
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JULY 11, 2005**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Mulvihill at 5:00 p.m., Monday, July 11, 2005, 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.

OPEN SESSION

Invocation: Moment of Silence

Flag Salute: Led by Councilmember Dally

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

Councilmembers Excused: None

Others Present: Michael Perry, City Manager
Stephen Deitsch, Best Best & Krieger, LLP City Attorney
Katherine E. Jefferies, City Clerk/ACM
Dave Martinez, Deputy City Manager Development Services
Kathleen Smith, Finance Manager

RESULTS OF CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: 598 Paine Road, 495 Paine Road, and 40568-78 Village Drive, Big Bear Lake, California

Negotiating Parties: City Manager, City Attorney, David Leroy, Bruce Hinckley, and Gary and Suzanne Smith
Under Negotiation: Price and Terms of Payment

No reportable action.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: APN Nos. 0311-361-01, 2328-02-07, 0311-361-02, and 0311-361-03, Big Bear Lake, California

Negotiating Parties: City Manager, City Attorney, Deputy City Manager Community Development, and Mike Saghafi, Burbank Manor LLC

Under Negotiation: Price and Terms of Payment

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Conklin, seconded by Councilmember Harris 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 Cowboy Poetry and Music Festival” – July 22 & 23
- The Big Bear Lake Performing Arts Foundation presents “The National Tour of CATS” – July 27 & 28
- The Woman’s Club Flower Show will be held on July 29 & 30
- The Annual Barbershop Revue will be held on July 30

Councilmember Harris announced that the 10th Annual Pow Wow would be held at the Los Vaqueros Arena in Shay Meadows on July 15-17.

PRESENTATIONS

None.

COMMITTEE REPORTS

None.

PUBLIC FORUM (City Council, Fire Protection District and Improvement Agency)

Neal Hertzmann, President of Old Miners' Days: announced the schedule of events for Old Miners' Days, which will begin with the Chili Cook-off on July 15th, and end with the Parade on August 7th.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

Motion by Councilmember Jahn, seconded by Councilmember Harris to approve the Consent Calendar as follows:

1.1 Approval of Demands – Check Issue Date 6/22/05 through 7/6/05 – Check Nos. 27744 through 28485, in the amount of \$489,235.83

Approved.

1.2 Continuance of the Declaration of Local State of Emergency

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

Approved.

1.3 Fiscal Year 2005-2006 Appropriations Limits for the City of Big Bear Lake

Council consideration of a resolution establishing the Appropriations Limits for fiscal year 2005-2006 for the City of Big Bear Lake, in accordance with provisions of Division 9 of Title 1 of the California Government Code.

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMITS FOR FISCAL YEAR

2005-06 FOR THE CITY OF BIG BEAR LAKE IN ACCORDANCE WITH PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

1.4 Statement of Investment Policy

Council consideration of adopting the Statement of Investment Policy for fiscal year 2005-2006.

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2005-06

1.5 Cafeteria Benefit Increase for Management and Mid-Management/Professional Classifications

Council consideration of establishing new cafeteria amounts for Management and Mid-Management/Professional classifications.

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, INCREASING THE CAFETERIA BENEFIT FOR MANAGEMENT AND MID-MANAGEMENT/PROFESSIONAL CLASSIFICATIONS

1.6 Fee Waiver Request – Antique Car Club Annual Event

Council consideration of approving a request to waive the facility fees for the Big Bear Antique Car Club annual car show.

Approved.

1.7 Fee Waiver Request – Old Miners’ Association Annual Events

Council consideration of approving a request to waive the facility fees for the Old Miners’ Association annual events.

Approved.

1.8 Closure of Public Streets and Fee Waiver Request – Big Bear Country Fair

Council consideration of approving the closure and use of portions of Village Drive and Pine Knot Avenue, and waived the facility fees for the Big Bear Country Fair.

Approved.

1.9 Village Maintenance Assessment District No. 1-92

Council consideration of a resolution preliminarily approving the Engineer’s Report for Option 2 for Village Maintenance District No. 1-92 for fiscal year 2005-2006; and Resolution No. 2005-22 declaring the City Council’s intention to increase assessments with the addition of a CPI factor capped at a maximum of 3% within Village Maintenance District No. 1-92 for fiscal year 2005-2006, and setting the date for the public hearing for 6:30 p.m., August 30, 2005.

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

1.10 One and Two Hour Parking Signs on Portions of Moonridge Road

Council consideration of authorizing the installation of “1-hour parking” signs on the north side of Moonridge Road from Fir Street to 42670 Moonridge Road (Mountain Bear Essentials), and “2-hour parking” signs on the north side of Moonridge Road from 42672 Moonridge (Realty Executives).

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, REQUIRING “1-HOUR PARKING” SIGNS TO BE POSTED ON THE NORTH SIDE OF MOONRIDGE ROAD FROM FIR STREET TO 42670 MOONRIDGE

ROAD AND "2-HOUR PARKING" SIGNS TO BE POSTED ON THE NORTH SIDE OF MOONRIDGE ROAD FROM 42672 MOONRIDGE ROAD TO RATHBUN DRIVE

1.11 Approval of the Minutes from the Special Meeting of June 6, 2005 and the Regular Meeting of June 13, 2005

Approved as presented.

1.12 Public Works Summer 2005 Projects

Council consideration of awarding the Maintenance Culvert Cleaning Project to United Pumping Service for an amount not to exceed \$250,000 from account 321-4322-3995; and approve the purchase of asphalt material from Vulcan Materials for an amount not to exceed \$300,000 from account 110-4320-3970 for the 2005 summer projects.

Approved.

1.13 Purchase of a Skid Steer Loader

Council consideration of authorizing staff to purchase a Skid Steer Loader from Johnson Machinery for an amount not to exceed \$70,486.00 from account 321-4323-3981.

Approved.

The Consent Calendar was approved by the following vote:

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

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.9 Village Maintenance Assessment District No. 1-92

Council consideration of a resolution preliminarily approving the Engineer's Report for Option 2 for Village Maintenance District No. 1-92 for fiscal year 2005-2006; and Resolution No. 2005-22 declaring the City Council's intention to

increase assessments with the addition of a CPI factor capped at a maximum of 3% within Village Maintenance District No. 1-92 for fiscal year 2005-2006, and setting the date for the public hearing for 6:30 p.m., August 30, 2005.

Dennis Large', Big Bear Lake: discussed his concerns regarding the Engineer's report as prepared by staff, stating that the report appears to be the same Engineer's report that was prepared in 2003. He stated that the new report does not address items such as snow removal and maintenance of the parking stalls, as well as other expenditures proposed in the assessment district budget. He also asked how the utility bills are separated out between the assessment district and the parks, and asked how many trash receptacles are in the Village. He inquired as to why marketing was not allowed within the Village Assessment District, stating that several assessment districts within the San Diego area, under the California Streets and Highways Code, have marketing costs in their district budgets.

City Attorney Deitsch explained that marketing costs cannot be charged to the Village Assessment District because the district was formed under the 1972 Landscape and Lighting Act, and stated that marketing is not a function of the District's authority.

Finance Manager Smith explained that a separate meter had been installed in the Village Assessment District in order to keep the utilities separated. She discussed that the City contracts with Big Bear Disposal for refuse pickup, and that staff and Big Bear Disposal are in the process of verifying the number of receptacles in the Village.

Mr. Large', questioned City expenses incurred by Councilmembers and staff, and specifically referenced a trip taken by Mayor Mulvihill to Laughlin, Nevada for the purpose of attending the Marine Corp Ball, and asked why the City paid for the expenditure.

Mayor Mulvihill commented that he had attended the Marine Corp Ball upon the invitation of retired Colonel Robert White, and the Commanding General of 29 Palms. He stated that Colonel White has dedicated many hours to the Big Bear Valley to bring military bands and fly-overs to events, park dedications, and the Old Miners' parade.

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

RESOLUTION NO. 2005-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, PRELIMINARILY APPROVING THE AMENDED ENGINEER'S REPORT IN CONNECTION WITH AN INCREASE IN ANNUAL ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2005/2006, 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 XIII D OF THE CALIFORNIA CONSTITUTION

and,

RESOLUTION NO. 2005-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO AMEND THE FY 2005/2006 ENGINEER'S REPORT IN CONNECTION WITH AN INCREASE IN ANNUAL ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2005/2006, AND SETTING THE DATE FOR A PUBLIC HEARING ON THIS ACTION

Said Motion was approved by the following vote:

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

3. PUBLIC HEARINGS

3.1 Public Hearing – Sewer User Fees, Refuse Fees, and Sewer Standby Fees

Council consideration of a resolution adopting a report determining the amount of Sewer User Fees and directing that such fees be collected on the tax roll; Resolution No. 2005-24 adopting a report determining the amount of Refuse Fees and directing that such fees be collected on the tax roll; and, Resolution No. 2005-

25 adopting a report determining the amount of Sewer Standby Fees and directing that such fees be collected on the tax roll.

At the hour of 7:16 p.m., Mayor Mulvihill opened the public hearing. Hearing no comment the public hearing was closed.

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

RESOLUTION NO. 2005-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A REPORT DETERMINING THE AMOUNT OF SEWER USER FEES AND DIRECTING THAT SUCH FEES BE COLLECTED VIA THE TAX ROLL

Said Motion was approved by the following vote:

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

3.2 Public Hearing – Building Code Amendment

Council consideration of continuing the public hearing to July 25, 2005, to amend the Building Code related to fire restrictive construction regulations.

At the hour of 7:18 p.m., Mayor Mulvihill opened the public hearing.

Motion by Councilmember Jahn, seconded by Councilmember Harris to continue the public hearing to July 25, 2005.

Said Motion was approved by the following vote:

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

3.3 Public Hearing – Development Code Amendment 2005-099

Council consideration of continuing the public hearing to July 25, 2005, to amend Big Bear Lake Municipal Code Chapter 17.09 (Slope Density) by deleting Paragraph 17.09.020 H (Fire Protection) in its entirety.

At the hour of 7:19 p.m., Mayor Mulvihill opened the public hearing.

Motion by Councilmember Jahn, seconded by Councilmember Conklin to continue the public hearing to July 25, 2005.

Said Motion was approved by the following vote:

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

At the hour of 7:20 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 7:21 p.m., the Improvement Agency adjourned to the Fire Protection District.

FIRE PROTECTION DISTRICT

Fire Protection District proceedings are contained in separate minutes.

At the hour of 7:22 p.m., the Fire Protection District adjourned to City Council Session.

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

None.

CITY COUNCIL REPORTS

Councilmember Harris stated that she had received a copy of the 2004/2005 San Bernardino County Annual Survey prepared by the Inland Empire Research Consortium, which combines our mountain communities with cities such as San Bernardino, Rialto, Colton, and Bloomington. She stated that those particular cities do not fit the description of a resort community, and requested that a letter be drafted to Supervisor Hansberger requesting that the mountain communities be allowed to participate in a separate survey, to accurately reflect our environment and activities.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 7:25 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: September 12, 2005