
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
MAY 27, 2003**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 6:30 p.m., Monday, May 27, 2003, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Invocation/Moment of Personal Prayer

Flag Salute: Boy Scout Troop No. 87

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

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

AGENDA APPROVAL

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

ANNOUNCEMENTS

Upcoming events scheduled for the Performing Arts Center – For ticket information please contact the box office at 866-4970

Miss Big Bear Pageant will be held on Saturday, May 31, 2003.

Big Bear High School will present Senior Scholarship Awards on Tuesday, June 3, 2003.

The Barbershop Sweet Adelines Concert will be held on Wednesday, June 7, 2003.

The City will be accepting applications for the vacancies on the Planning Commission, and the DWP Board of Commissioners, until 5:00 p.m., June 6, 2003. Applicants must be a resident and registered voter in the City of Big Bear Lake. To obtain an application, please contact the City Clerk's office at 866-5831.

PRESENTATIONS

Assistant Fire Chief Morley gave an overview of the Notice and Order to Abate Program, for the removal of dead and/or dying trees on private property. He reported that, to date, Fire Department staff has mailed out 280 abatement notices for the removal of approximately 1100 trees, and Code Compliance staff has sent out 21 notices for the removal of 195 trees. He stated that the Castle Glen area and half of the Moonridge area has been inspected.

Mayor Harris reported that on May 16, 2003, she attended a ceremony at the Big Bear Middle School for a special school assembly held in honor of those who died on September 11, 2001. She stated that it was a very moving celebration and commended Assistant Fire Chief Morley for his participation in the event.

COMMITTEE REPORTS

The League of California Cities Legislative Days Report was given by Mayor Pro Tem Mulvihill and City Manager Perry.

The League of California Cities Mountain/Desert Division Meeting Report was given by Councilmember Hertzmann.

PUBLIC FORUM

None.

PUBLIC FORUM RESPONSE

None.

At the hour of 7:10 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 7:32 p.m., the Improvement Agency adjourned to City Council Session.

1. CONSENT CALENDAR

Motion by Councilmember Conklin, seconded by Councilmember Dally to approve the Consent Calendar as follows:

1.1 Approval of Demands – Check Issue Date 05/08/03 through 05/21/03 – Check Nos. 18549 through 18723, in the amount of \$550,361.46

Approved. Councilmember Conklin abstained from voting on Check No. 18658 to Conklin Paint, in the amount of \$24.19.

1.2 Approval of the Minutes for the Workshop Meeting of April 7, 2003, the Workshop Meeting of April 14, 2003; the Regular Meeting of April 14, 2003, and the Workshop Meeting of April 28, 2003

Approved as presented.

1.3 Monthly Financial Report

Approved.

1.4 Award of Contract – Knickerbocker Traffic Signal Improvements, Phase 2

Council consideration of awarding the contract to Highlight Electric, Inc., for the construction of the Knickerbocker Traffic Signal Improvements, Phase 2, in the amount of \$49,998.28.

Approved.

1.5 Award of Contracts for the Construction of Various Sanitation District Projects

Council consideration of a finding that the Raise the Manhole Covers to Grade; Reline Wet Wells; and Pave Access Roads projects are categorically exempt from the requirements of the California Environmental Quality Act; award the contract to Romans Construction to Raise the Manhole Covers to Grade, in the amount of \$53,821.00; award the contract to Sancon Engineering for the Wet Well Reline Project, in the amount of \$77,801.00; and award the contract to Romans Construction for the Pave Access Roads Project, in the amount of \$17,962.50.

Approved.

1.6 2003-2006 Community Development Block Grant (CDBG) City-County Delegate Agency Agreement

Council consideration of approving the 2003-2006 Community Development Block Grant (CDBG) City-County Delegate Agency Agreement, and direct the Mayor to execute the document.

Approved.

1.7 First Amendment to Charter Communications Cable Franchise Agreement

Council consideration of extending the current Cable Franchise Agreement for an additional eighteen months through September 30, 2004.

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

1.8 Speed Limit Signs on Division Drive between Sugar Pine Road and State Highway 18

Council consideration of a resolution establishing a speed zone of 35 mph on Division Drive, between Sugar Pine Road and State Highway 18.

Adopted the following resolution, entitled:

RESOLUTION NO. 2003-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ESTABLISHING A SPEED ZONE OF 35 MPH ON DIVISION DRIVE, BETWEEN SUGAR PINE ROAD AND STATE HIGHWAY 18

The Consent Calendar was approved by the following vote:

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

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.7 First Amendment to Charter Communications Cable Franchise Agreement

Council consideration of extending the current Cable Franchise Agreement for an additional eighteen months through September 30, 2004.

Dixie Allison, Big Bear Lake: discussed that a portion of the work to upgrade the cable system was not completed by the required deadline, and that several subcontractors and employees were not fully compensated for the work that they were hired to do. She stated that the City should not extend the contract at this time, but require Charter Communications to compensate all legitimate claims for non-payment, with proof of payment provided to the City.

Council tabled this item pending further information from staff.

3. DISCUSSION/ACTION ITEMS

3.1 Village Assessment District No. 1-92

Council consideration of a resolution initiating proceedings for the Levy and Collection of Assessments within the Village Maintenance Assessment District No. 1-92 for fiscal year 2003/2004, ordering the preparation of an Engineer's report; and discussing alternative assessments proposed by staff.

Sandy Acosta, Village Business Owner: spoke in opposition to an increase in the Village Assessment District fees, and suggested that the assessment district perimeters be extended to include all businesses within the Village Specific Plan area, to help fund the district.

Hal Schoettger, Village Business Owner: discussed the Projected Revenues and Expenditures Report that was prepared by staff, and requested a comparison breakdown for the actual costs incurred in 2001-2002. He suggested that the City obtain an estimate on what it would cost for a private contractor to provide landscaping services.

Sharon Prince, Village Business Owner: spoke in opposition to an increase in the Village Assessment District fees. She expressed her concerns regarding several of the maintenance costs, stating that the City has never steam cleaned the sidewalks that are in front of her business. She also commented that several of

the wooden railings throughout the Village are in disrepair and need to be inspected and fixed.

Motion by Councilmember Dally, seconded by Mayor Pro Tem Mulvihill to reject Alternative A, which would leave the assessment fee as it stands, and Alternative D, which would raise the assessments to a level that fully covers the cost to the City of providing services, and direct staff to prepare two separate Engineer's Reports that will include Alternatives B and C, as amended. Alternative B would raise assessments to the 1992 level of \$13.83 per lineal foot, plus a CPI increase added each year in the future. Alternative C would include raising assessments to the 1992 level of \$13.83 per lineal foot, and gradually raise the assessments over the next three years as follows:

FY 2003/2004	\$13.83 per lineal foot (amount that was adopted in 1992)
FY 2004/2005	\$15.14
FY 2005/2006	\$16.45
FY 2006/2007	\$17.75
FY 2007/2008 and thereafter:	annual CPI adjustment

and, adopt the following resolution, entitled:

RESOLUTION NO. 2003-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA INITATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2003/2004, PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE X111 D OF THE CALIFORNIA CONSTITUTION, AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT IN CONNECTION THEREWITH

Said Motion was approved by the following vote:

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

3.2 Assessment District to Remove Dead/Dying Trees

Council consideration of providing direction to staff to continue to work with the County to coordinate efforts to abate dead trees and plan for fire protection efforts; and, for the Fire Department to continue with the Abatement Program.

Motion by Councilmember Hertzmann, seconded by Councilmember Dally to direct staff to continue to work with the County to coordinate efforts to abate dead trees and plan for fire protection efforts; and, for the Fire Department to continue with the Abatement Program.

Said Motion was approved by the following vote:

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

4. PUBLIC HEARINGS

4.1 Revised City Service Fees Imposed upon Applicants for Development Projects and other City Services

Council consideration of a resolution revising the Service Fee Schedule establishing and increasing certain service fees for applicants for development related and other city services.

At the hour of 9:22 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Dally to adopt the following resolution, entitled:

RESOLUTION NO. 2003-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, PROVIDING FOR THE ADOPTION OF A REVISED SERVICE FEE SCHEDULE ESTABLISHING AND INCREASING CERTAIN SERVICE FEES FOR APPLICANTS FOR DEVELOPMENT RELATED AND OTHER CITY SERVICES

Said Motion was approved by the following vote:

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

At the hour of 9:26 p.m., Council adjourned to the Fire Protection District.

FIRE PROTECTION DISTRICT

Fire Protection District proceedings are contained in separate minutes.

At the hour of 9:28 p.m., the Fire Protection District adjourned to City Council.

FUTURE AGENDA ITEMS

Council requested the Fire Department to present a brief report on the status of open fires in the City, County and Forest Service areas.

CITY MANAGER REPORTS

None.

CITY COUNCIL REPORTS

Councilmember Dally reported that he recently had an opportunity to participate in a tour of the BBARWA facilities, which he found very interesting.

Councilmember Hertzmann announced that a Water Summit Meeting has been scheduled at the Municipal Water District office at 5:30 p.m., on June 18, 2003, and asked staff to post a meeting notice so that the entire Council could attend. He also reported that the Hospital District has scheduled a town hall meeting at the Presbyterian Church at 6:30 p.m., on June 11, 2003, to discuss the continuation of Measure G, scheduled for the November 4, 2003 election. He reported that the United States Supreme Court has denied further hearing on the appeal concerning the Rubin v. City of Burbank, regarding sectarian invocations at City Council meetings.

Mayor Pro Tem Mulvihill asked for a status report on the removal of the lawn in front of the Civic Center. City Manager Perry responded that a minimum amount of water is being used only in the areas where the grass will not be removed. He stated that staff has

been working with the DWP and local nurseries to discuss the cost of converting the grass to xeriscape landscaping.

Mayor Pro Tem Mulvihill announced that Jim Bollingmo, a prominent member of our business community, had recently undergone surgery to remove a brain tumor. He is expected home within the next few days to recover from his surgery.

Mayor Harris congratulated City Manager Perry on receiving the Eagles of Excellence Award that was presented to him on May 18th by the Rotary Club.

Mayor Harris discussed the need to coordinate with the Veteran's groups to make sure that the proper ceremonies are conducted at Veteran's Park, on holidays such as Memorial Day and Veteran's Day, to honor those who have served our country.

PUBLIC FORUM FOR CLOSED SESSION

None.

CLOSED SESSION

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

Name of Negotiators: City Attorney, City Manager, and Deputy City Manager of Administration

Name of Organization: San Bernardino Public Employees Association

This matter was not discussed.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 9:50 p.m.

Katherine E. Jefferies, City Clerk

APPROVED AT THE MEETING OF: June 23, 2003