

CITY OF BISHOP
CITY COUNCIL MINUTES
March 8, 2010

CALL TO ORDER Mayor Cullen called the meeting to order at 7:00 p.m.

INVOCATION The invocation was given by Rusty McKinley 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
Pat O'Neil, Assistant Fire Chief
Chris Carter, Police Lieutenant
David Grah, Public Works Director
Bob Kimball, City Treasurer

PUBLIC COMMENT The Mayor announced the public comment period. No public comment was provided.

DEPARTMENT HEAD REPORTS Reports from Community Services, Fire, Police, Public Works and Administration were given on the departments' activities including upcoming and ongoing projects.
(1)

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

Motion/Dishion FOR APPROVAL AND FILING
(a) Council Meeting Minutes – 2/22/10
(b) Personnel Status Change Report
(c) Warrant Register – 2/10
(d) Fund Transactions – 7/1/09 – 1/31/10
(e) Fund Transactions – Sunrise Mobile Home Replacement Reserve Account Statement – 10/1/09 – 12/31/09

FOR INFORMATION AND FILING
(f) Public Works Permit Report – 2/10

OLD BUSINESS

ORDINANCE NO. 529 Public Works Director Grah reported that other cities surveyed Relating to Termination of have ordinances giving them the ability to terminate water service Water Services for to delinquent accounts. In order to reduce staff time and Delinquent Users - encourage responsibility with timely payment of water service the Adoption Department and Water and Sewer Commission are requesting the

(3)

adoption of Ordinance No. 529.

Motion/Cullen

On a motion by Mayor Cullen, the Council voted 5-0 to adopt Ordinance No. 529 by title only with passage to print “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”.

PUBLIC HEARINGS

ENVIRONMENTAL
REVIEW – 312 N. Main
Sage to Summit
(4)

The Mayor opened the public hearing to hear and consider public input on an Environmental Assessment on a draft Negative Declaration to set aside Municipal Code Section 17.76.100 Signs – Commercial Districts for a Conditional Use Permit to allow 165 square feet of signage for the Sage to Summit retail store which would exceed the allowable 80 square feet of signage by 85 feet and be placed at several locations on the facility’s exterior walls.

Motion/Griffiths

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

NEW BUSINESS

NEGATIVE
DECLARATION
312 N. Main Street
Sage to Summit
(6)
Motion/Griffiths

Mayor Pro Tem Griffiths made a motion to adopt a Negative Declaration and file a Notice of Determination with a finding that the project at 312 North Main Street, Sage to Summit, 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 unanimously.

PUBLIC HEARING

ENVIRONMENTAL
REVIEW – 636 N. Main
Holiday Inn Express
(5)
Motion/Stottlemyre

David Bhakta, proponent, addressed the Council on the project. He stated the square feet of the pylon sign should be determined by the illumination portion only and disagreed with the method of calculating the square footage. No further comment was given. Councilmember Stottlemyre made a motion to close the public hearing. Motion passed 5-0.

MITIGATED NEGATIVE
DECLARATION
636 N. Main Street
Holiday Inn Express
(7)

Mayor Pro Tem Griffiths made a motion to adopt a Mitigated Negative Declaration and file a Notice of Determination with a finding that the project at 636 N. Main Street, Holiday Inn Express, with the mitigations for Geology and Soils and Transportation/Traffic involves no potential for adverse effect,

Motion/Griffiths

either individually or cumulatively, on wildlife, native plants, streams, water courses, scenic or historic resources and human beings. The motion passed on a 5-0 vote.

PLANNING COMMISSION
APPOINTMENT
David Bhakta
(8)
Motion/Dishion

Councilmember Dishion, who served on the interview committee for the commission position, made a motion to appoint David Bhakta to fill the unscheduled vacancy on the Bishop Planning Commission that will expire on January 27, 2011. Motion passed unanimously. He will begin his term in April.

DRAFT ORDINANCE NO.
530 – Keeping of Poultry/
Animals in City Limits
(9)

Mayor Pro Tem Griffiths stated that although his family raises chickens and according to the City Attorney there is no legal requirement for him to abstain from discussion or decisions on the draft ordinance, he has chosen to withdraw from participating. He left the Council Chambers for the duration of this agenda item.

Those in the audience interested in speaking on this subject were given an opportunity to address the Council.

- Larry Clark, 759 Home Street, stated the voters should make the decision on whether farm animals should be allowed in the city limits. He felt the 25 feet limit for locating a chicken coop from a neighbor's dwelling as stated in the ordinance is not sufficient and would still have a negative impact with noise and odors.
- Rob Klieforth, 437 Willow Street, spoke in favor of raising poultry in the city limits and further stated that the Public Health Officer had provided sound advice to address the concerns over health issues.

Council Discussion

Councilmember Stottlemyre stated he is not opposed to putting the issue on the ballot but is concerned about the cost of doing so. He reviewed the arguments for banning chickens and felt all the concerns have been addressed but felt no expert opinion about possible property devaluation has been provided.

Councilmember Dishion stated that the estimated cost of \$2,500 is worth it for the people to have the right to make the decision. He suggested the required distance of 25 feet should be measured from property lines and not residences; getting permission from neighbors if less than 25 feet should be removed from the draft ordinance. He posed the questions on whether a chicken coop needs to be defined; are the five trailer parks in town considered multi-family lots; what about turkeys, ducks and other farm animals? He would like to see more conversation to provide more clarity.

Laura Smith stated she felt putting the issue to a vote is a waste of \$2,500 as the City Council members were elected by the

community to make these decisions. She felt that with all the response that has been received the majority has been in favor of allowing chickens. She recommended the draft ordinance change to the distance being measured from property lines. Smith clarified the proposed changes have not been recommended for her sake. She has two chickens kept 100 feet from the closest neighbor and in compliance with the current code and if needed she would give them up.

Mayor Cullen stated that everyone has the right to keep a few chickens provided there is a good ordinance in place. She made the following recommendations: change the 25 foot limit to 40 feet measured from the property line; allow 3-4 chickens; and include specifications for coop placement and design. She indicated the issue could be placed on a ballot but was opposed to the City paying the cost.

It was decided to move forward with developing an ordinance for the November election. The City Attorney stated it would be necessary to initiate the process by July or August.

Further discussion was held on the guidelines for the ordinance to go to the voters. It was determined that due to the size of the average city lot, coops would need to be placed twenty (20) feet from a neighbor's property line and the limit on poultry and rabbits would be four (4) in any combination of chickens and rabbits. A redrafted ordinance will be brought back to Council for further discussion at an upcoming meeting in preparation for the November election. The new ordinance would only be effective if approved by the vote of the people. It was suggested to place a moratorium enforcement of the current ordinance except for health or safety reasons until the election. If the measure fails to pass in November, the existing 1966 ordinance would remain in effect.

RECESS/RECONVENE

The Mayor recessed the meeting and reconvened five minutes later with all Councilmembers present including Mayor Pro Tem Griffiths who recused himself from the previous discussion.

NEW BUSINESS

GENERAL PLAN - 2009
Annual Progress Report
(10)
Motion/Cullen

Mayor Cullen made a motion to accept the 2009 Annual Progress Report for the City's General Plan and authorized the report be submitted to the Governor's Office of Planning and Research and State Department of Housing and Community Development. Motion passed 5-0.

RESOLUTION NO. 10-05
Local Conflict of Interest
(11)
Motion/Cullen

On a motion by Mayor Cullen, the Council voted 5-0 to adopt Resolution No. 10-05 by title only "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, PERTAINING TO THE LOCAL CONFLICT

OF INTEREST CODE AND REPEALING RESOLUTION NO. 00-28, THE CITY'S REVIOUS CONFLICT OF INTEREST CODE".

BUDGET ADJUSTMENTS/
TRANSFERS – FY 2009-10
(12)
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 February 28, 2010 as presented.

BID AWARD – Hanby/May
Utility Project Construction
(13)
Motion/Smith

The Public Works Director reported that four companies submitted three construction bid options for the Hanby/May Utility Project Construction. Although the lowest bid was responsive, there is concern with it being far lower than the rest; therefore the Director listed the options available to them as well as the contractor. He recommended awarding the bid to the PE Pacific Engineering for Construction Option 2.

Marzano & Sons, June Lake, California	\$353,527.00
Qualcon, Minden, Nevada	\$404,600.00
R & J Joy, Portola, California	\$399,429.00
PE, Bakersfield, California	\$279,617.00

On a motion by Councilmember Smith, the Council voted 5-0 to authorize the execution of the construction contract for Option 2 in the amount of \$279,617.00 with PE Pacific Engineering of Bakersfield, California (plus a 5% contingency) in the amount not to exceed \$293,597.85.

WATER SCADA
CONTRACT APPROVAL
(14)
Motion/Cullen

The Public Works Director reviewed the Request for Proposals received for the Water Supervisory Control and Data Acquisition (SCADA) that will improve the efficiency, effectiveness and durability of the City's water system. He stated that following interviews and proposals a contract with Ecologic is being recommended.

DLT and V, Phoenix, Arizona	\$152,000.00
MSO Technologies, Irvine, California	\$175,400.00
Eco:Logic, Rocklin, California	\$168,955.00

On a motion by Mayor Cullen, the Council voted 5-0 to approve the execution of a contract with Ecologic of Rocklin, California for the Water SCADA project and authorize the expenditure not to exceed \$97,965.00.

SEWER POND PASTURE
LEASE – Release of Request
for Proposals
(15)
Motion/Cullen

On a motion by Councilmember Cullen, the Council voted 4-0 to approve the release of Requests for Proposals for the lease of the Sewer Pond Pasture. Councilmember Dishion abstained.

APPROVAL TO SURPLUS
FIREARMS – Police Dept.
(16)
Motion/Dishion

On a motion by Councilmember Dishion, the Council voted 5-0 to approve the request to surplus and dispose of firearms in the best interest of the City as submitted by the Police Department.

REORGANIZATION

ELECTION OF MAYOR
(17)

Mayor Cullen turned the nominations for mayor over to the City Administrator/City Clerk. A call for nominations for the position of mayor was made. Councilmember Dishion nominated Jeff Griffiths. No further nominations were made.

Motion/Dishion

The motion by Councilmember Dishion to close the nominations for mayor passed 5-0.

The roll call vote was taken on the election of Jeff Griffiths as mayor. Ayes: Dishion, Stottlemyre, Smith, Griffiths, Cullen. Griffiths will serve a one-year term as mayor.

ELECTION OF MAYOR
PRO TEMPORE

Mayor Griffiths opened the nominations for mayor pro tempore. Councilmember Cullen nominated Bruce Dishion. No further nominations were made.

The motion by Councilmember Stottlemyre to close the nominations passed 5-0.

The roll call vote was taken on the election of Bruce Dishion as mayor pro tempore: Ayes: Stottlemyre, Smith, Cullen, Dishion, Griffiths. Dishion will serve a one-year term as mayor pro tem.

MAYORAL
APPOINTMENTS
Committee Appointments
and Assignments 2010
(18)
Motion/Cullen

The recommendations of City committee and agency representative appointments and assignments for 2010 were read by staff.

Councilmember Cullen made a motion to approve the appointments and assignments for 2010. The motion passed 5-0. (Committee list is attached.)

COUNCIL REPORTS

CLOSED SESSION

At 9:00 p.m. the Mayor recessed the meeting to convene in closed session to meet with the City Attorney to discuss two cases of potential litigation pursuant to Government Code Section 54956.9(b)(1).

RECONVENE TO OPEN
SESSION

The Council reconvened from closed session at 9:20 p.m. with all five Councilmembers 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 9:22 p.m. to the next Council meeting scheduled for Monday, March 22, 2010 at 7:00 p.m. in the City Council Chambers.

JEFF GRIFFITHS, MAYOR

Attest: Richard F. Pucci, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk

APPROVED BY COUNCIL 3/22/10