

CITY OF BISHOP
CITY COUNCIL MINUTES
October 25, 2010

CALL TO ORDER Mayor Griffiths called the meeting to order at 7:04 p.m.

INVOCATION The invocation was given by Pastor Kathleen Puntar from the United Methodist Church followed by the Pledge of Allegiance led by Councilmember Smith.

COUNCIL PRESENT Councilmembers Laura Smith, Susan Cullen, David Stottlemyre
Mayor Pro Tem Bruce Dishion
Mayor Jeff Griffiths

COUNCIL ABSENT None

OTHERS PRESENT James Southworth, City Administrator
Denise Gillespie, Assistant City Clerk
Peter Tracy, City Attorney
Keith Caldwell, Assistant City Administrator/
Community Services Director
Ray Seguine, Fire Chief
Chris Carter, Interim Police Chief
David Grah, Public Works Director/City Engineer
Gary Schley, Public Services Officer

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

ADDITION OF AGENDA ITEM – Quarterly Citizen Award Presentation The Mayor announced that due to an error on the agenda and pursuant to Government Code Section 54954.2(2)(b)(2) it is necessary to take action to add an item to the agenda. On a motion by Mayor Griffiths, the Council voted 5-0 to add the Quarterly Citizen Presentation to the agenda as Presentation (3).

PRESENTATIONS

RED RIBBON WEEK Karen Kong, representing the Inyo County Health and Human Services Tobacco Control Program, the Bishop Union High School Youth Coalition and several children from Bishop Elementary School made a presentation on the importance of community support for helping our youth remain alcohol, tobacco, and drug free and on upcoming Red Ribbon Week activities.

Inyo County Tobacco Control Program and Student Groups
(1)

BISHOP CHAMBER OF COMMERCE UPDATE Tawni Thomson, Executive Director for the Bishop Area Chamber of Commerce, gave an update on Visitor Center statistics, memberships and Christmas activities sponsored by the Chamber.
(2)

<p>QUARTERLY CITIZEN AWARD – Mazzus</p>	<p>The Council presented Kevin and Lis Mazzu the Quarterly Citizen Award for their numerous contributions to the Bishop area as well as countywide.</p>
<p>DEPARTMENT HEAD REPORTS (3)</p>	<p>Reports from Community Services, Fire, Police, Public Works and Administration were given on the departments’ activities including upcoming and ongoing projects.</p>
<p>CONSENT CALENDAR (4)</p>	<p>A motion was made by Councilmember Cullen and passed unanimously to approve the Consent Calendar as presented:</p>
<p>Motion/Cullen</p>	<p>FOR APPROVAL AND FILING (a) Personnel Status Change Report</p> <p>FOR INFORMATION AND FILING (b) Planning Commission Meeting Cancellation Notice 10/26/10 (c) Police Department Patrol Statistics 9/15/10 – 10/15/10</p>
<p>OLD BUSINESS</p>	
<p>ORDINANCE NO. 531 Amending City Zoning Map Adoption - 187 Edward St. Zone Change (5) Motion/Cullen</p>	<p>On a motion by Councilmember Cullen, the Council voted 5-0 to approve the second reading and adopt Ordinance No. 531 by title only with passage to print, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING THE ZONING MAP OF THE CITY OF BISHOP, INCORPORATED BY REFERENCE IN SECTION 17.04.050 OF CITY OF BISHOP ORDINANCE NO. 424.”</p>
<p>ORDINANCE NO. 532 Contracting Preferences for Local and Small Businesses First Reading/Introduction (6) Motion/Stottlemyre</p>	<p>Councilmember Stottlemyre announced that at the Study Session Dan Stone from the Owens Valley Contractors and Vendors Association stated there is some encouraging information that will be forthcoming that could help the City and also help local contractors be more competitive in bidding local projects. He supported restoring the text of Ordinance No. 532 as presented to Council at the October 12, 2010 meeting.</p> <p>Councilmember Stottlemyre made a motion to amend Ordinance No. 532 by returning “distribution point” into Chapter 3.26.020 B.1.; approve as the first reading; and set November 8, 2010 for the second reading/adoption, by title only, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, ADDING CHAPTER 3.26 TO THE BISHOP MUNICIPAL CODE TO PROVIDE CONTRACTING PREFERENCES FOR LOCAL AND SMALL BUSINESSES”. The motion passed unanimously.</p>
<p>CITY PARK COMMUNITY GARDEN – Approval of</p>	<p>Mary McGurke, representing the Master Gardeners, gave a detailed presentation of the community garden that will add</p>

Final Design
(7)
Motion/Griffiths

beauty to the park and an opportunity for educational tours on the best practices of gardening. It will also promote a healthy community by providing space for gardening for those people who don't have space available to them. There will be approximately thirty-eight 10'x15' plots available to individuals and groups. She stated the site clearing is the first step with infrastructure work scheduled this fall. Planting will begin in the spring.

Ms. McGurke listed all the components of the plan including paths, tool sheds, compost bin, water-wise perennials, native plants, plants that attract hummingbirds, pollinators, herbs and vegetables, and plants requiring little water.

She indicated that no City funding will be used for the project. Fund raising activities have raised \$4,680 for expenses. Park staff will be providing some "in-kind" labor.

Assistant City Administrator/Community Services Director Caldwell requested the Council consider approval of the final design. Further discussion was held.

On a motion by Mayor Griffiths , the Council voted unanimously to approve the final design of the City Park Community Garden Project.

PUBLIC HEARING

APPEAL TO PLANNING
COMMISSION DECISION
OF AUGUST 31, 2010
Denying Conditional Use
Permit at Pestmaster
Services - 137 East South St.
(8)

The Mayor opened the public hearing to hear and consider public input on the appeal submitted by Pestmaster Services, Inc. of the City Planning Commission decision to deny the request for a Conditional Use Permit without prejudice to set aside the required number of facility parking spaces, the two-way driveway standard and allow the placement of one 8'x40' storage container and one 10'x32' mobile office trailer at 137 East South Street.

William Morris, Operations Manager for Pestmaster Services, Inc., reported the company maintains its nation-wide corporate office and local business with 14 full time and 3 part time employees at 137 East Line Street. In order to maintain the functionality of the business Mr. Morris requested Council consideration to allow the company to retain the storage container placed on the property in 2004 that is used for storing records outside the normal scope of business and required by law to be kept on site and available for immediate inspection.

Morris indicated the 8'x32' technician trailer (mobile office) was added in 1998 and is used by the Bishop office personnel due to the limited space in the corporate office.

Mr. Morris stated the Bishop Planning Commission seemed

concerned about the parking situation on East South Street which he felt was mainly caused by the use of lumber yard and body shop employees. The employees from Pestmaster park in the business's parking lot in the back and do not impact the street parking. The current driveway has not created any problems for entering or exiting. Morris did not want a situation that would cause the corporate office to be relocated from Bishop because this issue could not be resolved.

Tom Hardy, member of the Planning Commission, stated that the action taken by the Commission to deny the conditional use permit was made accordingly based on the information provided. He stated that Pestmaster representatives did not seem receptive to finding common ground. The decision was made "without prejudice" so that Pestmaster could modify their request and return to the Commission to avoid having to start the process from scratch. He personally felt the parking and driveway concerns could be resolved.

Mr. Morris stated he felt it was not an issue of finding common ground but being able to understand and find a common sense approach as Pestmaster has made the situation work for years.

Letters were received from Pestmaster employees, Denise George and Linda Beecham, opposing the Planning Commission decision to deny the Conditional Use Permit and were provided to the Council. Public comment in support of approving the Pestmaster conditional use permit was received from Linda Sargent, Brandon Sube, Troy Oney, Sherry Bragdon, Tom Sigler, and Felicia Herman.

Jeffrey Van Diepen, President and CEO of Pestmaster Services Inc. stated he didn't understand why after 12 years is the technician trailer a problem and when the business was built it didn't have a two-way driveway. Why wasn't it a problem then? How did the issue get to this point? He stated if the office trailer has to go, there is no place to relocate those employees at that location. To this point he has resisted external pressures to leave Bishop and relocate the corporate office. He stated he is hoping the City of Bishop can work with them to resolve the situation.

At the request of Mayor Griffiths, Gary Schley, Public Services Officer, gave the history on the issue. In 2002 the Council adopted an ordinance eliminating storage containers in residential areas and allowing their placement in commercial areas through the conditional use permit process. That year a survey was done identifying the storage containers required to be removed or needing a CUP. This year the City recently found more storage containers being placed on residential property which is prohibited by the new law. Another survey determined that 12-13 storage containers had been placed since 2002. Letters

were mailed informing property owners that they would have to apply for a conditional use permit or remove the container. Schley stated that most of the owners have complied but several are outstanding.

Schley stated that during the conditional use permit application process, the City looks at the history of the each property. It was found that building permits did not exist for the Pestmaster office trailer as well as the storage container and needed to be included with this process.

Motion/Cullen

There was discussion on the adjacent lot, also owned by Pestmaster Services, and the options for using footage from that property to meet the parking requirements. Staff indicated that because it is a separate parcel a lot line adjustment would be needed but was a viable solution.

Mr. Van Diepen stated there was no attempt to side step the permit process and hoped to work with the City to resolve the problem so no jobs are lost. William Morris thanked the Council for their consideration of the appeal.

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

RECESS/RECONVENE

Following a brief recess the Mayor reconvened the Council meeting.

NEW BUSINESS

CONSIDERATION OF
APPEAL OF PLANNING
COMMISSION DECISION
OF AUGUST 31, 2010
Pestmaster Services Inc.
137 East South Street
(9)
Motion/

At the request of the Mayor, Commissioner Hardy gave a summary on the reasoning for the Planning Commission decision and possible areas of “middle ground”. Commissioner Hardy stated that the commission’s responsibility is to apply the laws established by the Council. Hardy stated, in his perception, this conditional use permit application has three areas that are out of compliance with City codes: the unpermitted storage container that was placed on a parking space required with the original permit; the office trailer that was also not permitted and blocks a portion of the two-way driveway. With the combined factors he felt a compelling case was not made by the proponent for approval of the conditional use permit. He indicated because of the multiple parts there could be “middle ground” found with them individually.

Discussion was held on the options available for correcting the areas that are out of compliance and actions available to the Council. It was determined that a lot line adjustment to connect the two parcels owned by Pestmaster Services would be a viable solution.

It was the consensus of Council that the main concern was the reduction of parking created by the storage container and office trailer.

Mayor Griffiths stated that Bishop has had a long history of parking problems complicated by zoning and other requirements. Although this time the concern is one parking space, it doesn't work to let everyone do what they want to do. The Council's goal is to try to make it work for the City, business and community at large.

A motion was made by Mayor Pro Tem Dishion to return the conditional use permit application to the Planning Commission with an amended proposal (from the proponent) for a revised site plan and recommended consideration by the Commission of a potential lot line adjustment as part of the process. The motion passed 5-0.

STREET CLOSURE
December 3, 2010
Annual Street of Lights
(10)
Motion/Smith

On a motion by Councilmember Smith, the Council voted 5-0 to approve the closure of Academy Street during the Annual Street of Lights on Friday, December 3, 2010 from 6:00 p.m. to 9:30 p.m. for annual activities.

SCADA CONTRACT
Amendment 2
(11)
Motion/Stottlemire

On a motion by Councilmember Stottlemire, the Council voted 5-0 to approve the execution of Amendment 2 to the contract with Stantec (formerly Eco:Logic Engineering) for the addition of the sewer SCADA and tower change with a new not-to-exceed amount for the contract of \$158,522.00.

GENERAL PLAN UPDATE
Professional Services
Contract – Bauer Planning &
Environmental Services Inc.
(12)
Motion/Cullen

Staff reported that the scope of work for the professional services contract will include Housing Element Compliance, Circulation Element Update, Sustainable Communities Grant Application and Public Outreach and Interactive Website. It was also reported that \$100,000.00 has been budgeted in fiscal year 2010-11 and \$50,000.00 in fiscal year 2011-2012.

Councilmember Cullen made a motion to approve the execution of a professional services contract with Bauer Planning & Environmental Services Inc. in the amount not-to-exceed \$133,600.00. The motion passed 5-0.

MACIVER STREET
LIGHTING PROJECT
Request to Re-Advertise
(13)
Motion/Smith

A motion was made by Councilmember Smith to approve the re-advertisement of the MacIver Street Lighting Project. The motion passed 5-0.

CITY PARK RULES AND
REGULATIONS –
Discussion and Direction to

Staff reported that graffiti and vandalism inside the City Park have been on the increase during the hours after dark even with extra patrol by the Police Department. Community Services

<p>Staff (14)</p>	<p>Director Caldwell suggested possible changes to the City Park Rules and Regulations Chapter 9.24 of the Bishop Municipal Code relating to park hours in order to prevent property damage and activities that can create an unsafe and unhealthy environment.</p>
	<p>It was determined that discussions will be held with the Parks and Recreation Commission and Police Department personnel to develop changes to bring back to the City Council.</p>
<p>HIRING FREEZE WAIVED Part Time Office Assistant Police Department (15) Motion/Cullen</p>	<p>On a motion by Councilmember Cullen, the Council voted 5-0 to authorize waiving the hiring freeze to advertise and fill the vacant Part Time Office Assistant position at the Police Department.</p>
<p>GENERAL MUNICIPAL ELECTION – March 2011 (16)</p>	<p>In order to facilitate the General Municipal Election to be held in the City of Bishop on March 8, 2011, the Council took action on the following resolutions:</p>
<p>Resolution No. 10-19 Calling for the Holding of an Election (A) Motion/Stottlemire</p>	<p>On a motion by David Stottlemire, the Council voted 5-0 to adopt Resolution No. 10-19 by title only, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES”.</p>
<p>Resolution No. 10-20 Requesting Services from County of Inyo (B) Motion/Cullen</p>	<p>On a motion by Councilmember Cullen, the Council voted 5-0 to adopt Resolution No. 10-20 by title only, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011”.</p>
<p>Resolution No. 10-21 Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements (C) Motion/Smith</p>	<p>On a motion by Councilmember Smith, the Council voted 5-0 to adopt Resolution No. 10-21 by title only, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011”.</p>
<p>GENERAL MUNICIPAL ELECTION March 2011 Resolving Tie Votes</p>	<p>Following discussion on the options for resolving possible tie votes for the City election, a motion was made by Councilmember Stottlemire that for the City of Bishop General</p>

(17)
Motion/Stottlemyre

Municipal Election scheduled for March 8, 2011 any tie votes that occur will be determined “by lot” (coin toss or name draw, etc.). The motion passed unanimously.

COUNCIL REPORTS

ADJOURNMENT

The Mayor adjourned the meeting at 9:50 p.m. to the next Council meeting scheduled for Monday, November 8, 2010 at 7:00 p.m. in the City Council Chambers.

JEFF GRIFFITHS, MAYOR

Attest: James Southworth, City Clerk

By: _____
Denise Gillespie, Assistant City Clerk