
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
MAY 24, 2004**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 5:00 p.m., Monday, May 24, 2004, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION

None.

At the hour of 5:05 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: Rick Jaeger

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

Councilmembers Excused: None

Others Present: Michael Perry, City Manager
Steve Deitsch, Best Best & Krieger, LLP City Attorney
Katherine E. Jefferies, City Clerk/ACM
Kathleen Smith, Finance Director
Dave Vasquez, Deputy City Manager Administration

RESULTS OF CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Designated Representatives: City Attorney, Fire Administrator, Fire Chief, and Deputy City Manager of Administration
Employee Organization: Big Bear Lake Fire Employees

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9 (b) (1)
Number of Cases: 1

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Conklin, seconded by Councilmember Hertzmann 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.

- ❖ City of Big Bear Lake presents “Spirit of the Dance” – May 30 & 31
- ❖ Big Bear High School Scholarship Awards – June 1
- ❖ Dance Cottage presents “As Time Goes By” – June 5 & 6

City offices will be closed on Monday, May 31, 2004 in observance of Memorial Day.

PRESENTATIONS

The City Council honored Stater Bros. Market Manager Rick Jaeger for receiving the Annual Store Manager Superior Service Award at the Food Marketing Institute convention in Chicago on May 4th. Mr. Jaeger, among four store managers throughout the United States who received the award, was recognized for opening the grocery store when the Valley was evacuated during the Old Fire in October 2003, to feed emergency personnel.

BBARWA General Manager Steve Schindler and Tom Harder from Geo Science gave an overview of the BBARWA Water Conservation through Water Reclamation Study.

Councilmember Dally and Assistant Fire Chief Morley gave a report on their recent trip to Flagstaff, Arizona, to get a first-hand look at Flagstaff’s highly successful Forest Management Program.

COMMITTEE REPORTS

Councilmember Hertzmann gave a status report on Desert/Mountain Division Measure I Meeting.

PUBLIC FORUM

Dixie Allison, Big Bear Lake: discussed the need for the City to evaluate the City Service Fees that were adopted a year ago, specifically the cost of the Encroachment Permits.

PUBLIC FORUM RESPONSE

City Manager Perry stated that on May 10, 2004, concerns were raised by several citizens regarding the Resort Association, and the Chamber of Commerce, and stated that he has asked both agencies to provide a response to the City Council.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 5/06/04 through 5/19/04 – Check Nos. 22820 through 22964, in the amount of \$628,844.82

Approved as presented.

1.2 Continuance of the Declaration of Local State of Emergency

Continued the Declaration of the Local State of Emergency due to the drought and Bark Beetle infestation.

1.3 Resolution Supporting the League of California Cities and California State Association of Counties regarding Wildland Urban Interface Fires

Council consideration of a resolution in support of a joint League of California Cities and California State Association of Counties Policy Statement to decrease impacts on public health and safety resulting from wildland urban interface fires.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA SUPPORTING A JOINT LEAGUE/CSAC POLICY STATEMENT TO DECREASE IMPACTS ON PUBLIC HEALTH AND SAFETY RESULTING FROM WILDLAND URBAN INTERFACE FIRES

1.4 Monthly Financial Report

Received and Filed.

1.5 National Pollutant Discharge Elimination System

Council consideration of adopting Ordinance No. 2004-337 amending the Big Bear Lake Municipal Code by adding Chapter 14.04 pertaining to the protection and regulation of the City's storm drain system.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2004-337

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING CHAPTER 14.04 OF THE BIG BEAR LAKE MUNICIPAL CODE PERTAINING TO THE PROTECTION AND REGULATION OF THE CITY'S STORM DRAIN SYSTEM AND REPEALING ORDINANCE NO. 93-231

1.6 Fox Farm Road Rehabilitation Project

Council consideration of awarding the Contract for the Fox Farm Road Rehabilitation Project to Matich Corporation for a total amount of \$519,564.00

This item was removed from the Consent Calendar and discussed separately.

1.7 Parcel Map No. 16224

Council consideration of approving Parcel Map No. 16224, and accepting the easement located at 42141 Brownie Lane, APN 2328-204-03.

Approved.

1.8 Extension of the Private Home Rental Inspection Services Contract

Council consideration of approving an extension to the Private Home Rental Inspection Services Contract with Chuck's Home Inspections. The term of the Agreement shall be from July 1, 2004, to September 30, 2004, with an option for an additional 3 months with City Council approval.

Approved.

1.9 Approval of the Minutes from the Regular Meeting of March 22, 2004, the Workshop Meeting of March 29, 2004, the Workshop Meeting of April 12, 2004, and the Regular Meeting of April 12, 2004

Approved as presented.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Hertzmann, Mulvihill

NOES: None

ABSENT: None

ABSTAIN: Mayor Harris abstained from voting on Item 1.9B, as she had not attended that meeting.

Councilmember Conklin abstained from voting on Item 1.1 Check No. 22883, payable to Conklin Paint in the amount of \$377.59

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 Fox Farm Road Rehabilitation Project

Council consideration of awarding the Contract for the Fox Farm Road Rehabilitation Project to Matich Corporation for a total amount of \$519,564.00

Acting City Engineer Rodriguez reported that during the preparation of the project specifications, it was staff's intention to award the total contract to include the base bid and the alternate bid, if it came within the budgeted amount of \$631,000. However, that particular language was not written into the specifications. He reported that Contract Law says that unless it is specified how the low bid will be determined, the lowest bid shall be the lowest bid price on the base bid without consideration of the prices on alternate bids. He stated that in accordance with the law, Bear Valley Paving provided the lowest base bid amount of \$439,347.00 and an alternate of \$94,230.00, plus a ten percent contingency,

materials testing, and surveying totaling \$620,797.00, which is below the engineer's estimate. Therefore, staff recommends that the contract be awarded to Bear Valley Paving.

Motion by Councilmember Dally, seconded by Councilmember Hertzmann to award the Contract for the Fox Farm Road Rehabilitation Project to Bear Valley Paving for a total amount of \$533,577.00.

Said motion was approved by the following vote:

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

3. DISCUSSION/ACTION ITEMS

3.1 Fee Waiver Request – Team Big Bear

Council consideration of a request from Team Big Bear to waive the \$700 cost to install the NORBA banners for the May 20-23, 2004 National Bike Series Bike Race.

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

Said motion was approved by the following vote:

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

3.2 United States Forest Service Proposals for Shaded Fuelbreaks in Big Bear Valley

Council consideration of authorizing staff to prepare a letter to the USFS expressing the City's support for construction of shaded fuelbreaks along Skyline Drive (2N10), along the southern edge of the City, 800' wide, and within the Bear Mountain and Snow Summit ski resorts.

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

Said motion was approved by the following vote:

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

3.3 Groundwater Regulation by Cities

Council consideration of a report prepared by the City Attorney regarding the City's ability to regulate the drilling of private water wells.

City Attorney Deitsch presented several options that the Council could choose to regulate private water wells, but recommended that the Council look into the adoption of an ordinance that is based on police powers, which would allow the City to restrict private wells. He stated that adopting a groundwater conservation ordinance is also the most flexible and economical option. He discussed another option where the City could limit the usage of the groundwater basin by defining groundwater rights through a basin adjudication, in which a special or general water management district would be formed to develop a groundwater management plan under AB3030. However, the formation of a special or general water management district would take several years and be very costly to the City.

City Manager Perry recommended that the DWP take the lead regarding this matter and research the various avenues open for monitoring private wells.

Motion by Councilmember Conklin, seconded by Councilmember Hertzmann to authorize Councilmember Hertzmann to speak on behalf of the City Council to the DWP Board, at their meeting on May 25, 2004, to discuss the possibility of working with the City on a joint effort to explore a municipal powers ordinance that would allow the regulation of private wells.

Said motion was approved by the following vote:

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

3.4 Appointment of Two Members of the City Council to an Ad-Hoc Committee relating to a Large Retail Use Ordinance

Council consideration of appointing two members of the City Council to an ad-hoc committee regarding the preparation of a large retail use ordinance.

Mayor Harris appointed Councilmember Dally and Councilmember Conklin to an ad-hoc committee regarding the preparation of a large retail use ordinance.

3.5 Appointment of Two Members of the City Council to the Big Bear Valley Recreation and Park District Pool Action Committee

Council consideration of appointing two members of the City Council to the Big Bear Valley Recreation and Park District Pool Action Committee.

Mayor Harris appointed Councilmember Conklin and Mayor pro Tem Mulvihill to an ad-hoc committee to represent the City on the Big Bear Valley Recreation and Park District Pool Action Committee.

3.6 Status of Ordinance No. 2001-311 Regulating Parking of Vehicles for Sale on Public or Private Property

Council consideration of directing staff to prepare an amendment to the Development Code to include the provisions of Ordinance No. 2001-311, regarding vehicles for sale on public and private property.

Discussion ensued regarding the fact that when the Development Code was amended Ordinance No. 2001-311, which regulates the parking of vehicles for sale on private and public parking became ineffective, and now should be corrected.

Motion by Councilmember Conklin, seconded by Councilmember Dally to direct staff to prepare an amendment to the Development Code to include the provisions of Ordinance No. 2001-311, regarding vehicles for sale on public and private property.

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 stated that he plans to schedule a walking tour through the Village with City Council and staff in order to show the Council how nice the Village looks, as well as looking at some of the areas that need improvement. He reported that staff also plans to contact the DWP to obtain approval to steam-clean the Village sidewalks prior to Memorial Day weekend.

CITY COUNCIL REPORTS

Mayor Pro Tem Mulvihill asked if staff could look into installing American Flags on the poles throughout the Village.

Councilmember Conklin discussed the letters that were sent out to the recipients of City funds for City sponsored events, stating that more clarification is needed regarding how the in-kind services would be implemented.

Councilmember Conklin discussed the need for clarification regarding how the City Council should respond to requests or concerns brought forth from individuals and/or groups, and should that group be a recognized organization. If not, should that group bring their concerns to the Council through a recognized organization.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 9:03 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: June 28, 2004