

TOWN COUNCIL OF MAMMOTH LAKES

MINUTES OF REGULAR MEETING

APRIL 2, 2008

WORKSHOP

Workshop to discuss sales and property tax revenue.

The study session began at 5:13 p.m. Councilmembers Neil McCarroll, Kirk Stapp, Mayor Pro Tem Wendy Sugimura, and Mayor Skip Harvey were present.

100-50 Finance Director Brad Koehn outlined the information in his handout, which included historical
(395-30) and projected data regarding property and sales tax revenue.
(395-70)

The study session ended at 5:40 p.m.

REGULAR MEETING

CALL TO ORDER

The Mayor called the meeting to order at 6:04 p.m. at the Council Chambers, Old Mammoth Road, Mammoth Lakes, California. The Council was present in its entirety with Councilmembers John Eastman, Neil McCarroll, Kirk Stapp, Mayor Pro Tem Wendy Sugimura, and Mayor Skip Harvey in attendance.

Councilmember McCarroll led the flag salute.

PUBLIC COMMENTS

Jack Winkler said that he is running for Mono County District 3 Supervisor. He said that the Town has made bad decisions and that it was foolish to replace Steve Searles with a committee. He said that he was concerned about inadequate truck parking at the Village.

COUNCILMEMBER REPORTS

Councilmember Eastman reported on Saturday's special meeting regarding Capital Improvement Projects. He reported on attending the Mono County Collaborative Planning Group meeting and on upcoming improvements to US 395 in the Owens Valley.

Councilmember Stapp reported on his attendance at the Mammoth Lakes Housing Board meeting Mammoth Community Water District Liaison Committee meeting.

Councilmember McCarroll reported on his attendance at the Town/County Liaison Committee meeting and noted that the County indicated some interest in jointly funding capital improvements such as a roof for the Town's ice rink facility.

Mayor Pro Tem Sugimura reported that she and Councilmember Eastman had met with John Wentworth regarding the campaign of the Measure R Committee.

Mayor Harvey reported that he and staff had met with MMSA representatives and that they were planning to break ground on the Little Eagle Project in the summer of 2009. He noted that he and staff had also met with representatives of the Crossings project, and that they planned to start the project in summer of 2009.

COUNCIL PRESENTATION

- 610-50 1. Five year service recognition award to Parks Maintenance Leadworker Kari Orr.

Parks Superintendent Dennis Rottner described the contributions and efforts of Kari Orr; on behalf of the Council and Town, the Mayor presented her a five-year recognition award.

REGISTERS OF DEMANDS

- 300-30 1. Register of Demands No. 08-39 in the amount of \$1,102,337.95.
Register of Demands No. 08-40 in the amount of \$523,526.03.
Register of Demands No. 08-41 in the amount of \$257,253.81.

There was no discussion or action.

CONSENT AGENDA

Councilmember Eastman requested that the agenda items regarding the resolution for a grant agreement with the California Department of Transportation and the compliance agreement with Snowcreek Hilltop Development Co. be removed for separate discussion.

ACTION:

It was moved by Councilmember Eastman, seconded by Mayor Pro Tem Sugimura, and carried by a 5-0 roll call vote with Councilmember Stapp abstaining on the minutes of March 18 and March 19, 2008 to adopt the consent agenda.

1. The minutes of the special meeting of March 18, 2008.
2. The minutes of the regular meeting of March 19, 2008.
3. Award of bid for the purchase of a new Airport Weather Observation System and rotating beacon for the Airport under FAA Grant AIP 17.

R08-21
470-20

4. Approve the application for the Welcome Center Plaza Phase 2 Project and approve the resolution appointing the Public Works Director as the authorizing official in the organization for Grants.Gov application process.

A-1121
600-20

5. Award contract for engineering consulting services for the Lower Canyon Boulevard Rehabilitation Project.

R08-
330-10
(940-50)

6. Lodestar Trail (Tallus) Bridge Update.

REMOVED FOR SEPARATE DISCUSSION:

1. Resolution authorizing the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the California Department of Transportation, for an Airport Improvement Program (AIP) Matching Grant.

470-20
(290-20)

Agenda bill from Assistant Airport Manager Scott Campbell outlining the offer of Caltrans to grant matching funds for Airport projects.

Councilmember Eastman noted that the FAA grant amount included a portion of the runway reconstruction.

ACTION:

It was moved by Councilmember Eastman, seconded by Councilmember McCarroll, and carried by a 5-0 roll call vote to adopt the resolution to complete the California Department of Transportation grant application and subsequent actions.

R08-20
470-20
(290-20)

2. Compliance agreement with Snowcreek Hilltop Development for the purpose of obtaining certificates of occupancy for the Snowcreek VII Hilltop Project.

600-20

Agenda bill from Supervising Administrative Engineer Jeff Mitchell outlining the need for the building of a trail before certificates of occupancy will be issued to Snowcreek Hilltop Development Co.

There was discussion among members of Council and staff.

SPEAKING FROM THE FLOOR:

Developer Chuck Lande said that he cannot start the trail until the ground thaws and that he would be glad to make a cash deposit of \$125,000.

ACTION:

It was moved by Councilmember Eastman, seconded by Councilmember McCarroll and carried by a 5-0 roll call vote to adopt option 2 ("Adopt the attached resolution but amend the compliance agreement to provide a \$125,000 cash deposit as proposed by the applicant.")

R08-22
A-1122
600-20

POLICY MATTERS

The policy items were taken out of order due to a question from John Walter regarding whether Councilmember Stapp should be disqualified from participating in the public hearing regarding the Hillside Project.

1. Resolution revising policies for the processing of major land use development applications in relationship to the 2007 General Plan.

430-90

Agenda bill from Assistant Town Manager Karen Johnston appending the Neighborhood District Planning Process Revised by Action of the Town Council on April 2, 2008.

Ms. Johnston outlined the information in the staff report.

ACTION:

RO8-23

430-90

It was moved by Councilmember McCarroll and seconded by Councilmember Eastman to adopt the resolution revising policies for the processing of major land use development applications in relationship to the 2007 General Plan, and confirm the application of the process to the six existing projects.

SPEAKING FROM THE FLOOR:

John Walter said that he was very concerned about the final step and that projects would be approved without a "codified" district plan. He said that district plans needed to be completed and codified before a project is approved.

There was discussion among members of Council and staff.

CONSENSUS:

430-90

Staff to review current status of projects in the pipeline to evaluate the work needed to complete them.

ACTION:

The above motion was carried by a 5-0 roll call vote.

2. Workplan for development of public participation/community engagement program.

100-50

Agenda bill from Town Clerk Anita Hatter appending the IAP2 Spectrum of Public Participation and a proposed work plan for development of a public participation program.

There was discussion among members of Council and staff.

CONSENSUS:

- 100-50 Direction to staff to include development of program goals, and define the responsibilities of the public in the program.

ACTION:

- 100-50 It was moved by Mayor Pro Tem Sugimura, seconded by Councilmember Eastman, and carried by a 5-0 voice vote to accept the proposed workplan for development of a Public Participation/Community Engagement Program for the Town.

3. Appointment of Council representatives to the Town/Inyo National Forest Liaison Committee.

- 610-80 Agenda bill from Town Clerk Anita Hatter outlining the need to appoint two Council representatives to the Town/Inyo National Forest Liaison Committee.

Town Manager Rob Clark outlined the information in the staff report.

ACTION:

- 610-80 It was moved by Councilmember Eastman, seconded by Councilmember Stapp, and carried by a 5-0 voice vote to appoint the Mayor and Mayor Pro Tem as representatives to the Town/Inyo National Forest Liaison Committee.

4. Budget Process. (Continued from the March 19, 2008 meeting.)

- 330-10 Agenda bill from Town Manager Rob Clark appending a schedule of budget related meetings and ongoing processes.

There was discussion among members of Council and staff regarding providing updated revenue and expenditure figures.

The Mayor called a recess at 7:00 p.m. and the Council reconvened at 7:07 p.m.

Town Attorney Peter Tracy noted that, according to State Conflict of Interest law (Government Code Sections 1090, 1091, 1091(a) and 1091.5, Councilmember Stapp was not disqualified from participating in the public hearing because of his presence on the Mammoth Lakes Housing Board as a non-compensated member of the non-profit Board.

PUBLIC HEARINGS

1. Appeal of the Planning Commission's determination to approve Use Permit 2007-14 to allow an alternate housing mitigation plan to allow the Mammoth Hillside Project to pay in lieu fees instead of providing the affordable housing on-site.

450-70

Agenda bill from Senior Planner Sandra Moberly appending an Appeal of Decision of the Planning Commission submitted by the Advocates for Mammoth and dated March 27, 2008. Town Clerk's Notices of Public hearing dated March 14, 2008.

The Mayor opened the public hearing at 7:13 p.m. Ms. Moberly outlined the information in the staff report.

PROPERTY OWNER:

Steve Black, representing developer, said that the Mammoth Lakes Housing Board and the Planning Commission agreed to an in lieu fee and that he wanted the Town Council to deny the appeal.

APPELLANT:

John Walter, Advocates for Mammoth, said that affordable housing was important and should be "vetted" for the Town as a whole. He said that at the Planning Commission meeting, the Advocates felt that there should have been a firm commitment to build housing for the lower income category and that the commitment should have a deadline. He distributed a handout outlining the differences between the original deal and the new deal, and noted that the original was very specific with respect to the low income level. He said that the Mammoth Lakes Housing Board set the in lieu fees and that it should have been a Town Council public hearing. He said he thought Mammoth Lakes Housing was "sneaking a big change through" with inadequate public input. He said that the Planning Commission's decision was questionable because of Tony Barrett's "conflict of interest", operating a business within 500 feet of the project.

Town Attorney Peter Tracy responded that Commissioner Barrett did not have a conflict because the 500 foot rule applied to property ownership and Mr. Barrett was a lessee.

Mr. Walter said that the Town needs to have more low-income housing and that in lieu fee agreements should be better reviewed to get the best deal possible.

There was discussion among members of Council to clarify the three issues raised by the appeal: the Housing In-lieu fee should have been decided at the Council level; the type of housing should be specified as low income; and a commitment regarding timing of the housing construction is needed from Mammoth Lakes Housing.

SPEAKING IN SUPPORT:

Roy Saari, Planning Commission Chairman, said that he voted "no" on the alternate housing mitigation plan because he was concerned about the lack of information provided to the Commission. He said he felt he needed more specifics from Mammoth Lakes Housing regarding where and when the units would be built. He said that he supported the Advocates appeal and that they should get their fee back.

Jo Bacon, Planning Commissioner, said that she wants the Council to have guarantees regarding the off-site housing.

Leigh Gaasch thanked the Advocates for bringing forth the appeal. She said that since the Town had been talking about "feet first" that the housing should be on-site. She asked the Council to consider requiring on-site housing for the Ritz Carlton development.

SPEAKING IN OPPOSITION:

Ward Jones said that he commended Mammoth Lakes Housing for their flexibility and that he understands some of the concerns about the process. He said that he was not sure he would like to "live in a hotel full-time" and that the Ritz Project was "a long way from Vons." He said that he is glad the project is going forward and that the Town should listen to their professionals and deny the appeal.

Pam Hennarty, Executive Director of Mammoth Lakes Housing, outlined the services that they provide and the various roles they play with the Town, developers, and the workforce. She said that they have done a Housing Needs Assessment for the Town and that they have discussed the use of in lieu fees as part of their "toolbox" with the Planning Commission. Ms. Hennarty said that they had determined the in lieu fee amount with the help of an outside consultant. She said that using an in lieu fee as housing mitigation for this project was the best choice for the Town and that the funds were the Town's and not Mammoth Lakes Housing's. She said that she appreciated the Advocates' concerns, but that she believed the alternative housing mitigation plan was the right choice for the Town.

There was discussion among members of Council regarding levels of income, leveraging of funds, State density bonuses, and the changing needs of the community.

Susanna Nieve, employee of Cypress, said that she had personally experienced living in on site housing and she said that it is much better to have a separate home away from work. She asked the Council to take that into consideration.

Mark Deeds, Chamber of Commerce, said that the Chamber of Commerce Board supported the in lieu fees and that the funds would be used for the best needs of the workforce. He said that he thought the workforce would be happier in a more residential environment. He said that the Chamber Board supported staff's recommendation.

REBUTTAL:

John Walter said that the Advocates had concerns about the Housing Needs Assessment. He said that he thinks that density bonuses should only apply towards low-income housing. He said he thought that the projected income of employees generated by the Ritz Carleton should be looked at separately from the overall workforce housing needs of the Town. He said he thought the issue should have been brought before the Tourism and Recreation Commission and the Mobility Commission. "You shouldn't give out money without a plan."

Pam Hennarty said that the density bonuses do not require the Town to look at the incomes of the workers.

Steve Black said that the Town has hired professionals to study the housing needs.

Leigh Gaasch said that she is very concerned about more housing going into the Sierra Valley Sites.

Ward Jones said that we are in a recession and that the Hillside Project being willing to give \$5.5 million in housing in lieu fees was a "big deal."

The Mayor closed the public hearing at 8:43 p.m.

There was discussion among members of Council and staff.

CONSENSUS:

450-70 At future meetings, the Council will review the following housing policy issues: locations, the housing mitigation "toolbox," and on-site versus off-site housing.

ACTION:

450-70
MO 2008-1 It was moved by Councilmember McCarroll, seconded by Councilmember Eastman, and carried by a 4-1 roll call vote with Mayor Harvey voting no to affirm the Planning Commission's approval of Use Permit 2007-14 and adopt the CEQA findings stated in Attachment F of the staff report, with the condition that Mammoth Lakes Housing complete the units required for mitigation in the low or moderate range within five years.

450-70 It was moved by Councilmember McCarroll, seconded by Mayor Pro Tem Sugimura, and carried by a 4-1 roll call vote with Councilmember Eastman voting no to refund the appeal fee to the Advocates for Mammoth.

CLOSED SESSION

At 9:15 p.m. the Mayor announced that the Council would be entering into closed session for the purposes as stated in the agenda.

("Pursuant to Government Code Section 54956.8, the Council will hold a conference with its representatives in regard to property disposition pertaining to:

Property: APN 37-200-49

Negotiating Parties: Rob Clark, representing Town (prospective buyer); Gene Duprea representing Waste Connections (prospective seller).

Under Negotiation: Terms of purchase (price, payment terms).

Property: APN 35-200-19, Sierra Center Mall

Negotiating Parties: Rob Clark, representing Town (prospective buyer); Jerry Preston representing Doheny Enterprises (prospective seller).

Under Negotiation: Terms of purchase (price, payment terms).

Pursuant to Government Code Section 54956.9, subdivision (b), the Council will hold a conference with legal counsel with regard to one case of litigation (Mammoth Hospitality Management, LLC v. Town of Mammoth Lakes Case No. 16175).

Pursuant to Government Code Section 54956.9, subdivision (b), the Council will hold a conference with legal counsel with regard to one case of litigation (Mammoth Lakes Land Acquisition v. Town of Mammoth Lakes Case No. 15954).

Pursuant to Government Code Section 54956.9, subdivision (b), the Council will hold a conference with legal counsel with regard to one case of threatened litigation.”)

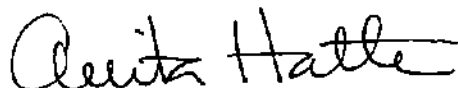
ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Council reconvened from closed session at 10:00 p.m. and announced that there was no reportable action taken.

ADJOURNMENT

The Council adjourned the meeting at 10:00 p.m.

Respectfully submitted,



Anita Hatter
Town Clerk