
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
SEPTEMBER 22, 2003**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Pro Tem Mulvihill at 4:30 p.m., Monday, September 22, 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 6:30 p.m., Council adjourned to Open Session.

Invocation: Moment of Silence

Flag Salute: Councilmember Ken Dally

Councilmembers Present: Mayor Pro Tem Darrell Mulvihill
Councilmember S. O. Conklin arrived at 7:30 p.m.
Councilmember Ken Dally
Councilmember Hertzmann

Councilmembers Excused: Mayor Liz Harris

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, City Manager, and Deputy City Manager of Administration

Name of Organization: Big Bear Lake Fire 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 v Griffen
Case Number: VCV010794 – San Bernardino Superior Court

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to approve the Agenda as presented. Motion carried 4-0.

ANNOUNCEMENTS

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

- ❖ Big Bear Lake Festival of Jazz 2003 – September 26 – 28.
- ❖ Arts Council presents a Fundraiser for Center Stage Dancers “*New York or Bust!*” – October 3.
- ❖ Mark Curran presents “*The Wonder of Elvis Show*” – October 4.

PRESENTATIONS

Mayor Pro Tem Mulvihill presented a Proclamation declaring October 5 – 11, 2003, as Fire Prevention Week. Fire Prevention Officer Caldwell accepted the Proclamation and invited the Council and public to attend the Fire Department’s Annual Open House on October 11, 2003.

Council honored Joe Genova, Maintenance Worker II, for his 5 years of service to the City.

Mayor Pro Tem Mulvihill presented a California Integrated Waste Management *Resources for the Future* Award to Deputy City Manager Bogh, in recognition of the City’s successful achievement of California’s waste division goals.

COMMITTEE REPORTS

The Measure I committee report was given by Deputy City Manager Bogh.

PUBLIC FORUM

Carolyn & Michael Miller, Big Bear Lake International Film Festival: stated that the Film Festival was a great success and expressed their appreciation to City staff for their help with the event.

City Manager Perry commended Performing Arts Center Manager Don Gavitte and Administrative Secretary Susie Payne for assisting Mr. & Mrs. Miller with their event.

PUBLIC FORUM RESPONSE

City Manager Perry responded to a request by Sandy Acosta on when the City intends to replace the Village Entrance Sign that was damaged and removed by the City. He reported that the City Sign Committee was in the process of designing a replacement sign.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 09/04/03 through 09/17/03 – Check Nos. 19988 through 20107, in the amount of \$583,530.47

Approved.

1.2 Approval of the Minutes for the Regular Meeting of August 11, 2003, and the Workshop Meeting of August 25, 2003

Approved as presented.

1.3 Monthly Financial Report

Received and filed.

1.4 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.

1.5 Support of Statewide Ballot Initiative to Protect Local Tax Funds

Council consideration of a resolution in support of a statewide initiative to require voter approval before the State Government can take local tax funds.

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

1.6 Public Works/Sanitation Maintenance Software System

Council consideration of authorizing staff to purchase a Public Works/Sanitation maintenance software system from CitiTech Systems, to provide detailed tracking and reporting sewer system maintenance activities.

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

1.7 Measure I Five-Year Plan Update 2003/04 to 2007/08

Council consideration of a resolution adopting the 2003/2004 - 2007/2008 Measure I Five-Year Capital Improvement Plan for submittal to SANBAG.

Adopted the following resolution, entitled:

RESOLUTION NO. 2003-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE MEASURE I FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY2003/04 to 2007/08

1.8 Professional Services Agreement for Engineering Consultant Services

Council consideration of approving an amendment to the agreement with Willdan, an engineering consulting firm, to serve as interim City Engineer through June 30, 2004, and transfer funds from account 110-4310-0010 to account 110-4310-2243.

Approved.

The Consent Calendar was approved by the following vote:

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

ABSTAIN: None

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.5 Support of Statewide Ballot Initiative to Protect Local Tax Funds

Council consideration of a resolution in support of a statewide initiative to require voter approval before the State Government can take local tax funds.

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

RESOLUTION NO. 2003-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS

Said Motion was approved by the following vote:

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

1.6 Public Works/Sanitation Maintenance Software System

Council consideration of authorizing staff to purchase a Public Works/Sanitation maintenance software system from CitiTech Systems, to provide detailed tracking and reporting sewer system maintenance activities.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to approve the staff recommendation.

Said Motion was approved by the following vote:

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

At the hour of 7:00 p.m., Council adjourned to the Fire Protection District Meeting

FIRE PROTECTION DISTRICT

Fire Protection District proceedings are contained in separate minutes.

At the hour of 7:10 p.m., the Fire Protection District adjourned to Regular Council session.

3. PUBLIC HEARINGS

3.1 Amendment to Title 15 of the Big Bear Lake Municipal Code pertaining to Prevention of Soil Erosion during Grading Operations

Council consideration of introduction and first reading of an ordinance amending Section 15.04.020 of the Big Bear Lake Municipal Code by adding Subsection H, requiring all grading operations to comply with the erosion control and best management practices of the City's current NPDES Permit.

At the hour of 7:14 p.m., Mayor Pro Tem Mulvihill opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Dally, seconded by Councilmember Hertzmann to introduce and waive further reading of an ordinance, entitled:

ORDINANCE NO. 2003-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 15 OF THE BIG BEAR LAKE MUNICIPAL CODE BY ADDING SUBSECTION H TO SECTION 15.04.020 PERTAINING TO THE PREVENTION OF SOIL EROSION DURING GRADING OPERATIONS

Said Motion was approved by the following vote:

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

4. DISCUSSION/ACTION ITEMS

4.1 Village Maintenance Assessment District

Council consideration of directing the City Manager to meet with the Village property and business owners regarding the amount of increased assessment they would be willing to pay toward the costs to maintain the Assessment District.

Sandy Acosta, Big Bear Lake: stated that the City needs to accurately identify what the original costs were to maintain the Village Assessment District, compared to what the costs are now, before asking for an assessment increase.

Catherine Rey, Big Bear Lake: stated that the property owners have made a decision against an assessment increase and it is time for the City to move forward, and not waste anymore time on this matter.

City Manager Perry read a statement that he received from a Village property owner, which stated that, if the City reduced services within the Assessment District, it would have a negative impact on the entire Village.

Discussion ensued regarding the need to know what services the City was to provide under the original Village Maintenance Assessment District, compared to the services the City is providing now; the need for staff to prioritize the list of services as they relate to liability, health and safety, all of which ranked low on the priority list provided by the property owners; and, for staff to make sure that they work closely with the property owners, not just the business owners, because the property owners are the ones who pay for the assessments.

Motion by Councilmember Conklin, seconded by Councilmember Hertzmann to direct the City Manager to meet with the Village property owners to discuss their concerns related to the costs collected by the City to provide services to maintain the District, and to attempt to get a consensus of a majority of the front footage within the District on the amount of increase in assessment that they would be willing to pay; and present the City Council with a petition no later than February 29, 2004.

Said Motion was approved by the following vote:

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

4.2 Proposed Gazebo at Big Bear Veterans Park

Council consideration of directing staff to move forward with processing the Minor Modification application for the installation of a gazebo at Big Bear Veterans Park.

Approved by consensus of the Council.

FUTURE AGENDA ITEMS

City Manager Perry reported that staff is preparing a policy to address electronic mail (e-mail) for Council approval at an upcoming meeting.

CITY MANAGER REPORTS

City Manager Perry reported on the Congressional Committee Hearings that were held earlier in the day in Lake Arrowhead, regarding the impact of the drought and the beetles in our mountain area. He discussed the League of California Cities Annual Conference that he attended in Sacramento on September 7 – 10, 2003, and stated that a complete report on the conference will be provided to the Council. He reported that he received a request from the manager of Big Bear Mobilehome Estates offering to take the City Council on a tour of the newly upgraded park, and asked that if any Councilmember is interested to let him know. He recognized Film Office Manager Kresse Armour for her assistance with the Film Festival event.

CITY COUNCIL REPORTS

Council offered their prayers and support to Robert Harris and Allen Allison who are both hospitalized.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Pro Tem Mulvihill adjourned the meeting at 8:00 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: October 13, 2003