
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JUNE 10, 2002**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Cortez at 5:00 p.m., Monday, June 10, 2002, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION

None.

At the hour of 5:35 p.m., Council adjourned to Closed Session.

At the hour of 6:30 p.m., Council adjourned to Open Session.

OPEN SESSION

Invocation: Chaplain Don Crider, Bear Valley Hospital Chaplain

Flag Salute: Mayor Pro Tem Mellen

Councilmembers Present: Mayor Mary Cortez
Mayor Pro Tem Bill Mellen
Councilmember Liz Harris
Councilmember Neal Hertzmann
Councilmember Darrell Mulvihill

Councilmember Excused: None

Others Present: Michael Perry, City Manager
Steve Deitsch, Best Best & Krieger LLP, City Attorneys
Katherine E. Jefferies, City Clerk
Kathleen Smith, Finance Manager
Phil Mosley, Chief Building Official
Jerry Vantine, Public Works Superintendent

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: San Bernardino County Superior Court, Case No. VCV08343

Name of Parties: City of Big Bear Lake v. Chavez
Case Number: San Bernardino County Superior Court, Case No. VCV08224

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: Cordova Lake Properties LLC v. City of Big Bear Lake, et al
Case Number: San Bernardino County Superior Court, Case No. BBC00564

No reportable action.

3. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6

Name of Negotiators: City Attorney and Human Resources Manager
Name of Organization: Big Bear Lake Fire Employees

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Harris, seconded by Councilmember Hertzmann to approve the Agenda as presented. Motion carried 5-0.

ANNOUNCEMENTS

Upcoming events scheduled for the Performing Arts Center - Tickets are available at the box office at 866-4970.

CATS presents “The Man of La Mancha” - June 28 – July 13, 2002.

The City of Big Bear Lake presents “The Day the Music Died” - a reincarnation of Buddy Holly, Ritchie Valens, and The Bopper – July 19, 2002

City Manager Perry reported that Kathy Jefferies received the California City Clerks Association Award of Distinction, as runner up for City Clerk of the Year 2001.

COMMITTEE REPORTS

Councilmember Hertzmann gave an update on the SANBAG Meeting.

Councilmember Hertzmann gave an update on the League of California Cities Desert/Mountain Division Meeting.

PUBLIC FORUM

Laura Koepke, Government Watch: discussed the Southwest Gas rate and procurement case that has been investigated by the PUC, and urged Council to lobby the PUC to approve the \$11 million dollar refund.

Georganne Baker, Big Bear Lake: discussed the need for the City to take more definitive steps to slow down the use of water because of the drought. She suggested that a moratorium be placed on the issuance of new building permits, extensions, developments, and water meters.

John Eminger, Big Bear Lake: discussed the need to bring back the “Red Flag Alert” policy that was in place years ago when the valley was experiencing a major drought. He stated that all of the agencies in the valley would keep a watch out for fires so that an immediate call could be made to the Forest Service, as a way of making sure that a fire did not get out of control.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 05/23/02 through 06/05/02 – Check Nos. 14126 through 14309 in the amount of \$217,158.29

Approved.

1.2 Approval of the Minutes from the Workshop Meeting of May 6, 2002

Approved as presented.

1.3 Digital Ortho-Photography Project

Council consideration of approving a Professional Services Agreement with Engineering Systems, in order to digitize the citywide aerial photographs, and convert it into a format that will be available to City staff and their workstations, and rectify the photo to the street center lines and parcel lines, at a cost not to exceed \$29,500.

Approved.

1.4 Veteran's Park Parking Lot Project – Accept as Complete

Council consideration of accepting the Veteran's Park Parking Lot as complete, determining the final contract cost to be \$172,773.35, and directing staff to file the Notice of Completion, and release the retention amount of \$8,638.67, thirty-five (35) days after the recordation, provided that no stop notices are filed with the City.

Approved.

1.5 Sewer Fees, Refuse Fees and Sewer Standby Fees

Council consideration of authorizing staff to schedule a public hearing date for July 8, 2002, to approve resolutions of intention to levy and collect assessments for the Sewer Fees, Refuse Fees and Sewer Standby Fees for fiscal year 2002/2003.

Approved.

1.6 Village Maintenance Assessment District No. 1-92

Council consideration of approving the Engineer's Report; adopting a resolution of intention to levy and collect assessments within the Village Maintenance Assessment District No. 1-92; and, authorizing staff to schedule a public hearing for July 8, 2002.

Adopted the following resolution, entitled:

RESOLUTION NO. 2002-15

A RESOLUTION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2002/2003, AND SETTING THE DATE FOR A PUBLIC HEARING ON THIS ACTION

1.7 2002 California Environmental Quality Act (CEQA) Guidelines

Council consideration of a resolution adopting the 2002 CEQA Guidelines.

Adopted the following resolution, entitled:

RESOLUTION NO. 2002-16

A RESOLUTION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE SECTION 21000 ET SEQ.)

The Consent Calendar was approved by the following vote:

AYES: Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: None

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

At the hour of 6:59 p.m., the Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 7:01 p.m., the Improvement Agency adjourned to Regular Council session.

3. PUBLIC HEARINGS

3.1 Public Hearing – Department of Water Standby Fees

Council consideration of introduction and first reading of an ordinance adopting a Written Report regarding Water Standby Charges for fiscal year 2002/2003, to be collected on the tax roll.

At the hour of 7:02 p.m., Mayor Cortez opened the public hearing.

Laura Koepke, President of Government Watch: spoke in opposition to the Ordinance.

At the hour of 7:05 p.m., Mayor Cortez closed the public hearing.

Motion by Councilmember Harris, seconded by Councilmember Hertzmann to waive first reading and pass to second reading an ordinance, entitled:

ORDINANCE NO. 2002-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A WRITTEN REPORT REGARDING WATER STANDBY CHARGES FOR FISCAL YEAR 2002/2003, TO BE COLLECTED ON THE TAX ROLL

Said motion carried by the following vote:

AYES: Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES: None
ABSTAIN: None
ABSENT: None

3.2 Department of Water Fee Increase

Council consideration of introduction and first reading of an ordinance which establishes water rates, charges and fees.

At the hour of 7:20 p.m., Mayor Cortez opened the public hearing.

Laura Koepke, President of Government Watch: spoke in opposition to the Ordinance.

At the hour of 7:25 p.m., Mayor Cortez closed the public hearing.

Council amended the ordinance as follows:

The Service Charge and Rehabilitation Fee are readiness-to-serve charges applicable to all connected services and to which is to be added to the

Quantity Charge computed at the Quantity Rates. (Note: Quantity Charges are measured by one hundred cubic feet which is equal to one CCF or 748 gallons of water.)

C. Quantity Rates – Metered Residential.

0-12	cubic feet <u>CCF/month</u>	\$2.06/100 cu. ft.
13-20	cubic feet <u>CCF/month</u>	\$2.49/100 cu. ft.
21-35	cubic feet <u>CCF/month</u>	\$3.56/100 cu. ft.
over 35	cubic feet <u>CCF/month</u>	\$3.91/100 cu. ft.

D. Quantity Rates – Metered Commercial and Nonprofit.

0-baseline amount
Baseline amount + ~~cubic feet~~ CCF/month
~~Over baseline + 5,000 cubic feet~~
Usage above baseline + 50 CCF/month

K. Quantity Rates – Compound Meters. Quantity rates for compound meter (multiple meters combined into one master meter) accounts shall be billed pursuant to subsection D of this Section.

Section 7. This Ordinance shall take effect upon the 30th day following its adoption and, ~~therefore~~ thereafter, all bills and invoices for the services described in this Ordinance shall be calculated at the rates set forth herein.

Motion by Councilmember Harris, seconded by Councilmember Hertzmann to waive first reading and pass to second reading the following ordinance, entitled:

ORDINANCE NO. 2002-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ESTABLISHING WATER RATES, CHARGES AND FEES

Said motion carried by the following vote:

AYES: Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES: None
ABSTAIN: None
ABSENT: None

4. DISCUSSION/ACTION ITEMS

Council moved Item 4.2 to be heard prior to Item 4.1.

4.2 Temporary Use Permit 2002-085 – Old Miners’ Calcutta Dinner and Chili Cook-Off

Council consideration of a request by the Old Miners’ Association to use the northeast event area of the Bartlett Parking Lot on July 19, 2002, from 4:00 p.m. to 10:00 p.m., for the Calcutta dinner and on July 20, 2002, from 10:00 a.m. to 5:00 p.m. for the Chili cook-off.

Motion by Councilmember Mulvihill, seconded by Councilmember Hertzmann to approve the staff recommendation.

Said motion carried by the following vote:

AYES: Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES: None
ABSTAIN: None
ABSENT: None

RECESS

At the hour of 10:27 p.m., Mayor Cortez declared a recess. At the hour of 10:34 p.m., Council reconvened.

4.1 Mobilehome Park Rent Stabilization Ordinance

Council consideration of adopting an urgency ordinance amending Title 15 of the Big Bear Lake Municipal Code to add Chapter 15.62 concerning mobilehome rent stabilization; and, introduction and first reading of an ordinance amending Title 15 of the Big Bear Lake Municipal Code to add Chapter 15.62 concerning mobilehome rent stabilization.

Pete Cross, Riverside: spoke in support of the proposed ordinance. He stated that when Mr. & Mrs. Cordova purchased the Mobilehome Park there were very few vacancies and the space rents should have generated sufficient funds for the owners. However, since the owners announced that they were closing the park several tenants have moved out and the tenants are now forced to pay higher rents

to not only cover the cost of the vacancies, but to cover the costs involved in relocating the remaining tenants.

Carl Larson, President of the Lakeside Village Mobile Home Owner's Association: spoke in support of the proposed ordinance because it would not only help the tenants at Lakeside Village but would assist those who are renting spaces at the other mobilehome parks in town. He asked if the ordinance could be tailored to each individual park, because the rent structures are all different. City Attorney Deitsch responded that he was unsure if the law would allow that and would have to research the matter.

Jim Eminger, Yorba Linda: spoke in support of the proposed ordinance, however he felt that all laws related to the mobilehome parks in Big Bear Lake should apply to both the full-time and part-time residents, so that they were protected under the same law.

Sandy Acosta, Big Bear Lake: discussed her concerns regarding how the proposed ordinance would affect the sale of mobile homes. She felt that the City was using selective enforcement towards one particular mobilehome park, because the other four parks were never notified that the Council was considering the adoption of a rent control ordinance.

Lana Horton, Big Bear Lake: discussed that other cities that are going through this same issue or process have enforced a freeze on the rents until an arbitration board could be formed to conduct a complete analysis of what the rents should be.

Council discussed with staff the notification requirements related to this ordinance.

City Attorney Deitsch explained that there is no requirement for the City to notify all mobilehome park owners or tenants, or anyone else that this issue would be discussed at the City Council meeting.

Council amended the ordinance as follows:

~~URGENT~~ URGENCY ORDINANCE NO. 2002-XXX

AN ~~URGENT~~ URGENCY ORDINANCE OF THE CITY OF BIG BEAR LAKE...

~~WHEREAS, California Government Code Section 36937 authorizes the City Council to adopt, by a four fifths vote, an urgency ordinance which is~~

~~necessary for the immediate preservation of the public peace, health or safety; and~~

~~WHEREAS, it is necessary that this Ordinance shall go into effect as an emergency measure immediately upon its passage in order to alleviate the economic hardship imposed upon tenants in mobilehome parks caused by increasing rents. The immediate implementation of the provisions of this Ordinance is in the interest of public health, safety and general welfare because without these rent stabilization measures, mobilehome tenants, many who live on fixed or limited incomes, may be forced to vacate their mobilehomes and seek alternative forms of housing. Further, the imposition of the rent stabilization regulations contained herein are necessary in order to avoid the potentially excessive and unreasonable rent increases that may otherwise occur in the absence of the immediate effectiveness of this Ordinance.~~

Section 15.62.030 Base Rent.

Except as hereinafter provided, an owner shall not demand, accept, or retain rent for a mobilehome space exceeding the rent in effect for said space on May 14, 2001. If a previously rented mobilehome space was not rented on May 14, 2001, the owner shall not demand, accept, or retain rent for said space exceeding the rent in effect during the last month the space was rented prior to May 14, 2001. If a mobilehome space is rented for the first time after May 14, 2001, the owner shall not demand, accept, or retain rent for said space exceeding the rent first charged for the space....Except as herein provided, an owner shall not demand, accept or retain rent exceeding the rent in effect on May 14, 2001, for a mobilehome space that was not regulated by this section prior to May 14, 2001. If such mobilehome space was not rented on May 14, 2001, the owner shall not demand, accept or retain rent for said space exceeding the rent in effect during the last month the space was rented prior to May 14, 2001.

Section 3. ~~The City Council hereby declares that this Ordinance is necessary as an urgency measure in order to provide for the immediate preservation of the public peace, health and safety based upon the findings of fact hereinbefore made. Therefore, this Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon its adoption in accordance with Government Code Section 36937(b). This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage of this Ordinance, thereof, the Ordinance, or a summary of the Ordinance, shall~~

be published at least once in a newspaper of general circulation within the City. Thereafter, this Ordinance shall be in full force and effect.

Motion by Councilmember Hertzmann, seconded by Mayor Pro Tem Mellen, to waive first reading and pass to second reading an ordinance, entitled:

ORDINANCE NO. 2002-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 15 OF THE BIG BEAR LAKE MUNICIPAL CODE TO ADD CHAPTER 15.62 CONCERNING MOBILEHOME RENT STABILIZATION

Said motion carried by the following vote.

AYES: Cortez, Hertzmann, Mellen, Mulvihill
NOES: Harris
ABSTAIN: None
ABSENT: None

Council directed staff to notify all mobilehome park owners and tenants within the City of Big Bear Lake that the City Council will conduct a public meeting on July 22, 2002, to consider second reading and adoption of a Mobilehome Rent Stabilization Ordinance.

4.3 Contribution to Fireworks Barge

Council consideration of authorizing the expenditure of an amount not to exceed \$3,500, from the Sanitation Department, and \$3,500 from the General Fund for the City's contribution towards the construction of a barge for fireworks displays. The barge will be available to the City Sanitation Department to transport equipment and material to the lakefront sewer manholes and mainlines.

Motion by Councilmember Harris, seconded by Councilmember Hertzmann to authorize the expenditure of \$5,000, from the Sanitation Department, for the City's contribution towards the construction of a barge for fireworks displays, subject to final approval of an agreement by the City Council.

Said motion carried by the following vote:

AYES: Cortez, Harris, Hertzmann, Mellen, Mulvihill
NOES: None

ABSTAIN: None
ABSENT: None

4.4 Prioritization of Top Three City Issues for the League of California Cities

Council prioritized the top three issues facing the City to be forwarded on to the League of California Cities as follows:

1. Water Supply.
2. City Finances – assure adequate ongoing funding.
3. Economic Development.

4.5 Mayor Selection Process

Council discussed the four alternatives related to the process for selecting the Mayor for the City of Big Bear Lake as follows:

Alternative No. 1 – the Mayor would be selected by the highest vote received at the most recent election, and the Mayor Pro Tem would be selected by way of the second highest number of votes received.

Alternative No. 2 – the Mayor would be selected by way of the highest vote received at the most recent election for a two-year term until the next election. The Council would select a Mayor Pro Tem for a two-year term.

Alternative No. 3 – the Council would select the Mayor and the Mayor Pro Tem for one-year terms. The Mayor Pro Tem would become the Mayor the following year, followed by a rotation method thereafter.

Alternative No. 4 – the current process, the Mayor and Mayor Pro Tem are selected by a majority vote from the Councilmembers.

Following discussion the Council left the selection process as it currently stands.

FUTURE AGENDA ITEMS

Councilmember Mulvihill asked the City Manager to research the feasibility of consolidating the City's Fire Protection District services with the County of San Bernardino to be discussed at the July 22 Council meeting. Mayor Cortez, Mayor Pro Tem Mellen, and Councilmembers Harris and Hertzmann stated that because the Fire Protection District Board and staff were in the middle of a facilitation process, Councilmember Mulvihill's request be put on hold until the facilitation process is further along, or completed.

Councilmember Harris asked if an update could be made in the near future regarding Big Bear Lake homeland security. City Manager Perry responded that he would provide the Council with a written update.

CITY MANAGER REPORTS

City Manager Perry gave an update on the Directional Signage workshop meeting that had been held on June 6, 2002. He discussed the City newsletter and the process used to get the newsletter out to the public, which includes mailing to all post office boxes in the City, and inserting the newsletter in the newspaper. He stated that more residents and off-the mountain property owners would receive the newsletter if it were mailed out instead of inserting it into the newspaper. Council concurred.

CITY COUNCIL REPORTS

Councilmember Mulvihill reported that Rotary Club raised over \$200,000 for the Veteran's Park, and that the official dedication ceremonies are scheduled for June 23 at 2:00 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Cortez declared the meeting adjourned at 11:45 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: July 22, 2002