

CITY OF BISHOP
CITY COUNCIL MINUTES
October 26, 2009

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

INVOCATION The invocation was given by Pastor Chris Costello of the Oasis of Grace Church followed by the Pledge of Allegiance led by Mayor Cullen.

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
Chris Carter, Police Lieutenant
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.

DEPARTMENT HEAD REPORTS (1) The Department Heads and Police Lieutenant gave updates on department activities. The City Administrator reported that following more than 20 years of working toward long-term control of the City Park in order to apply for grants, he spent the last week attending City of Los Angeles Committee and Council meetings to promote the approval of the 40-year lease between the City of Bishop and the Los Angeles Department of Water and Power for the park. On October 23, 2009, the LA City Council approved the lease.

CONSENT CALENDAR (2) Motion/Stottlemyre A motion was made by Councilmember Stottlemyre and passed unanimously to approve the Consent Calendar as presented:

FOR APPROVAL AND FILING
(a) Investment Portfolio – 9/09

FOR INFORMATION AND FILING
(b) Parks and Recreation Commission Minutes – 9/23/09

PUBLIC HEARING

PINE TO PARK PATH PROJECT (3) The Public Works Director reported that the Pine to Park Path Project will construct a paved path about 1,000 feet long from the north end of the alley north of East Pine Street and east of North

Third Street to connect with the existing paved path in the park near its intersection with Spruce Street, mostly on Bishop City Park property or on City alley right of way. Total project funding is \$230,000 TE with about \$50,000 of that total used for project delivery activities. All requirements for noticing and public meetings and public comment were met. No mitigations are needed.

He stated that recent discussions have considered an alternate alignment that connects to the second alley east of North Third Street rather than the first alley east of Third and takes a more meandering path to connect to the same location at the north end. This design would give more distance between the path and residents on Third Street who expressed concerns with the location of the original path design.

Using the alternate alignment would require additional environmental and engineering work and new funding would be needed to cover those costs.

Grah listed the options for moving forward and recommended the public hearing be held and a determination and finding be made.

Motion/Griffiths

Mayor Cullen opened the public hearing on the Pine to Park Path Project. No public comment was provided. A motion was made by Mayor Pro Tem Griffiths to close the public hearing. Motion passed 5-0.

NEW BUSINESS

PINE TO PARK PATH
Consideration of Negative
Declaration
(4)
Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to 1) adopt the Negative Declaration with a finding that the project will have no adverse effect, either individually or cumulatively, on wildlife, native plants, streams, water courses, scenic or historic resources and human beings; and 2) direct staff to begin the search for additional funding for the scoping and environmental work for the alternate alignment. Motion passed on the following roll call vote: Ayes: Griffiths, Dishion, Stottlemyre, Smith, Cullen.

LETTER OF SUPPORT
Klondike Lake Committee
(5)

The Council recognized the efforts of the Klondike Lake Committee, County of Inyo and the Department of Water and Power for working toward a solution to keep the lake open as much as possible. The proposed letter of support was read by staff.

Motion/Cullen

Mayor Cullen made a motion to approve the letter of support for keeping Klondike Lake open for public use for water sports. The motion passed unanimously.

VEHICLE REPLACEMENT
Police Department

Mayor Pro Tem Griffiths made a motion to waive the formal bid procedure to purchase a new police unit from Downtown Ford of

(6) Motion/Griffiths	Sacramento in an amount not to exceed \$31,000.00 using money received from the insurance company to replace Unit 3 damaged in collision in July. The motion passed 5-0.
SURPLUS PROPERTY Police and Fire Departments (7) Motion/Stottlemire	On a motion by Councilmember Stottlemire, the Council voted 5-0 to surplus the listed city property from the departments, unclaimed found property and unclaimed evidence from the Police Department as submitted in the best interest of the city.
WAIVE HIRING FREEZE Park Positions Community Services Dept. (8) Motion/Cullen	Mayor Cullen made a motion to 1) waive the hiring freeze and allow the appointment of a Parks and Recreation Supervisor and Parks, Recreation and Facility Worker; and 2) approve the updated job description for Parks and Recreation Supervisor as revised. Motion passed unanimously.
BID AWARD – Clarifier Parts for Second Clarifier Public Works Department (9) Motion/Smith	Councilmember Smith made a motion to award the bid for clarifier parts for the second clarifier to the sole bidder Gerlich-Mitchell in the amount of \$9,436.67. Motion passed on a 5-0 vote.
ALCOHOLIC BEVERAGE LICENSE Nik N Willies Pizza & Subs (10)	The Council was informed that Nik N Willies Pizza & Subs at 214 West Line Street, Suite A, Bishop has applied to the Department of Alcoholic Beverage Control for an on-sale beer and wine license. No action is required.
RESOLUTION NO. 09-17 Resolution of Intention to Amend CalPERS Contract Tier 2 Retirement Formula (11) Motion/Griffiths	Resolution of Intention (No. 09-17) establishes the City’s intent to amend the contract with PERS for “Tier 2” retirement benefit formula with CalPERS as 2% @ 60 for miscellaneous members and 3% @ 55 for safety employees for employees hired after January 1, 2010. This action will substantially reduce future costs for the City. On a motion by Mayor Pro Tem Griffiths, the Council voted 5-0 to adopt Resolution No. 09-17 by title only, “RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM AND THE CITY COUNCIL, CITY OF BISHOP”.
ORDINANCE NO. 525 Authorizing an Amendment Between CalPERS and the City of Bishop – Tier 2 Retirement Formula – First Reading (12) Motion/Griffiths	The City Administrator reported the employer contributions rates for new employees entering membership for the first time for both the miscellaneous and safety groups after the effective date of the amendment to the CalPERS contract. Mayor Pro Tem Griffiths made a motion to approve the first reading of Ordinance No. 525 by title only and set November 23, 2009 for the second reading and adoption, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP AUTHORIZING AN AMENDMENT TO THE CONTRACT

BETWEEN THE CITY COUNCIL OF THE CITY OF BISHOP AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM". The motion passed 5-0.

RESOLUTION NO. 09-18
Proposition 1A
Securitization Program
Enrollment
(13)
Motion/Cullen

On a motion by Mayor Cullen, the Council voted 5-0 to adopt Resolution 09-18 by title only, "A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH".

SUDDENLINK CABLE
AGREEMENTS – Sunrise
Mobile Home Park
(14)
Motion/Smith

The Council reviewed the Installation and Service Agreement and Services Agreement including the rate structure for cable services with Cequel III Communications dba Suddenlink Communications. The City Attorney stated that in the Services Agreement Section 2. Grant of license and Access Rights, the second sentence, "The provision of this Agreement shall be deemed to be covenants running with the land relating to the Premises" should be stricken as it had been removed from an earlier version of the Agreement.

Councilmember Smith made a motion to approve the Installation and Service Agreement and the Service Agreement as revised with Cequel III Communications I, LLC dba Suddenlink Communications and the City of Bishop. Motion passed 5-0.

COUNCIL REPORTS

ADJOURNMENT

The Mayor adjourned the meeting at 8:35 p.m. to the next Council meeting scheduled for Monday, November 9, 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 ON NOVEMBER 9, 2009