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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
MARCH 8, 2004**

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A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 5:00 p.m., Monday, March 8, 2004, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

**PUBLIC FORUM FOR CLOSED SESSION**

None.

At the hour of 5:05 p.m., Council adjourned to Closed Session.

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

Invocation: Moment of Silence

Flag Salute: Mayor Harris

Councilmembers Present: Mayor Liz Harris  
Mayor Pro Tem Darrell Mulvihill  
Councilmember S. O. Conklin  
Councilmember Ken Dally  
Councilmember Neal Hertzmann

Councilmembers Excused: None

Others Present: Michael Perry, City Manager  
Stephen Deitsch, Best Best & Krieger, LLP City Attorney  
Katherine E. Jefferies, City Clerk/ACM  
Molly Bogh, Deputy City Manager Development Services  
Dave Vasquez, Deputy City Manager Administrative Services  
Kathleen Smith, Finance Director

**RESULTS OF CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6  
Name of Agency Negotiator: City Manager and Deputy City Manager  
Administrative Services  
Name of Employee Organization: Unrepresented Employees

Discussed and continued to the end of the meeting.

### **AGENDA APPROVAL**

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Conklin 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.**

- ❖ Soroptimist International of Big Bear Valley presents an evening with Man about Town Candidate “Rockin’ Reno Holler” – March 13.
- ❖ CATS presentation of “Oliver” – April 2, 3, 4, 7, 9, 10, 14, 16, 17, 18.

### **PRESENTATIONS**

Mayor Harris presented a plaque to Deputy City Manager of Development Services Molly Bogh, in appreciation of her employment with the City of Big Bear Lake from August 3, 1998 until March 11, 2004.

Chamber of Commerce President Chris Elder presented Molly Bogh with a plaque on behalf of the Chamber of Commerce and wished her good luck.

Jim Gundred from Southwest Gas Corporation presented a report regarding the California general rate case. Southwest Gas proposed rate increase will be considered by the Commissioners on a CPUC agenda on March 16, 2004.

### **COMMITTEE REPORTS**

None.

### **PUBLIC FORUM**

Timothy Brigham, Big Bear Lake: stated that at the March 1, 2004 Joint Workshop meeting between the City Council and the Planning Commission, Mr. Jim McLean had informed the Council and the Commission of the existence of a case known as the Ewing v. City of Carmel-By-The-Sea. Mr. McLean had stated at that meeting that the case is cited to the fact that transient occupancy should be declared illegal in all cities within

California. Mr. Brigham circulated copies of the case and stated that it clearly shows that it does not preclude cities from allowing Private Home Rentals in R-1 Zones. He stated that the City of Big Bear Lake has also adopted Ordinance No. 99-300, which regulates Private Home Rentals in R-1 zones, and has determined that the rental of private homes is in the best interest of the City.

## **PUBLIC FORUM RESPONSE**

City Manager Perry announced that, as a result of the workshop meeting that was held on March 1, 2004, the City Council has scheduled a Special Meeting to be held in the Performing Arts Center on March 29 at 6:30 p.m., to take input from the public regarding concerns related to Private Home Rentals.

### **1. CONSENT CALENDAR**

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

#### **1.1 Approval of Demands – Check Issue Date 2/19/04 through 3/3/04 – Check Nos. 21815 through 22034, in the amount of \$377,144.75**

Approved as presented.

#### **1.2 Continuance of the Declaration of Local State of Emergencies**

Continued the Declaration of the Local State of Emergency due to the drought and Bark Beetle infestation, and the Declaration of the Local State of Emergency for the Old Fire.

#### **1.3 Approval of the Minutes from the Regular Meeting of February 9, 2004**

Approved as presented.

#### **1.4 Resolution in support of a Statewide Ballot Initiative regarding Local Tax Funds**

Council consideration of a resolution supporting the League of California Cities statewide ballot initiative that would require voter approval before state government may take local tax funds.

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

The Consent Calendar was approved by the following vote:

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

**2. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**1.4 Resolution in support of a Statewide Ballot Initiative regarding Local Tax Funds**

Council consideration of a resolution supporting the League of California Cities statewide ballot initiative that would require voter approval before state government may take local tax funds.

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

RESOLUTION NO. 2004-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, SUPPORTING THE LEAGUE OF CALIFORNIA CITIES STATEWIDE BALLOT INITIATIVE THAT WOULD REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS

Said Motion was approved by the following vote:

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

**3. DISCUSSION/ACTION ITEMS**

**3.1 Wayfinding Signage Program**

Council consideration of approving the conceptual design of the Wayfinding Signage Program; approve the proposed sign location plan (in concept), and the initial phase of 13 locations for sign placement; authorize staff to budget for installation of the first phase in fiscal year 2004-2005; and, to meet with Village business and property owners to review and receive public input on the gateway signs proposed for Pine Knot Avenue.

Representatives from Hunt Design Associates gave an overview on the proposed Wayfinding Signage Program; stating that the signs were designed to be visitor oriented, prioritize high traffic areas, and direct visitors and residents to various locations throughout the City. Staff explained that members of the ad hoc Sign Program Advisory Group were also involved in all phases of the Program.

Discussion ensued between City Council, staff and the consultant regarding the design, color, and locations of the proposed signs.

Hal Schoettger, Big Bear Lake: stated that as a business owner in the Village, he feels that the proposed signs are unattractive and not unique to the City of Big Bear Lake. He also discussed the need for the City to replace the overhead sign that a City employee knocked down several years ago.

Loren Hafen, Big Bear Lake: spoke in support of the Wayfinding Signage Program, and encouraged the Council to approve the signs as presented by staff.

Bill Downs, Big Bear Lake: discussed that he served on the ad hoc Signage Program Advisory Group and explained that the committee spent a significant amount of time researching colors and designs. He explained that architectural red was chosen because it is attractive, reflective of the mountain community, and easy to see.

Motion by Councilmember Hertzmann, seconded by Councilmember Dally to approve the conceptual design of the Wayfinding Sign Program; approve the proposed sign location plan (in concept), and the initial phase of 13 locations for sign placement; authorize staff to budget for installation of the first phase in fiscal year 2004-2005; and, to meet with Village business and property owners to

review and receive public input on the gateway signs proposed for Pine Knot Avenue. Staff is also to prepare a list for Council review of the directional signs that will remain in place, in addition to the new signs.

Said Motion was approved by the following vote:

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

### **3.2 Boulder Bay Park Design Costs**

Council consideration of approving the scope and cost estimate for Boulder Bay Park.

Discussion ensued regarding proposed ways to reduce the cost estimate of the park, and that the bid documents should be prepared to allow portions of the project to be removed, if the low bid exceeds the engineer's estimate.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to approve the scope and cost estimate of \$649,000 for the Boulder Bay Park Project; and bring back for Council approval the completed plans, specification, and estimates for the Park. The basic elements of the Park will include an entrance sign; parking lot; walk path; lighting for the parking lot and walk path; site features such benches; landscaping with some no turf areas; permanent irrigation system for native mix; boulders along the highway; concrete edging; and, a restroom with two stalls on each side. Alternative bids are to be accepted separately for a resin pavement walkway, a restroom containing three stalls on each side, and lighting/electrical along the walk path only on the portion adjacent to the lake.

Said Motion was approved by the following vote:

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

## **RECESS**

At the hour of 8:37 p.m., Mayor Harris declared a recess. At the hour of 8:43 p.m., Council reconvened.

### **3.3 Private Home Rental Inspection Program**

Council consideration of receiving and filing a report regarding the manner in which the City's Private Home Rental Inspection Program is being administered.

Deputy City Manager Bogh presented the Private Home Rental Inspection Program report and gave an overview of the current status and procedures utilized to administer the program. She also stated staff would like direction from the Council regarding inspection services for fiscal year 2004-2005, and whether a new Request for Proposals should be issued or the existing contract should be extended.

City Manager Perry announced that a meeting has been scheduled for 6:30 p.m., Monday, March 29, 2004 in the Performing Arts Center for the Council to hear input from the public regarding issues related to the Private Home Rental Program. He recommended that Council extend the current contract with Chuck's Home Inspection Services for an additional three months to allow the Council and staff sufficient time to review the program in general, and to see what issues are brought up at the March 29<sup>th</sup> meeting.

Chuck Lindeen, Chuck's Home Inspection Service: discussed the Private Home Rental Inspection Program and stated that City staff has been extremely helpful, and he feels that the program is working better now than in the past.

Timothy Brigham, Big Bear Lake: discussed spot checking and stated that, even though he is not opposed to spot checking, he doesn't see how the City has the authority to come into a home at any time they choose to conduct a reinspection.

Tom Lanza, Big Bear Vacations, Big Bear Lake: stated that he has heard talk that an initiative may be placed on the November ballot to ask citizens to discontinue private home rentals. He stated that he is confident that once the public understands the negative financial impact that it would have on the City, community, homeowners, and investors, should the initiative pass, the voters will not vote for it.

Council discussed the current home inspection services contract, which will end on June 30, 2004, and whether staff should prepare a new Request for Proposals, or continue with the current contract in order to allow staff time to review the entire program after receiving public input on March 29<sup>th</sup>.

Motion by Councilmember Dally, seconded by Councilmember Hertzmann, to receive and file the Private Home Rental Inspection Program Report as presented by staff, and direct staff to prepare a proposed contract amendment to extend the current home inspection services contract by three months.

Said Motion was approved by the following vote:

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

### **3.4 HUFU Project**

City Manager Perry provided the Council with a status report on the latest efforts of the HUFU Project.

At the hour of 9:32 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 9:33 p.m., the Fire Protection District adjourned to Regular Council Session.

### **FUTURE AGENDA ITEMS**

Councilmember Hertzmann stated that several years ago, the City had discussed but never adopted an Ethics Policy. He suggested that the proposed draft policy, or perhaps the League of California Cities Ethics Policy, be brought before the Council for further discussion and consideration.

City Manager Perry stated that he would add it to the list of staff projects that will come before the Council for prioritization.

Councilmember Hertzmann requested the City Attorney to bring forward an amendment to the Municipal Code clarifying the start time of the City Council closed and open meeting sessions. City Attorney Deitsch responded that he would prepare an amendment to the ordinance for Council review on March 22, 2004.

Councilmember Hertzmann asked when the City Council would be receiving a status report on the Performing Arts Center Booking Policy. Deputy City Manager Vasquez responded that he anticipates scheduling a meeting with all user groups to discuss the Policy within the next two months. A report of that meeting will then be presented to the Council.

### **CITY MANAGER REPORTS**

None.

### **CITY COUNCIL REPORTS**

City Council thanked Molly Bogh for her exceptional service to the City of Big Bear Lake as Deputy City Manager Development Services and wished her well in her new position with the City of San Juan Capistrano.

At the hour of 9:41 p.m., Council adjourned to Closed Session.

### **RESULTS OF CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Name of Agency Negotiator: City Manager and Deputy City Manager  
Administrative Services

Name of Employee Organization: Unrepresented Employees

No reportable action.

At the hour of 10:24 p.m., Council adjourned to the Fire Protection District

### **FIRE PROTECTION DISTRICT**

Fire Protection District proceedings are contained in separate minutes.

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**ADJOURNMENT:**

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 10:30 p.m.

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Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: April 26, 2004