
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JANUARY 9, 2006**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Jahn at 6:31 p.m., Monday, January 9, 2006, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Invocation: Moment of Silence

Flag Salute: Led by Councilmember Dally

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

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 Administrative Services

RESULTS OF CLOSED SESSION

IMPROVEMENT AGENCY CLOSED SESSION

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

Property: APN Nos. 2328-021-07, 311-361-01, 0311-361-02, and 0311-361-03, Big Bear Lake, California
Negotiating Parties: Executive Director, Agency Attorney, and Deputy City Manager
Community Development
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 309-046-31, Big Bear Lake (corner of Jeffries & Lahantan)
Negotiating Parties: Executive Director, and Agency Attorney
Negotiating Party: Alan Degenhardt

Under Negotiation: Price and Terms of Payment

No reportable action.

FIRE PROTECTION DISTRICT CLOSED SESSION

3. 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.

CITY COUNCIL CLOSED SESSION

4. PUBLIC EMPLOYMENT pursuant to Government Code Section 54957

Title of Position: City Manager

This item was discussed following open session.

AGENDA APPROVAL

Motion by Councilmember Harris, seconded by Councilmember Mulvihill 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.

- Big Bear Lake Performing Arts Center Foundation presents *Tap Dogs* – March 8
- Mark Currans *Legends of Rock & Roll* – March 11
- C.A.T.S. presents *Lion in Winter* – March 30, 31 & April 1, 2, 5, 6, 7, 8 & 9

City offices will be closed Monday, January 16, 2006 in observance of Martin Luther King Day.

PRESENTATIONS

Mayor Jahn presented a 5-Year City Employee Pin to Firefighter/Paramedic Marcio Carvalho.

Theatre Manager Don Gavitte gave a status report on the Performing Arts Center Foundation.

COMMITTEE REPORTS

Councilmember Dally reported that BBARWA had received \$400,000 from Verizon to insert fiber optic lines into the conduit pipe owned by BBARWA. He also announced that BBARWA is having a special meeting on March 11, 2006, to discuss sludge disposal.

Councilmember Harris reported that the MARTA Board would be conducting a meeting this month regarding goal setting.

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

None.

PUBLIC FORUM RESPONSE

City Manager Perry read a letter from the San Bernardino County District Attorney's office, which stated that an inquiry had been conducted regarding a complaint that had been filed in 2005 against City Manager Perry regarding the recent Village Assessment District Election. The letter stated that, upon investigation of the matter, the District Attorney found no impropriety that would require any action taken by his office and was closing the case. City Manager Perry explained the process of the Village Assessment District ballot election and stated that staff had opened three of the ballots, because they had been mailed in regular envelopes rather than the special ballot return envelope that had been provided to the voters. He stated that he called each of the voters to verify and confirm their vote, and then handed them over to the City consultant who placed them with the other official ballots. He commented that he was sorry for any confusion that may have taken place, however, he was simply trying to make sure that the three ballots were not discounted, because they had not come to the City in the normal way.

City Attorney Deitsch added that the results of the election would not have been changed, if the ballots had not been counted.

City Manager Perry announced that effective March 4, 2006, he would officially retire from the City of Big Bear Lake.

Mayor Jahn expressed his regret on Mr. Perry's decision to retire and wished him the best of luck.

Councilmember Mulvihill stated that Mr. Perry has done a good job for the City and has improved the trust with all of the entities in the Valley.

Councilmember Mulvihill referred to a recent article in the Bear Valley News, which indicated that he had been given special consideration because the street that he lives on was being repaired for \$136,000. He stated that at the November 14, 2005, City Council meeting, the City entered into an agreement with the County of San Bernardino to share the costs to pave three roads that are within the City and the County boundaries in order to save costs. Mr. Mulvihill explained that he does reside on one of the streets involved and had abstained from voting on the issue.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 12/07/05 through 1/03/06 – Check Nos. 30647 through 30870, in the amount of \$2,138,331.71

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

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 1096 ERAF Redevelopment Plan Amendments

Council consideration of adopting an ordinance extending the effectiveness date for the Big Bear Lake Improvement Plan from April 27, 2024 to April 27, 2025, and the time to receive tax increment and repay debt from April 27, 2034 to April 27, 2035 pursuant to SB1096 for the 2004/2005 fiscal year.

Council consideration of adopting an ordinance extending the effectiveness date for the Moonridge Improvement Plan from December 28, 2024 to December 28, 2025, and the time to receive tax increment and repay debt from December 28, 2034 to December 28, 2035 pursuant to SB1096 for the 2004/2005 fiscal year.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2006-359

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 IMPROVEMENT PLAN AND THE TIME LIMIT FOR PAYMENT

OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D) AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

and,

ORDINANCE NO. 2006-360

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 IMPROVEMENT PLAN AND THE TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D) AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

1.4 Rehabilitation of Sewage Lift Station No. 7

Council consideration of accepting the rehabilitation of Sewage Lift Station No. 7 as complete; allocate \$2,650.67 to account 321-4322-3980; determine the final construction contract amount to be \$218,951.67; direct staff to file the Notice of Completion, and release the final retention amount of \$21,895.17 thirty-five (35) days after the recordation of the Notice of Completion, provided that no stop payment notices are filed.

Approved.

1.5 Relocation of a Public Service Easement – Lot 15, Tract No. 12488

Council consideration of a resolution to relocate and vacate a portion of a public service easement (Drainage Easement) subject to its improvements on property located at 371 Sunrise Way, Lot 15, Tract No. 12488.

Adopted the following resolution, entitled:

RESOLUTION NO. 2006-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, TO RELOCATE AND VACATE A PORTION OF A PUBLIC SERVICE EASEMENT (DRAINAGE EASEMENT) SUBJECT TO ITS IMPROVEMENTS ON PROPERTY LOCATED AT 371 SUNRISE WAY, LOT 15, TRACT NO. 12488

1.6 Household Hazardous Waste Program Update

Received and filed the report.

1.7 Network Administrator Position

Council consideration of a resolution authorizing the creation of a Network Administrator position.

Adopted the following resolution, entitled:

RESOLUTION NO. 2006-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CREATION OF NETWORK ADMINISTRATOR POSITION

1.8 2006 Committee Assignments

Council consideration of approving the City Council Committee assignments for 2006.

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

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

1.1 Approval of Demands – Check Issue Date 12/07/05 through 1/03/06 – Check Nos. 30647 through 30870, in the amount of \$2,138,331.71

Motion by Councilmember Mulvihill, seconded by Councilmember Dally to approve the Demands as presented.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: Councilmember Mulvihill abstained from voting on Item 1.1, Check No. 30846 in the amount of \$719.76; and Councilmember Dally abstained from voting on Check No. 30795 in the amount of \$19.66.

1.8 2006 Committee Assignments

Council consideration of approving the City Council Committee assignments for 2006.

Mayor Jahn added the following ad-hoc committees:

Fireworks Committee – Mayor Jahn and Councilmember Mulvihill.
City Manager Search Committee – Mayor Jahn and Councilmember Harris
College Campus Committee – Councilmember Harris and Mayor Jahn.

Motion by Councilmember Mulvihill, seconded by Councilmember Dally to approve the City Council Committee assignments for 2006 as amended.

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 Lot Line Adjustment 2005-E16 Appeal

Council consideration of an appeal of Lot Line Adjustment 2005-E016 appealing the City Engineer's denial of a Lot Line Adjustment application to extend a portion of Parcel 1 of Parcel Map 16356 – 38793 Waterview Drive westward through Parcel 2 of Parcel Map 16356 in the Single Family Residential zone.

City Attorney Deitsch reported that staff had received a letter from the applicant requesting that the public hearing be continued to a future date due to an issue that has arisen between the parties involved as to the legal ownership of the property. Mr. Deitsch stated that the Council has the option of opening the public hearing, take public testimony, close the public hearing, and continue the item to a future

date after the title issues had been resolved. The second option would be for the Council to conduct the public hearing, consider the application based on the merits presented by staff, and take action regardless of the property ownership.

Consensus of the Council was to open the public hearing, take public testimony and continue the public hearing until a date after the ownership issues have been clarified.

At the hour of 7:28 p.m., Mayor Jahn opened the public hearing.

Dixie Allison, Big Bear Lake: spoke on behalf of Crisan Conroy, one of the applicants for the Lot Line Adjustment. She stated that an issue has come up between the parties involved as to the ownership of the two parcels in the application. She requested that the public hearing be continued for at least 30 to 60 days.

Carly Baird, Big Bear Lake: spoke on behalf of applicant Thomas Baird, and stated that they agree to the continuance of the public hearing.

City Attorney Deitsch requested that Mr. Baird and his attorney submit to the City a letter of confirmation that they concur with the request for the continuance requested by Ms. Conroy, and that they understand that the City has agreed to continue the matter for an indefinite period of time.

Crisann Conroy, Big Bear Lake: spoke in support of the Lot Line Adjustment which would allow her to obtain 50 feet of lake frontage, and allow the public to have access to the lake. She also discussed issues that she has had with the neighboring property owners who rent their home to people for commercial filming of inappropriate films. She stated that she has filed complaints with the City and the Sheriff department, but nothing has been done to stop it.

City Manager Perry stated that he would look into the allegations made by Ms. Conroy.

Steve Colby, Big Bear Lake: stated that his property is adjacent to the applicant and objects to the City approving the Lot Line Adjustment based on prior difficulties and liberties taken by Ms. Conroy in the past, such as removing his property line fence between the properties. He stated that if the City allows the Lot Line Adjustment, it would do nothing but increase congestion, noise, and depreciate the value of his property.

Motion by Councilmember Dally, seconded by Councilmember Harris to continue the public hearing for the appeal for the Lot Line Adjustment 2005-E016 application for property located at 38793 Waterview Drive until the issue of property ownership has been determined.

Said Motion was approved by the following vote:

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

At the hour of 7:38 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 7:39 p.m., the Improvement Agency adjourned to City Council Session.

FUTURE AGENDA ITEMS

Councilmember Mulvihill requested that a City Council Ethics Committee be assigned.

CITY MANAGER REPORTS

None.

CITY COUNCIL REPORTS

Councilmember Mulvihill asked for a status report regarding the citizen who wanted to open a business on Pine Knot Avenue and had requested the City to change the parking requirements in the Village.

City Planner Molina stated that staff had provided information to the citizen that the City had established a policy for granting parking credits in public parking lots in the Village, however, staff has not heard back from this particular person.

Councilmember Harris presented the 2004-2005 Year End Report from the San Bernardino Community College District to the Council and stated that the City continues to work with the College to enhance their program here in the Valley.

At the hour of 7:41 p.m., Council adjourned to Closed Session.

CITY COUNCIL CLOSED SESSION

4. PUBLIC EMPLOYMENT pursuant to Government Code Section 54957
Title of Position: City Manager

No reportable action.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Jahn adjourned the meeting at 9:20 p.m., in memory of Wilma Schaefer and Tom Core.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: February 13, 2006