. Staff determined there are over 20 commercial locations currently vacant with Cottonwood Plaza considered as one location. The survey did not determine whether the buildings are for rent. Several Main Street property owners have decided not to rent out their properties or have closed off parking areas.

Mr. Pucci stated that recent events have raised new questions about the old Kmart building which is vacant but not abandoned. There are currently no law enforcement or fire protection issues. If this situation arises, the City does have the jurisdiction in those areas.

Regarding Cottonwood Plaza, the sublease expired in June 30, 2008 and was not renewed. Future decisions made in the court cases will determine if the complex will be demolished. Questions have been raised if the City can get involved. What are the legal and practical constraints and what is the cost to the taxpayers? Should the City get involved because of public good and to deal with the eye sore created by vacant buildings and how does this affect private property rights? Who pays the cost of City involvement and do the taxpayers want to bear the cost of public involvement? Should there be restrictions on private ownership? Can ordinances help? Have other cities ordinances been effective in dealing with these issues? Should the Redevelopment Agency become a risk taker with public dollars? What is the risk that public subsidy would hurt some businesses while helping others or make it more difficult for private businesses to move to our area.

It was reported that staff will be reviewing ordinances from other cities that deal with similar situations.

CHAMBER OF  
COMMERCE UPDATE  
(3)

Executive Director Tawni Thomson reported that the Chamber will be able to move forward with planned events scheduled through the end of June after Inyo County froze community projects funding for this fiscal year. She also reported that the Sunset magazine ads in the May, June, July and October 2008 issues purchased through City of Bishop funding were a major success in increasing Chamber contacts for information. There was an increase of 2% over the previous year in walk-ins at the Chamber office.

GENERAL MUNICIPAL  
ELECTION – March 3, 2009  
Options to Resolve Tie  
Votes  
(4)  
Motion/Dishion

Following discussion on the options to resolve any tie votes in the March 3, 2009 General Municipal Election, the Council voted 4-0 on a motion by Councilmember Dishion to resolve tie votes by lot (coin toss or name draw). Councilmember Crom was absent for the vote.

WAIVE HIRING FREEZE -  
Part Time Seasonal Staff –  
Community Services  
(5)  
Motion/Connolly

Mayor Connolly made a motion to waive the hiring freeze and fill the seasonal part time positions for the Community Services Department. The motion passed 4-0 with Crom absent.

WAIVE HIRING FREEZE  
Part Time Office Assistant –

Mayor Pro Tem Cullen made a motion to waive the hiring freeze and authorized the Public Works Department to proceed with

Public Works  
(6)  
Motion/Cullen

filling the Part Time Office Assistant position. The motion passed 4-0 with Crom absent.

PURCHASE OF TRENCH SHORING EQUIPMENT –  
Public Works  
(7)  
Motion/Cullen

On a motion by Mayor Pro Tem Cullen, the Council voted 4-0 to approve the purchase of trench shoring equipment from the sole bidder, United Rentals from Reno, Nevada in the amount of \$4,439.00 plus tax. Councilmember Crom was absent.

AMENDMENT 1  
Triad/Holmes Associates  
Wye Road Interesection  
Project – Public Works  
(8)  
Motion/Connolly

Mayor Connolly moved to approve the execution of contract Amendment 1 for \$24,000.00 with Triad/Holmes Associates for the Wye Road Intersection Project delivery services and authorized the total expenditure not to exceed \$85,000.00 through this contract. The motion passed 4-0 with Crom absent.

REQUEST TO SURPLUS  
Unclaimed Found Property  
Police Department  
(9)

This agenda item was tabled. It will be placed on a future agenda.

#### COUNCIL REPORTS

CLOSED SESSION

At 8:50 p.m. the Mayor recessed the Council meeting to convene in closed session on the following agenda items. The following Councilmembers were in attendance: Griffiths, Dishion, Cullen, Connolly.

(10) Conference with Legal Counsel – Potential Litigation – Two Cases – Pursuant to Government Code Section 54956.9(b)(1).

(10-A) Public Employee Performance Evaluation pursuant to Government Code Section 54957 – Title: Parks and Recreation Groundskeeper.

Reconvene

At 9:20 p.m. the Council reconvened to open session with the following Council members present: Griffiths, Dishion, Cullen, Connolly.

ANNOUNCEMENT of  
Action Taken in Closed  
Session  
(11)

(10) On a motion by Councilmember Dishion, the Council voted 3-0 to approve the settlement of a claim against the city by Becky Pierce for property damage in the amount of \$4,239.55. Councilmember Griffiths declared a conflict of interest due to his residence location within 500 feet of the property in the claim. Crom was absent.

(10-A) Mayor Pro Tem Cullen made a motion to approve the leave of absence without pay for Fred Tormohlen, Parks and Recreation Groundskeeper, from January 16-February 27, 2009. The motion passed 4-0 with Crom absent.

ADJOURNMENT

The Mayor adjourned the meeting at 9:22 p.m. to the next Council meeting scheduled for Monday, February 9, 2008 at 7:30 p.m. in the City Council Chambers.

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MARTIN L. CONNOLLY, MAYOR

Attest: Richard F. Pucci, City Clerk

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

***APPROVED BY CITY COUNCIL ON FEBRUARY 9, 2009***