
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
OCTOBER 28, 2002**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Pro Tem Mellen at 4:30 p.m., Monday, October 28, 2002, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION

None.

At the hour of 4:35 p.m., Council adjourned to Closed Session.

At the hour of 6:33 p.m., Council adjourned to Open Session.

OPEN SESSION

Invocation: None

Flag Salute: Mayor Pro Tem Mellen

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

Councilmember Excused: Mayor Mary Cortez

Others Present: Michael Perry, City Manager
Steve Deitsch, Best Best & Krieger LLP, City Attorneys
Katherine E. Jefferies, City Clerk
Molly Bogh, Community Development Director
Kathleen Smith, Finance Manager

RESULTS OF CLOSED SESSION

1. POTENTIAL LITIGATION pursuant to Government Code Section 54956.9 (c)
Number of cases: 1

No reportable action.

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

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

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Hertzmann, seconded by Councilmember Harris to approve the Agenda as presented. Motion carried 4-0.

ANNOUNCEMENTS

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

CATS presents "Inherit the Wind" – November 15, 16, 17, 20, 22, 23, 24, 26, 29 & 30.

City Offices will be closed on Monday, November 11, 2002, in observance of Veterans Day. The City Council meeting scheduled for November 11, 2002, will be held on Tuesday, November 12, 2002.

Mayor Pro Tem Mellen announced that the Fire Protection District Board has hired Ken Hammond as Interim Fire Chief for the City of Big Bear Lake Fire Department. Mr. Hammond was the former Fire Chief for the City of Indio, and will begin his new position in Big Bear Lake on November 4, 2002.

PRESENTATIONS

Community Development Manager Bogh introduced the Code Compliance staff and gave an overview of the Code Compliance duties, which is to maintain the aesthetic appearance and quality of life for our community.

Mayor Pro Tem Mellen presented a certificate of appreciation to Fire Prevention Officer Caldwell for her efforts in obtaining a grant from the Department of Justice and the Office of State and Local Domestic Preparedness, Equipment Program Grant for the purchase of emergency equipment.

COMMITTEE REPORTS

The BBARWA Committee Report was given by Mayor Pro Tem Mellen.

The MARTA Committee Report was given by Councilmember Harris and Councilmember Mulvihill.

City Manager Perry announced that he and Councilmember Mulvihill had attended the opening ceremonies for the Global Oscillation Network Group Conference on solar observation and studies of the sun, hosted by the Big Bear Solar Observatory. He stated that Big Bear Lake is one of six sites in the world, and the only site in the United States, that participates in this program.

PUBLIC FORUM

Laura Koepke, President of Government Watch: discussed the Open Government 2002 Conference, sponsored by the California First Amendment Coalition, which she attended in Long Beach. She stated that the meetings were informative and contained useful information regarding citizen participation at government meetings.

Sandy Acosta, Big Bear Lake: discussed concerns that she has regarding the recent increase in Bear Valley Electric rates. She stated that if the electric bills continue to rise, it will have a major affect on our local businesses and urged the City to look into the matter. She addressed her concerns regarding the fact that several City Council Candidates appear to be sponsored by the Rotary Club.

Barbara Beard, Big Bear Lake: discussed the California Court of Appeals ruling that limits the prayers and invocations at City Council meetings. She requested that the City maintain the current procedures relating to meeting invocations, and that if a decision is made to change the current procedure that it be placed on the agenda for discussion. She urged the Council to seek a legal opinion from an attorney that specializes in Constitutional Law.

PUBLIC FORUM RESPONSE

Councilmember Mulvihill asked the City Manager if the City had contacted Senator Brulte or Congressman Lewis in protest to our high utility rates.

City Manager Perry responded that he has met with the manager of Bear Valley Electric, who indicated that our electric rates are the same, or less than Southern California Edison and the other major companies off the hill. He stated that, because the State of California has already entered into long-term utility contracts, there is very little the City could do to lower our rates. However, staff will present a comparison of our utility rates compared to the other utilities throughout Southern California.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 10/10/02 through 10/23/02 – Check Nos. 15929 through 16154, in the amount of \$488,314.99

Approved.

1.2 Monthly Financial Report

Received and filed.

1.3 Approval of the Minutes from the Special Meeting of September 23, 2002, and the Regular Meeting of September 23, 2002

Approved as presented.

1.4 2000 Uniform Fire Code with Errata and 2000 Uniform Fire Code Standards incorporating the 2001 California Fire Code Part 9 of Title 24 of the California Code of Regulations Adoption with Revisions

Council consideration of second reading and adoption of an ordinance adopting the 2000 Uniform Fire Code, with errata and 2000 Uniform Fire Code Standards incorporating the 2001 California Fire Code Part 9 of Title 24 of the California Code of Regulations and repeal Ordinance No. FP99-03.

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

1.5 2001 Editions of the California Building Code

Council consideration of second reading and adoption of an ordinance adding and amending Title 15 of the Big Bear Lake Municipal Code pertaining to the construction and maintenance of Building, Housing, and Fire Prevention by adopting the 2001 edition, Volumes 1 & 2 of the California Building Standards Code, appendix Chapters 4, 12, 15 and 33 of Volume 1 and appendix Chapter 16 of Volume 2; the California Mechanical Code, 2001 edition; the Plumbing Code 2001 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; Uniform Housing Code, 1997 edition; Uniform Sign Code, 1997 edition; California Code for Building Conservation, 2001 edition; the California Electric Code, 2001 edition; California Energy Code, 2001 edition; California Historical

Building Code, 2001 edition; the California Reference Standards Code, 2001 edition; the California Elevator Code, 2001 edition.

Waived second reading and adopted the following ordinance entitled:

ORDINANCE NO. 2002-327

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DELETING CHAPTER 15.40 RELATING TO FIRE PROTECTION IN ITS ENTIRETY, RESTATING CHAPTER 15.40 RELATING TO FIRE PROTECTION AND REPEALING ORDINANCE NO. 99-298

The Consent Calendar was approved by the following vote:

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

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.4 2000 Uniform Fire Code with Errata and 2000 Uniform Fire Code Standards incorporating the 2001 California Fire Code Part 9 of Title 24 of the California Code of Regulations Adoption with Revisions

Council consideration of second reading and adoption of an ordinance adopting the 2000 Uniform Fire Code, with errata and 2000 Uniform Fire Code Standards incorporating the 2001 California Fire Code Part 9 of Title 24 of the California Code of Regulations and repeal Ordinance No. FP99-03.

Motion by Councilmember Mulvihill, seconded by Councilmember Hertzmann to waive second reading and adopt the following ordinance, entitled:

ORDINANCE NO. 2002-328

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING AND AMENDING TITLE 15 OF THE BIG BEAR LAKE MUNICIPAL CODE PERTAINING TO THE CONSTRUCTION AND MAINTENANCE OF BUILDING, HOUSING, AND FIRE PREVENTION BY ADOPTING THE 2001 EDITION VOLUMES 1 & 2 OF THE CALIFORNIA BUILDING STANDARDS CODE, APPENDIX

CHAPTERS 4, 12, 15 AND 33 OF VOLUME 1 AND APPENDIX CHAPTER 16 OF VOLUME 2; THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; THE CALIFORNIA PLUMBING CODE, 2001 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM SIGN CODE, 1997 EDITION; CALIFORNIA CODE FOR BUILDING CONSERVATION, 2001 EDITION; THE CALIFORNIA ELECTRIC CODE, 2001 EDITION; THE CALIFORNIA ENERGY CODE, 2001 EDITION; THE CALIFORNIA HISTORICAL BUILDING CODE, 2001 EDITION; THE CALIFORNIA REFERENCE STANDARDS CODE, 2001 EDITION; THE CALIFORNIA ELEVATOR CODE, 2001 EDITION, AND REPEALING ORDINANCE 99-297

Said motion was approved by the following vote:

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

3. DISCUSSION/ACTION ITEMS

3.1 **Performing Arts Center Policy Revisions**

Council consideration of amending the Performing Arts Center Policy regarding the scheduling of performances by user groups.

Council made additional amendments to the Performing Arts Center Policy as follows:

Section 5. Cancellation: If declared by the City Council or the City Manager that ~~a situation or an~~ emergency has arisen that affects the public as a whole and the Theatre space and/or Hofert Hall is required, any and all rehearsals and/or performances will be cancelled.

Section 12. Control of Premises: ...If the set is not flexible as described, the City ~~may~~ shall charge Permittee for any and all days facility is considered occupied by the Permittee...

Section 14. Concessions and Receptions: All concession sales, receptions or similar events must be cleared at least ten (10) working days in advance and with specific approval from the PAC Manager. This approval shall only be given in

the form of an addendum attached to and made part of this Agreement. Food and Drink are not allowed in any part of the auditorium seating area or in the stage area of the theatre, unless approved in advance by the City Manager for specific events. ~~Smoking and alcoholic beverages are~~ is prohibited in the theatre, lobby or adjacent facilities. Alcoholic beverages may be permitted if approved by the City Manager for specific events as hereinafter set forth.

Sale of Souvenir Items: Sale of souvenir items by the Permittee shall be allowed only with advance approval of the PAC Manager. ~~is limited to records, cassette tapes, posters, programs and tee shirts, and only with advance prior arrangement with PAC Manager. Sales must be conducted outside the Theatre auditorium at a location designated by the PAC Manager.~~

Section 14. Recording and/or Broadcast: Permittee shall not record, permit or allow the recordation of any portion or portions of the performance by tape recording, video tape, film, record or any other means or methods without express written permission of the City. Further, Permittee shall not broadcast, permit or allow any broadcast over radio, TV or other broadcast mechanism any portion or portions of the performance without express permission by the ~~City~~ PAC Manager. Any such broadcasting or recording permission shall be subject to a separate agreement by and between the City and the Permittee.

Section 17. City Access: City's PAC Manager or any other authorized representative of the City shall have the right to enter the Theatre and adjoining facilities at all times during the period covered by the Rental Permit, ~~in order to insure compliance with the terms set forth in said Permit.~~

Section 22 Rehearsals/Shop Time: ...If additional "unbooked" days (prior to the Load-in Day) still exist 120 days prior to the first performance, the permittee may book ~~said~~ additional days.

Motion by Councilmember Harris, seconded by Councilmember Mulvihill to approve the Performing Arts Center Policy as amended.

Said Motion was approved by the following vote:

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

3.2 Ordinance amending certain Sections of the Municipal Code regarding Service Fees

Council consideration of introduction and first reading of an ordinance amending certain sections of the Municipal Code regarding Service Fees to provide technical changes to harmonize the Municipal Code with the Uniform Fee Schedule set by Resolution No. 2002-35.

Motion by Councilmember Hertzmann, seconded by Councilmember Harris to waived 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 VARIOUS PROVISIONS OF TITLES 5, 6 AND 8 OF THE BIG BEAR LAKE MUNICIPAL CODE REGARDING SERVICE FEES TO PROVIDE CERTAIN TECHNICAL CHANGES TO HARMONIZE THE MUNICIPAL CODE WITH THE UNIFORM FEE SCHEDULE SET BY RESOLUTION NO. 2002-25

Said Motion was approved by the following vote:

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

At the hour of 8:38 p.m., Council adjourned to the Fire Protection District.

FIRE PROTECTION DISTRICT

Fire Protection District proceedings are contained in separate minutes.

At the hour of 8:45 p.m., the Fire Protection District adjourned to City Council Session.

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

No report.

CITY COUNCIL REPORTS

Councilmember Mulvihill stated that he had attended a luncheon hosted by Soroptimist International of Big Bear Valley, and reported that the organization distributed the \$150,000, that they had raised throughout the year, to twenty-seven charities in the Valley.

Mayor Pro Tem Mellen announced that the Big Bear High School Students would host a forum on the importance of voting, sponsored by the American Association of the University for Women, Tuesday, October 29, 2002, at 7:00 p.m., at the Municipal Water District Meeting Room.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Pro Tem Mellen declared the meeting adjourned at 8:50 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: December 9, 2002