

CITY OF BISHOP
CITY COUNCIL MINUTES
March 23, 2009

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

INVOCATION The invocation was given by Pastor Peter Thomsen of the First Presbyterian Church followed by the Pledge of Allegiance led by Councilmember Stottlemyre.

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
Gary Schley, Public Services Officer
Bob Kimball, City Treasurer

PUBLIC COMMENT The Mayor announced the public comment period.

Mary Baker, 630 West Elm Street, stated she is not opposed to sidewalks but is concerned about the way the sidewalks are being done. She handed out information to the Council on *The Large Tree Argument – The Case for Large-Stature Trees vs. Small-Stature Trees; Natural Resource Conservation: Environmental Impact of Commercial Development*; and other articles. Mrs. Baker reviewed the highlights of the information.

Regarding the Grove Street Sidewalks Project, Baker stated that good sidewalk will be torn out and replaced instead of replacing only those sections that need to be. She felt that even though the funding comes from STIP monies, it is still taxpayer money being used. She stated Grove Street should be repaired but don't spend \$1.1 million. According to Baker, local contractors should be doing this work in order to keep the money locally.

She reviewed the list of Public Works projects and felt many streets were "streets to nowhere" that were unnecessary and that the land should be protected.

Staff reported that a letter was received from Bob Woodson, 2356 North Sierra Highway, speaking to issues on the historic value of certain streets where street names have been stamped into the curb. Copies were provided to the Council.

PROCLAMATIONS

SEXUAL ASSAULT
AWARENESS MONTH
(1)

The Council read the proclamation declaring April as Sexual Assault Awareness Month in the City. Lynn Rounds of Wild Iris announced upcoming events to raise awareness.

CHILD ABUSE
PREVENTION MONTH
(2)

The Council read the proclamation declaring April as Child Abuse Prevention Month in the City. Laurie Hodges of Wild Iris provided information on activities to highlight community awareness.

CONSENT CALENDAR
(3)

A motion was made by Councilmember Dishion and passed unanimously to approve the Consent Calendar as presented:

Motion/Dishion

FOR APPROVAL AND FILING

- (a) Council Meeting Minutes – 2/23/09
- (b) Personnel Status Change Report
- (c) Required Communication Letter regarding 2007-2008 Audit

FOR INFORMATION AND FILING

- (d) Fire Department Activity Log – 2/09

ADDITION OF AN
URGENCY AGENDA
ITEM

Mayor Cullen announced that since the posting of the agenda it became necessary to add an urgency item to the agenda for possible Council action on the approval of an agreement for posting of a cash deposit to secure installation of site improvements at the Imperial Gourmet Restaurant located at 930 North Main Street.

Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to add the urgency agenda item for Council consideration as No. 21. The motion passed unanimously.

OLD BUSINESS

FUTURE STREET AND
INFRASTRUCTURE
PROJECTS UPDATE
(4)

The City Administrator reported that funding for major projects for all departments comes from outside funding sources which is more cost effective for constituents inside the city limits as well as providing the City monies that it doesn't have for such large projects. He stated that it is difficult to determine how governmental decisions are made on what type of projects will be funded so City departments have future plans/projects developed and prioritized based on need. The current available funding emphasis is on infrastructure and with parts of the City's water and sewer systems over 100 years old, the City is prepared to move forward.

He gave a power point overview on the process for Public Works projects: 1) Prioritize projects for sewer, water, streets, curbs, gutters and sidewalks; 2) Identify funding sources most cost effective funds for prioritized projects; 3) Design goals – achieve

with least amount of change to existing character, ecosystem and environment; 4) Procedure – public input on every project and review options from staff and/or public. Where negative options outweigh benefits of the project and cannot be mitigated, the option always exists to cancel the project.

The public review period is advertised on almost every project as required to allow the public to comment. The City does everything possible to get the public input in order to determine if the project moves forward or is modified. The majority of the projects completed in the past have been done with public support or help. Not everyone agrees with each project but there has always been the ability for the public to speak.

Mr. Pucci used the South Second Street Project as an example where people chose to support a design that created a linear street without the bulb-outs for the establishment of larger trees because of the effect the bulb-outs had on parking and did not support the option provided by the outside project designers. This is an example of where people felt it was more important to have the ability to have access to parking on the street than creating the space for larger trees.

The Public Works Director gave a report on the list of 40 potential projects for Regional Transportation Plan. The list is reviewed periodically and was last reviewed in July 2008. He stated that most came from the City's General Plan to improve circulation in the Bishop area and others are cooperative projects with the City of Bishop, Inyo County and/or Bishop Paiute Tribe. The 40 projects total \$100 million.

Mr. Grah gave a brief update on some of the larger ongoing and upcoming City of Bishop projects. Most of the funding on these projects is from grants. Street projects include significant water and sewer line replacement and upgrades.

Mary Baker, 630 West Elm, stated the notices on the projects requesting public input should be placed on the front page of the paper and announced on the radio and not hidden in the classifieds in the back of the paper.

The City Administrator stated the City complies with the law for advertising the projects public comment period by publishing the legal notices as well as notifying those specifically involved. He commented the Inyo Register has done a very good job on the articles written.

The Public Works Director indicated the department can contact the press and issue press releases but the press makes the choice where the story is located and the City respects that.

PUBLIC HEARING

WEST PINE STREET
IMPROVEMENT
PROJECT
(5)

The Mayor opened the public hearing to hear and consider public comment on a Draft Mitigated Negative Declaration for the West Pine Street Improvement Project.

The Public Works Director reported the project will replace pavement, curb and gutter, construct cross gutter, and replace and construct sidewalks, and construct or improve pedestrian ramps at intersections to current standards. Seven large trees, two located at 657 West Pine and five between Hammond and Warren, will be removed with replacement trees provided at a minimum of a 3-1 ratio. Trees on the approved list that are appropriate will be used for replacement. Bulb-outs are an option but have not been popular to this point. Water and sewer systems maintenance will be performed.

The Director reviewed the schedule of meetings held when public input was requested and news releases when the documents were available and input invited. He stated that the deadline for comments ended March 13th and none were received. Timing is critical in order to prevent requesting an extension for the funding according to the Director. Construction is anticipated during the summer of 2010.

Automobile Club of Southern California (AAA) and the Department are working on the impacts to parking but the Director is optimistic it will be resolved.

Shirley Fendon, Ranch Road, raised several procedural questions:

1. What is happening on Elm Street? The trees used to form a canopy years ago.
2. Does the City replace trees or does the homeowner?
3. Who owns the trees and sets the rules on trees?
4. What impact has the casino had on the City's sewer plant and the sewer plant be updated?
5. Has an aerial photograph been done to study the effects of the loss of trees?

She urged that the City rebuild the sewer facility and that the City find a way to keep tree roots out of the sewer piper, remove only those trees that are necessary to keep Bishop beautiful and use Boise, Idaho as an example to follow.

Mary Baker, 630 West Elm Street, made comment on approved street projects indicating that the options given by the City were minimal – and the handouts she provided give examples of what people are doing to keep the trees and sidewalks. She encouraged that large trees be used to replace those that have been removed because of the environment and shorter life span on the smaller trees. She suggested the City put a moratorium on any projects that required trees to be taken down and look at user friendly modes of transportation to make a better community.

Motion/Cullen

The Mayor moved to close the public hearing. The motion passed 5-0.

NEW BUSINESS

WEST PINE STREET
Adoption of Mitigated
Negative Declaration
(8)

Public Works Director Grah answered the questions raised during the public hearing on West Pine Street Improvement Project. Because it was before his employment with the City, Mr. Grah was unable to respond to Fendon's question about Elm Street but stated that no improvements projects are planned.

He indicated that the City does look the way it used to and still has character but where deficiencies are perceived such as sidewalks the City puts them in where possible.

The Department is searching for funding to improve the wastewater treatment facility. Gas tax funds are utilized for street projects which are not available for sewer upgrades.

In response to Fendon's question, Grah reported the Paiute Palace Casino utilizes the Eastern Sierra Community Services District sewer facilities and not the City's. One project in development is the inter-tie with the Sewer District to address potential growth on the reservation.

Grah reported that aerial photographs of Bishop are taken every two to five years and were recently done. This information is available on the City's website.

In responding to the comment suggesting there is plenty of room for sidewalks and trees, Mr. Grah stated there are options such as making the street narrower or putting improvements on private property which are not popular choices.

He commented that on East Line Street there is enough right of way to provide an opportunity for larger parkways and large trees. In order to improve the City's tree list, a tree group is working on expanding the list and adding wider and bigger trees.

The Director invited the community to get involved on the bike path projects he listed in his earlier report which will provide access to different areas of town. Getting involved in the planning stages early is critical in the development before construction begins. He strongly urged that it is important for people to attend these project planning meetings and give input in order to make the project the best it can be.

Staff reported that construction on West Pine will begin in summer break of 2010 and once it is funded the process moves along on a set schedule.

Grah stated that the Grove Street Sidewalk Project will be finalized in the next couple of weeks and specifications, including

the tree selection, will be set. If the tree group is able to develop a list it will be incorporated into the plans. A year from now when the West Pine Street Project is finalized, any updated tree list can be utilized.

Christine Nelson questioned when the trees on West Pine would be removed. The Director responded that due to mitigations in the environmental based on comments from the Department of Fish and Game the best time for nesting birds and bats would be in the fall.

Councilmember Dishion commented that he spoke to several property owners on West Pine where two large sycamore trees are scheduled for removal and they informed him the trees are dead in the middle and want them removed.

Mary Baker stated cities are best served by educated the people on the proper care of trees and the information handed out earlier in the meeting provides examples of how conflict between trees and sewers can be resolved, but if those two trees have died they should come down. Her concerns are that the City uses the most expedient course and maybe not the most intelligent course.

Mayor Pro Tem Griffiths explained the purpose of the tree group and the goals of education and tree selection, and ways to get funding for planting trees and invited her to attend the meetings to give her input. Baker expressed her concerns over the types and size of trees being planted on current projects.

Councilmember Dishion stated the Council should support the sidewalks that will provide safer access to the schools for the children.

Motion/Griffiths

Mayor Pro Tem Griffiths made a motion 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 implementation of mitigations for Aesthetics, Biology, and Cultural Resources. The motion passed unanimously.

PUBLIC HEARING

Mayor Cullen recused herself from discussion and action on Sneden Street as her property is located within 500 feet of the project.

SNEDEN STREET
IMPROVEMENT
PROJECT
(6)

Mayor Pro Tem Griffiths opened the public hearing to hear and consider public comment on a Draft Mitigated Negative Declaration in accordance with the CEQA for the Sneden Street Improvement Project.

The Public Works Director indicated the Sneden Street Improvement Project has a number of encroachment issues on public right of way that are not appropriate and need to be resolved. The same timeline was used for the release of the project documents as the West Pine Street project. Construction will start in 2011.

Greg Scott who owns property near Short and Sneden Street, stated he has a fence, retaining wall and recently upgraded sprinkler system on the right of way and will also lose parking in front of the garage and access to off-street parking on the property. The Director stated that the details need to be worked through with the property owner to minimize impacts. The City will be able to instruct the contractor to take proper care with private irrigation systems on future projects and provide access to private property with the driveway aprons.

Mary Baker, 620 West Elm, encouraged City staff to look at all the options and alternatives to save as many big trees as possible before cutting down more.

Shirley Fendon suggested a moratorium in order to allow more people to give input.

Motion/Dishion

A motion to close the public hearing was made by Councilmember Dishion and passed 4-0. Cullen – disqualified.

NEW BUSINESS

SNEDEN STREET
IMPROVEMENT
PROJECT – Adoption of
Mitigated Negative
Declaration
(9)
Motion/Dishion

Councilmember Dishion made a motion to approve and 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 implementation of mitigations for Aesthetics, Biology, and Cultural Resources. The motion passed on the following roll call vote: Ayes: Dishion, Stottlemyre, Smith, Griffiths. Disqualified: Cullen.

Mayor Cullen returned to the dais.

PUBLIC HEARING

Councilmember Stottlemyre recused himself from discussion and action on Sneden Street due to a conflict of interest.

ENVIRONMENTAL
REVIEW – Draft Negative
Declaration – 151 East South
Street – Cecilio Haro-Cortez
(7)

The Mayor opened a public hearing to hear and consider public comment on a Draft Negative Declaration for a Conditional Use Permit to allow the applicant to set aside the Bishop Municipal Code, Chapter 17.48, General Commercial and Retail District requirements for a change of use from commercial to residential at 151 East South Street located in a C-1 District.

Reed Turney, 2675 West Line Street, spoke as the agent for Mr. Cecilio Haro-Cortez who has requested a change of use from an

auto repair business to residential at 151 East South Street. Mr. Turney indicated that the neighborhood is a combination of commercial and residential and this change would decrease noise levels and create fewer parking issues and would have less impact on the area.

Motion/Griffiths

A motion was made by Mayor Pro Tem Griffiths to close the public hearing and passed 4-0 with Stottlemyre disqualified.

151 EAST SOUTH STREET
Adoption of Negative
Declaration - Cecilio Haro-
Cortez
(10)
Motion/Griffiths

A motion was made by Mayor Pro Tem Griffiths to approve and adopt the 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. The motion passed 4-0 with Stottlemyre disqualified.

Stottlemyre returned to the dais.

REAPPOINTMENT -
Planning Commissioner
Kammi Foote
(11)
Motion/Dishion

Councilmember Dishion made a motion to reappoint Kammi Foote to a four-year term on the City Planning Commission ending April 9, 2013. Motion passed unanimously.

ABANDONED VEHICLES
Declared as Public
Nuisances - Update
(12)

The Police Chief gave an update on the two vehicles declared as public nuisances by the Council in February. The deadline for removing the utility trailer parked at 515 North Third Street is March 31. The owner has been notified.

The deadline for the motor home parked at 537 North Third Street is April 9. The owner is planning to have it repaired.

WAIVE HIRING FREEZE
Communications Operator
Police Department
(13)
Motion/Cullen

Mayor Cullen made a motion to waive the hiring freeze to allow the Police Department to advertise and fill the vacant Communications Operator position. The motion passed 5-0.

WELLS 2 AND 4
ASSESSMENT – Approval
of Contract Amendment 1
(14)
Motion/Stottlemyre

Councilmember Stottlemyre made a motion to approve Contract Amendment 1 for the Wells 2 and 4 Assessment in the not-to-exceed amount of \$72,105.10 and authorize the execution of the amendment. The motion passed 5-0.

SEIBU TO SCHOOL BIKE
PATH PROJECT –
Approval of Contract with
Triad/Holmes Associates
(15)
Motion/Griffiths

Jeff Griffiths made a motion to approve the execution of a contract with Triad/Holmes Associates for project delivery services for the Seibu to School Bike Path Project with total expenditures not to exceed \$192,800.00.

HOUSING ELEMENT UPDATE – Contract Amendment Approval (16)
Motion/Cullen
In order to add a workshop/public input meeting at the Planning Commission level for the City’s Housing Element Update, Mayor Cullen made a motion to approve the amendment to the contract with Bauer Planning and Environmental Services, Inc. for travel and the additions to the scope of work in the amount of \$2,100.00 increasing the overall cost to \$22,600.00. The motion passed 5-0.

ALCOHOL BEVERAGE LICENSE REVIEW – The Upper Crust Pizza Company (17)
Information was provided to Council on the new Alcohol Beverage License for The Upper Crust Pizza Company located at 1180 North Main Street. No action required.

PROP 4 2007-2008 California Constitution Article XIII B Appropriations Limit and Calculations (18)
Motion/Cullen
On a motion by Mayor Cullen, the Council voted 5-0 to accept and adopt the report prepared by Larry Bain, CPA relating to the City of Bishop’s California Constitution Article XIII B Appropriations Limit and Calculations (Proposition 4) for 2007-2008.

BUDGET ADJUSTMENTS/ TRANSFERS FY 2008-2009 (19)
Motion/Dishion
On a motion by Councilmember Dishion, the Council voted 5-0 to approve the budget adjustments and transfers for fiscal year 2008-2009 through February 28, 2009 as presented.

PARK UTILITY VEHICLE REQUEST TO GO TO BID Community Services Dept. (20)
Motion/Griffiths
A motion was made by Councilmember Griffiths and passed unanimously to approve the request to go to bid for a replacement utility vehicle for the City Park which is in the budget for the current fiscal year.

URGENCY AGENDA ITEM – Agreement with Imperial China Inc. for Cash Bond for Site Improvements (21)
Mayor Pro Tem Griffiths made a motion to approve the agreement with Imperial China Inc. for posting of a cash deposit in the amount of \$108, 238.00 to secure installation of site improvements at the Imperial Gourmet Restaurant located at 930 North Main Street. The motion passed 5-0.

COUNCIL REPORTS

ADJOURNMENT
The Mayor adjourned the meeting at 9:45 p.m. to the next Council meeting scheduled for Monday, April 13, 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