
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JULY 28, 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, July 28, 2003, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Invocation/Moment of Personal Prayer

Flag Salute: Mayor Harris

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

Approved as presented.

ANNOUNCEMENTS

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

- ❖ **Big Bear Lake Dog Show – August 2**
- ❖ **Dance Cottage presents *Fantastic Voyage of Dance* – August 16 & 17**
- ❖ **City of Big Bear Lake presents *The Magicians of the Magic Castle* – August 23 & 24**
- ❖ **CATS presents the *Annual Picnic at the PAC* – August 31**
- ❖ **Operation Breakthrough presents *The Bus* – August 8, 2003**

PRESENTATIONS

None.

COMMITTEE REPORTS

- ❖ The MARTA Committee Report was given by General Manager Jerry Wright.
- ❖ The BBARWA Committee Report was given by Mayor Harris.
- ❖ The League of California Cities Mountain/Desert Division Committee Report was given by Councilmember Hertzmann and City Manager Perry.
- ❖ The Joint Powers Insurance Authority Committee Report was given by Councilmember Hertzmann.

PUBLIC FORUM

Elaine Tennity, Big Bear Lake: invited the City Council and the public to a meeting regarding fire safety in the Valley, sponsored by the Fire Safe Council, Sunday, August 10th at 2:00 p.m., at the Performing Arts Center.

Sandy Acosta, Big Bear Lake: asked for clarification on the actual population figures for the City, because she has heard several different figures quoted over the last few years. She discussed the need for the City to reinforce the Toilet Retrofit Program, because it will save gallons of water per year.

City Manager Perry responded that the City's current population figure of 5,800 was obtained from the Department of Finance, State of California. He also stated that the Toilet Retrofit program is still available and encouraged those interested to contact the DWP.

Paddy Speyers, Big Bear Lake: discussed the operation of the Moonridge Animal Park and the importance of community involvement. She explained that a large membership base is needed in order to obtain corporate sponsors and large grants necessary to relocate the zoo, and presented membership applications to each City Councilmember.

Dr. Michael Erickson, Big Bear Christian Center: discussed his concerns regarding invocations at the City Council meetings, and felt that the City was not receiving correct legal counsel regarding the issue.

PUBLIC FORUM RESPONSE

City Manager Perry responded to a concern raised by Ms. Koepke at a previous Council meeting, regarding the fact that K-Mart had been issued a citation for watering plants and flowers during daytime hours. He read a response from DWP Office Manager Muir, which stated that the DWP had no record of any type of water violation by K-Mart. He gave an overview of the watering rules and regulations established by the DWP for nurseries and landscapers.

City Manager Perry responded to an issue raised by Mr. Cuzzolina at a previous Council meeting, regarding the costs submitted to the City from our Code Compliance attorney to fill out citations. He stated that the attorney fees from April through June were approximately \$19,956, because Mr. Cuzzolina had requested a jury trial on a misdemeanor count. Normally, the billing ranges between \$1,500 and \$3,000.

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 07/09/03 through 07/23/03 – Check Nos. 19311 through 19460, in the amount of \$591,830.79

Approved.

1.2 Approval of the Minutes from the Workshop Meeting of June 9, 2003, and the Regular Meeting of June 9, 2003

Approved as presented.

1.3 Clubview Drive Reconstruction – Accept as Complete

Council consideration of accepting the Clubview Drive Reconstruction Project as complete; determine the final contract cost to be \$282,838.37, and direct staff to file the Notice of Completion and release the retention amount of \$14,141.92, thirty-five days after the recordation of the Notice of Completion, provided that no stop notices are filed with the City.

Approved.

1.4 Sewer Reline Project

Council consideration of a finding that the Sewer Reline Project is categorically exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15302c; and authorize staff to proceed with the bid process.

Approved.

1.5 Knickerbocker Traffic Signal Improvements, Phase 2 – Accept as Complete

Council consideration of accepting the Knickerbocker Traffic Signal Improvements, Phase 2 as complete; determine the final contract cost to be \$47,547.48, and direct staff to file the Notice of Completion and release the retention amount of \$2,377.37, thirty-five days after the recordation of the Notice of Completion, provided that no stop notices are filed with the City.

Approved.

1.6 Annual Law Enforcement Contract

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

1.7 Continuance of the Declaration of a Local State of Emergency

Council consideration of continuing the Declaration of a Local State of Emergency due to the drought and Bark Beetle infestation.

Approved.

1.8 Emergency Operations Plan

Council consideration of authorizing the expenditure of \$5,000 with Emergency Management Services for the preparation of an Emergency Operations Plan for the City of Big Bear Lake; and direct staff to transfer funds from the General Fund – Undesignated Fund Balance to General Government Department Professional Services Account 110-4800-243. Upon receipt of the grant reimbursement of \$2,606, these revenues will be deposited back into the General Fund.

Approved.

1.9 Bear Valley Community Healthcare District Measure

Council consideration of adopting a resolution in support of the Bear Valley Community Healthcare District Measure, scheduled for the November 4, 2003 election. The Measure would continue the special property tax that is already in existence for the operation and capital needs of the hospital.

Adopted the following resolution, entitled:

RESOLUTION NO. 2003-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, IN SUPPORT OF THE BEAR VALLEY HEALTHCARE DISTRICT MEASURE

1.10 San Bernardino County Public Employees Association General Unit Memorandum of Understanding

Council consideration of a resolution approving the corrected memorandum of Understanding between the City of Big Bear Lake and the San Bernardino County Employees Association General Unit, effective July 1, 2003 through June 30, 2005.

Adopted the following resolution, entitled:

RESOLUTION NO. 2003-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING A CORRECTED MEMORANDUM OF UNDERSTANDING WITH THE SAN BERNARDINO COUNTY PUBLIC EMPLOYEES ASSOCIATION GENERAL EMPLOYEES UNIT

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Hertzmann, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: Councilmember Conklin on item 1.1 - Check No. 19404 to Conklin Paint, in the amount of \$218.72; and Councilmember Dally on Check No. 19435 to the Paper Clip, in the amount of \$30.70.

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 Annual Law Enforcement Contract

Council consideration of approving the 10th amendment to the annual Law Enforcement Contract.

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Hertzmann to approve the 10th amendment to the annual Law Enforcement Contract.

Said motion was approved by the following vote.

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

3. PUBLIC HEARINGS

3.1 Public Hearing - Village Maintenance Assessment District 1-92

If the proposed assessment increase is approved by the voters:

Council consideration of a resolution approving the Engineer's Report regarding the levy of annual assessments including additional assessments within the Village Maintenance Assessment District No. 1-92 for fiscal year 2003-04, and confirming diagrams and assessments pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code, and as provided by Article XIII D of the California Constitution.

If the proposed assessment increase is not approved by the voters:

Council consideration of a resolution approving the Engineer's Report regarding the levy of annual assessments within the Village Maintenance Assessment District No. 1-92 for fiscal year 2003-04, and confirming diagrams and assessments pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code, and as provided by Article XIII D of the California Constitution;

And, direct staff to complete a survey of owners in the district regarding priority of service types, and bring back a recommendation to the City Council regarding service level and cost reductions to reduce general fund impacts from subsidy of the district.

The City's consultant, Bryan Miller from Muni-Financial Services explained the Village Maintenance District 1-92 ballot and election procedure in accordance with Proposition 218. He reported that once the Mayor closes the public hearing, the election is also closed and the ballots will then be opened and tallied. Each vote will be tabulated based on the lineal footage multiplied by the assessment amount. Should the total assessment amount of the ballots received in favor of the

proposed increase come in equal to or exceed those ballots against, the proposed increase can be approved. Should the votes against the proposed increase exceed those in favor, the ballot measure cannot be adopted, and the existing assessments will remain unchanged.

At the hour of 7:54 p.m., Mayor Harris opened the public hearing.

Sandy Acosta, Big Bear Lake: stated that she is a property owner in the Village Assessment District, and asked the City to provide her with the following: 1. An accounting of all funds received and spent since the Village Maintenance Assessment 1-92 was incorporated. 2. Does the City intend to replace the Village entrance sign on Pine Knot Ave. that was destroyed by a City employee. 3. Does the City intend to involve all businesses and/or property owners within the entire Village Specific Plan, in order to spread the cost of maintaining the area in an equitable manner. 4. Requested the City to mail the results of the election to those within the election area. She also questioned how the City is tracking the ballots because she had not received one in the mail.

Hal Schoettger, Big Bear Lake: stated that he is a property owner in the Village Assessment District, and stated that he has mailed letters to all property owners within the Village Assessment District, using the same list that the City used to mail out the ballots. He reported that the post office returned any letter that was undeliverable, so he was able to track who received a letter and who did not, and stated that he is confident that the City received ballots back that were undeliverable.

Margaret Tiefenthaler, Big Bear Lake: stated that she is a business owner, but not a property owner in the Village Assessment District, and discussed that the amount of money the City is spending to maintain the Village seems to be very high, and suggested that a thorough analysis be done. She stated that it is up to the City, not the property owners, to make the determination on where services should be reduced, and how much the assessments should be for the coming year.

Sharon Prince, Big Bear Lake: discussed her concerns regarding snow removal in the Village. She stated that she has seen the snow in the Moonridge area removed in the same manner that the City removes the snow in the Village; so not only was the Village given preferential treatment, but so was Moonridge.

Public Works Superintendent Vantine explained that in Moonridge the snow is only plowed from the travel ways to the side of the streets. It is then the responsibility of the property and business owners, not the City, to remove it.

At the hour of 8:11 p.m., Mayor Harris closed the public hearing.

Mayor Harris called for the final ballots to be handed in.

City Clerk Jefferies and Consultant Bryan Miller publicly opened and tallied each ballot.

City Clerk Jefferies reported the final tally of the ballots as follows:

Out of 57 Ballots that were mailed to the Village Maintenance Assessment District 1-92, 53 Ballots were received and publicly opened.

7 Ballots voted in favor of the assessment, worth an amount of \$4,277.04 in assessments.

46 Ballots voted in opposition to the assessment, worth an amount of \$18,791.97 in assessments.

4 Ballots were not returned worth an amount of \$1,255 in assessments.

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

RESOLUTION NO. 2003-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE ENGINEER'S REPORT REGARDING THE LEVY OF ANNUAL ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2003-04, AND CONFIRMING DIAGRAMS AND ASSESSMENTS PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

and, direct staff to complete a survey of owners in the district regarding priority of service types, and bring back a recommendation to the City Council regarding service level and cost reductions to reduce general fund impacts from subsidy of the district.

Said Motion was approved by the following vote:

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

Motion by Councilmember Hertzmann, seconded by Councilmember Dally to amend the Engineer's Report to add language that the total maintenance and servicing costs and the City contribution from the General Fund are subject to reduction, provided that the total maintenance and servicing costs shall not be reduced below \$50,614.34

Said Motion was approved by the following vote:

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

4. DISCUSSION/ACTION ITEMS

4.1 Appointment to the Planning Commission and the Department of Water & Power Board of Commissioners

Council consideration of appointing two Planning Commissioners to fill the two vacancies on the Planning Commission, for four year terms to expire June 30, 2007; and appointing three DWP Board Members to fill two vacancies on the DWP, for four year terms to expire June 30, 2007; and, one vacancy on the DWP to fill an unexpired term to June 30, 2005.

Motion by Councilmember Hertzmann, seconded by Mayor Pro Tem Mulvihill to appoint Tom Beede and Dennis Hall to fill the two vacancies on the Planning Commission, for four year terms to expire June 30, 2007; and appoint Rick Herrick and Susan Conley to fill two vacancies on the DWP, for four year terms to expire June 30, 2007; and, Barbara Willey to fill the DWP unexpired term to June 30, 2005.

Said Motion was approved by the following vote:

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

4.2 Designation of Voting Delegate for League of California Cities Annual Conference and September 8, 2003 City Council Meeting

Council consideration of designating Councilmember Hertzmann as delegate and City Manager Perry as alternate, to represent the City at the annual business meeting during the League's Annual Conference, scheduled for September 7 – 10, 2003.

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Dally to designate Councilmember Hertzmann as delegate and City Manager Perry as alternate, to represent the City at the annual business meeting during the League's Annual Conference.

Said Motion was approved by the following vote:

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

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

City Manager Perry inquired if the Council would like the City to plan a service in commemoration of September 11th. Council requested that the matter be agendaized for discussion on August 11, 2003.

CITY COUNCIL REPORTS

Mayor Pro Tem Mulvihill reported that the stop sign, located on the corner of Sheephorn Drive and Moonridge Road, is covered with foliage and hard for drivers to see. He also suggested that the green banner hanging on the back of the Village overhead entrance sign be removed because it is in very bad shape.

Mayor Harris urged the public to participate in the Old Miners Days events that are currently being held, and stated that a Chili Cook-off is planned for Saturday, August 2nd followed by the 56th annual parade at noon on Sunday.

Councilmember Conklin announced that the 14th annual Antique Car Club Show would be held in the Village on Saturday, August 9th.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 9:09 p.m.

Katherine E. Jefferies, City Clerk

APPROVED AT THE MEETING OF: September 8, 2003