

**TOWN COUNCIL OF MAMMOTH LAKES**

**MINUTES OF REGULAR MEETING**

**FEBRUARY 7, 2007**

**CLOSED SESSION**

At 5:46 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 54956.9, 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).")

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

The Council reconvened from closed session at 5:59 p.m. and announced that there was no reportable action taken.

**REGULAR MEETING**

**CALL TO ORDER**

The Mayor called the meeting to order at 6:08 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, Wendy Sugimura, Mayor Pro Tem Skip Harvey and Mayor Kirk Stapp in attendance.

Councilmember Sugimura led the flag salute.

**PUBLIC COMMENTS**

Tony Barrett said he wanted to clear up "rumors" regarding a scheduled transit run for Village employees to and from the Park and Ride Lot; he noted that as a representative of Village employers, he had arranged for the reservation of the Dial-A-Ride bus for a morning and afternoon run between the Park and Ride Lot on Tavern Road and the Village, and that when it was discovered that employees were not utilizing the service, the reservation was cancelled. He said he did not intend to avoid the public process.

Rusty Gregory, Mammoth Mountain Ski Area, said that Mammoth Mountain would remain open for the season, despite the lack of snow. He invited the public to participate in a free locals ski day on Thursday, February 8, 2007.

Marshall Minobe said that he had reviewed the population numbers in the proposed general plan update, and that he was concerned that the document did not contain strong enough tools to prevent

the permanent population from growing beyond 12,000. He said he thought the Town should "stabilize" to a maximum 50,000 PAOT, not continue to grow.

### **COUNCILMEMBER REPORTS**

Councilmember Sugimura reported on a meeting she and Councilmember McCarroll had participated in with members of the local Hispanic community, noting that they were trying to find ways to engage the community in local matters.

Councilmember McCarroll noted that he had long been interested in engaging with the Hispanic community, and that the meeting had been educational with respect to the separate groups within the community. He noted that major issues were housing and transportation.

Mayor Pro Tem Harvey reported on the meeting of the Desert/Mountain Division of the League of California Cities, noting that there was concern among member cities about increasing numbers of "halfway houses" in neighborhoods for former prisoners because of prison over-crowding. He noted that the long-term planning subcommittee of the Transportation Advisory Group had met recently and were working on prioritization of future projects. He responded to Mr. Barrett's public comments with respect to scheduling of the Dial-A-Ride bus for village employees and expressed concern about the scheduling not having gone before the Transportation Advisory Group.

Mayor Stapp reported on the meeting of the Town/Mammoth Mountain Ski Area Liaison Committee, noting that there was extensive discussion of the North Village Parking Structure. He reported on the meetings of the Blue Ribbon Committee with respect to DIF levels, noting that the meetings had been productive and lively, and that a number of alternative funding sources for particular projects had been suggested. He asked that the record reflect that he had not "threatened" Attorney Mark Carney during a meeting.

### **INTRODUCTION**

- 610-50 1. Introduction of new Principal Planner Steve Speidel.

Community Development Director Mark Wardlaw introduced Mr. Speidel to the Council and the community.

### **PUBLIC PRESENTATION**

- 100-30 1. Presentation of gift of plaque honoring the lives of Johanna Carlsson, John Scott McAndrews, James Juarez and Charles (Walter) Rosenthal from Leigh Gaasch.

Ms. Gaasch presented the Council with the plaque and Mayor Stapp accepted it.

- 1020-20 2. Presentation on geothermal marketing study by Riek Phelps, High Sierra Energy Foundation, and Greg Bovitz, Bovitz Research Group.

Mr. Phelps introduced Mr. Bovitz, who outlined the objectives and the results of the geothermal marketing study, noting that a geothermal heating district was seen as environmentally friendly. He said that there were concerns about convenience and maintenance among respondents, as well as a willingness to pay for significant set up costs.

### **STAFF WORKPLAN**

- 100-50 1. Town staff workplan status report.

There was no discussion or action.

### **REGISTER OF DEMANDS**

- 300-30 1. Register of Demands No. 07-29 in the amount of \$349,657.89.  
Register of Demands No. 07-30 in the amount of \$282,920.36.  
Register of Demands No. 07-31 in the amount of \$101,019.16.

There was no discussion or action.

### **CONSENT AGENDA**

Mayor Pro Tem Harvey asked that item requesting authorization to bid to host the 2010 Mountain Travel Symposium and the resolution endorsing the establishment of a Winter Access Committee by Tourism and Recreation Commission be removed for separate discussion.

#### **ACTION:**

It was moved by Councilmember Eastman, seconded by Councilmember Sugimura and carried by a 5-0 roll call vote to adopt the consent agenda.

1. The minutes of the regular meeting of January 17, 2007.
2. The minutes of the special meeting of January 31, 2007.
- A-1014  
600-20  
(750-40)  
R07-03  
600-20  
(380-30) 3. Agreement with Mono County for the provision of a shared GIS Coordinator.
4. Resolution respecting the purchase of a Kodiak Loader Mounted Snow Blower pursuant to Municipal Code Section 3.20.195, approving, authorizing and directing preparation of certain lease financing documents and authorizing and directing certain actions with respect thereto.

#### **REMOVED FOR SEPARATE DISCUSSION:**

5. Support the submittal of a bid to host the 2010 Mountain Travel Symposium and provide financial support of the event should Mammoth Lakes receive the bid.

140-50 Agenda bill from Tourism and Recreation Director Danna Stroud outlining the benefits of hosting the Mountain Travel Symposium annual conference.

Mayor Pro Tem Harvey asked questions regarding the cost of hosting the event and the financial benefits to the community of doing so. There was discussion among members of Council and staff.

ACTION:

140-50 It was moved by Mayor Pro Tem Harvey, seconded by Councilmember McCarroll and carried by a 5-0 roll call vote to adopt consent item 5 ("support the submittal of a bid to host the 2010 Mountain Travel Symposium and provide financial support of the event should Mammoth Lakes receive the bid.")

6. Resolution endorsing the establishment of a Winter Access Committee by the Tourism and Recreation Commission.

920-20 Agenda bill from Tourism and Recreation Director Danna Stroud outlining the request from the Tourism and Recreation Commission to support the establishment of a Winter Access Committee.

There was discussion among members of Council and staff regarding the scope of proposed committee responsibilities.

ACTION:

R07-04  
920-20 It was moved by Councilmember Eastman and seconded by Councilmember McCarroll to adopt consent item 6 ("approve the resolution endorsing the establishment of a winter access committee through the Tourism and Recreation Commission.") After discussion, Councilmember Eastman amended his motion and Councilmember McCarroll amended his second to reflect the direction that the first task of the committee is to be fact-finding with respect to the Forest Services' position with respect to the tunnel under State Route 203, the options for other access for motorized vehicles, the conditions of the grant funds used to construct the tunnel, survey of usage of the tunnel, and the status of the RV Park as a snowmobile staging area. The amended motion carried by a 5-0 roll call vote.

POLICY MATTERS

1. Resolution endorsing the U.S. Mayors Climate Protection Agreement.

610-50 Agenda bill from Mayor Kirk Stapp appending a resolution endorsing the U.S. Mayors Climate Protection Agreement.

Mayor Stapp outlined the information in the resolution and there was discussion among members of Council.

Rusty Gregory, Mammoth Mountain Ski Area, said that he supported the resolution.

Rick Phelps, High Sierra Energy Foundation, said that the Town needed to work more closely with his foundation to maximize the benefits of the resolution.

Elizabeth Tenney, Planning Commissioner, said that she thought "think locally, act globally" was a terrific marketing tool.

Rick Cattleman, scientist, said that he endorsed the resolution and thinks that it will have a national impact.

John Walters, Advocates for Mammoth, congratulated the Council.

Dieter Fiebiger said that the Lions Club Cubs had a speech contest on global warming urging the community and country to mitigate its effects.

**ACTION:**

It was moved by Mayor Stapp, seconded by Councilmember Sugimura and carried by a 5-0 roll call vote to adopt the resolution endorsing the U.S. Mayors Climate Protection Agreement.

R07-05  
610-50

**PUBLIC HEARING**

1. District Zoning Amendment 2005-03, initiated by Mammoth Mountain Ski Area (Tom Hodges), to amend the existing Juniper Ridge Master Plan, the Mammoth Mountain Ski Area Master Development Plan and the Inyo National Forest Land and Resource Management Plan in the areas of parking, height, density, setbacks, visual quality and land use. In addition, the project includes a General Plan amendment to rezone Lot 87, Mammoth Vista 2 Subdivision, from Residential Single Family to Resort, with the majority of the lot being utilized for circulation and open space. Location: 4000 Meridian Blvd. (Chair 15 Parking Lot); APN 32-040-12 & 32-040-08. Proponent: Mammoth Mountain Ski Area (Tom Hodges).

Councilmember Sugimura stated disqualification based on an employment relationship with the applicant and left the dais at 7:22 p.m.

The Mayor opened the public hearing at 7:22 p.m.

650-10  
(450-20)

Agenda bill from Contract Planner Sonja Porter, Senior Planner Sandra Moberly and Deputy Community Development Director Bill Taylor appending the Revised Juniper Ridge Master Plan and Planning Commission reports relating to District Zoning Amendment 2005-03. Town Clerk's Notice of Public Hearing dated January 17, 2007.

Letter from Laura and Gregory Applegate dated January 3, 2007.

Letter from Timothy Sanford dated January 3, 2007.

Letter from Sharon Jones dated February 5, 2007.

Letter from Joseph and Janine Angeletti dated February 7, 2007.

Letter from Joseph and Janine Angeletti dated January 9, 2007.

Letter from Robert Singer dated February 8, 2007.  
Letter from Brigitte Berman dated February 7, 2007.

Mr. Taylor introduced Ms. Porter and she outlined the information in the staff report. There was discussion among members of Council and staff.

**STATEMENT BY PROPERTY OWNERS:**

Rusty Gregory and Tom Hodges, Mammoth Mountain Ski Area, gave a Power Point presentation titled "Eagle Lodge Base Area Development" outlining the history and the current plans for the Eagle Lodge Base Area.

There was discussion among members of Council.

**TESTIMONY IN SUPPORT:**

Leslie Orange said that she supported the project because it would be a model to use the geothermal heating district and diversify the energy base, which would be a good marketing tool for the project.

John Hooper, a 40 year resident who owns property in the area, said that they had been planning a project there for along time and that he likes the design of the proposed facility.

Sean Wilder said that he thinks it is a good project in that it will replace the parking lot and tents.

Brigitte Berman read a letter outlining her questions about the lack of information regarding the development and the traffic flow around the project.

Bruce Hopper said that he thought the site would be enhanced by the project, as it would replace an ugly parking lot.

Mickey Brown said that he thought it would be good to have a permanent ski school at that location and the facility design was beautiful.

Tina (last name unclear) said that she thinks the facility is needed and that it should have free public parking. She said that she is concerned about the General Plan not being finished and about construction violations at other projects.

Eric Wasserman, Chamber of Commerce, said that the project would spread out the population, reduce congestion and that it was a good project.

Dan Wright, owner at Summit Condominiums, said that the existing congestion at Chair 15 disturbs homeowners and that he thinks it should move forward and that the project will ultimately help the Summit condominium owners.

Mountain Ski Area for the development. He said he wants to see that the promises made in the agreement are kept.

Peter Tracy, Town Attorney, said that the agreement was not relevant to the rezoning and Mr. Sanford responded that he wants to avoid any surprises about the homeowners' concern.

Roy Machida, homeowner on Majestic Pines, said that he objects to the project's height as he would completely lose his view.

#### GENERAL TESTIMONY:

John Walter, Advocates for Mammoth, said that he wants answers to Ms. Berman's questions and that he had concerns about childcare, parking and traffic congestion.

Roy Machida said that he was concerned that the tennis courts they were building on were a part of his property.

Tony Barrett, Planning Commissioner, noted that the Commission had yet to address the use permit for the project.

#### REBUTTAL:

Rusty Gregory said that he recognizes the impacts that the project will have on the adjacent homeowners and that they will try to mitigate them. He said that tennis court land was purchased when the road was rerouted.

The Mayor closed the public hearing at 8:52 p.m.

There was discussion among members of Council and staff regarding community benefits and height concerns.

Mr. Gregory responded that they needed to be flexible with the "village in the trees" vision.

#### ACTION:

R07-06  
OR07-  
650-10  
(450-20) It was moved by Councilmember McCarroll and seconded by Councilmember Eastman to certify the Joint Environmental Assessment and Environmental Impact Report, make California Environmental Quality Act Findings of Fact, approve Statements of Overriding Consideration, adopt the Mitigation Monitoring Plan, and approve General Plan Amendment 2005-01 and District Zoning Amendment 2005-03 based upon the applicant's alternative 3. After additional discussion, Councilmember McCarroll amended his motion to adopt the resolution approving General Plan Amendment 05-01 and to waive the first reading and introduce by title only an ordinance adopting District Zoning Amendment 05-03. The amended motion passed by a 3-1 roll call vote, with Councilmember Sugimura disqualified and not present and Mayor Pro Tem Harvey voting no.

District Zoning Amendment 05-03. The amended motion passed by a 3-1 roll call vote, with Councilmember Sugimura disqualified and not present and Mayor Pro Tem Harvey voting no.

The Mayor called a recess at 9:30 p.m. and the Council reconvened at 9:40 p.m. Councilmember Sugimura returned to the dais at 9:40 p.m.

**POLICY MATTERS (CONTINUED)**

1. AED funding authorization.

520-10

Agenda bill from Town Manager Rob Clark appending Budget Policy Decision #13.

There was discussion among members of Council and staff regarding the installation costs.

**ACTION:**

520-10

It was moved by Councilmember Eastman, seconded by Councilmember McCarroll to authorize the release of \$15,692.48 to the Hospital for the purchase of ten AEDs, and approve up to \$2400 for installation costs. After discussion, Councilmember Eastman amended the motion and Councilmember McCarroll amended second to approve up to \$1200 for installation costs. The amended motion was passed by a 5-0 roll call vote.

2. Resolution ratifying the Mammoth Lakes Fire Protection District Ordinance #07-01, adoption of the 2001 California Fire Code and amended standards.

540-20

Agenda bill from Building Official Byron Pohlman appending Ordinance #07-01 of the Mammoth Lakes Fire Protection District re-adopting the California Building Code, California Fire Code, The Uniform Fire Code and their standards prescribing regulations governing conditions hazardous to life and property from fire or explosion, providing for the issuance of permits for hazardous uses and operations.

Mr. Pohlman outlined the information in the staff report and updated the Council on the changes to the section on sprinklers. There was discussion among members of Council and staff.

Fire Chief Brent Harper gave an update on the code changes related to sprinklers and wood shingle roofs. There was discussion among members of Council and staff.

**SPEAKING FROM THE FLOOR:**

Phil Freeman, local roofer, said he is concerned about the ban on wood shakes and thinks that the Council can make a better policy. He said that the information provided by the Fire Department on wood shakes was false and that banning wood shakes would leave only two other materials available for roofs in Mammoth. Mr. Freeman said that fire safety is a concern but that most house fires start inside the house, so the roof was not a fire concern.

Richard Blanco, member of Mammoth Lakes Fire Protection District Board, said that the Board had unanimous support for the ban on wood shingles and that it would help prevent the spread of wildfires and the loss of homes from wildfires. He said that Mr. Freeman had some valid points but that the Board was not going to amend the ordinance because they feel that wood shingles are a danger to the community.

ACTION:

R07-07  
540-20 It was moved by Councilmember McCarroll, seconded by Councilmember Sugimura and carried by a 5-0 roll call vote to adopt the resolution ratifying the Mammoth Lakes Fire Protection District (MLFPD) Ordinance #07-01, adopt the 2001 California Fire Code with the MLFPD amendments relating to that code and delegating the enforcement of the amended Fire Code to the Fire Chief of the MLFPD, and establish said code as the Fire Code of the Town of Mammoth Lakes.

3. MOU to participate in the design of the North Village Parking Structure.

600-20 Agenda bill from Town Manager Rob Clark appending the North Village Parking Structure Term Sheet Approved by Council on 5/19/06.

This item was continued to a future meeting at the request of Mammoth Mountain Ski Area.

4. Authorization to proceed with the establishment of an ice rink and multi-use facility.

260-40  
(330-10) Agenda bill from Tourism and Recreation Director Danna Stroud appending the project site plan.

Councilmember Sugimura stated disqualification based on an employment relationship with Mammoth Mountain Ski Area and left the dais at 10:17 p.m.

ACTION:

R07-08  
R07-09  
260-40  
(330-10) It was moved by Councilmember Eastman, seconded by Mayor Pro Tem Harvey and carried by a 4-0 voice vote to approve option 1 ("direct staff to continue to pursue the ice rink/multi-use facility at the location discussed and finalize construction plans; direct staff to proceed with refurbishing the ice rink boards and construction and purchase of the ice rink specialty items and contract with Robert May to assist with the surplus sale of not needed equipment and materials and the purchase of specialty equipment. Mr. May would also assist with the observations and startup of the ice rink; direct staff to continue discussion with MMSA related to grading and site work at the facility including potential DIF credits for the work performed; direct staff to continue to work with MCOE and MUSD to finalize the details of a land tenure agreement that will be brought back to Council for approval; approve resolution modifying the FY 2006/07 budget and the resolution expressing official intent regarding certain capital expenditures to be reimbursed from proceeds of an obligation.")

Councilmember Sugimura returned to the dais at 10:18 p.m.

5. Appointments to the Tourism and Recreation Commission.

110-10

Agenda bill from Town Clerk Anita Hatter appending the applications for the vacancies on the Tourism and Recreation Commission.

This item was continued to the next regular meeting.

**CLOSED SESSION**

At 10:25 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 22-252-13, Kenney parcel Negotiating Parties: Rob Clark, representing Town (prospective buyer); Mr. Kenney representing Kenney parcel (prospective seller). Under Negotiation: Terms of purchase (price, payment terms). Property: APN 22-251-13, Johnson parcel Negotiating Parties: Rob Clark, representing Town (prospective buyer); Mr. Johnson representing Johnson parcel (prospective seller). Under Negotiation: Terms of purchase (price, payment terms). Property: APN 22-252-12, Fish parcel Negotiating Parties: Rob Clark, representing Town (prospective buyer); Mr. Fish representing Fish parcel (prospective seller). Under Negotiation: Terms of purchase (price, payment terms). Property: APN 22-292-19, Mueller parcel Negotiating Parties: Rob Clark, representing Town (prospective buyer); Mr. Mueller representing Mueller parcel (prospective seller). Under Negotiation: Terms of purchase (price, payment terms). Property: APN 22-040-18 and -19, Plum parcel Negotiating Parties: Rob Clark, representing Town (prospective buyer); Mr. Plum representing Plum parcel (prospective seller). Under Negotiation: Terms of purchase (price, payment terms). Property: LADWP Lease at the Airport Negotiating Parties: Rob Clark, representing Town (prospective buyer); representatives from LADWP representing leasing party (prospective seller). Under Negotiation: Terms of lease (price, payment terms). Pursuant to Government Code Section 54959, the Council will hold a conference to consider evaluation of a public employee: Town Manager.")

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

The Council reconvened from closed session at 10:45 p.m. and announced that there was no reportable action taken.

**ADJOURNMENT**

The Council adjourned the meeting at 10:45 p.m.

Respectfully submitted,

Anita Hatter  
Town Clerk