
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
NOVEMBER 14, 2005**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Mulvihill at 6:31 p.m., Monday, November 14, 2005, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Invocation: Moment of Silence

Flag Salute: Led by Mayor Mulvihill

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
Steve Deitsch, Best Best & Krieger, LLP City Attorney
Katherine E. Jefferies, City Clerk/ACM
David 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: 39707 Big Bear Boulevard, Big Bear Lake
Negotiating Parties: City Manager, City Attorney, and City Planner
Verizon and Cingular Wireless
Under Negotiation: Price and Terms of Payment

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.

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title of Position: City Manager

No reportable action.

4. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

City Designated Representative: City Attorney

Unrepresented Employee: City Manager

No reportable action.

FIRE PROTECTION DISTRICT CLOSED SESSION

5. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

District Designated Representative: Fire Administrator and District Counsel

Unrepresented Employee: Fire Chief

No reportable action.

IMPROVEMENT AGENCY CLOSED SESSION

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

Property: 40803 Village Drive, Big Bear Lake

Negotiating Parties: Executive Director and Agency Counsel

Negotiating Party: Cynthia Thorin

Under Negotiation: Price and Terms of Payment

No reportable action.

City Attorney Deitsch reported that the City Council had authorized and directed the City Attorney to look into certain allegations made in correspondence from Dennis Large' to the City Councilmembers dated on or about October 24, 2005. Mr. Large' asserted that the City Manager inappropriately handled three ballots for the recent Village Landscape Maintenance District Assessment Election. Mr. Deitsch stated that, after looking into the matter, he had concluded that the Village Maintenance District Assessment Election had been lawfully conducted and that the City Manager did not improperly handle the ballots.

AGENDA APPROVAL

Motion by Councilmember Harris, seconded by Councilmember Conklin to approve the Agenda as presented. Motion was approved 5-0.

ANNOUNCEMENTS

Upcoming events scheduled for the Performing Arts Center – For ticket information please contact the box office at 866-4970.

- C.A.T.S. presents *A Christmas Carol* – November 18 – December 4
- S.B.V.C. Mountain Master Chorale presents *Christmas Then and Now* – December 10

The City Council meeting scheduled for November 28, 2005 has been cancelled. The next Regular City Council meeting will be held on December 12, 2005.

City offices will be closed November 24 & 25, 2005 for the Thanksgiving holidays.

PRESENTATIONS

Mayor Pro Tem Dally, who is also the Chairman of the Big Bear Area Regional Wastewater Area Board, gave a status report on the proposed BBARWA Wastewater Project.

Department of Water & Power General Manager Jerry Gruber gave a status report on the Summer 2005 Water Supply.

The Performing Arts Center Foundation status report was tabled to December 12, 2005.

COMMITTEE REPORTS

Councilmember Harris gave a status report on the Village Advisory Committee meeting.

Mayor Mulvihill gave a status report on the Tax Election Committee.

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

None.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

Motion by Mayor Pro Tem Dally, seconded by Councilmember Conklin to approve the Consent Calendar as follows:

1.1 Approval of Demands – Check Issue Date 10/19/05 through 11/08/05 – Check Nos. 29907 through 30173, in the amount of \$628,936.81

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 SB 211 Elimination of Debt Incurrence Limits; ERAF Improvement Plan Amendments

Council consideration of an ordinance eliminating the debt incurrence deadline for the Improvement Plan for the Big Bear Lake Improvement Project pursuant to Health and Safety Code Section 33333.6(e)(2)(B).

Adopted the following ordinance, entitled:

ORDINANCE NO. 2005-353

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ELIMINATING THE DEBT INCURRENCE DEADLINE FOR THE IMPROVEMENT PLAN FOR THE BIG BEAR LAKE IMPROVEMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B)

Council consideration of an ordinance eliminating the debt incurrence deadline for the Improvement Plan for the Moonridge Improvement Project pursuant to Health and Safety Code Section 33333.6(e)(2)(B).

Adopted the following ordinance, entitled:

ORDINANCE NO. 2005-354

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ELIMINATING THE DEBT INCURRENCE DEADLINE FOR THE IMPROVEMENT PLAN FOR THE MOONRIDGE IMPROVEMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B)

Council consideration of an ordinance extending the time limit of the effectiveness of the Big Bear Lake Improvement Project and the time limit for payment of indebtedness and receipt of property taxes pursuant to Health and Safety Code Section 33333.6(e)(2)(C).

Adopted the following ordinance, entitled:

ORDINANCE NO. 2005-355

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF THE BIG BEAR LAKE IMPROVEMENT PROJECT AND THE TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(C)

Council consideration of an ordinance extending the time limit of the effectiveness of the Moonridge Improvement Project and the time limit for payment of indebtedness and receipt of property taxes pursuant to Health and Safety Code Section 33333.6(e)(2)(C).

Adopted the following ordinance, entitled:

ORDINANCE NO. 2005-356

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF THE MOONRIDGE IMPROVEMENT PROJECT AND THE TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(C)

1.4 Wolf Road, Luna Road, and Canyon Crest – County and City Joint Project

Council consideration of committing an additional \$39,399 from Measure I funds to be allocated in the Fiscal Year 2006-2007 budget; and direct staff to enter into an agreement with the County of San Bernardino to share this project.

This item was removed from the Consent Calendar and discussed as a separate item.

1.5 Annual City Manager’s Contract - Amendment No. 4

Council consideration of approving the fourth amendment to the City Manager’s Contract effective August 7, 2005.

Approved.

1.6 Minutes from the Workshop Meeting of October 10, 2005, and the Regular Meeting of October 10, 2005

Approved as presented.

1.7 City’s Election to Receive Tax Increment Under CRL Section 33607.5

Council consideration of a resolution that will entitle the City to receive pass-through payments from the Improvement Agency.

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ELECTING TO RECEIVE ALLOCATIONS OF TAX INCREMENT PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33607.5(b) FOR THE BIG BEAR LAKE IMPROVEMENT AREA

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ELECTING TO RECEIVE ALLOCATIONS OF TAX INCREMENT

PURSUANT TO HEALTH AND SAFETY CODE SECTION 333607.5(b) FOR
THE MOONRIDGE IMPROVEMENT AREA

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: Dally on Item 1.1 Check # 30126 in the amount of \$6.44 payable
to Paper Clip.

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.4 Wolf Road, Luna Road, and Canyon Crest – County and City Joint Project

Council consideration of committing an additional \$39,399 from Measure I funds to be allocated in the Fiscal Year 2006-2007 budget; and direct staff to enter into an agreement with the County of San Bernardino to share this project.

At the hour of 7:38 p.m., Mayor Mulvihill was excused from the meeting due to a possible Conflict of Interest.

Motion by Councilmember Harris, seconded by Councilmember Jahn to approve a commitment of an additional \$39,399 from Measure I funds to be allocated in the Fiscal Year 2006-2007 budget; and direct staff to enter into an agreement with the County of San Bernardino to share this project.

Said Motion was approved by the following vote:

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

At the hour of 7:39 p.m., Mayor Mulvihill returned to his seat.

At the hour of 7:39 p.m., a joint meeting of the City Council, Improvement Agency and Financing Authority convened.

3. FINANCING AUTHORITY/IMPROVEMENT AGENCY/ CITY COUNCIL

3.1 Election of Officers for the Financing Authority

Council selected Councilmember Jahn as Chairman and Mayor Pro Tem Dally as Vice Chairman of the Financing Authority.

3.2 Proposed Refunding of 1995 Tax Allocation Revenue Bonds

Financing Authority:

Board consideration of a resolution authorizing the lending of funds to the Big Bear Lake Improvement Agency relating to the Big Bear Lake Improvement Project and the Moonridge Improvement Project, authorizing and directing execution and delivery of loan agreements, an Indenture of Trust, Escrow Deposit and Trust Agreement, Bond Purchase Contract and, authorizing official actions in connection therewith.

Motion by Chairman Jahn, seconded by Boardmember Harris to adopt the following resolution, entitled:

RESOLUTION NO. JPA2005-01

A RESOLUTION OF THE GOVERNING BOARD OF THE BIG BEAR LAKE FINANCING AUTHORITY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING THE LENDING OF FUNDS TO THE BIG BEAR LAKE IMPROVEMENT AGENCY RELATING TO THE BIG BEAR LAKE IMPROVEMENT PROJECT AND THE MOONRIDGE IMPROVEMENT PROJECT, AUTHORIZING AND DIRECTING EXECUTION AND DELIVERY OF LOAN AGREEMENTS, AN INDENTURE OF TRUST, ESCROW DEPOSIT AND TRUST AGREEMENT, BOND PURCHASE CONTRACT AND AUTHORIZING OFFICIAL ACTIONS IN CONNECTION THEREWITH

Said Motion was approved by the following vote:

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

Improvement Agency:

Agency consideration of a resolution authorizing the lending of funds from the Big Bear Lake Financing Authority relating to the Big Bear Lake Improvement Project and the Moonridge Improvement Project, authorizing and directing execution and delivery of loan agreements, an Indenture of Trust, Escrow Deposit and Trust Agreement, Bond Purchase Contract and, authorizing official actions in connection therewith.

Motion by Chairman Jahn, seconded by Agency Member Conklin to adopt the following resolution, entitled:

RESOLUTION NO. IA2005-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIG BEAR LAKE IMPROVEMENT AGENCY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING THE BORROWING OF FUNDS FROM THE BIG BEAR LAKE FINANCING AUTHORITY RELATING TO THE BIG BEAR LAKE IMPROVEMENT PROJECT AND THE MOONRIDGE IMPROVEMENT PROJECT, AUTHORIZING AND DIRECTING EXECUTION AND DELIVERY OF LOAN AGREEMENTS, AN INDENTURE OF TRUST, ESCROW DEPOSIT AND TRUST AGREEMENT, BOND PURCHASE CONTRACT, CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZING OFFICIAL ACTIONS IN CONNECTION THEREWITH

Said Motion was approved by the following vote:

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

City Council:

Council consideration of a resolution approving the issuance of the Big Bear Lake Financing Authority 2005 Tax Allocation refunding revenue bonds, the borrowing of bond proceeds by the Big Bear Lake Improvement Agency and, refunding of the Agency's Big Bear Lake 1995 Loan and the 1995 Moonridge Loan.

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

RESOLUTION NO. 2005-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE ISSUANCE OF BIG BEAR LAKE FINANCING AUTHORITY 2005 TAX ALLOCATION REFUNDING REVENUE BONDS, THE BORROWING OF BOND PROCEEDS BY THE BIG BEAR LAKE IMPROVEMENT AGENCY AND REFUNDING OF THE AGENCY'S BIG BEAR LAKE 1995 LOAN AND THE 1995 MOONRIDGE LOAN

Said Motion was approved by the following vote:

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

At the hour of 7:53 p.m., City Council Regular Session reconvened.

4. PUBLIC HEARINGS

4.1 General Plan Amendment and Zone Change 2005-049 (Project Area A); General Plan Amendment 2005-169 and Zone Change 2005-170 (Project Area B); General Plan Amendment 2005-185 and Zone Change 2005-186 (Project Area C)

Council consideration of a resolution approving Project Area A (General Plan Amendment 2005-049) and adopting a Negative Declaration for APN 309-231-19; approving Project Area B (General Plan Amendment 2005-169) and adopting a Mitigated Negative Declaration and Mitigation Monitoring Program APN 310-301-12; and approving Project Area C (General Plan Amendment 2005-185) and adopting a Negative Declaration for APN 311-461-04;

Council consideration of introduction and first reading of an ordinance that adopts a Negative Declaration for Project Area A, and approves Zone Change 2005-049 re-zoning the property at 735 Knickerbocker Road from Commercial-Visitor (C-3) to Multiple Family Residential (R-3); adopts a Mitigated Negative Declaration and Mitigation Monitoring Program for Project Area B, and approves Zone Change 2005-170 re-zoning the property at 43825 Sand Canyon from Public-Open Space (P-OS) to Single Family Residential (R-1-7,200), and adopts a Negative Declaration for Project Area C, and approves Zone Change 2005-186 re-zoning the property at 42515 Big Bear Boulevard from Public-Open Space (P-OS) to Single Family Residential (R-1-10,000).

At the hour of 7:59 p.m., Mayor Mulvihill opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2005-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA APPROVING PROJECT AREA A (GENERAL PLAN AMENDMENT 2005-049) AND ADOPTING A NEGATIVE DECLARATION FOR THE PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 309-231-19

Said Motion was approved by the following vote:

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

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

RESOLUTION NO. 2005-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING PROJECT AREA B (GENERAL PLAN AMENDMENT 2005-169) AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 310-301-12; AND APPROVING PROJECT AREA C (GENERAL PLAN AMENDMENT 2005-185) AND ADOPTING A NEGATIVE DECLARATION FOR THE PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 311-461-04

Said Motion was approved by the following vote:

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

Motion by Councilmember Harris, seconded by Mayor Pro Tem Dally to introduce and waive first reading of an ordinance that adopts a Negative Declaration for Project Area A, and approves Zone Change 2005-049 re-zoning the property at 735 Knickerbocker Road from Commercial-Visitor (C-3) to Multiple Family Residential (R-3); and adopts a Negative Declaration for Project Area C, and approves Zone Change 2005-186 re-zoning the property at 42515 Big Bear Boulevard from Public-Open Space (P-OS) to Single Family Residential (R-1-10,000).

Said Motion was approved by the following vote:

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

Motion by Councilmember Jahn, seconded by Councilmember Conklin to introduce and waive first reading of an ordinance that adopts a Negative Declaration and Mitigation Monitoring Program for Project Area B, and approves Zone Change 2005-170 re-zoning the property at 43825 Sand Canyon from Public-Open Space (P-OS) to Single Family Residential (R-1-7,200).

Said Motion was approved by the following vote:

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

5. DISCUSSION/ACTION ITEMS

5.1 Traffic Signal at Paine Road and State Route 18

Council consideration of approving the plans and specifications for the Paine Road Traffic Signal Project; and, authorization for staff to advertise for bids.

Motion by Councilmember Conklin, seconded by Mayor Pro Tem Dally to approve the plans and specifications for the Paine Road Traffic Signal Project; and authorize staff to advertise for bids.

Said Motion was approved by the following vote:

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

5.2 Employee Leave of Absence Request Form

Council discussion with staff regarding the Employee Leave of Absence Request Form.

City Manager Perry reported that he had met with representatives from the Fire Department to discuss the recommended changes to the Employee Leave of Absence Request Form and had received their approval. He stated that the form would be amended and used by all employees effective immediately.

Received and filed the report regarding the Employee Leave of Absence Request Form.

5.3 Vehicle License Fee Gap Loan Repayment

Council discussion with staff regarding the Vehicle License Fee (VLF) loan refund.

Finance Director Smith explained that the VLF loan refund amount would be brought before the City Council at the Mid-Year Budget meeting in February 2006.

Received and filed the report regarding the Vehicle License Fee loan refund.

At the hour of 8:29 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 8:50 p.m., the Improvement Agency adjourned to City Council Session.

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

City Manager Perry commended Finance Director Smith, and Deputy City Manager Martinez for their work in coordinating the 1995 Tax Allocation Revenue Bond refunding.

CITY COUNCIL REPORTS

Mayor Mulvihill reported that on November 4, 2005, he attended the services for former Councilmember Bill Mellen. He stated the Mr. Mellen served on our City Council from 1994-2002, and the Planning Commission from 1991-1994.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 8:56 p.m. in memory of Bill Mellen.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: December 12, 2005