

CITY OF BISHOP
CITY COUNCIL MINUTES
December 14, 2009

CALL TO ORDER	Mayor Cullen called the meeting to order at 7:30 p.m.
INVOCATION	The invocation was given by Major Don Bowman of the Salvation Army followed by the Pledge of Allegiance led by the Mayor.
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
PUBLIC COMMENT	The Mayor announced the public comment period. No public comment was provided.
DEPARTMENT HEAD REPORTS (1)	Department Heads from Community Services, Fire, Police, Public Works and Administration gave updates on the departments' activities including upcoming and ongoing projects.
CONSENT CALENDAR (2)	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 – 11/23/09 (b) Personnel Status Change Report (c) Warrant Register – 11/09 (d) Notice of Intent to participate with Sierra Business Council, Applicant to State Energy Program: “Municipal and Commercial Building Targeted Measure Retrofit Program” FOR INFORMATION AND FILING (e) Planning Commission Minutes – 11/24/09 (f) Fire Department Activity Log – 11/09 (g) Public Works Permit Report – 11/09 (h) Correspondence from HCD on CDBG \$400,000 grant
PUBLIC HEARING Environmental Review 175 Clarke St.	The Mayor opened the public hearing to hear and consider public comment for an Environmental Review and draft Mitigated Negative Declaration for a gymnasium occupancy for a

Broadwater Gym
(3)

Conditional Use Permit to set aside the minimum parking requirement for a proposed 400 square foot gym facility at 175 Clarke Street in a C-1 zone (General Commercial and Retail).

Colin Broadwater, lessee at 175 Clarke Street, has proposed a change of use for the detached residential garage to a commercial gym use for strength training for up to three people at a time. He reported the parking in the immediate area is used primarily by businesses from 9:00 to 5:00 p.m. His hours of operation will be different with a set schedule and should not have an impact on the parking in the area.

Ted Metz, property owner, spoke in support of the proposed change in use.

Motion/Cullen

No further public comment was provided. Mayor Cullen made a motion to close the public hearing. Motion passed 5-0.

NEW BUSINESS
Mitigated Negative
Declaration – 175 Clarke St.
Broadwater Gym
(8)
Motion/Griffiths

On a motion by Mayor Pro Tem Griffiths, the Council voted 5-0 to adopt a Mitigated Negative Declaration to set aside the commercial parking requirements for a gymnasium occupancy pursuant to Bishop Municipal Code Section 17.48.070, the requirement for one covered residential parking space pursuant to Section 17.20.070, and non-complaint residential use in a commercial zone for 175 Clarke Street with a finding that the project has no potential for adverse effect, either individually or cumulatively, on wildlife, native plants, streams, water course, scenic or historic resources and human beings.

PUBLIC HEARING
Environmental Review
186 Willow Street
Reid Batting Cage
(4)
Motion/Griffiths

The Mayor opened a public hearing to receive and consider public comment on an Environment Review and draft Negative Declaration for a Conditional Use Permit to allow Tim Reid to set aside the commercial parking requirements for a commercial batting cage occupancy pursuant to Bishop Municipal Code Section 17.48.070 at 186 Willow Street in a C-2 zoning district (General Commercial).

Tim Reid, proponent, stated the business would be open daily and will accommodate 6-7 people at one time. It will be a drug-free, smoke-free facility.

Randy Fendon, speaking for the property owners of the warehouse, stated there is little parking usage in that area and a City parking lot is located nearby.

Mayor Pro Tem Griffiths made a motion to close the public hearing. Motion passed 5-0.

NEW BUSINESS
Negative Declaration
186 Willow Street

On a motion by Councilmember Stottlemire the Council voted 5-0 to adopt a Negative Declaration for a change of use to a 2200 square foot commercial batting cage occupancy and to set aside

Reid Batting Cage
(9)
Motion/Stottlemire

the commercial parking requirements at 186 Willow Street with a finding that the project has no potential for adverse effect, either individually or cumulatively, on wildlife, native plants, streams, water course, scenic or historic resources and human beings.

PUBLIC HEARING
Environmental Review
562 North Main Street
McDonald's Signage
(5)
Motion/Griffiths

Mayor Cullen opened the public hearing to hear and consider public comment on an Environmental Review and draft Negative Declaration for a Conditional Use Permit to allow Kevin Mazzu to set aside Bishop Municipal Code Section 17.76.100 Signs-Commercial districts at the McDonald's Restaurant, 562 North Main Street located in a C-1 zoning district (General Commercial and Retail).

Kevin Mazzu, owner and operator of McDonald's reported that a recent major remodel with a playland area has just been completed and will hold 50 percent more customers than previously. He stated that small business growth benefits the customers, city and community. He requested to place an additional 74 square feet of new signage.

A motion was made by Mayor Pro Tem Griffiths to close the public hearing. Motion passed 5-0.

NEW BUSINESS
Negative Declaration
562 North Main Street
McDonald's Signage
(10)
Motion/Griffiths

On a motion by Mayor Pro Tem Griffiths, the Council voted 5-0 to adopt a Negative Declaration for the Conditional Use Permit to set aside Bishop Municipal Code Section 17.76.100 Signs-Commercial district to place an additional 74 square feet of new signage to an existing 158 square feet of signage (232 sq. ft. total) at the McDonald's Restaurant, 562 North Main Street with a finding that the project has no potential for adverse effect, either individually or cumulatively, on wildlife, native plants, streams, water course, scenic or historic resources and human beings.

PUBLIC HEARING
Amending City Zoning Map
(6)

Mayor Cullen opened a public hearing to receive public input on amending the Zoning Map of the City of Bishop to designate a Public Zone (P) for Well Sites 3 and 4, Waste Water Trunk Line, Waste Water Treatment Plant, Waste Water Treatment Ponds and Disposal and Waste Water Treatment Plant Access Road.

No public comment was provided. The City Administrator reported this public hearing will be continued until the next meeting scheduled on January 11, 2010. No action will be taken at this meeting.

NEW BUSINESS
Ordinance No. 526
Amending and Adopting the
Zoning Map of the City of
Bishop – Introduction
(11)

The City Administrator reported that new information had been submitted to the City relating to amending the Zoning Map and it is in the best interest of the City to table this item until the next meeting on January 11, 2010 at which time the public hearing will be continued and Ordinance No. 526 will be introduced.

PUBLIC HEARING
Proposition 218 Hearing for
Schedule for Water and
Sewer Rate Increases
(7)
Motion/Cullen

The Mayor opened the Proposition 218 hearing relating to the schedule to increase water and sewer rates over the next five years as recommended by the consultant, Ecologic Engineers and the Water and Sewer Commission.

The City Administrator announced that all protests against the fee increases must be submitted in writing and received by the clerk prior to the end of the public hearing.

Dave Grah, Public Works Director, introduced the members of the Water and Sewer Commission and the Ecologic consultant, Georgette Aronow. Mr. Grah stated a great deal of effort by the consultants and Commission has gone into evaluating the costs of providing these essential services to the City which are also important for the health and safety of the community. Grah reviewed the process for the required rate study and Water and Sewer Commission review and recommended modifications. When the refinements were completed the document was presented to the City Council in September.

Ms. Aronow of Ecologic reported on the water and sewer rate study objectives, rate study steps, projected costs and expenses for both funds. She presented the summary of the rates.

It was reported that the public notice prepared by Ecologic mailed to customers did not comply with the Water and Sewer Commission recommendation. The rates in the notice had increases for fiscal year 2009-2010 which cannot be implemented. Increases in the rates if approved will be initiated for the four fiscal years of 2010-2011 through 2013-2014.

The consultant reported that in order to keep up with the cost of providing sewer services two types of businesses will be impacted with higher rates, hotel room and gas stations.

Public Works Director Grah reported that 1239 notices were mailed out to 1187 parcels and in order to prevent the rate increases from going into effect, over fifty percent of the customers, 594, must submit written protests.

In response to questions from the Council the Director stated that if the rates were not increased, water improvements would have to be held back and there is not enough money in the sewer fund for any needed work. The department is constantly seeking grant funding for projects but to qualify for funding if a city's rates do not keep up with the cost of providing the services.

David Bhakta, owner of the Holiday Inn Express, stated he is not against a raise in rates but spoke in opposition to the methods used for the rate increases for hotel rooms and hotels and gas stations being singled out instead of across the board increases.

Mr. Bhakta stated that Bishop's numbers should be used to set the Equivalent Dwelling Unit (EDU) factors in any rate study. He also stated there should be consideration for energy efficiency efforts and should not be based on 100% occupancy.

In response Clarence Martin, Vice Chairman of the Water and Sewer Commission, stated that metering is the only alternative to using EDU factors and should be a consideration in the future to make it equitable for all customers.

Gary Colbert, apartment owner, and Noe Gadea, business owner, both spoke in opposition to the rate increases.

Mayor Cullen made a motion to close the public hearing. It was announced that the time to submit protests had expired.

RECESS

The Mayor called a short recess to allow staff to count the written protests received in opposition to the water and sewer rate increases.

RECONVENE TO OPEN SESSION

The Mayor called the meeting back to order with all five Councilmembers present.

WATER AND SEWER RATES ADOPTION (12)
Motion/Cullen

Staff announced that 33 written protests were received with 594 required to prevent adoption of rate increases. The City Council may take action as it deems appropriate.

The Ecologic consultant, Ms. Aronow, responded to Mr. Bhakta's comments and reported that information used to determine Equivalent Dwelling Unit factors are industry averages and do not reflect specific cities and do not address occupancy issues for hotels. She commented that without metered data there is no way to have specific data to the City, specific users or energy efficiency efforts. In absence of that data the industry averages are used and the EDU factor allowed for the lack of full occupancy and is significantly less than a single family residence (SFR).

Discussion was held on the possibility of metering businesses over the next few years to obtain industry information for the next rate study. Mr. Grah reported that it would take at least two years of data to get enough information to be applicable.

Director Grah stated the City has over 16 miles of sewer line that is over 100 years old and root intrusion has occurred. The sewer fund is low and the rate increases are needed to be able to make improvements to the system.

It was the consensus of the Council that the water and sewer systems need to be improved and maintained

A motion was made by Mayor Cullen to adopt the water and sewer rates as presented for fiscal years 2010-2011 through 2013-2014:

	Water Fee	Sewer Fee	Total
2010-2011	\$32.00	\$24.44	\$56.44
2011-2012	\$32.00	\$25.96	\$57.96
2012-2013	\$32.00	\$27.58	\$59.58
2013-2014	\$34.00	\$29.30	\$63.30

The motion passed on the following roll call vote: Ayes: Cullen, Dishion, Stottlemyre, Smith, Griffiths.

EXECUTIVE SEARCH
CITY ADMINISTRATOR
(13)
Motion/Dishion

On a motion by Councilmember Dishion the Council voted 5-0 to waive the formal bid procedure for professional services and authorize the executive of an agreement with Avery & Associates to conduct an executive search for City Administrator in an amount not-to-exceed \$22,000.00.

PARS RETIREMENT
ENHANCEMENT PLAN
Amendment #2
(14)
Motion/Cullen

Mayor Cullen made a motion to approve the Public Agency Retirement Services (PARS) Amendment #2 to establish a second tier benefit system for certain employee groups hired on or after January 1, 2010. The motion passed 5-0.

VERIZON CONTRACT
FOR LONG DISTANCES
SERVICES
(15)
Motion/Griffiths

A motion was made by Mayor Pro Tem Griffiths to approve an agreement with Verizon to provide long distance services for certain City offices and authorize the execution of the agreement. Motion carried on a 5-0 vote.

CANCELLATION OF
DECEMBER COUNCIL
MEETING
(16)
Motion/Stottlemyre

On a motion by Councilmember Stottlemyre, the Council voted unanimously to cancel the second regular meeting in December scheduled on the 28th due to the holidays. The next regularly scheduled meeting will be on January 11, 2010.

EASTERN SIERRA
ENERGY INITIATIVE
Fiscal Accountability
Arrangement
(17)
Motion/Cullen

Mayor Cullen made a motion to accept the change in fiscal accountability arrangement whereby Southern California Edison will allocate funds directly to the High Sierra Energy Foundation with the Town of Mammoth Lakes providing oversight as stipulated in correspondence from Robert Clark, Mammoth Lakes Town Manager dated November 30, 2009. The motion passed 5-0.

LADWP CONCEPT FOR
SOLAR POWER DEMO
ON OWENS LAKE
(18)

The Council was provided with information on the proposed Owens Lake Solar Demo by the Los Angeles Department of Water and Power. Information only.

BUDGET ADJUSTMENTS/
TRANSFERS FY 2009-10
(19)
Motion/Stottlemyre

On a motion by Councilmember Stottlemyre, the Council voted 5-0 to approve the budget adjustments and transfers for fiscal year 2009-2010 through November 30, 2009 as presented.

HANBY STREET
UTILITIES – Consultant
Contract
(20)
Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to approve the execution of the contract with Triad Holmes Associates for project delivery services for water and sewer work relating to the Hanby Reconstruction Project in an amount not to exceed \$77,000.00. The motion passed unanimously.

DISPOSAL OF PROPERTY
APPROVED – Police Dept.
(21)
Motion/Smith

On a motion by Councilmember Smith, the Council voted 5-0 to approve the request from the Police Department to dispose of certain unclaimed found property in the best interest of the City.

COUNCIL REPORTS

CLOSED SESSION

At 10:07 p.m. the Mayor recessed the meeting to convene in closed session to meet with the City Attorney to discuss one case of litigation (Markmans) pursuant to Government Code § 54956.9(b)(1). Jeff Griffiths was disqualified from participating in the closed session and action due to a conflict of interest due to ownership of property located within 500 feet of the property to be discussed. Councilmembers attending the closed session: Cullen, Dishion, Stottlemyre, Smith.

RECONVENE TO OPEN
SESSION

The Mayor recessed the closed session at 10:19 p.m. to reconvene in open session. All five Councilmembers were present.

ANNOUNCEMENT

There was no action taken in closed session that is required by law to be reported in open session.

ADJOURNMENT

The Mayor adjourned the meeting at 10:20 p.m. to the next Council meeting scheduled for Monday, January 11, 2010 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 JANUARY 11, 2010