



# CITY OF BISHOP

## CITY COUNCIL MEETING AGENDA

City Council Chambers - 301 West Line Street - Bishop, California

### NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the City Clerk at 760-873-5863. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 13.102-35.104 ADA Title II)

Any writing that is a public record that relates to an agenda item for open session distributed less than 72 hours prior to the meeting will be available for public inspection at City Hall, 377 West Line Street, Bishop, California during normal business hours. Government Code § 54957.5(b)(1). Copies will also be provided at the appropriate meeting.

Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration. NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

**MONDAY, APRIL 23, 2012**  
**7:00 P.M.**

### INVOCATION

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**PUBLIC COMMENT – NOTICE TO THE PUBLIC:** This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Mayor, please state your name and address for the record and please limit your comments to three minutes. Under California law the City Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the City Council may briefly respond to comments or questions from members of the public. Therefore, the City Council will listen to all public comment but will not generally discuss the matter or take action on it.

### PRESENTATIONS

- (1) Recognition of the Bishop Union High School Junior Varsity Mathletes - Champions of the Desert Interscholastic Mathematics League 2011-2012
- (2) Recognition of Bronco Soccer Athlete – Tim Pejasa

### DEPARTMENT HEAD REPORTS

- (3) Updates on department activities will be given by the Department Heads
  - A. Fire Chief Ray Seguine
  - B. Police Chief Chris Carter
  - C. Public Works Director/City Engineer Dave Grah
  - D. City Administrator/Community Services Director Keith Caldwell

**CONSENT CALENDAR – NOTICE TO THE PUBLIC:** All matters under the Consent Calendar are considered routine by the City and will be acted on by one motion.

(4)

FOR APPROVAL/FILING  
Minutes

(a) Study Session – March 26, 2012

- (b) Council Meeting – March 26, 2012
- (c) Study Session – April 9, 2012
- (d) Council Meeting – April 9, 2012

FOR INFORMATION/FILING

Agenda  
Reports

- (e) Planning Commission – April 24, 2012
- (f) Public Works Report – March 2012

**NEW BUSINESS**

- (5) STREET VENDOR PERMIT AMENDMENT – Request to extend hours of operation to seven days a week - Paige and Bob Van Velzer, Hot Diggity Dogs – Administration.
- (6) ORDINANCE NO. 539 RESPECTING CITY COMMISSIONS – Consideration to approve the second reading and adoption of the ordinance improving the language in the code for selection of commissioners – Administration.
- (7) RESOLUTION NO. 12-12 RESPECTING LEGAL PUBLICATIONS – Consideration to adopt the resolution authorizing the City Clerk to prepare summaries of proposed ordinances for legal publication in lieu of publishing the entire text – Administration.
- (8) BID AWARD – PORTABLE RADIOS – Consideration to award the bid to the lowest responsive bidder for twelve portable radios that meet the FCC narrowbanding requirements – Police Department.
- (9) CHURCH STREET WATER IMPROVEMENTS PROJECT – Consideration to re-advertise the project to replace the last section of two-inch water lines in the City – Public Works Department.
- (10) STREET CLOSURE – *EVERY 15 MINUTES* EVENT – Consideration to approve the street closure of West Pine Street between Home and Fowler Streets for a portion of the day May 2, 2012 – Public Works Department.
- (11) WATER VALVE EXERCISER – Consideration to approve advertisement to purchase a valve exerciser – Public Works Department.
- (12) WYE ROAD STORM DRAIN PROJECT – Consideration to reject all bids received for the Wye Road Storm Drain Project – Public Works Department.
- (13) SNEDEN STREET CONTRACT SERVICES AND WATER CAPITAL IMPROVEMENTS – Consideration to approve Contract Change Order 2 to the street delivery services contract with Nolte authorizing \$78,545 total expenditure for design – Public Works Department.
- (14) SEWER PONDS PERFORMANCE EVALUATION – Consideration to approve a contract with H & S Environmental to evaluate the performance of the sewer ponds and authorize the necessary budget adjustments – Public Works Department.

**COUNCIL AND COMMITTEE REPORTS**

**CLOSED SESSION**

- (15) CONFERENCE WITH LABOR NEGOTIATOR Keith Caldwell, City Administrator, pursuant to Government Code § 54957.6(a) – Bishop Employees Association, Bishop Police Officers Association, Mid-Management, Management.
- (16) Pursuant to Government Code §54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Sunrise Mobile Home Park Manager.

**REPORT ON ACTIONS TAKEN IN CLOSED SESSION IF REQUIRED**

**ADJOURNMENT**

Monday, May 14, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers  
**Tuesday**, May 29, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers  
Monday, June 11, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers  
Monday, June 25, 2012 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting – Council Chambers



# CITY OF BISHOP

## STUDY SESSION AGENDA

Council Chambers - 301 West Line Street - Bishop, California

### NOTICES TO THE PUBLIC

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Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration. NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

**MONDAY, APRIL 23, 2012**

**4:00 p.m.**

### CALL TO ORDER

### ROLL CALL

PUBLIC COMMENT - NOTICE TO THE PUBLIC: This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Mayor, please state your name and address for the record and please limit your comments to three minutes. Under California law the City Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the City Council may briefly respond to comments or questions from members of the public. Therefore, the City Council will listen to all public comment but will not generally discuss the matter or take action on it.

### SCHEDULED DISCUSSION

1. Annual Awards Dinner
2. Format for Inyo County Probation Department presentation on realignment
3. Current 7:00 p.m. agenda items
4. Future agenda items
5. Tour Auditorium Sidewalk Project

### DEPARTMENT HEAD REPORTS

1. Fire Chief Ray Seguire
2. Police Chief Chris Carter
3. Public Works Director/City Engineer Dave Grah
4. City Administrator / Community Services Director Keith Caldwell

### DISCUSSION

1. Councilmember Jim Ellis
2. Councilmember Jeff Griffiths
3. Councilmember Laura Smith
4. Mayor Pro Tem Susan Cullen
5. Mayor Dave Stottlemyre

ADJOURNMENT – To City Council meeting scheduled at 7:00 p.m. in the City Council Chambers.

# STUDY SESSION

TO: CITY COUNCIL  
FROM: KEITH CALDWELL, CITY ADMINISTRATOR  
**SUBJECT: INYO COUNTY PROBATION – REALIGNMENT PRESENTATION**  
DATE: APRIL 23, 2012

Attachments:

## BACKGROUND/SUMMARY

Councilmember Griffiths requested consideration for the Inyo County Probation Department to make a presentation to the Council on realignment. The 1 ½ hour presentation was made to the Board of Supervisors recently. Jeff Thomson stated that condensing the content would eliminate a significant amount of important information.

## RECOMMENDATION

Council consideration to allow sufficient time for the Probation Department presentation at either one or two consecutive meetings.

## **AGENDA PLANNING FOR UPCOMING MEETINGS**

### **MON – MAY 14, 2012 MEETINGS**

#### **4:00 PM**

- View new fire apparatus

#### **7:00 PM**

- Appointment of Parks and Recreation Commissioner
- Presentation to outgoing Parks and Recreation Commissioner – Cheryl McDermott-Stanford
- Headworks Work Order 5
- Approve sewer trunk consultant contract
- Fixed Asset Policy revisions

### **TUES, MAY 29, 2012 MEETINGS**

#### **4:00 PM**

- Quarterly Citizen Award Nominations

#### **7:00 PM**

- Water Storage Tank Project – Work Order 4

### **MON – JUNE 11, 2012 MEETINGS**

#### **4:00 PM**

#### **7:00 PM**

- Water and Sewer Rate Study RFP
- Bid Award – Church Street Water Improvements Project

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: RECOGNITION OF BUHS JV MATHLETES TEAM**

DATE: APRIL 23, 2012

Attachments: Inyo Register article of March 3, 2012

BACKGROUND/SUMMARY

Bishop Union High School has another championship team! The Junior Varsity Mathletes are the champions of the Desert Interscholastic Mathematics League 2011-2012. The nine members of the JV team will attend the meeting to be recognized by the Council.

Melodie Aust  
Olivia Grah  
Thomas Sills

McKenna Cortez  
Tenaya Morelock  
Laura Stickells

Justin Gilpin  
Colton Riesen  
Caitlyn Vargas

The team is coached by Bob Siefken who would also like to recognize Dave French, coach of the Varsity Mathletes, Tracey Taylor, clerk at the Pine and Elm campus who handled the transportation, and Peter Stickells who drove to all four meets.

RECOMMENDATION

Hear from Coach Siefken and present the commendations to the students.

TO: CITY COUNCIL  
FROM: KEITH CALDWELL, CITY ADMINISTRATOR  
**SUBJECT: RECOGNITION OF BRONCO ATHLETE**  
DATE: APRIL 23, 2012

Attachments:

BACKGROUND/SUMMARY

Bronco soccer athlete Tim Pejsa will be recognized for the accomplishment of being named as a member of the All CIF Division 6 Soccer Team.

RECOMMENDATION

Present the Council Commendation to Pejsa.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: DEPARTMENT HEAD UPDATES**

DATE: APRIL 23, 2012

BACKGROUND/SUMMARY

The department heads from Fire, Police, Public Works and Administration/Community Services will provide updates on various departmental activities, current and on-going projects.

RECOMMENDATION

Hear the reports.

CITY OF BISHOP  
CITY COUNCIL STUDY SESSION MINUTES  
MARCH 26, 2012

CALL TO ORDER	Mayor Stottlemyre called the meeting to order at 4:00 p.m. in the City Council Chambers at 301 West Line Street, Bishop, California.
COUNCIL PRESENT	Council Members Jeff Griffiths, Laura Smith Mayor Pro Tem Susan Cullen Mayor David Stottlemyre
COUNCIL ABSENT	Jim Ellis
OTHERS PRESENT	Keith Caldwell, City Administrator/Community Services Director Denise Gillespie, Assistant City Clerk Ray Seguine, Fire Chief Fred Gomez, Police Lieutenant David Grah, Public Works Director/City Engineer
PUBLIC COMMENT	The Mayor announced the public comment period. No public comment was provided.
SCHEDULED DISCUSSION	Discussion was held on the following Study Session agenda items:
1. CDBG Grant Application	<p>Larry Emerson with the Inyo Mono Advocates for Community Action reported on the need for low-income and senior housing in the community. A CDBG grant application and sub-recipient agreement between the City of Bishop and IMACA are scheduled for action at the 7:00 p.m. Council meeting. The grant includes two activities: the reconstruction of the 19 Valley Apartments on Clarke Street constructed in 1940-50 and the Planning and Technical Assistance studies. The CDBG grant application is for the maximum allowance of \$1 million; however approximately \$1 million more funding will be needed to complete the project. IMACA has title to the land and an outstanding loan.</p> <p>Emerson reported that IMACA is preparing HOME funds applications for the Silver Peaks project. He gave a brief update on the status of Silver Peaks.</p> <p>A short video on the need for low income housing was shown for Council's information. It is not part of the grant application.</p>
2. Tri-County Fairgrounds Update	Executive Director Jim Tatum gave an update on state funding levels and new and upcoming events scheduled at the Fairgrounds.

3. Parks and Recreation Commission Membership      Mayor Stottlemyre suggested the Council revisit whether the number of members on the Parks and Recreation Commission should be increased from five to seven. Discussion was held but a consensus was not reached.
- Stottlemyre also suggested a review of the language in the ordinance relating to residency and selection of candidates to serve on the commission. A draft ordinance will be provided for Council review at the April 9<sup>th</sup> meeting that will better reflect the current process.
4. Current 7:00 p.m. Agenda Items      The agenda items for the 7:00 p.m. meeting were discussed.
5. Future Agenda Items      New items were added to the April Council meetings.
- DEPARTMENT HEAD REPORTS      Reports from Community Services, Fire, Police, Public Works and Administration were given on the departments' activities including upcoming and ongoing projects.
- COUNCIL DISCUSSION      Council Members gave committee reports, community announcements and/or made comments or inquiries to staff. No action was taken.
- ADJOURNMENT      The Mayor adjourned the meeting at 5:20 p.m. to the regular City Council meeting scheduled at 7:00 p.m.

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DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

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

CITY OF BISHOP  
CITY COUNCIL MINUTES  
MARCH 26, 2012

- CALL TO ORDER** Mayor Stottlemyre called the meeting of the Bishop City Council to order at 7:00 p.m. in the City Council Chambers, 301 West Line Street, Bishop, California.
- INVOCATION** The invocation was given by Pastor Paul Straub of the Nazarene Church followed by the Pledge of Allegiance and flag ceremony conducted by the Sierra Nevada Girl Scout Brownie Troop #350 members Averly Haye, Lacey Lehigh, Jordan Pritchard, and Taylor Thornburg.
- COUNCIL PRESENT** Councilmembers Jeff Griffiths, Laura Smith  
Mayor Pro Tem Susan Cullen  
Mayor David Stottlemyre
- COUNCIL ABSENT** Jim Ellis
- OTHERS PRESENT** Keith Caldwell, City Administrator/Community Services Director  
Denise Gillespie, Assistant City Clerk  
Peter Tracy, City Attorney  
Ray Seguine, Fire Chief  
Fred Gomez, Police Lieutenant  
David Grah, Public Works Director/City Engineer  
Gary Schley, Public Services Officer
- PUBLIC COMMENT** The Mayor announced the public comment period. Douglas Cooper stated he is concerned about gang activity in Bishop. Police Lt. Gomez offered to meet with Mr. Cooper to discuss his concerns.
- DEPARTMENT HEAD REPORTS**  
(1) Reports from Administration, Community Services, Fire, Police, and Public Works were given on the departments' activities including upcoming and ongoing projects.
- CONSENT CALENDAR**  
(2) A motion was made by Mayor Pro Tem Cullen and passed 4-0 with Ellis absent, to approve the Consent Calendar as presented:
- Motion/Cullen
- FOR APPROVAL AND FILING**
- (a) Fund Transactions – 7/1/11 – 2/29/12
  - (b) Personnel Status Change Report
  - (c) Request to Surplus Unclaimed Found Property – BPD020-12
  - (d) Designation of absences – Councilmember Jim Ellis
- FOR INFORMATION AND FILING**
- (e) Planning Commission Agenda – March 27, 2012
  - (f) Water and Sewer Commission Agenda – March 13, 2012
  - (g) Water and Sewer Commission Minutes – January 1, 2012

- (h) Public Works Report – January 2012
- (i) Public Works Report – February 2012

**PUBLIC HEARINGS**

**ENVIRONMENTAL  
REVIEW Crossfit Gym**  
162 Willow Street  
(3)

The Mayor opened the public hearing to hear and consider public input on the Initial Study and Draft Negative Declaration to allow Crossfit Gym to set aside the commercial parking requirements for gymnasium occupancy pursuant to Bishop Municipal Code Section 17.48.070 at 162 Willow Street which is located in a C-2 Zoning District (General Commercial).

The proponent, Colin Broadwater, addressed the Council on his project to move his gym to a new location.

Motion/Cullen

No further comment was provided. A motion was made by Mayor Pro Tem Cullen to close the public hearing. Motion passed 4-0 with Ellis absent.

**CDBG DESIGN  
APPLICATION**  
(4)

The Mayor opened the public hearing to hear and consider input and discuss the submittal of an application in response to the 2012 State Community Development Block Grant (CDBG) Program Notice of Funding Availability (NOFA) and to solicit citizen input.

Larry Emerson from the Inyo Mono Advocates for Community Action, I.M.A.C.A., requested Council consideration to adopt a resolution approving the application for funding to reconstruct the Valley Apartments located at 156 East Clarke Street and two activities under Planning and Technical Assistance. Emerson stated the apartments were built in the 1940's and 1950's as a motel and have exceeded their functional life. The requested funding is for the maximum of \$1,000,000. The funding for two Planning and Technical Assistance studies at \$50,000 each include a HOME funding application for the Silver Peaks project to prepare a study at the southwest corner of MacIver and Spruce; the second is for a sewer master plan focused on the northeast quadrant of the city.

Motion/Smith

No further comment was provided. Councilmember Smith made a motion to close the public hearing. Motion passed 4-0 with Ellis absent.

**NEW BUSINESS**

**NEGATIVE  
DECLARATION**  
Crossfit Gym – 162 Willow  
(5)  
Motion/Griffiths

Councilmember Griffiths made a motion to adopt the Negative Declaration to allow Crossfit Gym to set aside the commercial parking requirements for gymnasium occupancy pursuant to Bishop Municipal Code Section 17.48.070 at 162 Willow Street as the project involves no potential for adverse effect, either individually or cumulatively, on wildlife, native plants, streams,

water courses, scenic or historic resources and human beings.  
Motion passed 4-0 with Ellis absent.

RESOLUTION NO. 12-10  
CDBG Grant Application  
(6)  
Motion/Cullen

Mayor Pro Tem Cullen made a motion to adopt Resolution No. 12-10 by title, "A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2012 ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM." The motion passed 4-0 with Ellis absent.

PARKS AND  
RECREATION  
COMMISSION  
Appointment  
(7)  
Motion/Griffiths

On a motion by Councilmember Griffiths, based on the recommendation of the interview committee, the Council voted 4-0 (with Ellis absent) to appoint Thomas Batchelder to the Parks and Recreation Commission to a four-year term ending March 25, 2016.

ADOPTION OF  
ORDINANCE NO. 538  
Relating to Fees and Charge  
Revenue  
(8)  
Motion/Smith

Councilmember Smith made a motion to adopt Ordinance No. 538 by title only, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING TITLE 3 REVENUE AND FINANCE CHAPTER 3.22 ENTITLED 'FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM' OF THE BISHOP MUNICIPAL CODE." The motion passed 4-0 with Ellis absent.

RESOLUTION NO. 12-11  
Fees and Charges for City  
Services FY 2012-2013  
(9)  
Motion/Cullen

Mayor Pro Tem Cullen made a motion to adopt Resolution No. 12-11 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." Motion passed 4-0 with Ellis absent.

SUNRISE MOBILE HOME  
PARK – 2012-2013 State  
Budget  
(10)  
Motion/Smith

The City Administrator reported that the 30-year contract with the State of California for Sunrise Mobile Home Park expires in December 2012. Councilmember Smith made a motion to adopt the 2012-2013 Sunrise Mobile Home Park budget as presented. Motion passed 4-0 with Ellis absent.

GENERAL PLAN  
2011 Annual Progress  
Report  
(11)  
Motion/Griffiths

Councilmember Griffiths made a motion to approve the General Plan 2011 Annual Progress Report and authorized the submittal of the report to the Governor's Office of Planning and Research. Motion passed 4-0 with Ellis absent.

LADWP LEASE BL-1481  
City Parking Lots  
(12)  
Motion/Griffiths

Councilmember Griffiths made a motion to approve the Los Angeles Department of Water and Power lease BL-1481 for various city parking lots for the five-year term of March 1, 2012 through February 28, 2017 and authorized the City Administrator to execute the document. Motion passed 4-0 with Ellis absent.

COUNCIL REPORTS Council Members reported on committee meetings and announced upcoming community events. No action was taken.

CLOSED SESSION At 7:58 p.m. the Mayor recessed to closed session as agendized:

CONFERENCE WITH LABOR NEGOTIATOR Conference with Labor Negotiator Keith Caldwell, City Administrator, pursuant to Government Code § 54957.6(a) – Bishop Employees Association, Bishop Police Officers Association, Mid-Management and Management

RECONVENE At 8:45 p.m. the Mayor reconvened to open session. It was reported that no action was taken during closed session.

ADJOURNMENT The Mayor adjourned the meeting at 8:45 p.m. to the Study Session scheduled for Monday, April 9, 2012 at 4:00 p.m. in the City Council Chambers.

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DAVID STOTTLEMYRE, MAYOR

Attest: Keith Caldwell, City Clerk

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

CITY OF BISHOP  
CITY COUNCIL STUDY SESSION MINUTES  
APRIL 9, 2012

CALL TO ORDER	Mayor Stottlemyre called the meeting to order at 4:00 p.m. in the City Council Chambers at 301 West Line Street, Bishop, California.
COUNCIL PRESENT	Council Members Jeff Griffiths, Laura Smith Mayor Pro Tem Susan Cullen Mayor David Stottlemyre
COUNCIL ABSENT	Jim Ellis
OTHERS PRESENT	Keith Caldwell, City Administrator/Community Services Director Denise Gillespie, Assistant City Clerk Ray Seguine, Fire Chief Chris Carter, Police Chief David Grah, Public Works Director/City Engineer
PUBLIC COMMENT	<p>The Mayor announced the public comment period. Skandar Reid made constructive comments on the I.M.A.C.A. video on the need for low-income housing the Bishop community presented at the March 26<sup>th</sup> Study Session.</p> <p>Public Works Director Grah introduced the new Public Works Intern Scott Egan to the Council. Mr. Egan will be working on the G.I.S. program to address issues in the City, Wastewater Treatment Plant and performing wells.</p>
SCHEDULED DISCUSSION	Discussion was held on the following Study Session agenda items:
1. Bishop Population Sign	<p>Director Grah stated there has been interest expressed in updating the City of Bishop population signs, posted at city limit highway and street entrances, to better reflect the population of the Bishop community instead of the actual count within the city limits. Grah stated that Caltrans owns the signs and has a statewide practice of using the U.S. Census population for incorporated cities. Caltrans questioned how a boundary would be determined for calculating a regional population and did not feel a change was warranted at their level.</p> <p>The Public Works Director stated this could be an opportunity for the community to develop a proposal to place a community population sign under permit.</p> <p>Tawni Thomson, Executive Director of the Bishop Chamber of Commerce, stated that frequently they hear from prospective</p>

businesses looking to relocate that Bishop is too small, but when told the population is 10,000 higher than the signs there is more interest. It is the Chambers observation that the Caltrans sign rules are a deterrent to potential economic development here and since population signs are posted for the smaller unincorporated towns in the area, determining boundaries shouldn't be an issue.

2. Sunrise Mobile Home Park  
The date of May 9, 2012 at 3:00 p.m. was set to meet with the residents of the Sunrise Mobile Home Park to discuss the future plans for the Park. A second meeting can be planned based on residents' needs. Councilmembers Smith and Griffiths will attend.

3. Review Dates and Topics for Council Retreat  
The date of May 4, 2012 was set for the next Council Retreat. New items were discussed for inclusion on the agenda.

4. Current 7:00 p.m. Agenda Items  
There was no discussion on the upcoming 7:00 p.m. agenda items.

DEPARTMENT HEAD REPORTS  
Reports from Community Services, Police, Public Works and Administration were given on the departments' activities including upcoming and ongoing projects. The Fire Chief left to attend a meeting in Lone Pine prior to department reports.

COUNCIL DISCUSSION  
Council Members gave committee reports, community announcements and/or made comments or inquiries to staff. No action was taken.

ADJOURNMENT  
The Mayor adjourned the meeting at 5:20 p.m. to the regular City Council meeting scheduled at 7:00 p.m.

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DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

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

CITY OF BISHOP  
CITY COUNCIL MINUTES  
APRIL 9, 2012

CALL TO ORDER Mayor Stottlemire called the meeting of the Bishop City Council to order at 7:00 p.m. in the City Council Chambers, 301 West Line Street, Bishop, California.

INVOCATION The invocation was given by Pastor Kelly Larson of the Bishop Creek Community Church followed by the Pledge of Allegiance led by Commander John Underhill of VFW Post 8988.

COUNCIL PRESENT Councilmembers Jeff Griffiths, Laura Smith  
Mayor Pro Tem Susan Cullen  
Mayor David Stottlemire

COUNCIL ABSENT Jim Ellis

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

PUBLIC COMMENT The Mayor announced the public comment period. Dick Noles gave a report on the volunteer work being done in the Buckley Ponds area to create fisheries. He stated that thanks to the Department of Water and Power, restaurants that donated lunches for the work crews, local contractors, and the Lions Club installation of a handicapped ramp, the community has an incredible opportunity for family fishing. Noles remarked it was amazing to see the commitment of the community to make Rawson Pond 3 happen.

California Highway Patrol Captain Andria Witmer provided information on National Distracted Driving Month and gave examples of distracted driving that can cause accidents.

QUARTERLY CITIZEN AWARD – Stan and Roberta Matlick  
(1) In honor of the community involvement of Stan Matlick and his wife, Roberta, prior to her passing in January, the City Council chose to honor them with the Quarterly Citizen Award. Several members of V.F.W. Post 8988 were in attendance to honor Stan as well as people who served on various community boards with him. Ellie Pachucki, a local educator, praised Roberta’s commitment to the youth in the community and her 14 years of volunteer work at the elementary school. Roberta was very much appreciated and is missed by those who worked with her.

PROCLAMATIONS

Sexual Assault Awareness Month  
(2) Misti Clark-Holt, Program Coordinator at Wild Iris, reported there has been a 66% increase in child sexual assault cases this year. A forum will be held this month to help inform and educate those who work with young people.

Child Abuse Prevention Month  
(3) The Council read proclamations for both Sexual Assault Awareness Month and Child Abuse Prevention Month.

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

CONSENT CALENDAR  
(5) A motion was made by Mayor Pro Tem Cullen and passed 4-0 with Ellis absent to approve the Consent Calendar as presented:

- Motion/Cullen
- FOR APPROVAL AND FILING
- (a) Council on Campus Meeting – March 12, 2012
  - (b) Council Meeting Minutes – March 12, 2012
  - (c) Warrant Register – March 2012
  - (d) Investment Portfolio – February 2012
  - (e) Sunrise Mobile Home Replacement Reserve Account 1/1/12 – 3/31/12
  - (f) Parks and Recreation Commission – February 22, 2012
  - (g) Planning Commission – February 28, 2012
  - (h) Fire Department Activity Log – March 2012
  - (i) Public Works Building Permits Report – March 2012
  - (j) Sewer Fund Monthly Balances 2011-2012
  - (k) Water Fund Monthly Balances 2011-2012

NEW BUSINESS

BID AWARD – Auditorium Sidewalk Project  
(6) The Public Works Director reported that five bids were received on the Auditorium Sidewalk Project. Due to state funding, this project was not eligible for the local contractors' preference.

<u>Bidder / Location</u>	<u>Option 1</u>	<u>Option 2</u>
Truhls Concrete, Bishop	\$52,944.60	\$40,998.16
Conspec, Lee Vining	69,649.12	63,252.82
V & C Construction, Minden, NV	42,232.00	39,683.00
R.J. Frank Construction, Redding	66,932.00	49,532.00
J. RDMMAC, Victorville	94,259.50	68,076.00

Discussion was held on whether colored concrete included in Option 1 should be used.

Motion/Griffiths Councilmember Griffiths made a motion to award the Auditorium Sidewalk Project construction contract to V & C Construction for Construction Option 1 (colored concrete); authorized the

execution of the construction contract with V & C; and authorized the expenditure of up to \$44,343.60 through the construction contract. The motion passed on the following roll call vote: Ayes: Griffiths, Smith, Stottlemire; No: Cullen; Absent: Ellis.

REQUEST TO GO TO BID  
Portable Radios – Police  
Department  
(7)  
Motion/Smith

Councilmember Smith made a motion to approve the request to go to bid for twelve Motorola XPR 6550 portable radios and accessories that will be compliant with the Federal Communication Commission mandate for narrowband radio frequencies. The motion passed 4-0 with Ellis absent.

REQUEST TO WAIVE  
HIRING FREEZE  
Police Reserve Officer  
(8)  
Motion/Cullen

Councilmember Cullen made a motion to waive the hiring freeze to allow the Police Department to hire a qualified candidate as a Police Reserve Officer. The motion passed 4-0 with Ellis absent.

INTRODUCTION OF  
ORDINANCE NO. 539  
Respecting City  
Commissions  
(9)

At the request of Council to better reflect the current criteria for selecting candidates to serve on the City’s commissions, the City Attorney revised the wording to the current ordinance. Ordinance No. 539 reflects those changes and was presented for introduction.

Discussion was also requested by Council on whether the number of members on the Parks and Recreation should be changed from five to seven due to recent interest in serving on the commission. It was determined the number would remain at five members.

Motion/Griffiths

Councilmember Griffiths made a motion to approve the introduction/first reading of Ordinance No. 539 by title only, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING SECTION 2.20.010 OF CHAPTER 2.20; SECTION 2.22.010 OF CHAPTER 2.22; SECTION 2.24.020 OF CHAPTER 2.24; AND REPEALING ORDINANCE NO. 391 AND CHAPTER 2.16 OF THE BISHOP MUNICIPAL CODE RESPECTING CITY COMMISSIONS.” The motion passed 4-0 with Ellis absent.

APPROVAL OF  
AMENDMENT OF  
COUNCIL POLICY  
MANUAL  
(10)  
Motion/Smith

A motion was made by Councilmember Smith to update the procedure for filling vacancies on the City commissions and approve the amendment to Council Policy Manual – Commission Appointments A-3. The motion passed 4-0 with Ellis absent.

COUNCIL RETREAT  
Date Set  
(11)

It was announced by Mayor Stottlemire that the next Council Retreat has been set for May 2, 2012 at 1:00 p.m. at City Hall.

APPROVAL OF LADWP  
LEASE BL-1239

Mayor Pro Tem Cullen made a motion to approve the Los Angeles Department of Water and Power Lease BL-1239 for the

Sierra Street Parking Lot (12) Motion/Cullen	Sierra Street parking lot for a term of five years. The motion passed 4-0 with Ellis absent.
SET INTERVIEW COMMITTEE Parks and Recreation Commission (13)	The upcoming term expiration on the Parks and Recreation Commission has been advertised according to City procedures. The incumbent, Cheryl McDermott-Stanford, gave notification that she will not be seeking reappointment. It was determined that Mayor Pro Tem Cullen and Councilmember Smith will serve on the interview committee.
CITY PROPERTY SURPLUS (14) Motion/Griffiths	A motion by Councilmember Griffiths was made to declare the designated equipment as surplus to the needs of the City and authorized the City Administrator to dispose of the items in the best interest of the City. Motion passed 4-0 with Ellis absent.
BUDGET ADJUSTMENTS/ TRANSFERS FY 2011-2012 (15) Motion/Smith	Councilmember Smith made a motion to approve the budget adjustments and transfers for Fiscal Year 2011-2012 through March 30, 2012 as presented. Motion passed 4-0 with Ellis absent.
COUNCIL REPORTS	Council Members reported on committee meetings and announced upcoming community events. No action was taken.
CLOSED SESSION	At 8:20 p.m. the Mayor recessed to closed session as agendaized:
CONFERENCE WITH LABOR NEGOTIATOR	Conference with Labor Negotiator Keith Caldwell, City Administrator, pursuant to Government Code § 54957.6(a) – Bishop Employees Association, Bishop Police Officers Association, Mid-Management and Management
RECONVENE	At 8:24 p.m. the Mayor reconvened to open session. It was reported that no action was taken during closed session.
ADJOURNMENT	The Mayor adjourned the meeting at 8:24 p.m. to the Study Session scheduled for Monday, April 23, 2012 at 4:00 p.m. in the City Council Chambers.

---

DAVID STOTTLEMYRE, MAYOR

Attest: Keith Caldwell, City Clerk

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

City of Bishop  
PLANNING COMMISSION MEETING AGENDA  
City Council Chambers – 301 West Line Street  
Bishop, California 93514

DATE:

April 24, 2012

7:00 P.M.

NOTICE TO THE PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (760) 873-5863. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II).

Any writing that is a public record that relates to an agenda item for open session distributed less than 72 hours prior to the meeting will be available for public inspection at City Hall, 377 West Line Street, Bishop, California.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENT: NOTICE TO THE PUBLIC: This time is set aside to receive public comment on matters not calendared on the agenda.

APPROVAL OF MINUTES

- (1) Minutes of the Planning Commission meeting held on March 27, 2012 subject for approval.

CORRESPONDENCE

PUBLIC HEARING: If anyone wishes to appeal any decisions by the Planning Commission, they can do so by writing to the City Council within 5 days of the meeting.

- (2) Request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage to 428 sq. ft. of signage at 174 South Main Street, which is in a C-1 zone (General Commercial and Retail).

NEW BUSINESS

- (3) Request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage to 428 sq. ft. of signage at 174 South Main Street, which is in a C-1 zone (General Commercial and Retail)

## STAFF AND COMMISSION REPORTS

ADJOURNMENT: The next regularly scheduled meeting of the Planning Commission will be May 30, 2012 at 7:00 P.M. in the Bishop City Council Chambers, 301 West Line Street, Bishop.



# CITY OF BISHOP

377 West Line Street - Bishop, California 93514  
 Post Office Box 1236 - Bishop, California 93515  
 760-873-8458 publicworks@ca-bishop.us  
 www.ca-bishop.us

## Public Works Report

March 2012

### Water

1. Incorporated an air-gap in the Well 2 high pressure blow off line.
2. Made minor adjustments to Well 1 to remedy locked up pump with the assistance of Layne Christiansen.
3. Removed valve boxes near streets where water line replacement projects have left abandoned main lines.
4. Began annual main line and hydrant valve exercising.
5. Continued work with Resource Concepts Inc. to design a solution to keep the 12 inch main full between Well 4 and the storage tank.
6. Performed grounds maintenance at Wells 2 and 4 as well as at the tank site.
7. Took monthly readings of all water meters.
8. Took routine bacteria samples.

### Sewer

1. Responded to a plugged sewer main in the city park that was overflowing a manhole. Because spill reached the South Fork of Bishop Creek, reporting and additional correspondence with State Water Quality Control Board was involved.
2. Removed and replaced failed grit pump
3. Located and repaired a methane gas leak in the control room for the Waste Water Treatment Plant.
4. Repaired the six inch sewer main under the 100 block of East Line Street. Broken main was found during routine main line videoing.
5. Burned piles of tree debris from plant cleanup.
6. H2O Environmental removed 19, 55 gallon drums that we were unable to dispose of at the Sunland landfill. These barrels were transported to US Ecology's hazardous waste dump in Beatty Nevada.
7. Burned weeds and removed tules in and around ponds.

8. Continued sampling discharged waste water to investigate elevated levels of Nitrogen in monitoring wells in the shared discharge lands. Also provided historical flow information to RO Anderson who is the Eastern Sierra Community District's consultant working on the nitrate issue.
9. SCADA work continues.
10. Cleaned sludge and grit drying beds.
11. Performed grounds maintenance at the Waste Water Treatment Plant.
12. Made routine inspections of grease interceptors.
13. Generated a No Spill Certification for the State and reported the same.
14. Performed routine main line cleaning in trouble areas.
15. Continued very slow work with consultant on Headworks project.

### **Streets**

1. Relocated City Hall power to underground from overhead. City forces installed all new conduits and City of Los Angeles Power installed new pole and pulled wire.
2. Opened bids for the Auditorium Sidewalk Project. V&C Construction out of Minden Nevada was the low bidder at \$42,232.
3. Advertised Wye Road Storm Drain project for bids.
4. Ground potential trip hazards on East Line Street sidewalks.
5. Relocated a "No Parking In Alley" in an alley between Academy Avenue and West Pine Street.
6. Replaced two damaged wheel stops in the city parking lot adjacent to the Public Works corporate yard.
7. Patched various potholes in city streets.
8. Received easements from the City of Los Angeles Department of Water and Power for the completed Mac Iver Street extension project and the proposed Wye Road Intersection project.
9. Participated in Rural Counties Task Force teleconference on transportation funding.
10. Participated in Inyo Local Transportation Commission meeting.
11. Responded to a letter concerning parking, particularly truck parking, on Mac Iver Street.

12. Requested copies of Record of Survey for newly established high accuracy control points in the City of Bishop.

**Miscellaneous**

1. Assisted community with location of valve boxes and adjusted them to grade.
2. Worked with the California Air Resources Board to bring the Public Works fleet of diesel equipment and vehicles into compliance. This work involved registration, reporting and smoke testing of exhaust.
3. Provided weekly Tail Gate Safety for the Public Works Crew
4. Hauled trash and debris from Fowler Pit to the Sunland Landfill.
5. Performed maintenance to light trucks and equipment.
6. Participated in Eastern Sierra Energy Foundation teleconference.
7. Met with Community Garden representative regarding the garden, possible damage to irrigation system, and possible impacts of the Pine to Park Path project.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR KSC

**SUBJECT: Street Vender Permit Amendment – Hot Diggity Dog**

DATE: April 23, 2012

Attachments: Letter from the Proponents, Current Street Vender Permit for Hot Diggity Dog, and Maps of the 3 permitted locations (Grove, Pine and Church Streets)

**BACKGROUND/SUMMARY**

At the November 28, 2011 City Council meeting the Council approved a Street Vender Permit for Hot Diggity Dog. The permit specified days, times and locations the vender is allowed to operate.

The Van Velzers have requested to expand their hours to include weekends. Their request is Monday – Sunday 10:00 am – 6:00 pm.

**RECOMMENDATION**

City Council consideration to amend the current Street Vender Permit to allow Hot Diggity Dog to expand hours of operation.

April 4, 2012

Paige's Bobs Hot Dogz & Dogs,

Would like to change our days  
from Monday-Friday 10:00 to 3:00  
to Monday-Sunday 10:00 to 6:00  
Times are hard and need the extra  
work.

Thank you, Paige VanVels

**RECEIVED**

**APR 05 2012**

**CITY OF BISHOP**



# CITY OF BISHOP

377 West Line Street - Bishop, California 93514

P. O. Box 1236 - Bishop, California 93515

City Hall (760) 873-5863 - Fax (760) 873-4873

**STREET VENDOR PERMIT – CALENDAR YEAR 2012  
HOT DIGGITY DOGS  
PAIGE/BOB VAN VELZER  
572 COTTONWOOD LANE, BISHOP, CA 93514**

**APPROVED BY CITY COUNCIL 11/28/11**

1. The permit is for the calendar year 2012 as set forth by the City. This date shall be initiated upon receipt by the City of all necessary application information and the meeting of all conditions required herein by the application information and the meeting of all conditions required herein by the applicant as determined by the City. In no event shall this initiation date be more than 30 days from the date of this correspondence. If applicant fails to provide adequate information and meet conditions within the 30-day period, the approval will be void and applicant must apply for a new permit. The business license fee is \$50.00 per calendar year. Your payment for the 2012 business license is due by December 31.
2. The permit shall be personal to the following individuals: Paige Van Velzer / Bob Van Velzer. No others are allowed to sell under this permit.
3. The City reserves the right to temporarily cancel permission at any particular location for public safety reasons.
4. The permit shall be for a food vending cart as described in the application.
5. Times allowed for sales are during normal business hours for the commercial districts.
6. Permittee may sell at the following three (3) locations during times as indicated:

CHURCH STREET  
Mondays – Fridays  
10:00 a.m. – 1:00 p.m.

WEST PINE STREET (North Side)  
Mondays – Fridays  
10:00 a.m. – 3:00 p.m.

GROVE STREET (North Side)  
Mondays – Fridays  
10:00 a.m. – 3:00 p.m.

7. Permittee MAY NOT sell in the following locations:
  - a) Within 500 feet of any school
  - b) Within 300 feet of a public park.
  - c) In public parking lots.
  - d) May not impede vehicle or pedestrian traffic.
  - e) May not sell on private property unless the owner of the property or lessor obtains a conditional use permit.
  - f) Use of the cart on Main Street (Highway 395) or Highway 168 (portion of Line Street) is prohibited.
8. A commercial liability insurance policy in the amount of \$1,000,000.00 naming the City of Bishop as "additional insured" is required. A thirty (30) day notice of cancellation to the City of Bishop must be incorporated.
9. The Police Department, upon obtaining the correct information shall issue a picture identification which must be worn while vending.
10. Vendors of food products must obtain a health permit from Inyo County Health Department.
11. Under this section no person shall conduct solicitations if that person has been convicted of any of the following crimes, as defined in the California Penal Code: murder, mayhem, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, crimes of embezzlement, bunco or fraud, or attempt to commit any of the aforementioned crimes or any crimes requiring registration with the Police Department.
12. This permittee is subject to all relevant city ordinance requirements and restrictions including parking and Vehicle Code sections.
13. REVOCATION OF PERMITS
  - a) Whenever it shall be shown that any person to whom a permit has been issued has violated any of the provisions of this chapter, the license collector shall suspend the permit, after giving written notice to the permit holder of not less than two business days, in person or by registered special delivery, postage prepaid, and addressed to the permit holder at the address specified in the application or any amendment hereto, of the suspension and proposed revocation, stating with specificity the reason therefore. However, the two-day notice shall not be required if the license collector determines there is a need to protect the public safety, in which case the permit shall be suspended immediately.
  - b) The permit holder may file with the City Administrator, within ten days of the date of the notice of suspension and proposed revocation, a written request for a hearing which request shall have the effect of staying the suspension until the City Administrator has rendered his decision, except in instances where the suspension is necessary to protect the public safety. The City Administrator shall hold a hearing within ten days after the filing of such request.

- c) At the hearing, the City Administrator shall hear all relevant evidence, shall consider the merits of the proposed revocation, including any actions which have been taken to cure the alleged violation, and shall render a decision thereon within one business day after the hearing. The decision shall be communicated in writing to the permit holder within one day thereafter, and shall state with specificity the reasons therefore.
- d) In the event that the permit holder does not request a hearing within ten days after the date of the notice of suspension and proposed revocation, the permit shall be revoked, and the revocation shall not be appealable.

APPEALS TO THE CITY COUNCIL - Any applicant or permit holder aggrieved by an action of the City Administrator to deny, revoke or refuse to renew a permit may appeal to the Council by filing with the City Clerk a statement addressed to the Council setting forth the facts and circumstances.

14. Process for a Council Approved Permittee (in sequential order):

- a) Provide proof of insurance to the City Administrator's Office.
- b) Provide Health Department approval (Food Facility Permit) to the City Administrator's Office.
- c) Provide a completed business license application to the City Administrator's Office. Provide updates as needed.
- d) Provide required identification information to the Police Department for a picture ID to be issued.
- e) Pay the appropriate street vendor permit fee.

Keith Caldwell  
 Keith Caldwell, Interim City Administrator  
 City of Bishop

Date: 12/7/11

We, the undersigned, do hereby declare, under penalty of perjury, that the above-listed conditions (No. 1 through 14) are agreed upon and that all information submitted by us to the City of Bishop in conjunction with the application for a Street Vendor's Permit is true and correct and that any false, or withholding of, information shall result in the termination of said Street Vendor's Permit.

Paige Van Velzer  
 PAIGE VAN VELZER  
Bob Van Velzer  
 BOB VAN VELZER

Date: Dec 16, 2011

Date: 12-15-11

cc: Bishop Police Department



Permit Area

Grove Street

North Main Street



0 5 10 20

Feet

City of Bishop  
Hot Diggity Dog Street Vendor Permit Area - Grove Street



Permit Area

West Pine Street

North Main Street



Feet

# Hot Diggity Dog Street Vendor Permit Area - Pine Street

City of Bishop



500 feet from school

Permit Area

Church Street

North Warren Street



City of Bishop  
Hot Diggity Dog Street Vendor Permit Area - Church Street



TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: ORDINANCE NO. 539 – RESPECTING CITY COMMISSIONS**

DATE: APRIL 23, 2012

Attachments: Draft Ordinance No. 539

BACKGROUND/SUMMARY

At the March 26<sup>th</sup> Study Session, discussion was held relating to the criteria for selecting membership to the City's commissions. It was generally felt that the city commissions give business owners and those members of the community living outside city limits a way to participate in what is happening in the City of Bishop.

At the last Council meeting it was determined to keep the number of commissioners on the Parks and Recreation Commission at five members and the first reading/introduction of Ordinance No. 539 was approved. It is presented for second reading/adoption.

RECOMMENDATION

Review Ordinance No. 539 and, if appropriate, take action to adopt by title only.

## **ORDINANCE NO. 539**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA AMENDING SECTION 2.20.010 OF CHAPTER 2.20; SECTION 2.22.010 OF CHAPTER 2.22; SECTION 2.24.020 OF CHAPTER 2.24; AND REPEALING ORDINANCE NO. 391 AND CHAPTER 2.16 OF THE BISHOP MUNICIPAL CODE RESPECTING CITY COMMISSIONS

THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 2.20.010 of Chapter 2.20 of the Bishop Municipal Code respecting the park and recreation commission is amended to read in its entirety, as follows:

“2.20.010 Created-Membership. There is created a park and recreation commission of the city. The commission shall consist of five members who are appointed by the city council on the basis of nominations submitted pursuant to the policy manual of the city. The term of each member shall be four (4) years. In making appointments to the commission, the city council shall endeavor to appoint the best members to the commission whether or not such persons are residents and citizens of the city.”

SECTION 2: Section 2.22.010 of Chapter 2.22 of the Bishop Municipal Code respecting the water and sewer commission is amended to read, in its entirety, as follows:

“2.22.010 Created-Membership. There is created a water and sewer commission of the city. The commission shall consist of five (5) members who are appointed by the city council on the basis of nominations submitted pursuant to the policy manual of the city. The term of each member shall be four (4) years. In making appointments to the commission, the city council shall endeavor to appoint the best members to the commission whether or not such persons are residents and citizens of the city.”

SECTION 3. Section 2.24.020 of Chapter 2.24 of the Bishop Municipal Code respecting the planning commission is amended to read, in its entirety, as follows:

“2.24.020 Membership. The commission shall consist of seven (7) members who are appointed by the city council on the basis of nominations submitted pursuant to the policy manual of the city. In making appointments to the commission, the city council shall endeavor to appoint the best members to the commission whether or not such persons are residents and citizens of the city.”

SECTION 4: Ordinance No. 391 and Chapter 2.16 of the Bishop Municipal Code respecting the civic arts commission (Sections 2.16.010 to 2.16.060 inclusive) are repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its passage and adoption.

SECTION 6: The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in the Inyo Register, a newspaper of general circulation printed and published in the City of Bishop, State of California, which said newspaper is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 23rd day of April 2012.

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DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

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

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR *KSC*

**SUBJECT: RESOLUTION NO. 12-12 – ORDINANCE LEGAL PUBLICATIONS**

DATE: APRIL 23, 2012

Attachments: Resolution No. 12-12  
Government Code § 36933

BACKGROUND/SUMMARY

Pursuant to Government Code § 36933 the City is required to publish adopted ordinances in the legal section of the Inyo Register within 15 days of adoption. Lately we have adopted some ordinances that are lengthy and costly to publish.

Under the same Government Code, the City is allowed to publish a summary prior to and following adoption instead of the full text. Resolution No. 12-12 would give the City the flexibility to determine when publishing summaries instead of full text is more cost efficient.

RECOMMENDATION

Council consideration to adopt Resolution No. 12-12 by title only.

**RESOLUTION NO. 12-12**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AUTHORIZING THE CITY CLERK TO PREPARE SUMMARIES OF PROPOSED CITY ORDINANCES FOR LEGAL PUBLICATION PURSUANT TO GOVERNMENT CODE §36933(c) IN LIEU OF PUBLISHING THE ENTIRE TEXT OF SUCH ORDINANCE PURSUANT TO GOVERNMENT CODE §36933(a)

WHEREAS, Government Code §36933(a) requires that within fifteen (15) days after passage, the city clerk shall cause the entire text of each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the City; and

WHEREAS, Government Code §36933(c) provides that, in lieu of publishing the entire text of an ordinance, the city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance in the manner set forth in Government Code §36933(c)(1) or §36933(c)(2); and

WHEREAS, such summary shall be prepared by an official designated by the city council; and

WHEREAS, it is most appropriate for such summary to be prepared by the city clerk.

NOW, THEREFORE, BE IT RESOLVED, that in such cases as the city clerk deems in the best interest of the City, and upon approval of the city attorney, the city clerk is authorized to prepare the summary and publish, and otherwise comply with the requirements of Government Code §36933(c) in lieu of publication of the entire text of an ordinance pursuant to Government Code §36933(a).

PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of April, 2012.

\_\_\_\_\_  
DAVID STOTTLEMYRE, MAYOR

ATTEST: Keith Caldwell, City Clerk

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

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trustees or publication were conditions precedent to ordinances becoming valid enactments; these ministerial acts were merely for the purpose of authenticating acts of the board and giving notice of the contents of the ordinances passed by it. Pacific Palisades Asso. v. Huntington Beach (1925) 196 Cal 211, 237 P 538, 1925 Cal LEXIS 306, 40 ALR 782.

The signing of an ordinance may be enforced by mandate, if it is merely for the purpose of authentication of an ordinance legally passed. Pacific Palisades Asso. v. Huntington Beach (1925) 196 Cal 211, 237 P 538, 1925 Cal LEXIS 306, 40 ALR 782.

#### 5. Necessity of Submitting Resolution

Where freeholders' charter of city does not re-

### § 36933. Publication or posting; Request for notice of proposed ordinances or amendments to ordinances

(a) Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he or she shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city. In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but these ordinances shall be posted in the manner and at the time required by this section.

(b) Except as provided in Section 36937, an ordinance shall not take effect or be valid unless it is published or posted in substantially the manner and at the time required by this section.

(c) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. The summary shall be prepared by an official designated by the city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the city council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment; or

(2) If the city official designated by the city council determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the city council so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city shall be published at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

(d)(1) Any member of the public may file with the city clerk, or any other person designated by the governing body to receive these requests, a request for notice of specific proposed ordinances or proposed amendments to ordinances.

quire resolutions to be presented to mayor, resolution of intention to improve street and resolution ordering work done under such charter need not be presented to mayor for his approval. Sacramento Paving Co. v. Anderson (1905, Cal App) 1 Cal App 672, 82 P 1069, 1905 Cal App LEXIS 162.

#### 6. Compliance

Requirement of former statute of approval by "executive of municipality" was complied with as to cities which had no mayor by approval of officer whose duties approximated most closely those of mayor or executive in cities which had no such officer. Redondo Beach v. Barkley (1907) 151 Cal 176, 90 P 452, 1907 Cal LEXIS 408.

(2) Notice pursuant to paragraph (1) shall be mailed or otherwise transmitted at least five days before the council is scheduled to take action on the proposed ordinances or proposed amendments to an ordinance. Notice may be given by written notice properly mailed or by e-mail if the requesting member of the public provides an e-mail address. Notice may be in the form specified in either paragraph (1) or (2) of subdivision (c), as determined by the city council.

(3) As an alternative to providing notice as requested of specific proposed ordinances or proposed amendments to ordinances, the city clerk, or other person designated by the governing body, may place the requesting member of the public on a general mailing list that gives timely notice of all governing body public meetings at which proposed ordinances or proposed amendments to ordinances may be heard, as provided in Section 54954.1. If this alternative is selected, the requesting member of the public shall be so advised.

(4) The city may charge a fee that is reasonably related to the costs of providing notice pursuant to this subdivision. The city may require each request to be annually renewed.

(5) Failure of the requesting person to receive the information pursuant to this subdivision shall not constitute grounds for any court to invalidate an otherwise properly adopted ordinance or amendment to an ordinance.

Added Stats 1949 ch 79 § 1. Amended Stats 1957 ch 881 § 1; Stats 1970 ch 91 § 1; Stats 1978 ch 850 § 2, effective September 19, 1978; Stats 1980 ch 348 § 2; Stats 2002 ch 159 § 1 (AB 1964).

#### Amendments:

**1957 Amendment:** Added (1) “, but such ordinances shall be posted in the manner and at the time required by this section” at the end of the first paragraph; and (2) the second paragraph.

**1970 Amendment:** Added “, or published in a newspaper of general circulation printed and published in the county and circulated in the city” at the end of the first sentence.

**1978 Amendment:** (1) Designated the former first and second paragraphs to be subds (a) and (b); (2) added the comma after “36937” in subd (b); and (3) added subd (c).

**1980 Amendment:** (1) Added “, with the names of those city council members voting for and against the ordinance,” in the first sentence of subd(a); and (2) amended subd (c) by adding (a) “with the names of those city council members voting for and against the ordinance or amendment” in the fourth sentence of subd (c)(1); (b) the comma after “information about” in the third sen-

tence of subd (c)(2); and (c) “, and the names of those city council members voting for and against the ordinance or amendment” at the end of the subdivision.

**2002 Amendment:** (1) Amended subd (a) by (a) adding “or she” after “there is none, he” in the first sentence; and (b) substituting “these” for “such” after “legal notices, but” in the last sentence; (2) amended subd (c)(1) by (a) substituting “The” for “Such” at the beginning of the second sentence; and (b) substituting “the” for “such” after “full text of” in the fourth sentence; (3) substituted “the” for “such” after “complete text of” in the third sentence of subd (c)(2); and (4) added subd (d).

#### Historical Derivation:

Stats 1883 ch 49 § 863, as amended Stats 1917 ch 797 § 1, Stats 1929 ch 294 § 2, Stats 1931 ch 1034 § 3, Stats 1933 ch 516 § 17.

#### Cross References:

Official publication: Gov C §§ 6000 et seq.

### NOTES OF DECISIONS

1. Generally
2. Compliance
3. When Ordinance Effective
4. Procedure
5. Particular Determinations

#### 1. Generally

Publication of ordinance alone is sufficient to give it validity without publication of law authorizing it. *People ex rel. Central P. R. Co. v. Board of Supervisors* (1865) 27 Cal 655, 1865 Cal LEXIS 74.

Order that street work be done is not “ordinance” and need not be published. *Napa v. Easterby* (1888) 76 Cal 222, 18 P 253, 1888 Cal LEXIS 861.

#### 2. Compliance

Ordinance passed in violation of charter provi-

sions respecting publication of ordinance is void. *Herzo v. San Francisco* (1867) 33 Cal 134, 1867 Cal LEXIS 133.

Ordinance, passed by Board of Supervisors of City and County of San Francisco, was invalid because its publication did not convey to citizens information which, by Consolidation Act, they were entitled to receive. *Spring Valley Water Works v. Ashbury* (1877) 52 Cal 126, 1877 Cal LEXIS 60.

#### 3. When Ordinance Effective

Ordinance, though it may have no binding effect until after appropriate publication, is different thing from its publication. *Napa v. Easterby* (1882) 61 Cal 509, 1882 Cal LEXIS 654.

Provision for publication of legislative enact-

**TO:** CITY COUNCIL

**FROM:** KEITH CALDWELL, CITY ADMINISTRATOR *KSC*

**SUBJECT:** Bid Award – Portable Radios for the Police Department

**DATE:** April 23, 2012

**Attachments:** Staff Memo

**BACKGROUND/SUMMARY**

The Federal Communication Commission (FCC) requires all public agencies to comply with “narrowbanding” requirements by January 1, 2013. The portable radios requested will provide the necessary compliance needed for the City of Bishop.

The Police Department has advertised and will open sealed bids Monday, April 23rd prior to the scheduled City Council Meeting.

**RECOMMENDATION**

City Council consideration to award bid to the lowest responsive bidder for Police portable radios.



# BISHOP POLICE DEPARTMENT

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207 W. Line St.  
Bishop, CA 93514  
760-873-5866

Chris Carter, Chief of Police

To: Bishop City Council via Mr. Keith Caldwell, City Administrator *KC*

From: Chris Carter, Chief of Police *CC*

Date: April 12, 2012

Subject: Request to Award Bid for Purchase of Radios

As we have previously discussed, the Bishop Police Department is in the process of complying with FCC "Narrowbanding" requirements. In furtherance of that goal, the Police Department recently advertised for the submission of sealed bids. This process will be completed on April 23, 2012 and I would like to be able to request permission to award the bid at the City Council meeting scheduled for that evening. At this time I do not know the lowest bidder, or the amount of that bid but I will have this information by the time of the Council Meeting on the 23<sup>rd</sup> and I am requesting to place this item on Council Agenda. I am available at your convenience should you have questions or wish to discuss this request further.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: Church Street Water Improvements – Re-advertise for bids**

DATE: April 23, 2012

Attachments: Staff Memo

BACKGROUND/SUMMARY

The Church Street Water Improvement Project will replace the water main and services as well as add a fire hydrant along Church Street west of Fowler Street.

This same project was advertised and bids were opened in May of 2011. The Council chose to reject bids due to the low bidder being non-responsive. It was determined at that time to delay the rebidding until the summer of 2012.

Estimated cost of the project is \$125,000. This amount has been included in Capital Improvements for the 2012/2013 budget cycle and will qualify for the local contracting preference.

RECOMMENDATION

City Council consideration to re-advertise for construction bids for the Church Street Water Improvement Project.



**To:** Keith Caldwell, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Re-advertise the Church Street Water Improvements Project for Bids  
**Date:** 13 April 2012  
**Previous:** 18 April 2011, 6 June 2011  
**Funding:** Water capital improvement funds

**General:**

Public Works is ready to re-advertise the Church Street Water Improvements project for construction bids.

**Background:**

The Church Street Water Improvements project will replace the water main and services along Church Street west of Fowler Street and add a fire hydrant. This is the third of three projects to replace the last 3 sections of 2 inch water lines in the city. These 2 inch lines are leak prone and extremely small by current standards. The projects replace these small water lines with 8 inch water lines.

The project was originally advertised 26 April 2011 and bids were opened 27 May 2011. Two bids were received. The low bid was not responsive because it stated that 65% of the work was to be performed by subcontractors. One of the bid requirements was that at least 50% of the work was to be performed by the prime contractor. Because of the high subcontracting percentage in the low bid and because the other bid was substantially higher, the City Council rejected both bids.

The portion of Church Street affected by the project can carry heavy traffic from the high school, in addition to the Post Office. To reduce project impacts it is important the work be scheduled during the summer school break. Since when the bids were rejected in June 2011 there was not time to re-advertise the project for construction during the summer of 2011, the project was postponed until the summer of 2012.

The total cost of the project is estimated to be up to \$125,000 and this level of funding is included in the 2012/2013 fiscal year budget, line item 004-050-56027 (Capital Improvements). Since this project is entirely funded by the city, contracting preferences apply to the project.

The schedule for the project is proposed to be:

Advertise	24 April
Open Bids	25 May
Award Contract	11 June

Start Construction	10 July
Finish Construction	30 July

**Recommendation:**

That the City Council approve the re-advertisement of the Church Street Water Improvements project for construction bids.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: Street Closure – “Every 15 Minutes Event”**

DATE: April 23, 2012

Attachments: Staff Memo, Draft Encroachment Permit, Map of the Proposed Area

BACKGROUND/SUMMARY

Inyo County has proposed the closure of West Pine Street between Home Street and Fowler Street from 10:00 am – 1:00 pm on May 2, 2012 for the *Every 15 Minutes* Event.

The biannual event is a dramatization of a car crash involving BUHS students. Collaborating agencies include Inyo County Probation, Bishop Union High School, Inyo County Health and Human Services, California CHP, Bishop Police and Bishop Fire Departments.

RECOMMENDATION

City Council consideration of the closure of West Pine Street between Home Street and Fowler Street on May 2, 2012 for the *Every 15 Minutes* Event.



**To:** Keith Caldwell, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Street Closure for Every 15 Minutes Event  
**Date:** 16 April 2012  
**Previous:** None  
**Funding:** General Fund

**General:**

Inyo County Probation proposes to close West Pine Street between Home Street and Fowler Street from 1000 to 1300 on 2 May for the 2012 Every 15 Minutes event.

**Background:**

Inyo County Probation in collaboration with Bishop Union High School, Inyo County Health Services, California Highway Patrol, Bishop Police Department, and Bishop Fire Department plans the Every 15 Minutes event for 2012 on 2 May. The event includes the closure of West Pine Street between Home Street and Fowler Street. Activities include dramatizing a car crash involving students of the high school.

The City Council typically approves street closures. The activities and closure will be covered by an encroachment permit. A draft permit is attached. As is often the case with activities on city streets, Public Works staff, working with the agencies involved in the event, would provide, set up, and take down the traffic control devices such as signs, cones, and no parking signs.

**Recommendation:**

The City Council approve the closure of West Pine Street between Home Street and Fowler Street for the 2012 Every 15 Minutes Event.



# CITY OF BISHOP

377 West Line Street - Bishop, California 93514  
Post Office Box 1236 - Bishop, California 93515  
760-873-8458 publicworks@ca-bishop.us  
www.ca-bishop.us

## Encroachment Permit 2012-001

**Permittee:** Inyo County Probation

**Title:** "Every 15 Minutes" Simulated Crash

**Location:** City of Bishop street right of way on West Pine Street between Home Street and North Fowler Street as shown on attached map.

**Description of Activities:** Under street closures by others, simulated driving under the influence crash scene.

1. **Responsible Party:** No activities other than the described activities under the control of the Permittee are authorized under this permit.
2. **Date and Times of Closure:** The permitted activities shall only be conducted when street closures are in place. Street closures are planned starting before 1000 lasting until the completion of the simulation expected about 1300 on Wednesday 2 May 2012.
3. **Traffic Control:** The City of Bishop and others will provide and set up traffic control for activities. Permittee is responsible:
  - For keeping all permitted activities within road closure areas
  - Cooperating with residents requiring access to or from properties along streets affected by closure
4. **Additional Conditions:** At any time the city may prescribe additional conditions necessary for the protection of the public property, for the prevention of undue interference with traffic, to assure public safety, or to otherwise act in the best interest of the city.
5. **Responsibility:** The permittee accepts all responsibility for damage or injury that results from activity under this permit.
6. **Insurance:** Prior to the beginning of and throughout the duration of activities, the Permittee shall maintain insurance in accordance with the following.
  - Permittee shall provide General Liability Insurance. Coverage for an additional insured shall not be limited to its vicarious liability. Defense costs must be paid in addition to limits. Limits shall be no less than \$1,000,000 per occurrence for all covered losses and no less than \$2,000,000 general aggregate.
  - Permittee shall provide Excess or Umbrella Liability Insurance (Over Primary), if used to meet limit requirements, shall provide coverage at least as broad as specified for the underlying coverages. Such policy or policies shall include as insureds those covered by the underlying policies, including additional insureds.

- Coverage shall be "pay on behalf", with defense costs payable in addition to policy limits.
  - There shall be no cross liability exclusion precluding coverage for claims or suits by one insured against another.
  - Coverage shall be applicable to City for injury to employees of Permittee, subcontractors or others involved in the activity.
  - The scope of coverage provided is subject to approval of City following receipt of proof of insurance as required herein.
  - Any insurance proceeds in excess of the required limits and coverage and which is applicable to a given loss will be available to City.
  - The City, including its officers, agents, and employees shall be named as additional insureds under the general and umbrella liability policies.
7. **Indemnity:** As an express and material term of City's issuance of this Permit, Permittee agrees to indemnify and hold harmless the City, its officers, employees and agents from any and all claims, demands, causes of action, losses or other liabilities for any damage, whether to person or property, whatsoever arising out of or related to the permitted encroachment. Permittee further agrees to indemnify and hold harmless the City, its officers, employees and agents for any injury to persons or property occasioned by reason of or arising out of the acts or omissions of Permittee, his/her/its agents, employees, contractors and subcontractors and/or any other person or entity performing work authorized by this Permit. It is the intent of this condition that Permittee shall be responsible for all liability for design, construction, and maintenance of the improvements installed or activities performed pursuant to this Permit and that the City, its officers, employees and agents shall not be liable for any negligence, whether active or passive in nature, nonfeasance, misfeasance, or malfeasance related to or arising from this Permit, including but not limited to approving, reviewing, checking, or correcting any plans or specifications or in approving, reviewing, or inspecting any work or construction arising from this Permit.
8. **Duty to Defend:** As an express and material term of City's issuance of this Permit, Permittee agrees to defend, at its sole expense, the City, its officers, employees and agents from and against any and all claims, demands, causes of action, losses or other liabilities for any damage, whether to person or property, whatsoever arising out of or related to the permitted encroachment. Permittee's duty to defend shall apply to the City, its officers, employees and agents for any injury to persons or property occasioned by reason of or arising out of the acts or omissions of the City, its officers, employees and/or agents and the acts or omissions of Permittee, his/her/its agents, employees, contractors and subcontractors and/or any other person or entity performing work authorized by this Permit.
9. **Legal Costs:** In the event of any controversy, claim or dispute arising out of or relating to this Permit or the violation of any covenant contained herein, the prevailing party shall be entitled to receive from the losing party reasonable expenses, including attorney's fees and costs.

Agreed to by:

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Signature

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Date

Issued by:

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David Grah  
Director of Public Works

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Date

DRAFT



Grove Street

Hobson Street

Schley Street

Home Street

Road Closure Area

West Pine Street

Road Closure Area

See Inset

Inset

Schley Street

See Main Map

Road Closure Area West Pine Street

North Fowler Street

★ High School

0 25 50 100 Feet

# City of Bishop "Every 15 Minutes" Closure Area

Traffic Cones = \*  
"Road Closed" Signs = |

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: Advertise to Purchase Valve Exerciser**

DATE: April 23, 2012

Attachments: Staff Memo, Draft Request for Bid

BACKGROUND/SUMMARY

The Public Works Department endeavors diligently to maintain the best standards in operation. As part of these standards, regular valve maintenance is required. Exercising valves means to cycle the valves fully open and fully closed.

The City owns an older model valve exerciser to cycle the nearly 600 system valves. More recently this valve exerciser has stopped functioning correctly. Staff research indicates the expected cost to repair the older model approaches the cost of a newer replacement, approximately \$4,000.

RECOMMENDATION

City Council consideration to advertise the purchase of a new valve exerciser.



**To:** Keith Caldwell, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Advertise to Purchase Valve Exerciser  
**Date:** 13 April 2012  
**Previous:** None  
**Funding:** Water Special Department Supplies

**General:**

Public Works proposes to advertise to purchase a replacement valve exerciser.

**Background:**

Good practice and regulation require that water system valves be exercised each year. Exercising a valve means to cycle the valve fully open and fully closed. Bishop has about 600 system valves and each takes about 20 turns to open and to close. In addition, the old valves, especially, require substantial force to turn. The valves range in size from 4 inch in diameter to 20 inches in diameter.

To make the valve exercising process manageable, a machine called a valve exerciser is used to open and close the valves. The existing valve exerciser is old and recently stopped operating right when it was time to exercise valves.

It appears the cost to diagnose and repair the existing exerciser approaches the cost of a new unit. We propose to purchase a new unit instead. The cost of a new unit is expected to be about \$4,000. This purchase was unexpected and does not appear in the budget so a budget adjustment will be required. The purchase should be charged to water Special Department Supplies, Line Item 004-050-52018. The attached Request for Bids has been drafted.

**Recommendation:**

Authorize advertising to purchase a valve exerciser.



# CITY OF BISHOP

377 West Line Street - Bishop, California 93514

Post Office Box 1236 - Bishop, California 93515

760-873-8458 publicworks@ca-bishop.us

[www.ca-bishop.us/CityofBishopPublicWorks.htm](http://www.ca-bishop.us/CityofBishopPublicWorks.htm)

## Request For Bids

### Valve Exerciser

**Release:** 24 April 2012

**Closes:** 4 May 2012

**Contact:** Mike McDermott, Public Works Supervisor

**General:** The City of Bishop requests bids for the purchase of a water valve exerciser. Bids shall be delivered to Bishop Public Works at City Hall at 377 West Line Street, Bishop, California 93514, [publicworks@ca-bishop.us](mailto:publicworks@ca-bishop.us). Bids shall be accepted until 3 pm on the close date of this request and shall be clearly identified "Valve Exerciser Bid".

**Purchasing Preferences:** City of Bishop contracting preferences apply to this purchase. The city provides a preference to small and local businesses in accordance with Section 3.26 of the Municipal Code.

#### Minimum Requirements:

1. Exerciser shall be 115 volt alternating current powered
2. Exerciser shall be hand held and not weigh more than 40 pounds
3. Exerciser shall operate water system valves 4 inch to 24 inch diameter
4. Exerciser drive shall be two stage reduction
5. Exerciser shall have a minimum peak torque of 800 foot pounds.
6. Exerciser motor shall be 2 speed low and high torque, single action on/off, forward/reverse, self centering automatic stop after release, overload reset button, ground fault interrupter with test and reset
7. Exerciser shall have a built in digital turn counter with push button reset in 1/10 revolution increments, forward and reverse automatically

8. Exerciser shall come with valve key that fits 2 inch square American Water Works Association standard socket and stop collar, is able to resist full torque of exerciser, and is able to reach valves to 9 feet below ground level.
9. Exerciser shall come with a torque arm extension for two operators
10. Exerciser shall come with a steel storage box
11. Exerciser shall come with a paper and electronic operator manual
12. Exerciser shall be delivered within 15 days of the opening of bids and issuance of Purchase Order

**Bid Requirements:**

The bid shall reference and include all documentation necessary to demonstrate minimum requirements are met. The bid cost shall be the total cost of the exerciser, including all applicable taxes and fees, delivered to the City of Bishop. If small business contracting preference is claimed, bid shall be accompanied by the bidders California Small Business number. If local business contracting preference is claimed, bid shall be accompanied with the attached form, completed by the bidder.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: Reject Wye Road Storm Drain Bids**

DATE: April 23, 2012

Attachments: Staff Memo

BACKGROUND/SUMMARY

In August 2011 City Council approved advertising of the Wye Road Storm Drain Project. Due to unforeseen delays in the final approval of the project, the project was not advertised until March 2012.

Bids for this project include the construction of a new storm drain, an oil/water separator and future storm drain connections, on Wye Road between North Main Street (Highway 6) and the Bishop Creek Canal.

Bids were opened April 4, 2012. Seven bids were received and provided a good representation of the project. Unfortunately, bids were not as low as hoped and due to the overall cost of the project staff believes further research and cost allocations may result in a better overall project cost.

RECOMMENDATION

City Council consideration to reject bids received for the Wye Road Storm Drain Project.



**To:** Keith Caldwell, Acting City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Reject Wye Road Storm Drain Bids  
**Date:** 13 April 2012  
**Previous:** 17 February 2006, 14 August 2007, 2 September 2008, 21 January 2009,  
10 April 2009, 19 April 2011, 12 August 2011  
**Funding:** Wye Road Intersection Improvement Funds

**General:**

Public Works recommends the City Council reject bids for the Wye Road Storm Drain project.

**Background:**

The Wye Road Storm Drain project will construct a new storm drain on Wye Road between North Main Street (Highway 6) and the Bishop Creek Canal. The storm drain includes water treatment capability (an oil / water separator) and provides for future storm drain connections to most properties along the street.

The Wye Road Storm Drain project is related to the Wye Road Intersection Improvements project and is funded from the same source as the intersection project. The sources of funds are the Kmart / Vons development and Caltrans. Kmart and Caltrans contributed the funds for the improvement of the intersection. Since improvement of drainage in the area of the intersection is important in the longer term, funds for the intersection project are appropriate for the storm drain project. The construction of the intersection project has been delayed by the acquisition of right of way needed for the construction.

To aid the acquisition of right of way needed for the intersection project and to take advantage of low construction prices, the storm drain project was moved ahead of the intersection project. The downside of moving the storm drain ahead of the intersection project was that, although there seemed to be enough funding for both projects, the city is obligated to construct the intersection improvements. If the storm drain project required too much money, the city would not be able to meet these intersection obligations without using General Fund or other similar funding sources.

The City Council approved advertising the storm drain project in August 2011. Because of delays in final approval of the project from the City of Los Angeles Department of Water and Power (DWP), the project was not advertised until 15 March 2012 with bid opening 4 April. DWP approval was needed because the storm drain discharges into the Bishop Creek Canal which is owned and operated by DWP.

Seven bids were received:

<b>Contractor / Location</b>	<b>Construction Option</b>	
	<b>1</b>	<b>2</b>
C Villar Construction / Mammoth Lakes	\$272,744.00	\$250,834.00
Doug Clair / Bishop	\$275,291.00	\$269,309.99
Conspec / Lee Vining	\$274,350.00	\$249,000.00
Pyramid Building / Hesperia	\$327,500.00	\$301,400.00
Hickman Construction / Lone Pine	\$318,500.00	\$290,000.00
White Rock construction / Gardnerville, Nevada	\$305,050.00	\$274,400.00
Marzano and Sons / June Lake	\$274,200.00	\$246,000.00

State funds are involved in the project, so contracting preferences would not apply.

Although the seven bids represented a good response to the project, they are not as low as hoped. In addition, recent efforts to refine the costs remaining to relocate overhead utilities needed for the intersection project, principally Southern California Edison power lines, have not tied down the cost of these required relocations very well. As a result, Public Works does not have the needed certainty there would be enough project funding left to complete the intersection project if the storm drain were constructed now.

Both the intersection improvements and the storm drain will be needed by any development in the area of the intersection. In addition, development would include the dedication of the right of way needed for the intersection improvements and could include some of the improvements themselves. As discussions about development in the area of the intersection move forward in coming months, it is possible the issue of right of way needed for the project could resolve itself. In the mean time, work on utility relocations and activities needed for the intersection improvement project can move further ahead.

**Recommendation:**

That the City Council reject bids received for the Wye Road Storm Drain project.

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: Change Order 2 for Sneden Street**

DATE: April 23, 2012

Attachments: Staff Memo, Delivery Services Contract, Sneden Street Improvements Exhibits A&B

BACKGROUND/SUMMARY

Staff has detailed the history and current request for the Sneden Street Improvement project in the attached memo. All associated cost and funds have been broken down for Council's review and consideration.

RECOMMENDATION

City Council consideration to approve contract change order 2 to street delivery services contract with Nolte for \$78,545 total expenditure for design.



**To:** Keith Caldwell, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Approve Contract Change Order 2 for Sneden  
**Date:** 16 April 2012  
**Previous:** 16 May 2008  
**Funding:** Sneden Street Contract Services and Water Capital Improvements

**General:**

Public Works proposes to amend the contract with Nolte for the Sneden Street Improvements project a second time.

**Background:**

The Sneden Street Improvements project is on Sneden Street from East South Street to East Line Street. The project will rehabilitate pavement, improve drainage (through small grade changes), construct continuous curb, gutter, and sidewalk, improve intersections, repair, rehabilitate, and improve water and sewer service, and complete associated work. The associated work is anticipated to include tree removal (as required for curb, gutter, and sidewalk) and tree replacement. Some relocation of overhead utilities is expected.

In October 2007 the City Council approved a contract with Nolte for project delivery services on the Sneden Street Improvements project and the West Pine Street Improvements project. The contract was not to exceed \$649,620 although there was \$845,000 total available for consultant delivery services and for city staff time. The \$195,380 difference was to be held in reserve for contract changes and to be used to pay for city staff time dedicated to these projects. The original contract did not include any water or sewer work.

As survey work began on the two projects, the benefit of recognized and formalized high precision survey control points in the city was identified. In May 2008 an amendment was negotiated with Nolte to establish 10 high precision survey control points in the city and to file a record of survey for these points. The cost of this amendment, called "Change Order 1" was \$7,500. It may be worth noting the term "change order" is usually reserved for construction contracts but is being used on this particular consultant contract as well.

In March 2011 the California Transportation Commission approved moving all of the funding from the West Pine Street Improvements project and the Sneden Street Improvements project to the Warren Street Improvements project *with the exception of design funding for the Sneden Street project*. The funding was moved to the Warren Street project because it was a higher priority project than either of the other projects. The design funding for Sneden was not moved because the deadline to move that funding had passed. The idea was to complete design work on

the project so that when and if funding became available for "shovel ready" projects, the Sneden Street project would be eligible.

Design work is underway once again on the Sneden Street Improvements project. As work has gotten underway, a second change order has been found to be needed to cover the following work:

*Water Improvements:* As is almost always the case, there is water work that should be done in conjunction with the street improvements. The original contract with Nolte did not include the water work so that work needs to be amended into the contract.

*Additional Surveys:* The need for additional survey work along Short Street near Sneden and at driveways and other locations along Sneden has also been identified.

*Contract Updates:* There are language updates and inconsistencies in the original contract that need to be resolved. Some of these updates are necessary because there is no longer work on the West Pine Street project under the contract.

The additional cost of the change order is \$36,210. With this change, the total cost for design services under the contract is \$78,545. Only design work is authorized at this time. There is \$110,000 design funding for this project. That funding is to cover consultant costs and city staff costs. The new total for the contract is \$287,000 but that is only authorized if construction funding becomes available. The water portion of this cost is \$5,900 and will be coded to Water Capital Improvements, Line Item 004-050-56027. The remainder of the cost will be coded to Sneden Street project Contract Services, Line Item 046-000-55026. The draft change order is attached.

**Recommendation:**

That the City Council approve contract Change Order 2 to street delivery services contract with Nolte authorizing a \$78,545 total expenditure for design.



## **Exhibit A**

### **City of Bishop, Inyo County, CA Contract Change Order No. 02 Sneden Street Improvements Scope of Services**

This is an amendment to Nolte's existing contract to assist the City of Bishop (City) in the development of its various improvements to Sneden Street. This change is to provide additional surveying services, to include design drawings and technical specifications for potable water improvements within Sneden Street, to defer preparation of a stormwater pollution prevention plan, and to modify compensation for design documents.

#### **Task 30 – Potable Water Design**

Nolte will prepare design drawings and technical specifications for improvements to pipelines and appurtenances of the water distribution system. The design drawings and specifications will be contained within the design set for the street improvements to Sneden Street, outlined in the original contract. Nolte will prepare quantities for the Bid Form and will incorporate these improvements into the construction cost opinion for the project. Submittal of these drawings and technical specifications will be made with the scheduled submittals for the general street improvements.

#### **Potable Water:**

1. Abandon 4 inch cast iron pipe west of centerline in Sneden Street from Clarke Street to East Line Street and replace with 8 inch plastic pipe east of centerline. Align 8 inch pipe with 8 inch ductile iron pipe in Sneden Street south of Clarke Street.
2. Replace existing 8 inch "T" and valves at Clarke Street with a cross and 4 new valves.
3. Connect to 8 inch ductile iron pipe on East Line Street with new "T" and 2 new valves (south and east legs).
4. Replace 4 inch cast iron pipe in area affected by construction on Short Street with 8 inch plastic pipe connected to new 8 inch plastic pipe on Sneden Street with 3 new valves.
5. Add fire hydrant at the Short Street intersection.
6. Replace service laterals where water main has been replaced. New water services will be 1" Poly Pipe.
7. Install water meter boxes with meter idlers and "curb stop" valves in planter strip or in sidewalk where there is no planter on each water service.
8. Consider relocating water services that are located very close to sewer laterals.

### **Task 30 Fee**

Nolte's compensation is \$5,900.00 for this task.

### **Task 31 – Short Street Mapping and Sneden Street Supplemental Topographic Survey**

Nolte will investigate existing monumentation and readily retrievable records along Short Street between Sneden Street and Main Street (Highway 395). Nolte's record search will be limited to the City of Bishop, County of Inyo, and Caltrans. Nolte will map existing right of way, if sufficient and consistent information is obtained or provided.

If insufficient monumentation or records are obtained or provided to Nolte to map existing right of way or centerlines, Nolte will establish a centerline and right of way for Short Street between Sneden Street and Main Street.

Nolte will provide supplemental topographic survey along Sneden Street between East Line Street and South Street between the right of way lines and driveways and building fronts in areas.

### **Task 31 Fee**

Nolte's compensation is \$6,900.00 for this task.

### **Task 32 – Short Street Centerline and Right of Way Resolution**

If insufficient monumentation or records are obtained or provided to Nolte to map existing right of way or centerlines, Nolte will establish a centerline and right of way for Short Street between Sneden Street and Main Street. Nolte will commence work on this Task only after receiving authorization from the City.

### **Task 32 Fee**

Nolte's compensation is \$13,800.00 for this task.

### **Task 15B – Supplemental Street Improvement Plan Compensation**

The compensation for Task 15 of the existing contract is supplemented to provide compensation more commensurate with the design level of effort and anticipated construction magnitude. No change in the scope of services for Task 15 is included.

### **Task 15B**

Nolte's compensation is \$9,200 for this task.

### **Task 17 – Stormwater Pollution Prevention Plan**

The preparation of a Stormwater Pollution Prevention Plan is deferred to a later stage of the project. The compensation for Task 17 is reduced by \$5,500. The scope of the preparation of a SWPPP will be redefined at a later stage to better address current requirements for SWPPP documents.

### Task 17 Fee

Nolte's compensation is reduced by \$5,500.00 for this task.

### Task 33 – Potable Water Design – Reimbursables

Reimbursable expenses will be billed as incurred. A budget of \$410 has been established for printing, postage, travel, deliveries, etc. related to water improvements design.

### Task 33 Fee

Nolte's compensation is \$410.00 for this task.

### Assumptions

- Nolte assumes that the field surveying efforts for Tasks 31 and 32 will be completed in one combined mobilization

### Exclusions

- Potholing
- Additional geotechnical investigation
- Design documents for wastewater collection system improvements
- Construction staking, construction inspection, or construction management of water or sewer facilities
- Special inspection, including coating, if applicable

\* \* \* \* \*

**Exhibit B - DRAFT**

City of Bishop  
 Street Project Delivery Services - Sneden Street  
 Nolte/NV5 Job Number SDB0446SN  
 Contract Change Order No. 02  
 10 April 2012

Task No.	Activity	Cost			Total
		PAED	PSE	CONS	
1	Kick-off Meeting	\$ 3,500			\$ 3,500
2	CPM Schedule & Monthly Earned Value Reports	\$ 6,000	\$ 2,200	\$ 1,700	\$ 9,900
3	Research and Investigation	\$ 3,500			\$ 3,500
4	Horizontal and Vertical Control	\$ 8,950			\$ 8,950
5	Field Topographic Design Survey	\$ 6,600			\$ 6,600
6	Environmental Services	\$ 11,500			\$ 11,500
7	Preliminary Geotechnical Services	\$ 7,140			\$ 7,140
8	Dry Utility Coordination		\$ 3,300		\$ 3,300
9	Drainage Report	\$ 7,000			\$ 7,000
10	Preliminary Street Improvement Plans	\$ 6,970			\$ 6,970
11	Caltrans Coordination	\$ 3,300			\$ 3,300
12	Public Information Meetings	\$ 1,800	\$ 3,150		\$ 4,950
13	Legal Descriptions and Plats		\$ 4,000		\$ 4,000
14	Property Owner Negotiation		\$ 2,500		\$ 2,500
15	Street Improvement Plans		11,730		\$ 11,730
16	Constructability Review		3,000		\$ 3,000
17	Storm Water Pollution Prevention Plan *				\$ -
18	Specifications		4,400		\$ 4,400
19	Estimate of Bid Quantities and Opinion of Probable Costs		2,800		\$ 2,800
20	Bid Documents		2,800		\$ 2,800
21	Advertisement and Bid Review			\$ 1,650	\$ 1,650
22	Preconstruction Construction Management Services			\$ 19,200	\$ 19,200
23	Construction Management Services			\$ 70,000	\$ 70,000
24	Curb & Gutter Stakes			\$ 10,400	\$ 10,400
25	Corner Record Preparation			\$ 4,300	\$ 4,300
26	Quality Assurance Testing			\$ 19,200	\$ 19,200
27	Street Monumentation			\$ 4,700	\$ 4,700
RB	Reimbursables	\$ 2,892	\$ 2,455	\$ 4,653	\$ 10,000
29	Change Order No. 1 - Expand Survey Control Network	\$ 3,500			\$ 3,500
30	Potable Water Design		\$ 5,900		\$ 5,900
31	Short Street Mapping and Sneden Street Supplemental Topographic Survey		\$ 6,900		\$ 6,900
32	Short Street Centerline and Right of Way Resolution		\$ 13,800		\$ 13,800
15B	Supplemental Street Improvement Plan Compensation		\$ 9,200		\$ 9,200
33	Reimbursables - Potable Water Design		\$ 410		\$ 410
<b>Total</b>		<b>\$ 72,652</b>	<b>\$ 78,545</b>	<b>\$ 135,803</b>	<b>\$ 287,000</b>

This table supersedes the table shown in Exhibit B of the Scope of Services for Sneden Street dated 25 October 2012. This table corrects minor discrepancies in task numbers.

\* Compensation for Task 17 reduced from \$5,500 to \$0 in Change Order No. 02

PAED - Preliminary Architecture/Engineering Design

PSE - Plans, Specifications, and Estimates

CONS - Construction

TO: CITY COUNCIL

FROM: KEITH CALDWELL, CITY ADMINISTRATOR

**SUBJECT: Sewer Plant Ponds Evaluation**

DATE: April 23, 2012

Attachments: Staff Memo, H&S Environmental, L.L.C. Invoice

BACKGROUND/SUMMARY

The sewer ponds and treatment of the wastewater is an essential part of the City of Bishop Public Works duties. All flow from the City is treated and discharge requirements set by the state must be met.

H&S has provided a cost to the City for evaluation of the pond at \$3,499.

RECOMMENDATION

City Council consideration to approve the contract with H&S Environmental to evaluate the performance of sewer ponds and consideration to authorize the necessary budget adjustments.



**To:** Keith Caldwell, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Approve Sewer Plant Ponds Evaluation  
**Date:** 13 April 2012  
**Previous:** None  
**Funding:** Sewer Capital Improvements

**General:**

Public Works recommends the City Council approve a contract with H & S Environmental for the performance evaluation of the sewer ponds.

**Background:**

The sewer ponds are an important part of the City of Bishop waste treatment process. All flow from the city is treated in the ponds and the treatment they provide is essential in meeting the discharge requirements set in our permit from the state. It is proposed to evaluate the performance of the ponds and the effectiveness of how they are operated.

H & S Environmental of Mesa, Arizona is one of the worlds authorities on sewer ponds and H & S estimates the cost to evaluate our ponds at \$3,499. See the attached estimate.

The evaluation should be charged to sewer Professional and Technical Services, Line Item 002-051-52015, however funds are not budgeted for this work.

**Recommendation:**

That the City Council approve a contract with H & S Environmental to evaluate the performance of our sewer ponds based on the attached estimate and authorize the necessary budget adjustments.

# H & S Environmental, L.L.C.

# INVOICE

2122 E. Leland Circle  
 Mesa, AZ 85213  
 Phone (480) 274-8410 Fax (480) 833-0807



**DATE:** April 7, 2012  
**INVOICE #** P0063-2012  
**Customer Contact:** Deston Dishion  
**P.O. Number** Proforma Invoice Only

**Bill To:** Deston Dishion  
 City of Bishop  
 377 West Line Street, P. O. Box 1236  
 Bishop, California 93515  
 760-873-8458

**Ship To:** Deston Dishion  
 City of Bishop  
 377 West Line Street, P. O. Box 1236  
 Bishop, California 93515  
 760-873-8458

**Comments or Special Instructions:**  
**To OK this service please sign and Fax back to: 1 (480) 833-0807**

Proforma Invoice for On Site Lagoon Evaluation, Analysis & Report

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Performance Evaluation of Lagoon System <p style="text-align: center;"><b>This is a proforma invoice <u>only</u>.</b></p> This is a price quotation for the service of visiting the lagoon system to provide a performance evaluation and operational recommendations. Estimated Time: 2 days on site 1.5 travel day 2 office days for analysis, summary and report This evaluation entails an on site visit, evaluating operating and testing procedures, testing the lagoon while there, sludge judging each lagoon, analyzing and compiling operating data, and summarizing findings in a written report with recommendations This cost includes all travel expenses	\$ 3,499.00	\$ 3,499.00
<p style="text-align: center;"><b>Please sign below to OK this service</b></p> email to <a href="mailto:hssenvironmental@earthlink.net">hssenvironmental@earthlink.net</a> or fax to (480) 833-0807 _____ Date: _____		SUBTOTAL	\$ 3,499.00
		TAX RATE	0.00%
		SALES TAX	
		SHIPPING & HANDLING	
Signed by: _____		<b>TOTAL</b>	\$ 3,499.00

If you have any questions concerning this proforma invoice, contact Steve Harris, (480) 274-8410  
[hssenvironmental@earthlink.net](mailto:hssenvironmental@earthlink.net)