

CITY OF BISHOP
CITY COUNCIL MINUTES
JANUARY 11, 2010

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

INVOCATION The invocation was given by Rick Klug of the Calvary Baptist 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. Deborah Hess from Southern California Edison introduced Daniel Brady the new Regional Affairs Representative.

Pamela Stayden representing the High Sierra Energy Foundation informed the Council that the HSEF program for the energy initiative has started and will run through January 2012. County of Inyo, County of Mono, Town of Mammoth Lakes and the City of Bishop are members of the Foundation.

Rick Klug, pastor for the Calvary Baptist Church announced the program called “Life Hurts – God Heals” will be starting on February 1st providing life skills to students in grades 6-12.

PRESENTATIONS

Eagle Scouts Mayor Cullen presented Matthew Ono and Trevor Taylor with a Council Commendations for reaching the rank of Eagle Scout with Boy Scout Troop 86.
(1)

DEPARTMENT HEAD Department Heads from Community Services, Fire, Police, Public Reports
REPORTS gave updates on the departments’ activities including upcoming and ongoing projects.
(2)

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

Motion/Stottlemyre

FOR APPROVAL AND FILING

- (a) Council Meeting Minutes – 12/14/09
- (b) Warrant Register – 12/09
- (c) Fund Transactions – 7/1/09 – 11/30/09

FOR INFORMATION AND FILING

- (d) Planning Commission Agenda – 12/17/09
- (e) Parks and Recreation Commission Minutes – 10/21/09
- (f) Fire Department Activity Log – 12/09
- (g) Public Works Permit Report – 12/09

OLD BUSINESS

Settlement of Claim Against
the City – Markman
(4)

Staff announced that during a closed session at the December 14, 2009 meeting a motion was made by Councilmember Stottlemyre to approve the settlement of the claim against the city by Russ and Kyle Markman in the amount of \$875.00 for property damage caused by a sewer backup on Willow Street on December 3, 2008 pending receipt of a signed general release. The motion passed on the following roll call vote: Ayes: Stottlemyre, Smith, Dishion, Cullen. Mayor Pro Tem 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 discussed.

PUBLIC HEARING

AMENDING CITY
ZONING MAP
(5)
Motion/Griffiths

The Mayor opened the public hearing to receive public input on amending the Zoning Map of the City of Bishop to designate a Public Zone (P) for Well Site 3, Well Site 4, Wastewater Treatment Plant and Wastewater Treatment Ponds and Disposal.

The Public Works Director reported that following the annexation of the parcels of the above locations in 1965, 1976 and 1995, zoning was not designated. Deletions were made to certain proposed parcels to be zoned to accommodate concerns from the Department of Los Angeles Water and Power.

No further comment was given. Mayor Pro Tem Griffiths made a motion to close the public hearing. Motion passed 5-0.

NEW BUSINESS

ORDINANCE NO. 526 –
Amending and Adopting the
City Zoning Map - Approval
of First Reading
(10)
Motion/Cullen

On a motion by Mayor Cullen, the Council voted 5-0 to approve the first reading/introduction of Ordinance No. 526 by title only, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, ZONING UNZONED AREA AND ADOPTING THE ZONING MAP OF THE CITY OF BISHOP, INCORPORATED BY REFERENCE IN SECTION 17.04.050 OF THE CITY OF BISHOP MUNICIPAL CODE”.

PUBLIC HEARING

CITY PARK
CONCEPTUAL DESIGN
(6)
Motion/Griffiths

Mayor Cullen opened a public hearing to hear and consider public input on the conceptual design of the City Park by the consultant, R. O. Anderson of Minden, Nevada. Mr. Anderson made a presentation on the alternative design elements of the park. Comments were provided by the community relating to the location of ball fields, dog park area, events stage, and community garden. More opportunities for public comment will be announced.

No action by the Council is required at this time. On a motion by Mayor Pro Tem Griffiths the Council voted 5-0 to close the public hearing.

PUBLIC HEARING

ORDINANCE NO. 276 –
Relating to Keeping of
Poultry in City Limits –
Proposed Changes or
Modifications
(7)
Motion/Cullen

Mayor Cullen opened a public hearing to hear and consider public input on proposed changes or modifications to Ordinance No. 276 relating to keeping poultry within the city limits.

The City Administrator reported that the City received notice of several locations within the city limits where live poultry is being kept for either private consumption, egg production or school type projects. Staff is requesting direction and clarification from the Council as how to proceed.

Staff gave a history of Ordinance No. 276 adopted in 1966 and amending prior ordinances going back to Ordinance No. 7 adopted in 1903. Pucci indicated that recently questions have been raised as to the legislative intent of the wording prohibiting the keeping of chickens and whether or not the 100 foot limitation relates to all keeping of chickens or poultry or strictly related to “poultry yards”. It is unclear if the reference is for commercial purposes.

Public comment received:

- Frank Crom (city resident) felt the ordinance is enforceable, there are potential health issues, and recommended the Council give a lot of thought if changes are made in the ordinance.
- Kathryn Erickson (city resident) has no opposition to poultry inside city limits as long as they are kept sanitary and ordinances are respected.
- Pete Watercott (city resident) stated it is a practical matter knowing where your food comes from.

- Kathy Covey (city resident) owns chickens and feels they are important as a resource to help feed a family organically.
- Jean Sprague (city resident) does not have chickens but approves of raising poultry in a clean and sterile environment and would be disappointed if the City discourages the activity.
- Tom Hallenbeck (city resident) feels raising poultry as a 4-H project teaches children responsibility and sustainability. He stated city ordinances are already in place to deal with anyone who does not keep poultry in clean and sanitary conditions.
- Taema Weiss (city resident) requested that if it is necessary to clarify the current ordinance that a common sense solution be developed to allow chickens kept in a humane way. She compared her right to own chickens with rights of owning other pets.
- Dan Conner believes owning chickens shows progressive thinking toward living a healthier lifestyle.
- Cindy Gervasoni felt there is no difference between owning chickens and any other pet as it is the owner's responsibility to care and clean up after them. She agrees with the movement by large and small communities in revising laws to allow for the keeping of poultry.
- Greg Smith (city resident) encouraged the Council to make recommendations to allow residents to keep a certain number of domestic chickens and the way they should be kept within city limits.
- Susan Joyce (city resident) recommended Council consider the future when making any revisions as small flocks of chickens would make the community more vibrant.

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

Council Discussion

Councilmember Stottlemire made a motion to refer this issue to a committee of interested parties to come back to the City Council with a recommendation. He then withdrew his motion to allow the Council to have a general discussion on the matter.

Councilmember Dishion stated the current ordinance has been enforced in the past and he is not willing to throw it out because there are people who are disregarding the law by having chickens within the city limits.

Mayor Cullen stated her understanding of the ordinance allows chickens if kept 100 feet from other residences although most city lots are too small to accommodate the restriction. She indicated she is not opposed to changing or clarifying the ordinance within reason.

Mayor Pro Tem Griffiths stated he owns chickens but interpreted the ordinance to mean “no poultry yards” which to him would mean a commercial poultry facility. He stated that once the ordinance is clarified and if it is the will of the City Council that chickens are not allowed within the city limits he will give up his urban chickens. In his opinion the negative aspects of having chickens are: 1) the health issue with the bird flu which currently doesn’t apply; 2) noise – no roosters should be allowed; 3) smell – which is addressed in the current ordinance. It is his feeling that chickens can be kept in a responsible way. The chickens have been very therapeutic to the foster children who spend time in his home.

Councilmember Smith stated that many people live in this community for the freedom it allows them. She indicated she has two pet chickens but with serving her constituents has asked many residents for their opinion on the issue and many of them questioned why anyone would be opposed to someone raising a small number of chickens. She felt those who currently have a few chickens did not know they were breaking any laws.

Councilmember Dishion disagreed with the definition many have with “poultry yards”. It is his opinion that “yard” does not refer to a commercial operation.

Councilmember Stottlemire stated his opinion is too many freedoms are intruded upon. He is encouraged that the community attended this meeting and are interested in participating in government. It is his preference that the citizens be engaged in this process as much as possible and bring back a recommendation to the Council.

The City Attorney stated that any committee appointments by the Council are subject to the Brown Act and there are other options available for public comment. It was determined the City will make the community aware that anyone wishing to make comment in favor or opposed to urban chicken raising within the city limits contact Keith Caldwell, Assistant City Administrator.

Councilmember Stottlemire made a motion to table further discussion on this issue until a future uncertain date. The motion passed 4-1 on the following roll call vote: Ayes: Stottlemire, Smith, Griffiths, Cullen. Noes: Dishion.

<p>PLANNING COMMISSION Reappointment of David Bloom (8) Motion/Cullen</p>	<p>On a motion by Mayor Cullen, the Council voted 5-0 to reappoint David Bloom to a four-year term on the Bishop Planning Commission ending January 24, 2014.</p>
<p>CENSUS 2010 UPDATE (9)</p>	<p>Catherine Little representing the Census Bureau reported the census data will be mailed out to communities in March. The population information gathered through the census is used by the State Community Development Block Grant program for grant funding. She indicated participation is easy, important and safe.</p>
<p>ORDINANCE NO. 527 Amending Chapter 2.04 Relating to Place and Time of Meetings – Introduction (11) Motion/Griffiths</p>	<p>Staff reported that Ordinance No. 527 updates the location of the meetings in the Municipal Code and that Council has requested the time of regular Council meetings be changed from 7:30 p.m. to 7:00 p.m.</p> <p>Mayor Pro Tem Griffiths made a motion to adopt the first reading/introduction of Ordinance No. 527 by title only, “AN ORDINANCE OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING CHAPTER 2.04 RELATING TO PLACE AND TIME OF MEETINGS”. The motion passed 5-0.</p>
<p>WEST LINE STREET ALLEY CHANGE IN DESIGNATION – Located between Main and Warren Direction to Staff (12)</p>	<p>The Public Works Director reported that the High Sierra Credit Union on West Line Street requested the alley between Main Street and South Warren be changed to one-way with parking and submitted a petition in favor of the proposal.</p> <p>The Director reviewed the information gathered from surveys sent to businesses located in the area that would be affected by any changes in designation.</p> <p>Following discussion on the options the Council directed staff to move forward with language for a resolution changing the alley to one-way with a limited number of spaces for 24-minute parking.</p>
<p>PART TIME PUBLIC WORKS INTERN Request to Hire (13) Motion/Griffiths</p>	<p>A motion was made by Mayor Pro Tem Griffiths to waive the hiring freeze and approve the hiring of a Part-Time Intern for the Public Works Department at the rate of \$10.00 per hour with a total budget of \$1,000.00. The motion passed 5-0.</p>
<p>RESOLUTION NO. 10-01 Established Time Parking and Loading Zone on South Main St. (14) Motion/Cullen</p>	<p>Resolution No. 10-01 establishes a relocation of the existing passenger/mail loading zone on South Main Street near Lagoon adding two additional one-hour parking spaces.</p> <p>Mayor Cullen made a motion to adopt Resolution No. 10-01 by title only, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, ESTABLISHING A TIMED PARKING ZONE AND A PASSENGER/MAIL LOADING ZONE ON SOUTH MAIN</p>

STREET NEAR LAGOON WITHIN THE CITY LIMITS OF THE CITY OF BISHOP". The motion passed 5-0.

REQUEST TO RELEASE
RFP – Wastewater
Treatment Plant
Improvements
(15)
Motion/Smith

Councilmember Smith made a motion to authorize the release of the Request For Proposals for the Sewer Plant Headworks Improvement Project for engineering work. This project will improve the efficiency of the headworks as well as requiring less handling of waste by Public Works staff. The motion passed 5-0.

REQUEST TO REJECT
BIDS AND READVERTISE
Public Works Pickup Truck
(16)
Motion/Griffiths

Due to a change in the specifications of equipment for the pickup truck for the Public Works Department, the Director requested all bids be rejected and readvertised.

Mayor Pro Tem Griffiths made a motion to reject all bids received for the Public Works pickup truck and authorized the readvertisement with the change in specifications. Motion passed 5-0.

SCHLEY STREET WATER
LINE PROJECT – Request
to Advertise
(17)
Motion/Smith

Councilmember Smith made a motion to authorize the advertisement for bids for the Schley Street Water Line Replacement Project. Motion passed 5-0.

COUNCIL REPORTS

ADJOURNMENT

The Mayor adjourned the meeting at 9:50 p.m. to the next Council meeting scheduled for Monday, January 25, 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