
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JULY 26, 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, July 26, 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: Big Bear Lake Sister City Youth Exchange Student

Councilmembers Present: Mayor Liz Harris
Mayor Pro Tem Darrell Mulvihill
Councilmember Dally
Councilmember S. O. Conklin
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 Manager
Dave Vasquez, Deputy City Manager Administration

RESULTS OF CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)
Name of Parties: City of Big Bear Lake v Griffin
Case Number: VCV010794 – San Bernardino Superior Court

No reportable action.

2. 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.

AGENDA APPROVAL

Motion by Councilmember Hertzmann, seconded by Councilmember Dally 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.

- The Hollers presents “The First Final Farewell Benefit Concert” – August 7
- Mark Curran presents “An Evening with Elvis” – August 21

The nomination period for two seats on the City Council will be open until 5:00 p.m., Friday, August 6, 2004. To qualify for election, candidates must be a resident and a registered voter of Big Bear Lake. For those interested in filing, please make an appointment with the City Clerk by calling 866-5831 ext. 103. If an incumbent does not file by the deadline, then the filing period will be extended until August 11, 2004.

PRESENTATIONS

Norm and Linda Reinik gave an overview of the City of Big Bear Lake and Abtenau, Austria’s Sister City Youth Exchange Program that has been in effect since 1985, and introduced the youth exchange students from Big Bear Lake, and Abtenau, Austria.

COMMITTEE REPORTS

Councilmember Hertzmann reported on the League of California Cities Mountain Desert Division meeting that was hosted by the City of Big Bear Lake on July 23, 2004, stating that the meeting was well attended and very informative.

PUBLIC FORUM

None.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 7/08/04 through 7/20/04 – Check Nos. 23637 through 23759, in the amount of \$786,045.43

Approved.

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 Authorization for Certain City Officials and a City Contractor Access to Sales and Use Tax Records

Council consideration of a resolution, which authorizes certain City officials and a City Contractor access to sales and use tax records pursuant to Government Code Section 7056.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING CERTAIN CITY OFFICIALS AND A CITY CONTRACTOR ACCESS TO SALES AND USE TAX RECORDS PURSUANT TO GOVERNMENT CODE SECTION 7056

1.4 Annual Law Enforcement Contract - Amendment No. 11

Council consideration of approving the 11th Amendment to the Annual Law Enforcement Contract with the County of San Bernardino.

Approved.

1.5 General Plan Amendment 2004-083 and Zone Change 2004-084, to amend the General Plan Land Use Designation on 1.1 Acres located at 41922 Fox Farm Road, identified as APN 2328-101-04, from Commercial General (CG) to Industrial (IND) and the Zone District from Commercial-General (C-2) to Commercial-Industrial (C-5)

Council consideration of adopting an ordinance approving Zone Change 2004-084 to change the zoning designation on 1.1 acres located at 41922 Fox Farm Road, APN 2328-101-04, from Commercial-General (C-2) to Commercial-Industrial (C-5) and adopting the Mitigated Negative Declaration.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2004-341

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING ZONE CHANGE 2004-084 TO CHANGE THE ZONING DESIGNATION OF 1.1 ACRES LOCATED AT 41922 FOX FARM ROAD, ASSESSOR'S PARCEL NUMBERS 2328-101-04, FROM COMMERCIAL-GENERAL (C-2) TO COMMERCIAL-INDUSTRIAL (C-5) AND ADOPTING A MITIGATED NEGATIVE DECLARATION

1.6 Carryover of Select Appropriations from Fiscal Year 2003-2004 to Fiscal Year 2004-2005

Council consideration of a resolution approving the carryover appropriations from fiscal year 2003-2004 to fiscal year 2004-2005, in order to complete the work on projects and record expenses in the appropriate fiscal year.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING CHANGES TO THE CITY OF BIG BEAR LAKE APPROVED BUDGET FOR FISCAL YEAR 2004-2005 TO CARRYOVER CERTAIN PROJECT APPROPRIATIONS FROM THE CITY OF BIG BEAR LAKE APPROVED BUDGET FOR FISCAL YEAR 2003-2004

1.7 Approval of the Minutes from the Special Meeting of June 3, 2004, the Workshop Meeting of June 7, 2004, the Special Meeting of June 14, 2004, and the Regular Meeting of June 14, 2004

Approved as presented.

The Consent Calendar was approved by the following vote:

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

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

3. PUBLIC HEARINGS

3.1 Public Hearing - Village Maintenance Assessment District 1-92 – Confirming Assessments and ordering Levy and Collection for Fiscal Year 2004-2005

Council consideration of a resolution confirming the assessment for Landscaping Maintenance Assessment District No. 1-92 (Village Streetscape Maintenance), and ordering the levy and collection for fiscal year 2004-2005.

At the hour of 7:09 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2004-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CONFIRMING THE ASSESSMENT OF LANDSCAPING MAINTENANCE DISTRICT NO. 1-92 (VILLAGE STREETScape MAINTENANCE), AND ORDERING LEVY AND COLLECTION FOR FISCAL YEAR 2004-2005

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 Award of Bid for Boulder Bay Park

Council consideration of authorizing staff to prepare a professional services agreement for materials testing, inspection and surveying for the project; deny the letter of protest submitted by Bear Valley Paving, and, award the construction contract to Hal Hays Construction Inc., for a total base project cost of \$478,762.60, and the restrooms at \$166,630.00 totaling \$645,392.60.

J. P. Montero, Bear Valley Paving: discussed that, according to his clock, he had turned in his bid just prior to the 2:00 p.m. bid opening time period. He suggested that the City purchase a time stamp, or a GPS clock in order to avoid any future discrepancies.

City Manager Perry responded that staff intends to purchase a clock that would be automatically set by global position satellite and is accurate within microseconds.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to authorize staff to prepare a professional services agreement for materials testing, inspection and surveying for the project; deny the letter of protest submitted by Bear Valley Paving; and, award the construction contract to Hal Hays Construction Inc., for a total base project cost of \$679,147.60.

Said Motion was approved by the following vote:

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

4.2 Joint Workshop Meetings with Valley Agencies

Council consideration of prioritizing and authorizing staff to schedule meetings with various Valley Agencies.

Council discussed and directed staff to look into scheduling workshop meetings with the following Agencies:

For issues related to Water, the City Council would like to meet with the DWP Board, CSD Board, MWD Board, representatives from the County of San Bernardino, and the Resort Association Board.

For issues related to the HUFU Program, the City Council would like to meet with representatives from the County of San Bernardino, County Fire, United States Forest Service, CSD Board, and representatives from the California Division of Forestry.

For issues related to Building and Growth, the City Council would like to meet with representatives from the County of San Bernardino, CSD Board, DWP Board, BBARWA Board, City of Big Bear Lake Planning Commission, Chamber of Commerce Board, Resort Association Board, Board of Realtors, and representatives from the Contractors Association.

For issues related to Economic Development, the City Council would like to meet with representatives from the County of San Bernardino, Chamber of Commerce Board, Resort Association Board, Board of Realtors, representatives from the Contractors Association, and the Airport District Board.

The following workshop meetings are to be scheduled at a later date:

Valley-wide Fire Consolidation with representatives from the County of San Bernardino, and the CSD Board.

Big Bear Valley Community Pool with representatives from the County of San Bernardino, Recreation and Park Board, CSD Board, and the Bear Valley Unified School District Board.

At the hour of 8:26 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 8:27 p.m., the Fire Protection District adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 8:28 p.m., the Improvement Agency adjourned to Regular Council session.

FUTURE AGENDA ITEMS

Mayor Pro Tem Mulvihill requested that the City Council discuss an Emergency Ordinance regarding defensible space requirements on all land within the City of Big Bear Lake, at the next City Council meeting.

CITY MANAGER REPORTS

None.

CITY COUNCIL REPORTS

Mayor Pro Tem Mulvihill reported that he would be traveling with representatives from MWD, DWP, and the CSD to the Southern California Edison offices in San Dimas later this week, to observe their cloud seeding program.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 8:35 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: September 13, 2004