
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JULY 24, 2006**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Jahn at 6:30 p.m., Monday, July 24, 2006, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

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: Kathleen Smith, Interim City Manager
Stephen P. Deitsch, City Attorney
Katherine E Jefferies, City Clerk
Dave Martinez, Development Services Director

PUBLIC FORUM FOR CLOSED SESSION

None.

RESULTS OF CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957
City Designated Negotiator: City Attorney
Unrepresented Employee: City Manager

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 Mayor Pro Tem Conklin, 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 Women's Club Flower Show – July 28 & 29
- Mark Curran Presents "*Ticket to Ride*" a Beatles Tribute – August 5
- Bear Valley Community Healthcare District Foundation Presents "*Reunion in Big Bear*" – August 11 & 12

The nomination period for three seats on the City Council is open until 5:00 p.m., Friday, August 11, 2006, unless an incumbent does not file then the nomination period will be extended to August 16th. To qualify for election, a candidate 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 at 866-5831 ext. 103.

City Manager Jeff Mathieu and City Engineer David Lawrence were introduced.

City Attorney Deitsch announced that on July 17, 2006, U. S. District Judge Stephen Larson had dismissed the matter of McLean v City of Big Bear Lake, ruling in the City's favor.

PRESENTATIONS

Mayor Jahn presented a plaque to Kathleen Smith in appreciation for serving the City as Interim City Manager from March until July 2006.

Mayor Jahn and Fire Chief Morley presented Firefighter/Paramedic Jonathan Barbour with his 5-year employee pin.

National Fire Association representative Shawna Meyer presented an overview on the Forest Care Program.

Fire Chief Morley and Incident Commander Bill Molumby gave a status report on the Heart-Millard fire.

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

Oris Beucler, Big Bear Lake: discussed the need for the Department of Motor Vehicles to provide DMV services to our Valley.

Vi Colunga, Bear Valley Hospital CEO: discussed that the Healthcare District has participated in negotiations with Kaiser Permanente for the past several months in an attempt to contract for ancillary services and provide healthcare services to the citizens of the Valley. She reported however, that the negotiations failed and asked the City and public to send letters to Kaiser urging them to allow the Hospital to provide these services.

Mayor Jahn suggested that the matter be placed on the next City Council meeting for approval.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 07/05/06 through 07/19/06 – Check Nos. 33218 through 33420, in the amount of \$1,585,609.77

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 Carryover of Select Appropriations from Fiscal Year 2005-2006 to Fiscal Year 2006-2007

Council consideration of a resolution approving the carryover appropriations to the fiscal year 2006-2007 Budget.

Adopted the following resolution, entitled:

RESOLUTION NO. 2006-34

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 2006-2007 TO CARRYOVER CERTAIN PROJECT APPROPRIATIONS FROM THE CITY OF BIG BEAR LAKE APPROVED BUDGET FOR FISCAL YEAR 2005-2006

1.4 Fiscal Year 2006-2007 Appropriations Limits

Council consideration of a resolution establishing the appropriations limits for fiscal year 2006-2007 in accordance with provisions of Division 9 of Title 1 of the California Government Code.

Adopted the following resolution, entitled:

RESOLUTION NO. 2006-35

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 2006-07 FOR THE CITY OF BIG BEAR LAKE IN ACCORDANCE WITH PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

1.5 Cape Seal Project

Council consideration of awarding the contract for the Cape Seal Project to Copp Contracting Inc., in the amount of \$150,332.06, and contingency of \$15,030.00 to be funded from account 350-4350-3525; authorize the Mayor to execute the contract; and authorize staff to contract for inspection services with an approved consultant in the amount of \$5,000.00.

Approved.

1.6 Big Bear Lake Annual Law Enforcement Contract – Amendment No. 13

Council consideration of approving Amendment No. 13 of the annual Big Bear Lake Law Enforcement Contract with the County of San Bernardino.

Approved.

1.7 Code Compliance Officer II

Council consideration of approving the funding sources for an additional Code Compliance Officer II, and authorizing staff to proceed with the recruitment process.

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

1.8 Post Disaster and Safety Assessment Placards

Council consideration of adopting the official City of Big Bear Lake ATC-20 placards.

Approved.

1.9 Approval of the Minutes from the Meeting of May 22, 2006

Approved as presented.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill
NOES: None
ABSTAIN: Conklin on Item 1.1 Check No. 33309 in the amount of \$114.97
Dally on Item 1.1 Check No. 33403 in the amount of \$48.75
ABSENT: None

2. PUBLIC HEARINGS

2.1 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 via the tax roll; a resolution adopting a report determining the amount of refuse fees, and directing

that such fees be collected via the tax roll; and, a resolution adopting a report determining the amount of sewer standby fees, and directing that such fees be collected via the tax roll.

At the hour of 7:13 p.m., Mayor Jahn opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Harris, seconded by Councilmember Dally to adopt the following resolutions, entitled:

RESOLUTION NO. 2006-36

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

RESOLUTION NO. 2006-37

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 REFUSE FEES AND DIRECTING THAT SUCH FEES BE COLLECTED VIA THE TAX ROLL

RESOLUTION NO. 2006-38

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 STANDBY 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

2.2 Village Maintenance Assessment District No. 1-92

Council consideration of a resolution confirming the assessments for Landscaping Maintenance Assessment District No. 1-92, and ordering the levy and collection of assessments for fiscal year 2006-2007.

At the hour of 7:17 p.m., Mayor Jahn opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2006-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ORDERING THE APPROVAL OF THE ENGINEER'S REPORT REGARDING THE LEVY OF ANNUAL ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2006/07, AND CONFIRMING DIAGRAMS AND ASSESSMENTS PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

Said Motion was approved by the following vote:

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

3. DISCUSSION/ACTION ITEMS

3.1 Fiscal Year 2005-2006 Street Reconstruction and Drainage Improvements

Council consideration of awarding the construction contract to Matich Corporation in the amount of \$2,057,494.50 and contingency of \$205,749.45 to be funded from accounts 321-4321-3933 (\$350,000), 350-4350-3520 (\$450,000) and 350-4350-3515 (\$850,000); authorize funding of \$716,118.67 from street reserves; authorize the Mayor to execute the contract; and authorize staff to

contact for inspection and materials testing services with approved consultants in the amount of \$102,874.72 to be funded from street reserves.

Motion by Councilmember Harris, seconded by Councilmember Mulvihill to approve as recommended by staff.

Said Motion was approved by the following vote:

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

3.2 Regulation of News Rack Devices

Council discussion and direction to staff regarding the regulation of news rack devices within the City.

Council directed staff to conduct further research on regulations related to news rack devices on public and private properties, and to bring the findings back to the Council for further discussion and possible action.

3.3 City Council Committee Assignments

Council consideration of confirming the existing City Council Committee assignments and other Committee assignments.

Confirmed the City Council Committee Assignments as follows:

Standing Committees:

Business Friendly – Mulvihill & Conklin

Village Advisory Group – Dally & Harris (plus Chamber of Commerce Manager, 2 representatives from retail, 1 from hotel, and 2 from restaurant industries)

Ad Hoc Committees

Solid Waste Contract Renewal Negotiations – Dally & Harris

Charter Franchise Contract Renewal Negotiations – Dally & Harris

Outside Organization Committees:

League of California Cities Mountain/Desert Division – Mayor and City Manager as City liaisons

BBARWA – Harris & Dally as City liaisons

MARTA – Conklin & Harris as City liaisons, City Manager & Development Services Director as alternates
SANBAG/Measure I – Mulvihill as City liaison, Jahn as alternate
CJPIA – Dally as City liaison, Administrative Services Director as alternate
Solid Waste Task Force & Integrated Waste Management – Conklin & City Engineer as City liaisons
Chamber of Commerce Economic Development – Harris & Mulvihill as City liaisons
Big Bear Airport Advisory Master Plan – Jahn as City liaison
Bear Valley Electric Citizens Committee – Mulvihill as City liaison
Bear Valley Recreation & Park District Community Pool Action Committee – Conklin, Mulvihill and City Clerk as City liaisons, City Manager as alternate

Other Organizations

Big Bear Lake Performing Arts Foundation Board – Mulvihill & Dally
Blanche & Gene Nay Foundation (Zoo) - Harris

At the hour of 8:12 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 8:17 p.m., the Improvement Agency adjourned to the Fire Protection District Meeting.

FIRE PROTECTION DISTRICT

At the hour of 8:18 p.m., the Fire Protection District adjourned to City Council session.

4. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.7 Code Compliance Officer II

Council consideration of approving the funding sources for an additional Code Compliance Officer II, and authorizing staff to proceed with the recruitment process.

Motion by Mayor Pro Tem Conklin, seconded by Councilmember Dally to approve as recommended by staff.

Said Motion was approved by the following vote:

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

FUTURE AGENDA ITEMS

Councilmember Harris asked for a Business Friendly Committee status report at an upcoming meeting.

Council scheduled an Improvement Agency workshop meeting for September 11, 2006, at 2:00 p.m., to discuss the use of tax increments.

Councilmember Mulvihill requested that Dennis Green, Caltrans Construction Community Liaison, be invited to attend the August 14, 2006 Council meeting to present a report on the Highway 330 road construction program.

CITY COUNCIL REPORTS AND COMMITTEE REPORTS

Council extended a warm welcome to City Manager Mathieu, and thanked Kathleen Smith for taking on the position of interim City Manager during the recruitment process.

CITY MANAGER REPORTS

None.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Jahn adjourned the meeting at 8:39 p.m.

Katherine E. Jefferies, CMC
City Clerk

APPROVED AT THE MEETING OF: September 25, 2006