

CITY OF BISHOP
CITY COUNCIL SPECIAL MEETING MINUTES
ABANDONED VEHICLES HEARINGS
February 9, 2009

CALL TO ORDER Mayor Connolly called the meeting to order at 6:00 p.m.

COUNCIL PRESENT Griffiths, Crom, Dishion, Cullen, Connolly

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
Kathleen Sheehan, Police Chief
David Grah, Public Works Director

NEW BUSINESS

REPORT BY POLICE CHIEF
(1) The Police Chief gave a report on the vehicles that have been determined to be abandoned, wrecked, dismantled or inoperative vehicles or parts thereof within the city limits of the City of Bishop. Power Point photographs of the abandoned vehicles were presented. Copies were provided of the Notice of Intention to Abate and Removed an Abandoned, Wrecked, Dismantled or Inoperative Vehicle or Parts Thereof as a Public Nuisance mailed certified with return receipt on September 17, 2008 and Notice of Public Hearing mailed certified with return receipt on January 23, 2009.

HEARINGS
(2)

VEHICLE F
1990 Nissan Maxima
Location: 515 N. Third St. The Police Chief reported that the 1990 Nissan Maxima registered to Felix Cibrian, located at 515 North Third Street, has been repaired, registered and insured and is no longer considered a Public Nuisance.

Motion/Crom Councilmember Crom moved that the City Council finds on the basis of evidence presented that:

Vehicle: 1990 Nissan Maxima
License Plate: California 2TQB002
Vehicle Owner: Felix Cibrian
Location: 515 North Third street
Property Owner: John St. Clair

is not an abandoned, wrecked, dismantled or inoperative vehicle located on private property within the meaning of California

Vehicle Code Section 22660 and Bishop Municipal Code Chapter 8.16, and that said vehicle is not a public nuisance at this time. The motion passed on the following roll call vote: Ayes: Crom, Dishion, Griffiths, Cullen, Connolly. Noes: None.

VEHICLE A
1976 Robin Motor Home
Location: 537 N. Third St.

The vehicle owners, John and Brandy Schell, 537 North Third Street, were not in attendance at the hearings but submitted a letter of appeal to the City Council on September 22, 2009 which was read into the record:

“I want to appeal the notice. My cars are not abandoned or wrecked. I’m getting them worked on as I get the money. I have money. I’m trying to get a man over to work on them.” Signed by John Schell.

John and Brandy Schell are also the vehicle owners of the 1991 Chevy Sedan and a 1982 Ford Sedan, Hearings B and C, for which this letter of appeal also applies.

An appeal from the property owner, John St. Clair, was also received but not read into the record. He did not appear at the hearings.

Motion/Griffiths

Councilmember Griffiths made a motion that the City Council finds, on the basis of evidence presented, that:

Vehicle: 1976 Robin Motor Home
License Plate: California 485NON
Vehicle Owners: John/Brandy Schell
Location: 537 North Third Street
Property Owner: John St. Clair

is an abandoned, wrecked, inoperative or dismantled vehicle located on private property within the meaning of California Vehicle Code Section 22660 and Bishop Municipal Code Chapter 8.16, and that said vehicle is a public nuisance.

It was further moved that the City Council finds on the basis of evidence presented that the vehicle owners, John/Brandy Schell, are responsible for all administrative costs of this proceeding, and the costs of removal of the vehicle in the sum of Five Hundred Dollars (\$500.00).

It was further moved that the City Council finds on the basis of evidence presented that the owner of the land upon which said vehicle is located is not responsible for administrative costs of this proceeding or the costs of removal of the vehicle.

It was further moved that the City Council orders that said public nuisance be abated by city staff by removal and destruction as provided in Chapter 8.16 of the Bishop Municipal Code.

Griffiths further moved that enforcement of such order of abatement of public nuisance be stayed until February 23, 2009, to allow the vehicle owners to abate the nuisance by removing said vehicle themselves, and that if such vehicle owners abate the nuisance on or before said date, that they shall not be obligated to pay any administrative costs.

The motion passed on the following roll call vote: Ayes: Griffiths, Crom, Dishion, Cullen, Connolly. Noes: None.

VEHICLE B
1991 Chevy Sedan
Location: 537 N. Third St.

Councilmember Griffiths made a motion that the City Council finds, on the basis of evidence presented, that:

Motion/Griffiths

Vehicle: 1991 Chevy Sedan
License Plate: California DPV8788
Vehicle Owners: John/Brandy Schell
Location: 537 North Third Street
Property Owner: John St. Clair

is an abandoned, wrecked, inoperative or dismantled vehicle located on private property within the meaning of California Vehicle Code Section 22660 and Bishop Municipal Code Chapter 8.16, and that said vehicle is a public nuisance.

It was further moved that the City Council finds on the basis of evidence presented that the vehicle owners, John/Brandy Schell, are responsible for all administrative costs of this proceeding, and the costs of removal of the vehicle in the sum of Five Hundred Dollars (\$500.00).

It was further moved that the City Council finds on the basis of evidence presented that the owner of the land upon which said vehicle is located is not responsible for administrative costs of this proceeding or the costs of removal of the vehicle.

It was further moved that the City Council orders that said public nuisance be abated by city staff by removal and destruction as provided in Chapter 8.16 of the Bishop Municipal Code.

Griffiths further moved that enforcement of such order of abatement of public nuisance be stayed until February 23, 2009, to allow the vehicle owners to abate the nuisance by removing said vehicle themselves, and that if such vehicle owners abate the nuisance on or before said date, that they shall not be obligated to pay any administrative costs.

The motion passed on the following roll call vote: Ayes: Griffiths, Crom, Dishion, Cullen, Connolly. Noes: None.

VEHICLE C
1982 Ford Sedan
Location: 537 N. Third St.

Motion/Griffiths

Councilmember Griffiths made a motion that the City Council finds, on the basis of evidence presented, that:

Vehicle: 1982 Ford Sedan
License Plate: California 2AKB594
Vehicle Owners: John/Brandy Schell
Location: 537 North Third Street
Property Owner: John St. Clair

is an abandoned, wrecked, inoperative or dismantled vehicle located on private property within the meaning of California Vehicle Code Section 22660 and Bishop Municipal Code Chapter 8.16, and that said vehicle is a public nuisance.

It was further moved that the City Council finds on the basis of evidence presented that the vehicle owners, John/Brandy Schell, are responsible for all administrative costs of this proceeding, and the costs of removal of the vehicle in the sum of Five Hundred Dollars (\$500.00).

It was further moved that the City Council finds on the basis of evidence presented that the owner of the land upon which said vehicle is located is not responsible for administrative costs of this proceeding or the costs of removal of the vehicle.

It was further moved that the City Council orders that said public nuisance be abated by city staff by removal and destruction as provided in Chapter 8.16 of the Bishop Municipal Code.

Griffiths further moved that enforcement of such order of abatement of public nuisance be stayed until February 23, 2009, to allow the vehicle owners to abate the nuisance by removing said vehicle themselves, and that if such vehicle owners abate the nuisance on or before said date, that they shall not be obligated to pay any administrative costs.

The motion passed on the following roll call vote: Ayes: Griffiths, Crom, Dishion, Cullen, Connolly. Noes: None.

VEHICLE D
1967 Cadillac Eldorado
Location: 515 N. Third St.

Motion/Griffiths

It was reported by the vehicle owner, Mark Kiner, that the 1967 Cadillac Eldorado had been sold on this date and that he was expecting it to be moved from the property within 24 hours.

To be able to move forward with the process in case the sale of the vehicle did not occur, the Council determined to take the following action.

Councilmember Griffiths made a motion that the City Council finds, on the basis of evidence presented, that:

Vehicle: 1967 Cadillac Eldorado
License Plate: California IJW293
Vehicle Owners: Mark Kiner
Location: 515 North Third Street
Property Owner: John St. Clair

is an abandoned, wrecked, inoperative or dismantled vehicle located on private property within the meaning of California Vehicle Code Section 22660 and Bishop Municipal Code Chapter 8.16, and that said vehicle is a public nuisance.

It was further moved that the City Council finds on the basis of evidence presented that the vehicle owner, Mark Kiner, is responsible for all administrative costs of this proceeding, and the costs of removal of the vehicle in the sum of Five Hundred Dollars (\$500.00).

It was further moved that the City Council finds on the basis of evidence presented that the owner of the land upon which said vehicle is located is not responsible for administrative costs of this proceeding or the costs of removal of the vehicle.

It was further moved that the City Council orders that said public nuisance be abated by city staff by removal and destruction as provided in Chapter 8.16 of the Bishop Municipal Code.

Griffiths further moved that enforcement of such order of abatement of public nuisance be stayed until February 23, 2009, to allow the vehicle owner to abate the nuisance by removing said vehicle himself, and that if such vehicle owner abates the nuisance on or before said date, that he shall not be obligated to pay any administrative costs.

The motion passed on the following roll call vote: Ayes: Griffiths, Crom, Dishion, Cullen, Connolly. Noes: None.

VEHICLE E
Utility Trailer
Location: 515 N. Third St.

The owner of the utility trailer, Mark Kiner, stated that he uses the trailer as a storage unit. He stated he received the hearing notice on February 3 which did not give him enough notification. The Police Chief explained that the utility trailer had not been reregistered and it was very recently determined that Mr. Kiner was the owner and that because he had been noticed on the hearing for the Cadillac he would already be in attendance.

Motion/Crom

Councilmember Crom made a motion that the City Council finds, on the basis of evidence presented, that:

Vehicle: Utility Trailer
License Plate: California 2FZ5154
Vehicle Owners: Mark Kiner
Location: 515 North Third Street

Property Owner: John St. Clair

is an abandoned, wrecked, inoperative or dismantled vehicle located on private property within the meaning of California Vehicle Code Section 22660 and Bishop Municipal Code Chapter 8.16, and that said vehicle is a public nuisance.

It was further moved that the City Council finds on the basis of evidence presented that the vehicle owner, Mark Kiner, is responsible for all administrative costs of this proceeding, and the costs of removal of the vehicle in the sum of Five Hundred Dollars (\$500.00).

It was further moved that the City Council finds on the basis of evidence presented that the owner of the land upon which said vehicle is located is not responsible for administrative costs of this proceeding or the costs of removal of the vehicle.

It was further moved that the City Council orders that said public nuisance be abated by city staff by removal and destruction as provided in Chapter 8.16 of the Bishop Municipal Code.

Crom further moved that enforcement of such order of abatement of public nuisance be stayed until March 31, 2009, to allow the vehicle owner to abate the nuisance by removing said vehicle himself, and that if such vehicle owner abates the nuisance on or before said date, that he shall not be obligated to pay any administrative costs.

The motion passed on the following roll call vote: Ayes: Crom, Dishion, Griffiths, Cullen, Connolly. Noes: None.

ADJOURNMENT

The Mayor adjourned the meeting at 6:33 p.m.

MARTIN L. CONNOLLY, MAYOR

Attest: Richard F. Pucci, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

APPROVED BY COUNCIL ON FEBRUARY 23, 2009