

CITY OF BISHOP  
CITY COUNCIL MINUTES  
February 22, 2010

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 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 Seguire, 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. Catherine Little, local representative for the U.S. Census reported the Census forms will be mailed out to households in three weeks. She indicated it is important for the City and community to have everyone counted.
PRESENTATION – BUHS Youth Coalition and Inyo County Tobacco Control Program (1)	Members of the Youth Coalition from Bishop Union High School made an informational presentation relating to the “Through with Chew” program.
DEPARTMENT HEAD REPORTS (2)	Department Heads from Community Services, Fire, Police, Public Works and Administration gave updates on the departments’ activities including upcoming and ongoing projects.
CONSENT CALENDAR (3)	A motion was made by Mayor Pro Tem Griffiths and passed unanimously to approve the Consent Calendar as presented:
Motion/Griffiths	FOR APPROVAL AND FILING (a) Council Meeting Minutes – 2/08/10 (b) Personnel Status Change Report (c) Fund Transactions – 7/1/09 – 12/31/09 FOR INFORMATION AND FILING (d) Parks and Recreation Commission Agenda – 2/24/10 (e) Planning Commission Meeting Cancellation Notice – 2/23/10 (f) Public Works Report – 1/10

PUBLIC HEARING

CDBG Homebuyers  
Program Guidelines  
(4)  
Motion/Cullen

The Mayor opened the public hearing to receive citizen input relative to the document to establish guidelines on the policies and procedures for the administration and utilization of homebuyer assistance funds received by the City or its program administrator, Mammoth Lakes Housing, Inc. as a result of activities funded under the State Community Development Block Grant Program. No public comment was provided. Mayor Cullen made a motion to close the public hearing. Motion passed unanimously.

OLD BUSINESS

CDBG Homebuyers  
Program Guidelines  
(8)

Pam Hennarty, Executive Director of Mammoth Lakes Housing, Inc. administering the CDBG program for the City, reviewed the guidelines. The highlights included:

- Housing units to be purchased must be located within the city limits of the City of Bishop.
- Maximum amount of loan - \$150,000.00
- Applicants must live and/or work in the area from the county line on the north to Klondike Lake to the south.
- The maximum home purchase price would be \$362,000.00

Hennarty stated that once the contract has been signed and received by the State they can start taking applications.

Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to accept the Community Development Block Grant Homebuyers Program Guidelines as presented. The motion passed 5-0.

PUBLIC HEARING

CDBG Homebuyers  
Program Income Reuse Plan  
(5)  
Motion/Cullen

The Mayor opened the public hearing to receive public input relative to the plan to establish guidelines on the policies and procedures for the administration and utilization of program income received by the City or its program administrator, Mammoth Lakes Housing, Inc. as a result of activities funded under the State Community Development Block Grant Program. No public comment was provided. Mayor Cullen made a motion to close the public hearing. Motion passed unanimously.

OLD BUSINESS

RESOLUTION NO. 10-03  
CDBG Homebuyer Program  
Income Reuse Plan  
(9)

Pam Hennarty, Executive Director of Mammoth Lakes Housing, Inc. informed the Council that the Homebuyer Program Income Reuse Plan outlines the plan if any loan is repaid the City will use those funds to make future loans before going to the State to draw down more funding from the grant program.

Motion/Smith

On a motion by Councilmember Smith, the Council voted 5-0 to adopt Resolution No. 10-03 by title only, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AUTHORIZING THE PROGRAM INCOME REUSE PLAN FOR CDBG FUNDS".

## PUBLIC HEARING

ORDINANCE NO. 276  
Relating to the Keeping  
of Poultry and Animals  
(6)

The Mayor opened a public hearing to hear and consider citizen input on the keeping of poultry and animals within the city limits. Following are comments that were provided.

- Rob Klieforth, 437 Willow Street, spoke in favor of keeping a certain number of chickens. He suggested the City provide educational material and guidelines.
- Ellen Siegal, 675 West Pine Street, spoke on the benefits of lessons children learn with raising 4-H animals and encouraged the City to let the young people have the opportunity.
- Pat Mathieu, 237 North Second Street, spoke in opposition to having chickens inside city limits because of diseases associated with poultry. She is concerned it will open the door for other animals and stated the City has become lax in enforcing the current ordinance.
- Shawn Delehany, 215 Willow Street, spoke in favor of rescinding the current ordinance as chickens are not a nuisance and it would allow an alternative organic way to raise food with natural fertilizer.
- Frank Crom, 351 East South Street, stated that many people are not opposed to chickens - they just don't want them in their neighbor's yards and don't want to speak publicly. Crom indicated the current ordinance is enforceable but with two council members being chicken owners he felt it would be better if the issue was presented to the voters.
- Marjorie Henry, 601 West Yaney Street, stated as a former police dispatcher, she saw the current ordinance enforced for certain animals. She spoke against keeping poultry and animals in the city limit and does not want chickens next door.
- Yvette Ward, 351 Clarke Street, spoke in favor of allowing female chickens in small numbers for personal use and eating healthy.
- Lou Syre, 363 Clarke Street, spoke in opposition to rewriting the ordinance. He is not opposed to chickens but does not want roosters or peacocks to be allowed. He encouraged the issue be placed on a ballot for voters to decide, not the Council.
- Kathryn Erickson, 237 Willow Street, reported that in a written statement from Dr. Johnson, Public Health Officer for Inyo County he gave assurance that having a hobby flock of

- chickens is not a health hazard.
- Robin Stater, 187 East Line Street and owner of two properties on Willow Street, spoke in support of raising chickens inside city limits for personal use.
- Darren Malloy, 263 Willow Street, stated that in his experience chickens are quieter than dogs in his neighborhood. He encouraged modification of the current ordinance to give neighbors guidance and to allow chickens as the benefits outweigh the risks.
- Pete Watercott, 237 Willow Street, spoke on the difference in quality between home-grown and store-bought eggs and the pride in growing your own garden with natural fertilizer.
- Serena Dennis, 757 West Pine Street #B, is the program representative for the 4-H youth development office of the University of California in Bishop. She stated 4-H teaches life skills through hands on experiences such as raising chickens. Dennis indicated that in the past 20 years several have participated in the program and currently four children are raising 4-H projects within the city limits and hoped it could continue into the future.
- Joan Scott, 333 Sierra Street, Space #13, spoke in opposition to allowing chickens in the City and was concerned with chickens drawing predators into town. She questioned why those residents who were interested in raising animals didn't pick a more appropriate location.

Motion/Griffiths

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

## OLD BUSINESS

ORDINANCE NO. 276  
 Discussion and Direction to  
 Staff Relating to Keeping of  
 Chickens and Animals in  
 City Limits  
 (10)

Mayor Cullen stated she would like to see a draft ordinance which limits the number of chickens to six or as an alternative, three rabbits and three chickens.

The Assistant City Administrator reported on the comments received from residents within the City. Three questions were asked of each person commenting:

1. Do you live within the city limits?
2. Should chickens be allowed within the city limits?
3. If so, what guidelines are suggested?

Caldwell indicated 46 comments were received. He stated Jim Tatum from the Tri-County Fairgrounds offered to set aside an area where a community flock could be kept as well as 4-H projects if the City Council and community desired to do so.

Mayor Pro Tem Griffiths stated that raising 4-H chickens in his backyard was a positive experience for his family and the neighborhood. He felt the health issue is not a problem and is

much worse with dogs and cats. He agreed that roosters should not be allowed because of noise concerns. He stated that provisions are provided in the current ordinance to deal with noise and sanitation. He promoted the modification of the ordinance to place a limit on the number of chickens allowed and suggested 8-10 for discussion. Reasonable restrictions could be placed to alleviate fears of any neighbors who don't want chickens next to their property.

For clarification Councilmember Smith stated that before she starting raising chickens she researched the current ordinance. She stated her chickens are located more than 100 feet from her neighbors as required. She spoke in favor of modifying the current ordinance to clarify the number of chickens allowed to be kept and felt confident the people in our rural community are capable to do so in a clean and healthy manner. Smith stated the Council has a good idea what would be appropriate for our rural city and it is not necessary to take this issue to the voters .

Councilmember Stottlemyre stated that the issue of whether or not to allow raising chickens needs to be addressed sooner or later and even an election resulting in favor of it will result in those opposing not being happy. It was recommended that staff will research the cost of putting the issue on the November County ballot and report back to Council at the next meeting.

The City Attorney reviewed the options available to citizens in that process.

Councilmember Dishion stated his interest lies in protecting private property. He indicated he felt having chickens in a neighbor's yard could bring down the value of another property owner's home. He stated the Council should not be responsible for that result and the issue should be decided by a vote of the people. He commented that the Fairgrounds should be utilized as an option for housing flocks.

Mayor Pro Tem Griffiths disagreed with the comment on devalued property values. He felt statements are being made out of fear rather than realistic impacts.

Mayor Cullen directed staff to research the cost of placing the issue on the November election and move forward with a draft ordinance to present at the next meeting.

Following Council discussion the following guidelines for the draft ordinance were provided:

- Limit of six chickens
- No roosters
- Limit of six rabbits

- Locate in back yard only
- 25 feet from neighbor’s dwelling with exception if less than 25 feet permission is needed from neighbor
- Coops to be predator proof

PUBLIC HEARING

FEES AND CHARGES  
FOR CITY SERVICES  
Fiscal Year 2010-2011  
(7)  
Motion/Griffiths

The Mayor opened a public hearing to hear and consider citizen input on changes to fees and charges for City services. Staff reviewed the proposed addition of water and sewer development impact fees for the Public Works Department. It was announced that these charges, as well as the other proposed changes in Public Works and Community Services, do not exceed the cost of providing the service. There were no questions or further comment provided. Mayor Pro Tem Griffiths made a motion to close the public hearing. Motion passed 5-0.

NEW BUSINESS

RESOLUTION NO. 10-04  
Amending and Restating  
Fees and Charges for City  
Services – FY 2010-2011  
(11)  
Motion/ Griffiths

Mayor Pro Tem Griffiths made a motion to adopt Resolution No. 10-04 by title only, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING AND RESTATING CERTAIN FEES AND CHARGES FOR CITY SERVICES”. The motion passed 5-0.

ORDINANCE NO. 529  
Delinquent Residential  
Water Accounts Service  
Termination  
(12)

Council reviewed information and the draft ordinance provided by the Public Works Director and the City Attorney and supported by the Water and Sewer Commission relating to developing procedures to terminate water service to delinquent residential accounts similar to policies enforced by most cities.

Motion/Cullen

Mayor Cullen made a motion to approve the first reading/introduction of Ordinance No. 529 by title only and set March 8, 2010 for the second reading and adoption, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING BISHOP MUNICIPAL CODE CHAPTER 13.04 WATER FACILITIES CHARGES AND REGULATIONS RELATING TO TERMINATION OF WATER SERVICE FOR DELINQUENT COMMERCIAL, NON-RESIDENTIAL AND RESIDENTIAL USERS”. The motion passed 5-0.

HANBY PAVEMENT  
RECONSTRUCTION –  
Approval to Advertise for  
Construction Bids  
(13)  
Motion/Smith

On a motion by Councilmember Smith, the Council voted 5-0 to approve the request to advertise for construction bids for the Hanby Pavement Reconstruction Project funded through American Recovery and Reinvestment Act (ARRA) economic stimulus funding.

KEOUGH AND HOBSON  
SEWER IMPROVEMENTS  
PROJECT – Approval to  
Advertise for Construction  
Bids  
(14)  
Motion/Griffiths

On a motion by Mayor Pro Tem Griffiths, the Council voted 5-0 to approve the request to advertise the Keough and Hobson Sewer Improvements Project for construction bids. The motion passed unanimously.

SURPLUS OF FOUND/  
CITY PROPERTY – Police  
Department  
(15)  
Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to surplus the found property and listed city property for disposal in the best interest of the City. Motion passed 5-0.

WAIVER OF HIRING  
FREEZE FOR PART TIME  
POSITIONS – Community  
Services and Police  
Departments  
(16)  
Motion/Cullen

Mayor Cullen made a motion to waive the hiring freeze; advertise and fill part time positions; and approve certain job descriptions as submitted:

Police Department

- Fill the Part Time Facility Maintenance Worker position and approve the job description.

Community Services Department

- Fill four (4) Part Time Park Helper Seasonal positions and approve the job description.
- Approve the following job descriptions: Part Time Park Helper Year Round, Part Time Park Helper Year Round Weekends/Holidays, and Part Time Custodian/Facility Maintenance Worker.
- Fill twenty (20) Part Time Seasonal Lifeguards.

The motion passed 5-0.

CITY PARK  
CONCEPTUAL DESIGN  
Approval  
(17)  
Motion/Cullen

The Community Services Director reported that the draft conceptual design will allow for potential planning and funding opportunities and is based on information compiled through meetings over the last two years with the Parks and Recreation Commission, local youth organizations, special interest groups and the community at large. The Council will be involved as each project develops.

Ted Schade from ICare and Nancy Hardy both spoke on behalf of a much larger area for the dog park and that the location be changed to be near a parking lot.

Mayor Cullen made a motion to adopt the conceptual design of the City Park as presented. The motion passed 5-0.

PROPOSITION 4  
California Constitution

Mayor Pro Tem Griffiths made a motion to set the following schedule for the review and adoption of the 2008-2009

Article XIII B Appropriations  
Limit and Calculations  
2008-2009  
(18)  
Motion/Griffiths

Proposition 4 Appropriations Limit:

- Give immediate notice of the initial public review period of February 23-March 22, 2010.
- Set the public hearing for March 22, 2010.
- Set March 22, 2010 as the scheduled date for final adoption.

The motion passed unanimously.

CITY OF BISHOP FINAL  
STATEMENT/AUDITS  
Fiscal Year 2008-2009  
(19)  
Motion/Cullen

Mayor Cullen made a motion to accept the City of Bishop Final Statements and Audit for Fiscal Year 2008-2009. Motion passed 5-0.

CITY OF BISHOP  
SUNRISE MOBILE HOME  
PARK FINAL AUDIT  
Fiscal Year 2008-2009  
(20)  
Motion/Cullen

Mayor Cullen made a motion to accept the City of Bishop Sunrise Mobile Home Park Final Audit for Fiscal Year 2008-2009. Motion passed 5-0.

CITY OF BISHOP  
REDEVELOPMENT  
AGENCY FINAL AUDIT  
Fiscal Year 2008-2009  
(21)  
Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to accept the City of Bishop Redevelopment Agency Final Audit for Fiscal Year 2008-2009. Motion passed 5-0.

RECESS/RECONVENE

At 10:14 p.m. the Mayor recessed the Council meeting to reconvene as the Bishop Redevelopment Agency. Following the adjournment of the Agency meeting at 10:16 p.m., the Mayor reconvened the Council meeting with the following members present: Smith, Griffiths, Dishion, Stottlemire, and Cullen.

COUNCIL REPORTS

CLOSED SESSION

The City Attorney announced that due to the time the scheduled closed session relating to anticipated litigation will be carried over to the next Council meeting.

ADJOURNMENT

The Mayor adjourned the meeting at 10:25 p.m. to the next Council meeting scheduled for Monday, March 8, 2010 at the new time of 7:00 p.m. in the City Council Chambers.

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SUSAN CULLEN, MAYOR

Attest: Richard F. Pucci, City Clerk

By: \_\_\_\_\_  
Denise Gillespie, Assistant City Clerk

***APPROVED BY COUNCIL 3/8/10***