
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
AUGUST 26, 2002**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Cortez at 4:00 p.m., Monday, August 26 2002, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION

None.

At the hour of 4:05 p.m., Council adjourned to Closed Session.

At the hour of 6:34 p.m., Council adjourned to Open Session.

OPEN SESSION

Invocation: Pastor Jeff Tunnell, Big Bear Christian Center

Flag Salute: Mayor Pro Tem Mellen

Councilmembers Present: Mayor Mary Cortez
Mayor Pro Tem Bill Mellen
Councilmember Liz Harris
Councilmember Hertzmann
Councilmember Darrell Mulvihill

Councilmember Excused: None

Others Present: Michael Perry, City Manager
Steve Deitsch, Best Best & Krieger LLP, City Attorneys
Katherine E. Jefferies, City Clerk
Molly Bogh, Community Development Director
Kathleen Smith, Finance Manager

RESULTS OF CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Name of Negotiators: City Attorney, Human Resources Manager, and Fire Chief
Name of Organization: Big Bear Lake Fire Employees

No reportable action.

2. PUBLIC EMPLOYMENT pursuant to Government Code Section 54957

Title of Position: Fire Chief

City Attorney Deitsch reported that the Board unanimously accepted the 30-day resignation submitted on August 16, 2002 by Fire Chief Robert May.

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title of Position: City Manager

This item was discussed following Open Session.

AGENDA APPROVAL

Motion by Mayor Pro Tem Mellen, seconded by Councilmember Hertzmann to approve the Agenda as presented. Motion carried 5-0.

ANNOUNCEMENTS

Upcoming events scheduled for the Performing Arts Center - Tickets are available at the box office at 866-4970.

CATS presents the 8th annual "Picnic at the PAC" – September 1.

City offices will be closed on Monday, September 2nd in observance of Labor Day.

PRESENTATIONS

Council proclaimed September 4, 2002, as "Good Neighbor Day."

COMMITTEE REPORTS

The Ambulance JPA Committee Report was given by Mayor Cortez and Councilmember Hertzmann.

The Economic Development Committee Report was given by Councilmember Harris.

City Manager Perry gave an update on the Public Utilities Commission Hearings that he attended on August 22, 2002 in San Francisco, regarding the Southwest Gas refund issue for the winter of 2000/2001.

PUBLIC FORUM

Pamela Heinman and Ellen Nichols, Big Bear Library: reported that the Big Bear Lake Library has recently received a grant from the California Council for the Humanities to join other cities and communities throughout the State of California in a reading and story sharing program in October. The program is called California Stories: Reading "The Grapes of Wrath," aimed to strengthen communities by bringing Californians together to read John Steinbeck's classic novel and to share our stories about our experiences as Californians. She requested a Proclamation in support of this program to be presented on September 29th. Ellen Nichols presented a copy of "The Grapes of Wrath" to Mayor Cortez.

Dennis Large`, Big Bear Lake: discussed his concerns regarding water conservation and landscaping and asked why the City had not adopted a model ordinance as mandated by the State in 1993, under the Water Conservation and Landscaping Act. He stated that the Urgency Ordinance recently passed by the Council only applies to residential properties but should also apply to commercial properties, and that the enforcement aspect of the Ordinance needs to be taken more seriously.

Carl Larson, Big Bear Lake: stated that at the July 22nd Council meeting Mr. Richard Singer, the attorney representing the tenants at the Lakeside Village Mobilehome Park, was supposed to have been given 15 minutes to speak before the Council, as was prearranged with Mayor Cortez and the City Manager. However, when it was time for him to speak he was limited to three minutes. He stated that since the attorney was not given his full 15 minutes, as promised, the City should pay the legal bill for that evening, which he presented to the City Clerk.

Laura Koepke, President of Government Watch: discussed a recent article in the "Press Enterprise" regarding air pollution. She cautioned the Council to proceed very carefully with the Ambulance/Fire JPA and the need to go out for bid for emergency medical services. She also discussed the need to allow the entire Valley to use the Clean Bear trash sites.

PUBLIC FORUM RESPONSE

City Attorney Deitsch responded to the concerns addressed by Mr. Large`, and stated that in 1993 the State recommended that cities consider the adoption of a model water conservation ordinance, but did not mandate that they do so. He stated that the City of

Big Bear Lake adopted a water conservation ordinance in 1987, which was codified under Chapter 17.11 of the Big Bear Lake Municipal Code, which preceded the State statute. He stated that the Department of Water & Power also adopted regulations dealing with water conservation several years ago.

Mayor Cortez responded to Mr. Larson and stated that prior to the City Council meeting of July 22nd, the City Manager and Mayor discussed that Mr. Singer could be given extra time to speak before the Council because he would be speaking on behalf of others. However, when the meeting began and it became apparent that more than one hundred speakers wanted to speak on the issue, a decision had to be made to limit all speakers to three minutes.

1. CONSENT CALENDAR

Motion by Councilmember Mulvihill, seconded by Councilmember Harris to approve the Consent Calendar as follows:

1.1 Approval of Demands – Check Issue Date 08/08/02 through 08/21/02 – Check Nos. 15149 through 15335, in the amount of \$489,954.67

Approved.

1.2 Approval of the Minutes from the Workshop Meeting of July 8, 2002, and the Regular Meeting of July 8, 2002

Approved as presented.

1.3 Monthly Financial Report

Received and filed.

1.4 Law Enforcement Contract

Council consideration of approving the 9th Amendment to the Law Enforcement Contract with the San Bernardino County Sheriff.

Approved.

1.5 Sanitation Capital Projects – Summer 2002 Sewer Reline Project

Council consideration of awarding the contract for the Sewer Reline Project to Insituform Technologies, Inc., in the amount of \$379,882.00. The project has been determined to be exempt from the environmental review under the CEQA.

Approved.

1.6 Community Development Block Grant Cooperation Agreement for Federal Fiscal Years 2003-2005

Council consideration of a resolution approving the revised three-year CDBG Cooperation Agreement for federal fiscal years 2003-2005.

This item was removed from the Consent Calendar for separate discussion.

1.7 Moonridge Sidewalk Project – Revised Award of Contract

Council consideration of approving the modified construction contract awarded on August 12, 2002 to Southland Construction from \$114,801.00 to \$147,651.00, in order to reflect the original base bid; to add additional TRAX material and an additional driveway; and, to add a bus turnout on the north side of Moonridge Road, west of Elm Street.

Approved.

1.8 Claim of Cheyenne Benabou

Council consideration of rejecting the claim submitted by Cheyenne Benabou, based on the recommendations by the City's claims administrator Carl Warren & Company.

Approved.

The Consent Calendar was approved by the following vote:

AYES:	Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES:	None
ABSENT:	None
ABSTAIN:	None

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 Community Development Block Grant Cooperation Agreement for Federal Fiscal Years 2003-2005

Council consideration of a resolution approving the revised three-year CDBG Cooperation Agreement for federal fiscal years 2003-2005.

Motion by Councilmember Hertzmann, seconded by Councilmember Mulvihill to adopt the following resolution, entitled:

RESOLUTION NO. 2002-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE REVISED THREE-YEAR CDBG COOPERATION AGREEMENT FOR FEDERAL FISCAL YEARS 2003-2005

Said motion carried by the following vote:

AYES: Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: None

3. DISCUSSION/ACTION ITEMS

3.1 Brown Act and Conflict of Interest Update

City Attorney Deitsch gave an update on the Ralph M. Brown Act and the Conflict of Interest Laws.

RECESS

At the hour of 7:53 p.m., Mayor Cortez declared a recess. At the hour of 7:59 p.m., Council reconvened.

3.2 Designation of Voting Delegate for League Annual Conference

Council consideration of designating a voting delegate and an alternate to attend the annual business meeting during the League Annual Conference.

Motion by Mayor Pro Tem Mellen, seconded by Councilmember Harris to designate Councilmember Hertzmann as voting delegate and Councilmember Mulvihill as alternate to attend the annual business meeting during the League Annual Conference.

Said motion carried by the following vote:

AYES:	Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES:	None
ABSENT:	None
ABSTAIN:	None

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

Fire Chief May announced that the Big Bear Lake Fire Department would host a tribute to commemorate September 11th on Wednesday, September 11 beginning at noon at the Big Bear Lake fire station.

City Manager Perry announced that the next town hall meeting, regarding water issues and the growth of the Valley, would be held at 7:00 p.m., Saturday, October 12, 2002, in the Performing Arts Center.

CITY COUNCIL REPORTS

Councilmember Mulvihill asked if City Manager Perry could meet with the owner of Radio Station KBHR and Captain Phillips to coordinate better communications with the public when there is a road closure or a traffic incident. He announced that Cora Tincher, wife of former Mayor John Tincher, passed away on August 16, 2002. A memorial service to celebrate her life has been scheduled for 11:00 a.m., Saturday September 7, 2002, at the First United First Methodist Church in Redlands. In lieu of flowers, please make a donation in her name to the Bear Valley Meals on Wheels.

At the hour of 8:29 p.m., Council adjourned to Closed Session.

RESULTS OF CLOSED SESSION

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title of Position: City Manager

No reportable action.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Cortez declared the meeting adjourned at 10:58 p.m., in memory of Cora Mae Tincher.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: September 23, 2002