
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
MARCH 24, 2003**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 4:30 p.m., Monday, March 24, 2003, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION

None.

At the hour of 4:35 p.m., Council adjourned to Closed Session.

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

OPEN SESSION

Invocation/Moment of Personal Prayer

Flag Salute: Les Moreland - Veteran's Alliance, Commandant of the Marine Corp League of Big Bear Valley

Councilmembers Present: Mayor Liz Harris
Mayor Pro Tem Darrell Mulvihill
Councilmember S. O. Conklin
Councilmember Ken Dally
Councilmember Hertzmann

Councilmember Excused: None

Others Present: Michael Perry, City Manager
Steve Deitsch, Best Best & Krieger LLP, City Attorneys
Katherine E. Jefferies, City Clerk/ACM
Molly Bogh, Deputy City Manager Development Services
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 City Manager
Name of Organization: Big Bear Lake General Employees

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake et al. v. Christopher Allen King et al.
Case Number: BBC 00663 San Bernardino County Superior Court

No reportable action.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Griffen
Case Number: VCV 010794 - San Bernardino Superior Court

No reportable action.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Chavez
Case Number: VCV 08224 - San Bernardino Superior Court

No reportable action.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: Armellini v. City of Big Bear Lake
Case Number: EDCV 98-291 - U. S. District Court

No reportable action.

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: Beglin d.b.a. Alpine Trout Lake v. City of Big Bear Lake
Case Number: BBC 00320 - San Bernardino Superior Court

No reportable action.

7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Stratton
Case Number: MBV 22914 – Bear Valley Municipal Court

No reportable action.

8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Irwin
Case Number: MBV 24065 – Bear Valley Municipal Court

No reportable action.

9. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Cuzzolino
Case Number: MBV 24606 – Bear Valley Municipal Court

No reportable action.

10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Stephens and Mark
Case Number: MBV 24748 – Bear Valley Municipal Court

No reportable action.

11. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v. Sanchez and Birthman
Case Number: MBV 24710 – Bear Valley Municipal Court

No reportable action.

12. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION pursuant to Government Code Section 54956.9 (b) (1)

Number of cases: 3

No reportable action.

AGENDA APPROVAL

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Conklin 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 “*Senior Class*” – April 4, 5, 6, 9, 11, & 12.
Kiwanis Club presents “*Hope of America*” – April 15.
Big Bear High School presents “*South Pacific*” – April 24-27 & May 1-3.

PRESENTATIONS

Mayor Harris presented a Proclamation proclaiming April 6-12, 2003, as “*International Building Safety Week*” to Chief Building Official Mosley, who invited Council and the public to attend Building & Safety’s 6th Annual Open House April 10, 2003, from 4 – 6 p.m., in Hofert Hall.

COMMITTEE REPORTS

The MARTA Committee Report was given by Mayor Pro Tem Mulvihill, and Councilmember Conklin.

The Solid Waste Task Force Committee Report was given by Councilmember Conklin.

SANBAG & Measure I Committee Reports was given by Councilmember Hertzmann.

Economic Development Committee Report was given by Mayor Harris.

PUBLIC FORUM

Dr. Michael Erickson, Big Bear Christian Center: offered a prayer of Invocation.

Marge McDonald, Sugarloaf: discussed her concerns regarding the fact that citizens who live outside of the City of Big Bear Lake, but are DWP water customers, have no representation on the DWP Board of Commissioners. She stated that she would like to discuss with the Council and staff the possibility of changing the policy to allow all DWP customers an opportunity to apply for a seat on the Commission.

Bobbi Trujillo, Lutheran Social Services: stated that Lutheran Social Services plans to sponsor a “Walk Against Poverty,” on May 3, 2003 in order to raise funds for food and other needs for the less fortunate residents of our Valley.

PUBLIC FORUM RESPONSE

City Manager Perry explained that the reason there are several litigation items listed on the Closed Session portion of the Agenda was to give a status report to the City Council. He stated that the City is working very hard to keep all litigation costs to a minimum.

1. PUBLIC HEARINGS

1.1 Removal of Dead and Dying/Infested Trees

Council consideration of utilizing the local media to assess community support for a property assessment to assist in funding the removal of dead trees; and, direction to staff to begin dead tree removal efforts in the Castle Glen area followed by the Moonridge area.

At the hour of 7:13 p.m., Mayor Harris opened the public hearing.

Dixie Allison, Big Bear Lake: stated that the cost of removing trees vary from bid to bid because there is no competition. She stated that the City is recommending that the public hire only a licensed contractor to take their trees down. She explained that the Public Resources Code exempts timber operators from being required to have a contractor's license. However, they must be licensed under the Department of Forestry and need to attend special classes that deal with the removal of trees. She stated that the operators must also carry liability insurance in the amount of \$1,000,000, which exceeds the requirements of the Contractors License Board. She stated that if more timber operators were hired, tree removal costs would go down.

Robert Harris, Big Bear Lake: discussed the need for the City to be more flexible in allowing residents to remove trees from their property when they have an overabundance of trees. He stated it would also create a healthier forest.

Carol Mulvihill, Chamber of Commerce Vice President: spoke in support of the formation of an assessment district to pay for the removal of dead trees from private property, similar to the assessment that was formed in 1988 to retrofit the dam. However, the public should first be polled to obtain their opinion before a final decision is made.

Bill Speyers, Big Bear Lake: suggested that the City contact Supervisor Hansberger to discuss Federal and State funds that may be available to fund the removal of the trees.

Phyllis Clark, Big Bear Lake: stated that she would be opposed to an assessment district that would pay to remove the trees from the low-income citizens who

cannot afford to remove them on their own, and then have to pay to have her own trees removed.

Greg Boll, Big Bear Lake: suggested that the Council hold off on making a decision until the Fire Safe Council has had an opportunity to evaluate some financing options related to an assessment district, and other low-cost financing or grants that may be available through various agencies. He reported that a meeting in Arrowhead was also being held tonight to specifically address alternative financing methods.

At the hour of 7:21 p.m., Mayor Harris closed the public hearing.

Motion by Councilmember Hertzmann, seconded by Councilmember Dally to recommend that a joint meeting be held between the CSD, County, and City, to discuss participation in a Valleywide assessment, cost of a professional pollster, and the costs of preparing for a possible election; the City to get an estimate of a professional pollster; The City Attorney to provide an analysis of a funding mechanism; to direct the Fire Department to work with MAST to come up with an estimate of dead trees in the City of Big Bear Lake; and, to direct staff to prepare the average cost per parcel within the City of Big Bear Lake only.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Hertzmann, Mulvihill, Harris
NOES: None
ABSENT: None
ABSTAIN: None

Motion by Councilmember Dally, seconded by Councilmember Hertzmann to direct staff to continue issuing notices for the removal of dead trees in the Castle Glen/Moonridge area.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Hertzmann, Mulvihill, Harris
NOES: None
ABSENT: None
ABSTAIN: None

RECESS

At the hour of 8:35 p.m., Mayor Harris declared a recess. At the hour of 8:45 p.m., Council reconvened.

1.2 Transient Private Home Rental Inspection Service Fee Revision

Council consideration of a resolution amending the Transient Private Home Rental Inspection Service Fee from \$81.00 to \$121.00.

At the hour of 8:45 p.m., Mayor Harris was excused due to a conflict of interest.

At the hour of 8:46 p.m., Mayor Pro Tem Mulvihill opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2003-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING THE TRANSIENT PRIVATE HOME RENTAL INSPECTION SERVICE FEE FROM \$81.00 to \$121.00

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Hertzmann, Mulvihill
NOES: None
ABSENT: Harris
ABSTAIN: None

At the hour of 8:57 p.m., Mayor Harris returned to her Council seat.

2. CONSENT CALENDAR

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Dally to adopt the Consent Calendar as follows.

2.1 Approval of Demands – Check Issue Date 03/06/03 through 03/19/03 – Check Nos. 17826 through 17988, in the amount of \$522,170.59

Approved.

2.2 Approval of the Minutes for the Regular Meeting of February 24, 2003

Approved as amended.

2.3 Monthly Financial Report

Received and filed.

2.4 Transient Occupancy Tax Audit Contract

Council consideration of approving a contract with Diehl, Evans & Company, LLC, to conduct the Transient Occupancy Tax Procedural Review Audits, for an amount not to exceed \$29,500.

Approved.

2.5 Transient Private Home Rental Inspection Services

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

2.6 Knickerbocker Traffic Signal Improvements

Council consideration of adopting the finding that the modifications to the Knickerbocker Traffic Signal Improvements is categorically exempt from the requirements of the California Environmental Quality Act; approve the plans, specifications, and estimates for the project; and, authorize staff to advertise for construction bids.

Approved.

2.7 Clubview Drive Reconstruction Project

Council consideration of adopting a finding that the reconstruction of Clubview Drive from Moonridge Road to Falls Avenue is categorically exempt from the requirements of the California Environmental Quality Act; approve the plans, specifications, and estimates for the project; authorize staff to advertise for construction bids; and, direct staff to transfer \$290,000 from Fund 279 (Measure I Local), \$85,000 from Fund 280 (Measure I Arterial), and \$8,000 from the undesignated fund balance (110-0000-2531 to account 321-4321-3978 – Capital Projects-Clubview Drive.)

Approved.

2.8 Construction of Various Sanitation District Projects

Council consideration of adopting a finding that the Sewer Maintenance Projects are categorically exempt from the requirements of the California Environmental Quality Act; and, authorize staff to advertise for construction bids to Raise Manholes to Grade; the Reline Wet Wells Project; and Pave the Access Roads.

Approved.

2.9 Annual Report on the Status and Implementation of the Big Bear Lake General Plan

Removed from the Consent Calendar for separate discussion.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Hertzmann, Mulvihill, Harris
NOES: None
ABSENT: None
ABSTAIN: None

3. ITEMS REMOVED FROM THE CONSENT CALENDAR

2.5 Transient Private Home Rental Inspection Services

Council consideration of awarding the Professional Services Agreement to Chuck's Home Inspections to provide TPHR inspection services pursuant to Ordinance No. 99-300, until September 30, 2003.

At the hour of 9:12 p.m., Mayor Harris was excused due to a conflict of interest.

Motion by Councilmember Conklin, seconded by Councilmember Dally to award the Professional Services Agreement to Chuck's Home Inspections to provide TPHR inspection services pursuant to Ordinance No. 99-300, until September 30, 2003.

AYES: Conklin, Dally, Hertzmann, Mulvihill
NOES: None
ABSENT: Harris
ABSTAIN: None

At the hour of 9:20 p.m., Mayor Harris returned to her Council seat.

2.9 Annual Report on the Status and Implementation of the Big Bear Lake General Plan

Council consideration of accepting the annual status and implementation of the Big Bear Lake General Plan, and directing staff to file the report with the State of California Office of Planning and Research, and Housing and Community Development Department.

Council amended the report as follows:

General Plan Programs.

Page 26 - N1.2.2.

Program Description - Monitor noise sources within the community, including Big Bear Airport; revise land use plans and noise standards as needed to ensure that noise impacts are mitigated, and coordinate with Big Bear Airport and the FAA to establish and update policies for reduction of noise impacts to the community.

Current Status:

No issues identified with stationary noise sources to date. No coordination with Big Bear Airport to date.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to accept the annual status and implementation of the Big Bear Lake General Plan, and directed staff to file the report with the State of California Office of Planning and Research, and Housing and Community Development Department.

Said Motion carried by the following vote:

AYES: Conklin, Dally, Hertzmann, Mulvihill, Harris
NOES: None
ABSENT: None
ABSTAIN: None

FUTURE AGENDA ITEMS

Councilmember Conklin reported that the Calabasas High School Orchestra had to cancel their scheduled performance in New York, and suggested that the City should extend an invitation to see if they would be willing to perform in Big Bear Lake. City Manager Perry stated that he would contact the school to see if they would be interested in coming to Big Bear.

Mayor Harris suggested that a joint meeting between the City Council and the Municipal Water District be held in order for the Council to receive an update on TMDL issues and the Army Corp of Engineers study.

CITY MANAGER REPORTS

City Manager Perry reported that a joint meeting between the City Council and the DWP Board has been scheduled for April 7, 2003, to discuss the proposed water tiered rate structure increase, and water service connections limitations. He reported that the Council Budget Committee continues to meet to discuss the fiscal year 2003/2004 budget and contingency plans. The first City Council budget workshop meeting has been scheduled for April 14, 2003.

CITY COUNCIL REPORTS

Mayor Pro Tem Mulvihill asked when the City plans to paint the traffic lines on the streets, now that winter is over. City Manager Perry responded that the street striping project should begin in May.

Councilmember Conklin stated that he noticed that the brick crosswalks in the Village have faded during the winter, and asked if it would be possible to paint white stripes adjacent to the red brick pavers to accentuate the crosswalks.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 10:10 p.m.

Katherine E. Jefferies, City Clerk

APPROVED AT THE MEETING OF: May 12, 2003