

CITY OF BISHOP
SPECIAL COUNCIL MEETING MINUTES
Grove Street Sidewalk Project
March 10, 2009

CALL TO ORDER	Mayor Cullen called the meeting to order at 5:15 p.m.
INVOCATION	The Pledge of Allegiance led by Councilmember Dishion.
COUNCIL PRESENT	Smith, Dishion, Stottlemyre, Griffiths, Cullen
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
PUBLIC COMMENT	The Mayor announced the public comment period. No public comment was provided.
PUBLIC HEARING	<p>The Mayor opened a public hearing on the Draft Mitigated Negative Declaration for the City of Bishop Public Works Department Grove Street Sidewalks Project for implementing improvements to sidewalks, curbs, gutters, and infrastructure along Grove Street and intersecting streets.</p> <p>Steve Parmenter, 617 Grove Street, had previously submitted written comments on the Mitigated Negative Declaration and reviewed the Errata with responses to the comments received on the project. He indicated that at this time he does not support the Draft Errata.</p> <p>Mr. Parmenter had recently discovered that 1 ½ feet of his yard is on the City’s right-of-way as well as the yards at 605 and 625 Grove St. He requested consideration of another concept for the project that would place the new sidewalks on the existing alignment and allow him to obtain an encroachment permit with a release of liability to the City. He stated he felt the project is good for the schools and children but he does not want to lose the element of the 18 inches of landscaping he currently enjoys. Mr. Parmeter would like some certainty and resolution to the historic misunderstanding of where the City’s property line is located.</p> <p>Dave Grah, Public Works Director, listed all the people involved in this project: Ryan Dermody, Caltrans; Deston Dishion, Public Works Superintendent; Triad Engineering; and RMT Environmental. He also thanked the Grove Street residents who</p>

have participated in the process as he felt a better project will result.

Grah stated that in regard to Mr. Parmenter's concerns, it is his understanding that this document will allow the City Council substantial latitude in giving direction to staff as to what the details will be. The Director stated that in many places in town there is not a clear understanding where the right-of-way is located and to be able to clear up these issues on Grove Street would go a long way to resolve some of the problem.

He indicated the Safe Route To School Project will improve children's safety traveling to and from school along Grove Street and it is hoped to achieve construction during the summer break. The environmental process has been finished, next is the tree removal and the advertisement for project contractor will begin April 14. Any delays would put the project off for a year and funding may at risk.

There was further discussion on options for encroachment on the City's right of way by the current residents versus the City utilizing its property for street improvements.

Dale Johnson, 680 Grove Street, stated he is not against the project or sidewalks and has appreciated the Home Street improvements. He spoke in favor of the sidewalk being placed at the curb instead of grass strips due to the difficulty of maintenance.

Wahnema Coburn, 650 Grove, reported that following receiving a city permit she had a new brick fence constructed at the front of her property that was recently determined to be on City right of way. She would like to see the encroachment permit process available so she would not have to tear it down. Coburn also spoke in favor of not having the grass strip due to possible future costs for watering and maintenance.

The Director stated he felt the brick fence should be allowed to remain. He also stated that in the foreseeable future there are no plans to meter water in the City; however with making this major investment in improvements, meter boxes will be installed now to comply with potential future state requirements to meter water to encourage conservation.

In response to a question from Mayor Pro Tem Griffiths, Grah reported that the agreement with the contractor specifies they will preserve private improvements along the right of way as best they can which includes the homeowners' sprinklers. Cullen and Griffiths expressed that this information should be made very clear to the contractor. Griffiths asked for possible consideration for the contractor relocating residents' fences (other than those

made of brick) that are currently on City right of way. The Director indicated there are complications with doing work on private property when reinstalling the fences but the idea could be assessed.

Discussion was held on 3 ½ versus 5-foot sidewalks. Grah stated he felt most of them could be resolved with the encroachment permit process but there would still be the issue of fences and other items located in the City's right of way.

Josh Huckaby, 692 Grove Street (corner of Home and Grove), stated that due to the problem with maintenance on the planter strip on the Home Street side of his property, his preference is to eliminate the planter strip on Grove Street and have the sidewalk located at the curb.

Ryan Dermody, Caltrans District 9 Office, stated that the grant funding for the Safe Route To School project comes from the state through the local office. It was felt this project is so important the local Caltrans office also contributed to assist in providing safe access for children to walk to school by crossing Main Street at the signaled intersection at Grove. The state would like the 5 foot sidewalk guidelines met to comply with ADA standards to allow two wheelchairs to pass and changes will need to be evaluated for compliance.

Steve Parmenter, 617 Grove Street, reported he has a huge 80-year old tree that has cracked his sidewalk approaching his house and is also raising the sidewalk parallel to the street. He felt that due to roots being drawn to moisture from sprinklers it would be just a matter of time before any new sidewalk that would be 18 inches closer to the tree would crack and recommended the sidewalk not be placed at his property line. Parmenter also stated that he has an apricot tree that will be 8 inches from new sidewalk and that an encroachment permit would eliminate some of the concern for cracking the sidewalk at that side of his property. He questioned what the process would be if an agreement cannot be made regarding his issues.

City Attorney Tracy stated residents would have to file a petition with the Inyo County Superior Court. There was a consensus that a meeting with residents in the 600 block would be helpful in order to work out some design details.

The City Administrator stated that the encroachment permit process will involve discussion with individual property owners to determine where the sidewalk will be located but administratively action on the project needs to take place now as tree removal will begin soon. It was noted that there are no trees planned for removal in the 600 block where these issues are located.

No further comment was provided and the Mayor moved to close the public hearing. The motion passed 5-0.

NEW BUSINESS

MITIGATED NEGATIVE
DECLARATION – Grove
Street Sidewalks Project
Discussion and Action
(2)
Motion/Dishion

Mayor Pro Tem Griffiths stated in general he is ready to approve the environmental on the project and he felt the City could make accommodations with the property owners who have improvements located a short distance inside the City’s right of way through the encroachment permit process. He requested that if improvements such as irrigation or fences need to be relocated, the City should explore ways to make the process easier for the homeowner and try to dedicate some funding to assist. The Mayor Pro Tem felt planter strips should be used as a way to keep children off the curb and a little further away from the street.

A motion was made by Councilmember Dishion to adopt the Mitigated Negative Declaration with a finding that the project involves no potential for adverse effect, either individually or cumulatively, on wildlife, native plants, streams, water courses, scenic or historic resources and human beings with the mitigations for Biological Resources, Cultural Resources, Noise and Transportation and Traffic as listed.

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

Mayor Cullen encouraged staff to have a meeting with the property owners in the 600 block of Grove Street to discuss the location of the sidewalk and resolve any issues with encroachments.

ADJOURNMENT

The Mayor adjourned the meeting at 6:33 p.m. to the next Council meeting scheduled for Monday, March 23, 2009 at 7:30 p.m. in the City Council Chambers.

SUSAN CULLEN, MAYOR

Attest: Richard F. Pucci, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

APPROVED BY COUNCIL 4/13/09