

TOWN COUNCIL OF MAMMOTH LAKES**MINUTES OF REGULAR MEETING****FEBRUARY 15, 2006****REGULAR MEETING****CALL TO ORDER**

The Mayor called the meeting to order at 6:10 p.m. at the Council Chambers, Old Mammoth Road, Mammoth Lakes, California. The Council was present in its entirety with Councilmembers John Eastman, Skip Harvey, Kirk Stapp, Mayor Pro Tem Tony Barrett and Mayor Rick Wood in attendance.

Councilmember Stapp led the flag salute.

PUBLIC COMMENTS

No members of the public addressed the Council at this time.

COUNCILMEMBER REPORTS

Councilmember Eastman reported on the meeting of the Solid Waste Committee, noting that good progress was being made and that the group was working with three potential contractors.

Councilmember Stapp reported on the meeting of the Mammoth Community Water District Liaison committee, noting that topics of discussion included Well 25's status as a back-up source and the progress on repairing system leaks. He noted that the District was in good shape to provide water for planned development. He reported on a meeting of the Town/County Liaison committee, noting that the proposed transit joint powers authority, land exchange and the Community Services Initiative were discussed.

Councilmember Harvey reported that the Water District anticipated that the Town's parks would all be utilizing reclaimed water for irrigation by 2008. He noted that television station KTLA was broadcasting from Mammoth Mountain Ski Area this week, and commented on Mammoth's reputation as an Olympic athlete training ground. He expressed support for the Town sponsoring a celebration of the local athletes competing in the Torino games.

Mayor Pro Tem Barrett congratulated Danny Kass on his silver medal in half-pipe in Torino. He discussed a meeting with Rusty Gregory and a lobbyist on the subject of Caltrans and State Route 203. He discussed statistics from the Urban Land Institute website. He noted that there would be an agenda item on the next agenda regarding the skatepark and winter closing. He asked that an item be included on the next agenda to form a working group to focus on the creation of Mammoth Lakes as a "zero tolerance zone" for physical violence.

Mayor Wood reported on the Town/County Liaison Committee, noting that Supervisor Byng Hunt was supportive of joint facilities and the proposed Town tax measures. He noted that he had participated in a meeting with Barry Sternlicht, CEO of Starwood, with other town and community representatives. He reported on the send-off celebration sponsored by the Rotary Club for local Olympic athletes. He noted that a special joint meeting with the Planning Commission to discuss the General Plan Update had been scheduled for Tuesday, February 21st from 4-7 p.m. He reported that a request had been received to move agenda item 17 forward, to be heard before the public hearings.

PUBLIC PRESENTATION

650-30

1. Update on status of AB 7—Terry McGann, Government Strategies

Neil McCarroll, Mono County Fishing Committee, introduced Terry McGann of Government Strategies.

Mr. McGann reviewed the history of Assembly Bill 7. He said he thought that the Department of Fish and Game's mission has drifted over time and that they now want to reduce the number of hatcheries. The Department of Fish and Game is now planning to reduce the money going to the hatcheries. Mr. McGann is encouraging our community to write letters of protest and come up with a spending plan before the money is taken away.

Members of the Council discussed a potential spending plan and thanked Mr. McGann.

STAFF PRESENTATION

1. Workshop on Mobility Plan—Community Development Director Mark Wardlaw

100-50

Handout regarding Mobility Plan dated February 15, 2006.

Mr. Wardlaw gave a Power Point presentation on the Mobility Plan.

Members of the Council discussed the upcoming stakeholder meetings.

STAFF WORKPLAN

100-50

1. Town staff workplan status report.

Agenda bill from Town Manager Rob Clark appending the staff workplan dated December 31, 2005.

There was no discussion or action.

REGISTER OF DEMANDS

300-30

200-30

1. Register of Demands No. 06-32 in the amount of \$105,539.15.

There was no discussion or action.

CONSENT AGENDA

ACTION:

It was moved by Mayor Pro Tem Barrett, seconded by Councilmember Harvey and carried by a 5-0 roll call vote to adopt the consent agenda.

- OR06-01 1. Waive the reading and adopt by title only an Ordinance Amending Municipal Code Title 5
650-10 by Modifying Section 5.08.010 F, Schedule F, Pertaining to Condominium Rentals and
(395-60) Apartments.
- OR06-02 2. Waive the reading and adopt by title only an Ordinance Amending Municipal Code
650-10 Chapter 2.38, entitled "Public Arts Commission," and Chapter 15.18, entitled "Public Arts
(900-60) Fees and Fund Program."
- OR06- 3. Waive the reading and introduce by title only an Ordinance of the City of Mammoth Lakes
650-10 Imposing a Transactions and Use Tax to be administered by the State Board of
(395-70) Equalization.
(630-20)
- 650-30 4. Authorization for the Mayor to submit a protest letter regarding proposed changes to
automobile insurance regulations in the State of California.
- R06-11 5. Resolution vacating an existing public pedestrian and sidewalk easement as granted to the
820-30 Town per Juniper Ridge Final Map as per map recorded in Book 10 of Subdivision Maps
at pages 11 through 11G.
- R06-12 6. Resolution approving the grant of an easement for the benefit of the public and authorizing
820-30 the Public Works Director to execute the Easement Grant Deed for Street Improvements,
Sidewalk, Bus Stop, Utility Purposes, Landscape and Snow Storage purposes along the
side of the right of way for the street known as Old Mammoth on Town-owned property.
- R06-13 7. Resolution of the Town Council of the Town of Mammoth Lakes, California, in its
340-10 capacity as legislative body of the Town of Mammoth Lakes Community Facilities District
CFD 2004-1 No. 2004-1, declaring its intention to annex territory to the District (Storied Places).
- R06-14 8. Resolution respecting waiver of compliance with bidding procedure for the purchase of
380-30 two Caterpillar Loaders pursuant to Municipal Code Section 3.20.210 and award of bid
(390-60) pursuant to Municipal Code Section 3.20.191.
- R06-15 9. Resolution respecting waiver of compliance with bidding procedure for the purchase of a
380-30 Kodiak Snow Blower pursuant to Municipal Code Section 3.20.210 and award of bid
(390-60) pursuant to Municipal Code Section 3.20.191.

POLICY MATTERS

1. **Plan Check Extension Policy and Implementation of Fees and Codes.**

395-95

Agenda bill from Building Official Byron Pohlman outlining the existing plan check extension policy and the request by the development community for a further extension in regards to the DIF fees.

Building Official Byron Pohlman outlined the information in the staff report and gave his recommendation to maintain the existing polices. There was discussion among members of the Council and staff regarding the plan check extension process.

Kathy Cage thanked the Council for their consideration. She said that she had been following the DIF process and respected the Council's efforts. Ms. Cage said that she believed the Council has been silent on the DIF implementation process. She said that she thought a lot of people thought that the DIF fees would be in effect for the year and that designers do consider the extension as part of the process. Ms. Cage said that she believes the old DIF fees should apply to anyone involved in a valid permit process. She said that there are many factors that can affect the need for a permit extension.

Mr. Pohlman said he believed the new DIF fees would not be a problem for developers and that if it was, they could appeal the fees on a case-by-case basis.

There was discussion among members of the Council and staff.

ACTION:

395-95

It was moved by Councilmember Eastman, seconded by Councilmember Stapp and carried by a 5-0 voice vote to direct staff to continue with the current plan check extension policy.

PUBLIC HEARINGS

1. **Update of the Master Fee Schedule relating to Channel 51 Studio rental.**

R06-
395-20

Agenda bill from Tourism and Recreation Director Danna Stroud appending a resolution modifying the Master Fee Schedule for Town services respecting fees associated with the use of Town television studio facilities and equipment. Town Clerk's Notice of Public Hearing dated January 27, 2006.

The Mayor opened the public hearing at 7:28 p.m.

Tourism and Recreation Director Danna Stroud outlined the information in the staff report and reviewed how the fee was calculated. There was discussion among members of the Council and staff.

With no members of the public coming forward to testify, the Mayor continued the public hearing at 7:58 p.m.

CONSENSUS

395-20 The hearing is to be continued to March 1, 2006 with direction to staff to provide more analysis on the derivation of the fee.

2. Appeal of the Planning Commission's determination to approve Tentative Tract Map 36-235 and Use Permit Application 2005-09, request by Mammoth Hillside LLC to Construct Phase I Improvements Including a 193-Unit Condominium Hotel with 225 Lock-off units ("keys"), Understructure Parking for 259 Vehicles with Full-Time Valet Parking Services, Spa, Pool and Patio Facilities, Meeting Facilities, Restaurant/Bar, and Associated Landscape Improvements on a 4.6-acre Portion of a Seven Acre Site. Location: West Side of Canyon Boulevard, North of Lake Mary Road (APNs: 33-020-10, -11, -21, -33 and 31-110-27). Request for return of appeal fee. Appellant: Advocates for Mammoth

410-40 Agenda bill from Senior Planner Craig Olson appending the request for appeal and staff's response to the conformance issues cited in the appeal. Town Clerk's Notice of Public Hearing dated January 27, 2006.

The Mayor opened the public hearing at 7:59 p.m. Senior Planner Craig Olson outlined the information in the staff report.

Members of Council and staff discussed the eight specific instances of non-compliance cited in the appeal.

John Walter, Advocates for Mammoth, said he thought that the project did not fit into the Village. He said he believes the project has too many conditions and may have to go back to the Planning Commission. Mr. Walter said he feels that the application was not complete when it was approved because too many things were "left up in the air." He said that too much time was spent on the parking issues and not enough time was spent on the building height, view shed, pedestrian integration with the Village and traffic flow around the area. Mr. Walter said he feels that too many issues are unresolved and that the project should go back to the Planning Commission.

Sean Combs, President of Meridian Development, thanked the Council for the opportunity to respond. He said his project was a five star luxury resort. Mr. Combs said he wanted to meet the goals of the community by having the Town's first on site employee housing in a development of this sort. He said he thought the Village has just started to be animated and create open space. He wants his project to tie in with the Town's transit system. Mr. Combs said he believed his project went beyond the letter of the North Village Specific Plan by creating the Town's first five star conference facility that could also be used as a performing arts venue and the Town's first world class spa that can be used by the public. He said he thought that the parking codes were still based on figures from 1991 and that he thought the Town needed to update them. He said he believed they would have more parking than in the rest of the Village. Mr. Combs said that he guaranteed a pedestrian

bridge to the Village. He said that the project was deemed to be in compliance and that it will be an "iconic mountain resort."

SPEAKING IN SUPPORT OF THE APPELLANT:

Shalle Genevieve read a letter saying that there had been a lot of changes from the 1987 General Plan and that we now have too much density with buildings that are too tall. She read that mixed zoning does not meet the intention of the General Plan. Ms. Genevieve read that she is concerned about grading, the whereabouts of the amphitheatre and conference center and the low portion of money owed under the Quimby Act. She read that she believed the spa was not a public benefit and that she is concerned with the location of the driveways and fire safety. She read that she wants them to build what we want.

SPEAKING IN OPPOSITION TO THE APPELLANT:

Dave Schwartz is concerned about the Advocates for Mammoth "half-truths."

Peter Maw supports the project and said he wants what is best for the Town. He said that parking is not an issue because the Town is trying to get people to not use their cars and use our transit system instead.

GENERAL TESTIMONY:

Andrea Clark, Mammoth Lakes Housing, said that she thinks on-site housing is important.

REBUTTAL:

John Walter, Advocates for Mammoth, thinks the Council needs "to take a hard look" at what is already there and that it should have more value.

The Mayor closed the public hearing at 9:05 p.m. There was discussion among members of the Council and staff.

CONSENSUS:

410-40 Direct staff to modify the language with respect to the transit fee (\$121 – to be updated based on cpi), and parking standards (should the project become commercial at some point, parking would be re-addressed.)

ACTION:

410-40 It was moved by Councilmember Eastman, seconded by Mayor Pro Tem Barrett and carried by a 5-0 roll call vote to find that the project, as conditioned and mitigated, conforms to North Village Specific Plan, and the Town of Mammoth Lakes Ordinances and affirm the Planning Commission's approval of Tentative Tract Map 36-235 and Use Permit 2005-09 by Minute

Motion. It was moved by Councilmember Eastman, seconded by Mayor Pro Tem Barrett and carried by a 5-0 roll call vote to deny the request for waiver of the appeal fee.

The Council took a recess at 9:35 p.m. and reconvened at 9:45 p.m.

3. Midyear Budget Review.

330-10 Agenda bill from Finance Director Brad Koehn appending the resolutions for staff's recommended budget modifications.

The Mayor opened the public hearing at 9:45 p.m. Finance Director Brad Koehn outlined the information in the staff report. There was discussion among members of Council and staff.

With no members of the public coming forward to speak, the Mayor closed the public hearing at 10:05 p.m.

CONSENSUS:

330-10 Direct staff to bring back consideration of additional funding for the General Plan update after discussions of the 16 issues are complete.

ACTION:

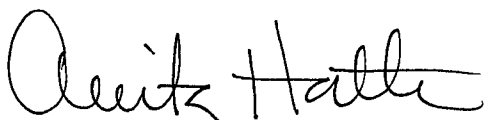
R06-17 It was moved by Councilmember Eastman, seconded by Councilmember Stapp and carried by a
R06-18 5-0 roll call vote to approve the following resolutions to increase revenue and/or expenditure
R06-19 appropriations, and direct allocation of the Fund Balance: Increase Revenue (TOT and Facility
R06-20 Rental; High Sierra Energy, Mammoth Community Water District Agreement, Broadcast of
R06-21 Council meetings; Town Property and Liability Insurance Premium; Police Equipment; Economic
R06-22 Development Strategy; Traffic Monitoring Station Improvements; Measure A Funding; and
R06-23 Reserve for Economic Uncertainty.

330-10

ADJOURNMENT

The Council adjourned the meeting at 10:09 p.m.

Respectfully submitted,



Anita Hatter
Town Clerk