



# 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, JULY 25, 2011**  
**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.

### DEPARTMENT HEAD REPORTS

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

**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.

(2)

### APPROVAL/FILING

Minutes

(a) Council Study Session – 7/11/11

(b) Council Meeting – 7/11/11

Reports

(c) Personnel Status Change Report

(d) Request to surplus found property (bicycles) BPD036-11  
Request to surplus found property BPD037-11

## **INFORMATION/FILING**

Agendas  
Reports

- (e) Planning Commission Special Meeting Agenda – 7/26/11
- (f) Police Department Patrol Statistics 6/1/10 – 7/15/10  
Police Department Patrol Statistics 6/1/11 – 7/15/11
- (g) Public Works Report – 6/11

## **PUBLIC HEARING**

- (3) Draft Ordinance No. 536 – A public hearing will be held to receive and consider citizen input on the draft ordinance that will implement floodplain management measures – Administration.

## **NEW BUSINESS**

- (4) Draft Ordinance No. 536 – Repealing Bishop Municipal Code Chapter 15.20 entitled “Flood Damage Prevention” and Ordinances Nos. 432 and 450, and adding a new Chapter 15.20 entitled “Flood Damage Prevention” in its entirety – Introduction/First Reading – Administration.
- (5) Review and consideration to approve the draft responses to the 2010-2011 Inyo County Grand Jury Report – Administration/Police Department.
- (6) Consideration to surplus 1978 Jeep VIN DJ5F8173505 used at the City Park and authorize its disposal in the best interest of the City - Community Services Department.
- (7) Consideration to approve Work Order 2 for the Sewer Plant Headworks Improvement Project with Frost Company and authorize the execution and expenditure not to exceed \$9,000.00 – Public Works Department.
- (8) Consideration for designating the voting delegate and alternate for the business meeting at the Annual League of California Cities Conference in September – Council.

## **COUNCIL REPORTS**

### **ADJOURNMENT**

July 26, 2011 – 5:00 p.m. City Council/Planning Commission Joint Meeting – Mobility Workshop  
August 8, 2011 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting  
August 22, 2011 - 4:00 p.m. Study Session / 7:00 p.m. Regular Meeting

These meetings will be held in the City Council Chambers, 301 West Line Street, Bishop, unless otherwise indicated.



# CITY OF BISHOP

## STUDY SESSION AGENDA

Council Chambers - 301 West Line Street - Bishop, California

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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, JULY 25, 2011**

**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. Current 7:00 p.m. agenda items
2. Future agenda items

### DEPARTMENT HEAD REPORTS

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

### DISCUSSION

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

### CLOSED SESSION

PERSONNEL – Pursuant to Government Code Section 54954.5, the City Council will meet in closed session to conduct further performance evaluation – Title: City Administrator.

### REPORT ON CLOSED SESSION AS REQUIRED BY LAW

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

## AGENDA PLANNING FOR UPCOMING MEETINGS

### **JULY 26, 2011 JOINT COUNCIL PLANNING COMM.**

**5:00 – 7:00 p.m.**

- Joint meeting with Council and Planning Commission on Mobility Study, sign ordinance and signs for parking.

### **AUGUST 8, 2011 MEETINGS – MEMOS DUE: Tues Aug 2 10 am**

**4:00 PM**

**7:00 PM**

- Floodplain Management Regulations Ordinance – Second Reading/Adoption
- Consideration to add Radio Control track to Park Master Plan.

### **AUGUST 22, 2011 MEETINGS – MEMOS DUE: Tues Aug 16 10 am**

**4:00 PM**

- Discussion on pros and cons for consolidating the City's General Municipal Election with an Inyo County election. (Kammi Foote, Inyo County Clerk/Recorder and Peter Tracy, City Attorney) TENTATIVE

**7:00 PM**

- Resolution adopting Fund Balance Policy (GASB 54 requirement)
- Approve application to Urban Land Institute (ULI) for Community Action Grant (requesting \$25,000 for economic development planning in the Whitney Alley/Rose Street corridor)

### **SEPT 12, 2011 MEETINGS – MEMOS DUE: Tues Sept 6 10 am**

**4:00 PM**

**7:00 PM**

### **SEPT 26, 2011 MEETINGS – MEMOS DUE: Tues Sept 20 10 am**

**4:00 PM**

**7:00 PM**

### **OCT 11, 2011 MEETINGS – MEMOS DUE: Tues Oct 4 10 am**

**4:00 PM**

**7:00 PM**

- RESOLUTION APPROVING APPLICATION FOR SUSTAINABLE COMMUNITIES PLANNING GRANT
- Quarterly Citizen Award

**TO:** CITY COUNCIL  
**FROM:** JAMES M. SOUTHWORTH, CITY ADMINISTRATOR  
**SUBJECT: DEPARTMENT HEAD UPDATES**  
**DATE:** JULY 25, 2011



**Attachments:**

**BACKGROUND/SUMMARY:**

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

**RECOMMENDATION:**

Hear the reports.

CITY OF BISHOP  
CITY COUNCIL STUDY SESSION MINUTES  
JULY 11, 2011

AGENDA ITEM NO.  
2 (a)

- CALL TO ORDER** Mayor Smith 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 Jim Ellis, Susan Cullen, Jeff Griffiths,  
Mayor Pro Tem David Stottlemire  
Mayor Laura Smith
- COUNCIL ABSENT** None
- OTHERS PRESENT** James Southworth, City Administrator  
Denise Gillespie, Assistant City Clerk  
Keith Caldwell, Assistant City Administrator/  
Community Services Director  
Ray Seguine, Fire Chief  
Chris Carter, Police Chief  
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. Emergency Command System – “Who’s In Charge”** Joe Peci, former Bishop Police Chief, author of the Bishop Emergency Operation Plan, and trainer for countywide emergency operations, provided information and a short video on the importance of coordination of services in emergency situations. He recommended the City search for grants within the next year to fund training opportunities for all staff.
  - 2. Annual Awards Dinner** It was the consensus of the Council to change the location and date of the Annual Awards Dinner to mid-late October at the Elks Lodge.
  - 3. Quarterly Citizen Award** Due to scheduling, the presentation of the Quarterly Citizen Award to the selected recipient has been delayed to October. A new recipient was selected for this quarter and will be presented at an upcoming meeting.
  - 4. Current 7:00 Agenda Items** Discussion was held on scheduled agenda items for the 7:00 p.m. meeting. Mayor Pro Tem Stottlemire requested that the City’s commissions provide input on possible term limits for commissioners.

5. Future Agenda Items	List of future agenda items was provided. No discussion was necessary.
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.
RECESS/CONVENE IN CLOSED SESSION	At 5:40 p.m. the Mayor recessed the Council meeting to convene in closed session for the final department head evaluation for the Police Chief and further performance evaluation for the City Administrator.
RECONVENE/ ANNOUNCEMENT	At 6:10 p.m. the Council reconvened to open session with all five Council Members present. The Mayor announced that no action was taken during closed session.
ADJOURNMENT	The Mayor adjourned the meeting at 6:11 p.m. to the regular City Council meeting scheduled at 7:00 p.m.

\_\_\_\_\_  
LAURA SMITH, MAYOR

ATTEST: James M. Southworth, City Clerk

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

CITY OF BISHOP  
CITY COUNCIL MINUTES  
JULY 11, 2011

- CALL TO ORDER** Mayor Smith called the meeting of the Bishop City Council to order at 7:03 p.m. in the City Council Chambers, 301 West Line Street, Bishop, California.
- INVOCATION** The invocation was given by Pastor Rick Klug of the Calvary Baptist Church followed by the Pledge of Allegiance led by Mayor Smith.
- COUNCIL PRESENT** Councilmembers Jim Ellis, Susan Cullen, Jeff Griffiths  
Mayor Pro Tem Dave Stottlemyre  
Mayor Laura Smith
- COUNCIL ABSENT** None
- OTHERS PRESENT** James Southworth, City Administrator  
Denise Gillespie, Assistant City Clerk  
Peter Tracy, City Attorney  
Keith Caldwell, Assistant City Administrator/  
Community Services Director  
Ray Seguine, Fire Chief  
Chris Carter, Police Chief  
David Grah, Public Works Director/City Engineer  
Gary Schley, Public Services Officer
- PUBLIC COMMENT** The Mayor announced the public comment period. No public comment was provided.
- PROCLAMATION**
- BREASTFEEDING AWARENESS MONTH August 2011**  
(1) At the request of the Toiyabe Indian Health Project a proclamation declaring August as Breastfeeding Awareness Month in the City was presented. A report on upcoming events was provided by Irene Mason, WIC Program Director.
- DEPARTMENT HEAD REPORTS**  
(2) Reports from Community Services, Fire, Police, Public Works and Administration were given on the departments' activities including upcoming and ongoing projects.
- CONSENT CALENDAR**  
(3) A motion was made by Councilmember Cullen and passed unanimously to approve the Consent Calendar as presented:
- Motion/Cullen
- FOR APPROVAL AND FILING**  
(a) Study Session Minutes – 6/27/11  
(b) Council Meeting Minutes – 6/27/11  
(c) Personnel Status Change Report  
(d) Warrant Register – 6/11  
(e) Fund Transactions – 7/1/10 – 6/30/11

- (f) Sunrise Mobile Home Replacement Reserve Account  
4/11/11 – 6/30/11

FOR INFORMATION/FILING

- (g) Water and Sewer Commission – 7/12/11  
(h) 2011 BUHS Scholarship Sponsor Certificate – Simpson  
(i) Fire Department Activity Log – 6/11  
(j) Public Works Building Permit Report – 6/11  
(k) Public Works Report – 5/11

NEW BUSINESS

PLANNING COMMISSION APPOINTMENTS - Council (4)  
Motion/Griffiths  
On a motion by Councilmember Griffiths, the Council voted 5-0 to appoint Darren Malloy to fill an unexpired term on the Planning Commission ending January 24, 2014 and to reappoint Robert Lowthorp to another four year term ending September 11, 2015.

BID AWARD  
SCBA Cylinders  
Fire Department  
(5)  
Motion/Stottlemyre  
The Fire Chief gave a report on the bids received for 30 SCBA cylinders to replace current soon-to-expire equipment:

Third Alarm Fire Equipment	\$20,457.38
Allstar Fire Equipment	\$22,052.94
Cascade Fire Equipment	\$30,732.75

On a motion by Mayor Pro Tem Stottlemyre, the Council voted 5-0 to award the bid for 30 SCBA cylinders to Third Alarm Equipment from Lake Arrowhead, California, in the amount of \$20,457.38.

HIRING FREEZE WAIVED  
Part Time Position – Fire Department  
(6)  
Motion/Griffiths  
To assist the Fire Department with programming new radio equipment to meet new FCC requirements, Councilmember Griffiths made a motion to waive the hiring freeze to allow the Fire Department to hire a temporary Part-Time Mechanic at \$12.00 per hour, not-to-exceed 375 hours. The motion passed 5-0.

OPEN MARKET EXEMPTION APPROVED  
Ammunition Purchase  
Police Department  
(7)  
Motion/Stottlemyre  
As provided by Municipal Code Section 3.24.200 D, the Council voted 5-0 on a motion by Mayor Pro Tem Stottlemyre to waive the formal bid procedure and approved the purchase of the Winchester ammunition from Dooley Enterprises in an amount not to exceed \$8,000.00.

OPEN MARKET EXEMPTION APPROVED  
Sewer Equipment  
Public Works Department  
(8)  
Motion/Ellis  
As provided by Municipal Code Section 3.24.200 D, the Council voted 5-0 on a motion by Councilmember Ellis to waive the formal bid procedure and approved the purchase of the Johnston Drive Sewage Life Station replacement equipment from T.H. Creears Corporation in the amount of \$26,683.00 plus shipping costs and taxes.

E.S.T.A. LINE OF CREDIT  
FUNDING APPROVED  
(9)  
Motion/Cullen

On a motion by Councilmember Cullen, the Council voted 5-0 to approve the line of credit funding for the Eastern Sierra Transit Authority in the amount of \$25,000.00 for Fiscal Year 2011-2012 and authorized the City Administrator to execute the Advance Funding Agreement.

BUDGET ADJUSTMENTS/  
TRANSFERS FY 2010-11  
APPROVED  
(10)  
Motion/Griffiths  
COUNCIL REPORTS

On a motion by Councilmember Griffiths, the Council voted 5-0 to approve the budget adjustments and transfers for Fiscal Year 2010-2011 through June 30, 2011 as presented to bring the listed accounts into reconciliation with expenditures.

Council Members announced upcoming community events. No action was taken.

ADJOURNMENT

The Mayor adjourned the meeting at 7:53 p.m. to the Study Session scheduled for Monday, July 11, 2011 at 4:00 p.m. in the City Council Chambers.

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LAURA SMITH, MAYOR

Attest: James Southworth, City Clerk

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

TO: City Council

SUBJECT: CONSENT CALENDAR - PERSONNEL STATUS CHANGE REPORT

DATE: July 25, 2011

The following personnel items have been submitted for action at this meeting:

COMMUNITY SERVICES DEPARTMENT

EFFECTIVE DATE

- (a) Merit Increase – Community Services Secretary  
Step 2 to Step 3  
Increase of \$499.00/monthly (also includes COLA)  
Poole, Karey

7/1/11

COMMUNITY SERVICES DEPARTMENT – SEASONAL PART TIME

- (b) Activities Director  
\$8.00/hourly  
Hire – Brooks, Mariah  
Hire – Campbell, Katelyn  
Hire – Grevenkamp, Dana  
Rehire – Ono, Benjamin

6/22/11

6/27/11

6/8/11

6/20/11

- (c) Instructor  
\$25.00/hourly  
Hire – Livingston, Erin

6/15/11

FIRE DEPARTMENT

- (d) Facility Maintenance Worker  
Step 2 - \$12.00/hourly  
Hire – Blum, Sam

7/11/11

PUBLIC WORKS DEPARTMENT

- (e) Merit Increase – Wastewater Treatment Grade II Certificate  
Increase of \$121.00 monthly  
Kiddoo, Jake

7/16/11

(d)

**Bishop Police Department  
Interoffice Memorandum**

**Date:** 06/16/2011

**Memo Log# BPD036-11**

**To:** Jim Southworth, City Administrator

**From:** Chris Carter, Chief of Police

**Subject:** Bicycles to Donate to IMAH

I request approval from the City Council to donate the following bicycles to Inyo-Mono Association for the Handicapped (IMAH) per Section 217 of the Welfare and Institutions Code. IMAH meets all the requirements of this code for donation of these bicycles. All bicycles have been held for a minimum of 90 days as required by City Ordinance.

**BICYCLES THAT ARE FOUND PROPERTY  
(COLOR RIBBONS)**

CASE #	DESCRIPTION	SERIAL #	CITY BIKE REG NUMBER	PROP. TAG #	DISPO DATE
11-0050	Wht/Brn BMX Style Bike	6NACB08A19946	3152511	7990	04/26/11
11-0078	Grn Shimano MGX Bike	HCH070311	3152598	8001	05/06/11
11-0081	Wht Huggy Howler Mtn Bike	A309074737	3152599	8002	05/08/11
11-0271	Red Huffy Highland Bike	BB04A55108	3152600	8038	07/07/11

Chris Carter, Chief of Police

Date 7/18/2011

Received from the Bishop Police Department, the above listed bicycles as approved by the Bishop City Council.

Signature IMAH Representative

Date \_\_\_\_\_

**Bishop Police Department  
Interoffice Memorandum**

**Date:** 06/16/2011  
**To:** Jim Southworth, City Administrator  
**From:** Chris Carter, Chief of Police  
**Subject:** Surplus and Found Property

**Memo Log# BPD037-11**

I request approval from the City Council to authorize destruction or sale of the following property per the agreement with PropertyRoom.com per City of Bishop BCO 3.48.030 (Property held for three months deemed unclaimed).

**UNCLAIMED FOUND PROPERTY**

CASE #	DESCRIPTION	SERIAL #	PROPERTY TAG #	DISPO DATE
11-0096	Silv 64 Chromonical Harmonica	None	8003	06/12/11
11-0177	Red/Wht Coleman Ice Chest	None	8019	06/14/11
11-0241	Blk Sony Walkman Radio	None	8029	07/04/11



Chris Carter, Chief of Police

Date 7-18-11

(e)

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

**Date:**

July 26, 2011  
5:00 P.M.

**Notice to the Public:**

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**Public Comment:** This time is set aside to receive public comment on matters not calendared on the agenda.

**Joint Meeting with City Council:** A joint meeting will be called to order by the Commission and roll will be taken.

**Discussion:**

- (1) Joint workshop on Draft Mobility Element update to General Plan
  - a. Introduction and slide show presentation
  - b. Comments regarding Mobility Element
    1. City Council and Planning Commission discussion and comments
    2. Public comments
    3. Closing remarks
- (2) Update on General Plan Housing Element compliance
- (3) Discussion on sign ordinance review
- (4) Discussion on parking regulations review
- (5) Discussion on term limits for city commissioners

**Adjournment:** The next regularly scheduled meeting of the Planning Commission will be August 30, 2011 at 7:00 P.M. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

**BISHOP POLICE DEPARTMENT****PATROL STATISTICS****REPORTING PERIOD: 06/01/2010 - 07/15/2010**

(F)

07/15/2011

<b>Statistic</b>	<b>Count</b>
Total Incidents	1972
Calls for Service	821
Officer Initiated Incidents	1151
Traffic Stops	262
Other OIA Incidents	889
Bus/Building checks	36
Veh/Ped Check	40
Total Officer Reports	115
Accident	6
Criminal Accident	1
Felony	10
Information	50
Infraction	0
Misdemeanor	48
Unclassified Reports	0
Total Misdemeanor & Felony Arrests	46
Misdemeanor Arrests	37
Felony Arrests	9
Total Citations	173
BISHOP MUNI CODE	15
Infraction	45
Misdemeanor	17
Parking	80
Unclassified	16
FIs	0

2010  
PATROL STATISTICS

**PATROL STATISTICS****REPORTING PERIOD: 06/01/2011 - 07/15/2011**

07/15/2011

<b>Statistic</b>	<b>Count</b>
Total Incidents	2171
Calls for Service	1115
Officer Initiated Incidents	1056
Traffic Stops	426
Other OIA Incidents	630
Bus/Building checks	35
Veh/Ped Check	46
Total Officer Reports	140
Accident	10
Criminal Accident	1
Felony	8
Information	75
Infraction	0
Misdemeanor	46
Unclassified Reports	0
Total Misdemeanor & Felony Arrests	28
Misdemeanor Arrests	24
Felony Arrests	4
Total Citations	245
BISHOP MUNI CODE	47
Infraction	98
Misdemeanor	20
Parking	69
Unclassified	11
FIs	0

2011 PATROL STATISTICS



# 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

June 2011

### Water

1. Rivers Edge Construction began work on the North Second Street Water Improvements Project.
2. California Department of Public Health conducted its annual inspection of the water system.
3. Resource Concepts Incorporated completed study for new water storage tank design.
4. Completed annual testing of back flow valves within the city. Still have to recheck failed valves.
5. Stantec installed radios at wells, tank site and shop. Project should be completed by the end of July.
6. Performed grounds maintenance at Wells 2 and 4.
7. Took monthly readings of all water meters.
8. Took routine bacteria samples.

### Sewer

1. City forces installed 3000 feet of conduit from the control room to the aerators to accommodate the SCADA system.
2. Marked all sewer facilities under roads affected by the North Second Street Water Improvements project.
3. Cleaned sludge and grit drying beds.
4. Performed grounds maintenance at the Waste Water Treatment Plant.
5. Made routine inspections of grease interceptors.
6. Performed maintenance on the Johnston Drive Lift Station.
7. Generated a No Spill Certification for the state and reported the same.
8. Performed routine main line cleaning in trouble areas.
9. Continued video effort to inventory all sewer facilities under city right of way.

10. Attended Eastern Sierra Community Services District board meeting to discuss continued use of district conveyance facilities.
11. Continued to work with the City of Los Angeles Department of Water and Power (DWP) and to investigate a potential new sewer connection at their facility on Mandich Street.

### **Streets**

1. Construction of Project A is complete except for the distribution of replacement trees.
2. Installed warning signs on both sides of the Bishop Creek Canal on East Line Street. This work was done to alert motorists of pedestrians at the bridge.
3. As part of the sidewalk safety program we assisted the owner at 275 East Elm Street with construction of new sidewalk, driveway and curb.
4. Patched potholes and gutters in city streets.
5. Swept all streets and alleys in town.
6. Participated in Inyo Local Transportation Commission meeting.
7. Participated in Mobility Element Working Group meeting.
8. Issued encroachment permit for Eastern Sierra Farmers Market.
9. Responded to DWP inquiries about the right of way for the Mac Iver Street extension.
10. Evaluated proposal to reduce speed limit on East Line Street near Johnston Drive due to the likely existence of a residence area there under the California Vehicle Code.
11. Worked to complete relocation of mail box on South Main Street.
12. Worked to develop and implement strategy to fund design effort on Pine to Park Path.

### **Miscellaneous**

1. Provided weekly Tail Gate safety meetings.
2. Provided traffic control equipment to the farmers market.
3. Hauled trash and debris from Fowler Pit to the Sunland Landfill.
4. Performed maintenance to light trucks and equipment.
5. Worked with City Attorney to implement updated flood ordinance.
6. Took delivery of most significant data from LiDAR project.
7. Provided updated and corrected list of city facilities for Digital 395 project.

TO: CITY COUNCIL

FROM: JAMES M. SOUTHWORTH, CITY ADMINISTRATOR 

SUBJECT: PUBLIC HEARING – Flood Damage Prevention Ordinance

**NEW BUSINESS – Introduction & first reading of “Flood Damage Prevention” Ordinance 536**

DATE: May 23, 2011

**Attachments:**

1. *Flood Damage Prevention Ordinance* memo from Public Works Director Grah
2. *Flood Damage Prevention Ordinance 536*
3. *Publication of Public Hearing Notice*

#### BACKGROUND/SUMMARY

The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Map (FIRM) and flood study for the Bishop area and requires that the City update its Flood Damage Prevention Ordinance. Director Grah’s memo provides an overview of the new ordinance, which replaces the old ordinance (# 432 adopted 1985 and #450 adopted 1987).

City Attorney Tracy, Director Grah, and Assistant City Clerk Gillespie are to be commended for their efforts in putting together this important and complex ordinance.

#### RECOMMENDATIONS

1. Hold the Public Hearing on proposed Ordinance 536 entitled “Flood Damage Prevention.”
2. In New Business (after Public Hearing is closed) Introduction and first reading of Ordinance 536 entitled “Flood Damage Prevention.”



**To:** James M. Southworth, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Flood Damage Prevention Ordinance Update  
**Date:** 18 July 2011  
**Previous:** None  
**Funding:** None

**General:**

The Federal Emergency Management Agency (FEMA) requires that the city update its Flood Damage Prevention Ordinance.

**Background:**

A major function of FEMA is to administer the federal flood insurance program. As a part of that program, FEMA periodically updates Flood Insurance Rate Maps (FIRM's) and related requirements. FEMA is updating the FIRM that covers most of the City of Bishop and, for the city to continue participation in the flood insurance program, requires the city to update its Flood Damage Prevention Ordinance. The attached updated ordinance was prepared by the City Attorney and is based on a California model. This updated ordinance meets FEMA requirements.

FEMA's FIRM update does not make any "real" changes for the City of Bishop area. The update is intended to be just a move from paper maps to digital maps (the new FIRM's are called DFIRM's for "digital" FIRM's). Because of the conversion of the maps to digital, where the flood zones fall is now exactly defined. That exact definition is slightly different from where they were understood to be based on the paper maps. About 17 private properties in the city are affected by flood zones and these properties will be individually advised of the change. These properties are in the Rome Drive and Yaney Street neighborhoods and are shown in the attached overview map.

The new DFIRM for Bishop goes into effect 16 August 2011 and, because of the required two readings for the new ordinance and the 30 day period between the second reading and the time the ordinance takes effect, there will be a gap of a few weeks between when the new FEMA maps are in effect and when the new city ordinance is in effect. FEMA required the city to follow a policy that we will not issue any building permits in flood zone areas until the new ordinance is in effect. No permits are expected during this short period and, if there are, the delay to the permits will be relatively short.

**Recommendation:**

Adopt the new Flood Damage Prevention Ordinance.

**DRAFT ORDINANCE NO. 536**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, REPEALING BISHOP MUNICIPAL CODE CHAPTER 15.20 ENTITLED "FLOOD DAMAGE PREVENTION" AND ORDINANCE NOS. 432 AND 450, AND ADDING A NEW CHAPTER 15.20 ENTITLED "FLOOD DAMAGE PREVENTION" IN ITS ENTIRETY**

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

SECTION 1: Title 15 of the Bishop Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", Chapter 15.20 entitled "Flood Damage Prevention" and Ordinance Nos. 432 and 450 are hereby repealed and a new Chapter 15.20 entitled "Flood Damage Prevention" is added to Title 15 read in its entirety as set forth in "Exhibit A" attached hereto and incorporated herein.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its passage and adoption.

SECTION 3: 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 \_\_\_\_ day of \_\_\_\_\_ 2011 by the following vote of the Bishop City Council.

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
LAURA SMITH, MAYOR

ATTEST: James M. Southworth, City Clerk

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

**“EXHIBIT A”**

Chapter 15.20

FLOOD DAMAGE PREVENTION

Sections:

**ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

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- 15.20.020 Findings of fact.
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- 15.20.190 Standards for subdivisions and other proposed development.
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## **ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

### **15.20.010 STATUTORY AUTHORIZATION.**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Bishop does hereby adopt the following floodplain management regulations.

### **15.20.020 FINDINGS OF FACT.**

- A. The flood hazard areas of the City of Bishop are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

### **15.20.030 STATEMENT OF PURPOSE.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **15.20.040 METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this ordinance includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against

against flood damage at the time of initial construction;

- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

## ARTICLE 2. DEFINITIONS

15.20.050 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. "A zone" - see "Special flood hazard area".
2. "Accessory structure" means a structure that is either:
  - A. Solely for the parking of no more than 2 cars; or
  - B. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.
3. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
4. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
5. "Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
6. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.
7. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
8. "Area of special flood hazard" - See "Special flood hazard area."
9. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.
10. "Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
11. "Basement" means any area of the building having its floor subgrade - i.e., below ground level – on all sides.
12. "Building" - see "Structure".
13. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
14. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

15. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 10, 1985.
16. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
17. "Flood, flooding, or flood water" means:
  - A. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
  - B. The condition resulting from flood-related erosion.
18. "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
19. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
20. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
21. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."
22. "Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.
23. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
24. "Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
25. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
26. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

27. "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
28. "Fraud and victimization" as related to ARTICLE 6. VARIANCE PROCEDURE of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
29. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
30. "Governing body" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
31. "Hardship" as related to ARTICLE 6. VARIANCE PROCEDURE of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
32. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
33. "Historic structure" means any structure that is:
- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
34. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

35. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
36. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).
- A. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
- 1) The flood openings standard in Section 15.20.170.C.3;
  - 2) The anchoring standards in Section 15.20.170.A;
  - 3) The construction materials and methods standards in Section 15.20.170.B; and
  - 4) The standards for utilities in Section 15.20.180.
- B. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.
37. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
38. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
39. "Market value" is defined in the City of Bishop substantial damage improvement and substantial damage procedures. See Section 15.20.140.B.1.
40. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
41. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 10, 1985, and includes any subsequent improvements to such structures.
42. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 10, 1985.
43. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
44. "One-hundred-year flood" or "100-year flood" - see "Base flood."

45. "Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.
46. "Public safety and nuisance" as related to ARTICLE 6. VARIANCE PROCEDURE of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
47. "Recreational vehicle" means a vehicle which is:
- A. Built on a single chassis;
  - B. 400 square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light-duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
48. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
49. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
50. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
51. "Sheet flow area" - see "Area of shallow flooding."
52. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
53. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

54. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
55. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
56. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
- A. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
57. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
58. "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
59. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
60. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### ARTICLE 3. GENERAL PROVISIONS

#### 15.20.060 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Bishop.

#### 15.20.070 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Inyo County and Incorporated Areas effective August 16, 2011", with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), effective August 16, 2011, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at City of Bishop Public Works Department, 377 West Line, Bishop, California.

#### 15.20.080 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

#### 15.20.090 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 15.20.100 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### 15.20.110 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### 15.20.120 SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

## ARTICLE 4. ADMINISTRATION

### 15.20.130 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Public Works Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

### 15.20.140 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- A. Permit Review. Review all development permits to determine:
1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  2. All other required state and federal permits have been obtained;
  3. The site is reasonably safe from flooding;
  4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Bishop; and
  5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- B. Development of Substantial Improvement and Substantial Damage Procedures.
1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
  2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 15.20.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
  - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
  - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
  - a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
  - b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 15.20.170.C.1 and Section 15.20.200 (lowest floor elevations);
2. Certification required by Section 15.20.170.C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 15.20.170.C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 15.20.190.A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 15.20.220.B (floodway encroachments); and
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field

conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.160.

G. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 15.20.080.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

15.20.150 DEVELOPMENT PERMIT.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.20.070. Application for a development permit shall be made on forms furnished by the City of Bishop. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 15.20.070 or Section 15.20.140.C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.20.170.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.20.170.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.20.170.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 15.20.140.E of this ordinance.

15.20.160 APPEALS.

The City Council of City of Bishop shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

## ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

15.20.170 STANDARDS OF CONSTRUCTION. In all areas of special flood hazards the following standards are required:

- A. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:
  1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
  2. Using methods and practices that minimize flood damage;
  3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
  4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
  - a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
  - b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
  - c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 15.20.140.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 15.20.170.C.1. or:
  - a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 15.20.170.C.1., so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by a registered civil engineer or architect that the standards of Section 15.20.170 C.2.a & b are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
  - a. For non-engineered openings:
    1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. The bottom of all openings shall be no higher than one foot above grade;
    3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
    4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
  - b. Be certified by a registered civil engineer or architect.
4. Manufactured homes.
  - a. See Section 15.20.200.
5. Garages and low cost accessory structures.
  - a. Attached garages.
    1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 15.20.170.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 15.20.170.B.
    2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
  - b. Detached garages and accessory structures.
    1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in ARTICLE 2. DEFINITIONS, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
      - a) Use of the accessory structure must be limited to parking or limited storage;
      - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
      - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
      - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

- e) The accessory structure must comply with floodplain encroachment provisions in Section 15.20.220; and
  - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 15.20.170.C.3.
2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.20.170.

15.20.180 STANDARDS FOR UTILITIES.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - 1. Infiltration of flood waters into the systems; and
  - 2. Discharge from the systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

15.20.190 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
  - 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
  - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    - a. Lowest floor elevation.
    - b. Pad elevation.
    - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

15.20.200 STANDARDS FOR MANUFACTURED HOMES.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in

an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 15.20.200.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
1. Lowest floor of the manufactured home is at or above the base flood elevation; or
  2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### 15.20.210 STANDARDS FOR RECREATIONAL VEHICLES.

- A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
1. Be on the site for fewer than 180 consecutive days; or
  2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  3. Meet the permit requirements of Section 15.20.150 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 15.20.200.A.

#### 15.20.220 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Bishop.
- B. Within an adopted regulatory floodway, the City of Bishop shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- C. If Sections 15.20.220.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

## SECTION 6. VARIANCE PROCEDURE

### 15.20.230 NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

### 15.20.240 CONDITIONS FOR VARIANCES.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of ARTICLE 4. ADMINISTRATION and ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in ARTICLE 2. DEFINITIONS of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the

Office of the Inyo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

15.20.250 APPEAL BOARD.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

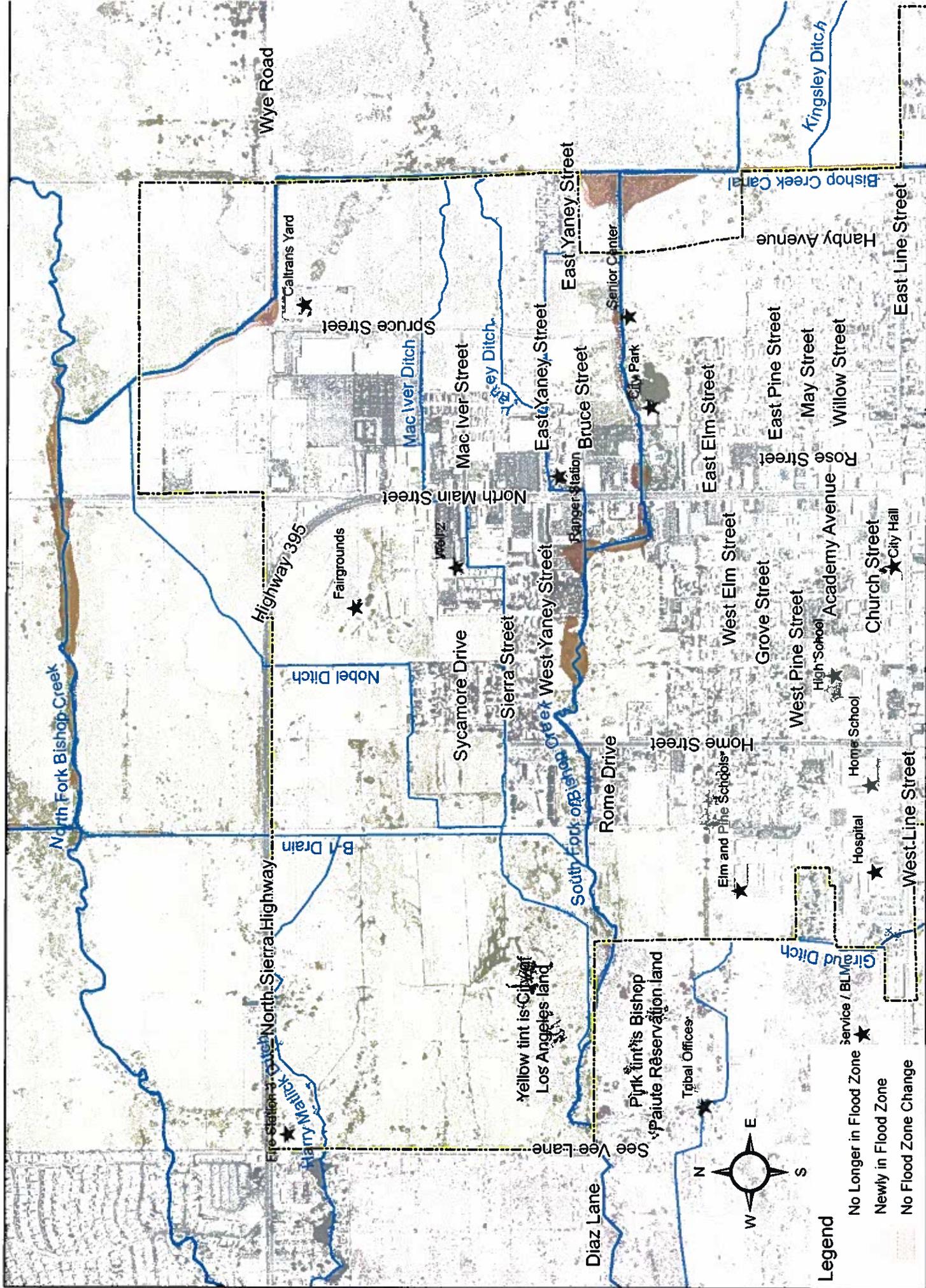
B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 15.20.250.A through D are satisfied and that the structure or other development is protected

protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

- D. Upon consideration of the factors of Section 15.20.240.A and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.



**DRAFT** 2011 FEMA Flood Map Changes Overview

Feet  
 0 500 1,000

**Legend**

- No Longer in Flood Zone
- Newly in Flood Zone
- No Flood Zone Change

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

This space is for County Clerk's Filing Stamp

STATE OF CALIFORNIA,  
COUNTY OF INYO

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the  
The Inyo Register

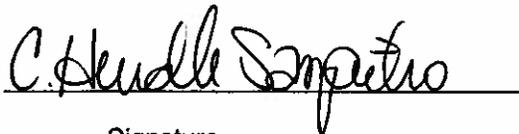
## County of Inyo

*The Inyo Register* has been adjudged a newspaper of general circulation by the Superior Court of the County of Inyo, State of California, under date of Oct. 5, 1953, Case Number 5414; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following dates, to wit:

**JULY 14**

in the year **2011**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
on this **14TH DAY** day of **JULY, 2011**



Signature

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## Proof of Publication of Public Notice

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CITY OF BISHOP  
NOTICE OF PUBLIC HEARING  
PROPOSED FLOOD PLAIN  
MANAGEMENT  
REGULATIONS  
DRAFT ORDINANCE NO. 536

NOTICE IS HEREBY GIVEN that the Bishop City Council will hold a public hearing on Monday, July 25, 2011, at 7:00 p.m. in the City Council Chambers, 301 West Line Street, to hear and consider citizen input on DRAFT ORDINANCE NO. 536 repealing Bishop Municipal Code Chapter 15.20 entitled "Flood Damage Prevention" and Ordinance Nos. 432 and 450, and adding a new chapter 15.20 entitled "Flood Damage Prevention" in its entirety. The draft ordinance is available at the Public Works Department, 377 West Line Street, Bishop, California and on the City's website at [www.ca-bishop.us](http://www.ca-bishop.us).

Any persons wishing to comment are invited to attend said hearing or send written comments to the City Council, 377 West Line Street, P. O. Box 1236, Bishop, CA 93515, on or before the time of said hearing. (IR 7/14/11 #9603)

TO: CITY COUNCIL

FROM: JAMES M. SOUTHWORTH, CITY ADMINISTRATOR 

SUBJECT: **PUBLIC HEARING – Flood Damage Prevention Ordinance**

**NEW BUSINESS – Introduction & first reading of “Flood Damage Prevention” Ordinance 536**

DATE: May 23, 2011

**Attachments:**

1. *Flood Damage Prevention Ordinance* memo from Public Works Director Grah
2. *Flood Damage Prevention Ordinance 536*
3. *Publication of Public Hearing Notice*

#### BACKGROUND/SUMMARY

The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Map (FIRM) and flood study for the Bishop area and requires that the City update its Flood Damage Prevention Ordinance. Director Grah’s memo provides an overview of the new ordinance, which replaces the old ordinance (# 432 adopted 1985 and #450 adopted 1987).

City Attorney Tracy, Director Grah, and Assistant City Clerk Gillespie are to be commended for their efforts in putting together this important and complex ordinance.

#### RECOMMENDATIONS

1. Hold the Public Hearing on proposed Ordinance 536 entitled “Flood Damage Prevention.”
2. In New Business (after Public Hearing is closed) Introduction and first reading of Ordinance 536 entitled “Flood Damage Prevention.”

**BACK-UP DOCUMENTS - #3**

TO: CITY COUNCIL

FROM: JAMES M. SOUTHWORTH, CITY ADMINISTRATOR 

**SUBJECT: CITY RESPONSES TO 2010-2011 INYO CO. GRAND JURY REPORT**

DATE: JULY 25, 2011

Attachments: 

1. Draft Responses to the 2010-2011 Inyo County Grand Jury Report
2. Response cover letter for Mayor and Police Chief signature
3. Police Department Staff Commendation from City Administrator
4. 2010-2011 Grand Jury Report

#### BACKGROUND/SUMMARY

Attached for City Council review is the draft response to the comments made to the City in the 2010-2011 Inyo County Grand Jury Report. When approved, the document will be forwarded to the Inyo County Superior Court with a cover letter signed by the Mayor and Chief of Police.

#### RECOMMENDATION

Review the draft document for action to approve the responses with or without modifications.

**CITY OF BISHOP RESPONSES  
TO THE  
2010-2011 INYO COUNTY GRAND JURY REPORT**

**DRAFT**

Annual Inspection of Incarceration Sites  
Report on the Conditions and Management of the Bishop Police Department Holding Facility

**BISHOP POLICE DEPARTMENT HOLDING FACILITY**

**FINDINGS:**

- 1. The facilities are clean, organized, and well maintained.**

Response:

The City of Bishop agrees with the finding.

- 2. The front office staff should have more protection from the possibility of violent visitors.**

Response:

The City of Bishop agrees with the finding.

- 3. The entire building is too small.**

Response:

The City of Bishop agrees with the finding.

**RECOMMENDATIONS:**

- 1. The management and staff should be commended for the excellent utilization of the building they have inherited.**

Response:

The recommendation has been implemented. Staff members have been commended for their efforts.

- 2. Some type of barriers should be erected to protect civilian staff from the possibility of violent visitors.**

Response:

The recommendation has not yet been implemented but will be implemented in the future. The Police Department is exploring the possibility of acquiring protective barriers from local sources as well as other options for increasing security for this area.

- 3. The City of Bishop should make it a priority to provide a larger facility for the Police Department.**

Response:

The recommendation will be implemented. The City will continue to make it a priority to search for options which balance the need for a larger police facility while remaining fiscally responsible to the people we serve. At the conclusion of the 2009-2010 Grand Jury Report, the City revisited the potential location at 350 Lagoon Street (Verizon Building) and was told the building was no longer available for sale.



# 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

July 25, 2011

Inyo County Superior Court  
Dept. 1, Box U  
Independence, CA 93526

The Bishop City Council and staff would like to thank the 2010-2011 Inyo County Grand Jury members for their review and comments on the Bishop Police Department Holding Facility.

California Penal Code § 933 et. seq. requires that public agencies respond to the findings and recommendations set forth by the Grand Jury of the County. Enclosed is the City's response in the required format as set forth in the California Penal Code.

CITY COUNCIL

BISHOP POLICE DEPARTMENT

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Laura Smith, Mayor

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Chris Carter, Chief of Police



# 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

**TO:** Chris Carter, Police Chief  
Fred Gomez, Police Lieutenant  
Sergeants, Police Officers, Communications Operators  
Office Personnel  
Facility Maintenance Staff

**FROM:** James M. Southworth, City Administrator

**DATE:** July 20, 2011

**SUBJECT:** 2010-2011 INYO COUNTY GRAND JURY REPORT

Since 2000 the majority of the Inyo County Grand Jury Reports have contained findings and recommendations on the Police Department facility. All of the comments relate to the facility space issues. Many of the Grand Jury reports compliment management and staff for continuing to maintain the facility in a clean and organized manner.

The 2011 Grand Jury Report is no exception. Again Police Department personnel have been recognized by the jurors for utilizing and maintaining a building that is significantly too small for the organization and our operational needs.

We extend our thanks and commend all of you for your efforts to maintain this aging facility. The City of Bishop will continue to make it a priority to search for options which balance the need for a larger, more modern police facility while remaining fiscally responsible to the people we serve. Thank you again.

A handwritten signature in black ink, which appears to read "James M. Southworth". The signature is fluid and cursive.

# **City of Bishop Police Holding Facility**

## **Bishop, California**

### **Reason for Investigation**

Per the California Penal Code, the Grand Jury shall inquire into the condition and management of the public prisons within the County.<sup>1</sup>

### **Method of Investigation**

The Inyo County Grand Jury inspected the Bishop Police Department facility on February 16, 2011. Sergeant Fred Gomez accompanied the Jurors during the inspection and was available for questions, during and after the inspection. Before entering the police station a visual survey showed a building that appeared too small for the task it was charged with. The walk through inspection confirmed our initial perception. The entrance was a narrow hallway with a few chairs along the wall and a counter separating it from the front office. The front office staff sat in cramped quarters operating the phones, and word processors. The front office staff also serves visitors. The conference room, which was one of the largest rooms, barely accommodated the eleven jurors while sitting around a twelve by three foot conference table. There was one twelve foot by twelve foot holding cell. One of the back rooms housed the 911 phone system, which was manned by three people. Storage rooms and the evidence locker were neat and un-cluttered.

### **Findings**

1. The facilities are clean, organized and well maintained.
2. The front office staff should have more protection from the possibility of violent visitors.
3. The entire building is too small.

### **Recommendations**

1. The management and staff should be commended for the excellent utilization of the building they have inherited.
2. Some type of barriers should be erected to protect civilian staff from the possibility of violent visitors.
3. The City of Bishop should make it a priority to provide a larger facility for the Police Department.

**Response Required**

Chief of Police, City of Bishop

Bishop City Council

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<sup>1</sup>California Penal Code Title 4, Grand Jury Proceedings: Chapter 3. Power and Duties of Grand Jury, Article 1 General Provisions: 919 (b)

TO: CITY COUNCIL

FROM: JAMES M. SOUTHWORTH, CITY ADMINISTRATOR 

**SUBJECT: SURPLUS OF 1978 JEEP – COMMUNITY SERVICES DEPARTMENT**

DATE: JULY 25, 2011

Attachments: Staff Memo

BACKGROUND/SUMMARY

The 1978 Jeep, Vehicle Identification Number DJ5F8173505, has been used since June 2003 by the Park staff when it was transferred from the Police Department. Prior to that time it was used by the PD by long-time Parking Enforcement Officer Gwen Judd.

RECOMMENDATION

As requested by the Community Services Director, please consider the surplus of the 1978 Jeep, VIN DJ5F8173505, and authorize its disposal in the best interest of the City.

## MEMORANDUM

**TO:** James M. Southworth, City Administrator

**FROM:** Keith Caldwell, Assistant City Administrator/Community Services Director KSL

**DATE:** July 25, 2011

**SUBJECT:** Request to Surplus Property – 1978 Jeep

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The Community Services Department request City Council to consider the surplus of the 1978 Jeep currently in use at Bishop City Park.

This vehicle was utilized for many years as a parking enforcement vehicle by Bishop Police. Following a purchase of an electric vehicle by the Police Department, the jeep was transferred to the Community Services Department and used as a utility vehicle for the past several years. Unfortunately ongoing maintenance of the vehicle is not cost effective.

**RECOMMENDATION:**

The Community Services Department requests approval from City Council to authorize the City Administrator to dispose of this property in the best interest of the City.

Identifying information for the 1978 Jeep is vehicle number DJ5F8173505.

TO: City Council

FROM: James M. Southworth, City Administrator



DATE: July 25, 2011

**AGENDA**      **Waste Water Treatment Plant Headworks Improvement Work Order 2**  
**SUBJECT:**

- Attachments:**
1. Report from Public Works Director Grah
  2. Work Order 2 (Draft)

**Background/Discussion:**

This Work Order 2 provides for design and the development phase of the headworks project. A more detailed discussion of the project is found in Director Grah's report (attached).

**Recommendation:**

Approve execution of Work Order 2 with the Frost Company for the Waste Water Treatment Plant Headworks Improvement Project not to exceed \$9,000 for this work order, \$19,000 total contract.



**To:** James M. Southworth, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Approve Sewer Plant Headworks Improvement Work Order 2  
**Date:** 5 July 2011  
**Previous:** 27 August 2010  
**Funding:** Sewer Capital Improvements

**General:**

Public Works is ready to execute the second work order with the Frost Company to implement the Sewer Plant Headworks Improvement project.

**Background:**

Improvement of the headworks of the wastewater treatment plant is one of the highest priority sewer projects for the city. The function of the headworks is to capture, remove, or break down large objects and grit from the sewage flow before these substances enter the main parts of the plant. Although the existing headworks meet minimum needs, it is inefficient and requires significant handling of waste by Public Works staff. An improved headworks is needed.

In August 2010, the city entered a contract with the Frost Company and executed the first work order for the Headworks project. This first work order covered general planning for the project and had a \$10,000 value. The project has progressed to the point it is ready to be moved to the next phase. Work Order 2 is for design and development phase of the project. This phase will essentially bring the project to the point of being ready to have the new headworks equipment installed. A draft Work Order 2 is attached and has a \$9,000 value.

The 2010/2011 fiscal year budget included \$25,000 for design work on this project, Capital Improvement (Line Item 002-051-56027). The 2011/2012 budget includes \$172,500 for the headworks equipment. The project is expected to be completed this fiscal year.

**Recommendation:**

Approve the execution of Work Order 2 for the Sewer Plant Headworks Improvement project with the Frost Company and authorize the expenditure not to exceed \$9,000 under this work order, \$19,000 total under the contract.

**DRAFT Work Order 2**  
**Bishop Headworks Project**

**General**

This work order is under the agreement approved 14 September 2010 between the City of Bishop and the Frost Company for the city's Headworks project.

**Scope**

The scope of this work order is for the design and development work required for the project:

1. Perform structural design necessary for concrete reinforcement in grit removal features; \$3,000.
2. Perform structural detailing necessary to produce construction drawings of concrete structure for grit removal features and assist city in producing bidding information and contract documents for concrete construction project; \$2,000.
3. Perform site visit and meet with city staff to develop final equipment, installation, and construction details; \$4,000

**Cost**

The cost of the work under this work order shall be determined on a time and materials basis not exceed \$9,000.

**Schedule**

The work under this work order shall be completed no later than 15 August 2011.

**Agreed:**

**City of Bishop**

By:

**Frost Company**

By:

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James M. Southworth  
City Administrator

Date

---

Date

TO: CITY COUNCIL

FROM: JAMES M. SOUTHWORTH, CITY ADMINISTRATOR 

**SUBJECT: DESIGNATION OF VOTING DELEGATE – LEAGUE CONFERENCE**

DATE: JULY 25, 2011

Attachments: League of California Cities correspondence dated June 9, 2011  
Voting Procedures  
Voting Delegate

**BACKGROUND/SUMMARY**

The League Annual Conference is scheduled September 21-23 in San Francisco. Each year Council takes action to designate one voting delegate and up to two alternates in order to vote at the Annual Business Meeting.

**RECOMMENDATION**

Consideration to take action to appoint the voting delegate and one or two alternates for the League Annual Conference in September.

**Council Action Advised by August 26, 2011**

June 9, 2011

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 21–23, San Francisco**

The League's 2011 Annual Conference is scheduled for September 21-23 in San Francisco. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 2:30 p.m., Friday, September 23, at the San Francisco Moscone West Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 26, 2011. This will allow us time to establish voting delegate/alternates' records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

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the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Francisco Moscone West Convention Center, will be open at the following times: Wednesday, September 21, 8:30 a.m. – 6:00 p.m.; Thursday, September 22, 7:30 a.m. – 4:00 p.m.; and September 23, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 26th. If you have questions, please call Mary McCullough at (916) 658-8247.

**Attachments:**

- 2011 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

## Annual Conference Voting Procedures 2011 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: \_\_\_\_\_

2011 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 26, 2011. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

**Please complete and return by Friday, August 26 to:**

League of California Cities  
ATTN: Mary McCullough  
1400 K Street  
Sacramento, CA 95814

FAX: (916) 658-8240  
E-mail: [mccullom@cacities.org](mailto:mccullom@cacities.org)  
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