

---

**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
MAY 10, 2004**

---

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 12:00 Noon, Monday, May 10, 2004, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

**PUBLIC FORUM FOR CLOSED SESSION**

None.

At the hour of 12:05 p.m., Council adjourned to Closed Session.

At the hour of 1:30 p.m., Council adjourned to Open Session.

**OPEN SESSION**

Invocation: Moment of Silence

Flag Salute: Councilmember Conklin

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  
Steve Deitsch, Best Best & Krieger, LLP City Attorney  
Katherine E. Jefferies, City Clerk/ACM  
Kathleen Smith, Finance Director  
Dave Vasquez, Deputy City Manager Administration

**RESULTS OF CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6  
City Designated Representatives: City Attorney, Fire Administrator, Fire Chief, and Deputy City Manager of Administration

Employee Organization: Big Bear Lake Fire Employees

No reportable action.

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

City Designated Representatives: City Attorney, City Manager and Deputy City Manager of Administration

Employee Organization: Unrepresented Employees

No reportable action.

**AGENDA APPROVAL**

Motion by Councilmember Hertzmann, 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.

- ❖ Big Bear Middle School presents “Animal Farm” – May 13 – 16
- ❖ Miss Big Bear Pageant – May 22
- ❖ City of Big Bear Lake presents “Spirit of the Dance” – May 30 & 31

**PRESENTATIONS**

Mayor Harris presented a 15-Year City Employee pin to Robyn Bratton, Water Management Secretary for the DWP.

Mayor Harris presented a Certificate of Retirement and a plaque of appreciation to Dottie Saville, for her 15 years of service to the Department of Water & Power and the City of Big Bear Lake.

City Manager Perry presented a status report on forest management within the Big Bear Valley.

### **COMMITTEE REPORTS**

Councilmember Hertzmann gave a status report on the League of California Local Taxpayers and Public Safety Protection Act Initiative, scheduled for the November 2, 2004 ballot.

### **PUBLIC FORUM**

Nancy Sargent, Big Bear Lake: discussed her concerns regarding the threat of the expulsion of a Resort Association member because that person has exercised their right to free speech. She discussed the lease agreement between the City and the Chamber of Commerce, which states that there shall be no political activities held in the building or on the grounds that the building sits on. She reported that she feels that the Chamber of Commerce and the Resort Association, who occupies offices in the Chamber building, have violated that particular contract clause when they voiced their opposition against a ballot measure that would restrict vacation home rentals in R-1 zones. She stated that the City needs to conduct an investigation regarding this matter, and that she may have to contact the California Attorney General's office.

Brandon Schlarmann, Big Bear Lake: discussed that the lodging business is way down compared to the past few years, due to potential fires. He requested that if the City begins discussions to increase the Transient Occupancy Tax, that they also have a discussion to initiate a recreation or users tax.

Colin Clark, Big Bear Lake: discussed his concerns regarding the Resort Association. He stated that the City should review the accomplishments of the Resort Association, as well as the marketing and reservation programs. He also discussed the need for the City to look into whether or not a recreation tax should be implemented.

Russ Lowery, Big Bear Lake: discussed an editorial that appeared in the media regarding the fact that C.A.T.S. wants to keep the City from sponsoring events at the PAC. He stated that the article is wrong and that C.A.T.S. encourages any entity to take a risk on a putting on a show at the PAC, however, C.A.T.S. feels that the City should not subsidize the PAC to hold a City sponsored event.

Nona Clark, Big Bear Lake: discussed the need for the City to investigate the Resort Association's referral and reservation process, because it appears that 34% of the reservations go to three Resort Association Board members. She reported that she has tried to discuss her concerns with the Resort Association Board at a board meeting, but was told that she could not speak.

Lana Horton, Big Bear Lake: discussed her concerns regarding the shoreline along Meadow Park. She stated that because the lake water is very low, the shoreline is overgrown with bushes and several illegal incidents have occurred in the area. She stated that after contacting the Park District the area was partially cleaned up, however, a lot of debris is hidden under the overgrown brush, which should be cleaned up now that the fire season has arrived.

City Manager Perry stated that he would contact the Recreation and Park District to report the problem.

### **PUBLIC FORUM RESPONSE**

Lt. Catalano from the San Bernardino Sheriff's office responded to the public forum concerns brought before the Council on April 26, 2004, regarding pellet guns.

Finance Manager Smith and Deputy City Manager Vasquez responded to the public forum concerns brought before the Council on April 26, 2004, regarding the illegal operation of a bed and breakfast establishment.

Chief Building Official Mosley responded to the public forum concerns brought before the Council on April 26, 2004, regarding a trailer from Big Bear Mobile Estates that was left on public property.

At the hour of 3:00 p.m., Councilmember Dally was excused from the meeting.

### **1. CONSENT CALENDAR**

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

#### **1.1 Approval of Demands – Check Issue Date 4/22/04 through 5/05/04 – Check Nos. 22649 through 22819, in the amount of \$238,078.75**

Approved as presented.

#### **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 Fiscal Year 2004-2005 Water Standby Fees**

Council consideration of a resolution initiating proceedings to readopt a standby charge for undeveloped property within the service area of the Department of Water & power and setting a public hearing date for June 14, 2004.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO READOPT THE STANDBY CHARGE FOR UNDEVELOPED PROPERTY WITHIN THE SERVICE AREA OF THE DEPARTMENT OF WATER & POWER AND SETTING A PUBLIC HEARING DATE FOR JUNE 14, 2004.

**1.4 Voting Delegate to the League of California Cities 2004 Special Meeting of the League General Assembly**

Council consideration of appointing Mayor Harris as delegate and City Manager Perry as alternate, to vote at the League of California Cities Special Meeting of the League General Assembly on May 13, 2004, in Sacramento.

Appointed Mayor Harris as delegate and City Manager Perry as alternate, to vote at the League of California Cities Special Meeting of the League General Assembly on May 13, 2004, in Sacramento.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Harris, Hertzmann, Mulvihill  
NOES: None  
ABSENT: Dally  
ABSTAIN: Conklin abstained from voting on Item 1.1 Check No. 22748, payable to Conklin Paint in the amount of \$84.65

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

None.

**3. DISCUSSION/ACTION ITEMS**

**3.1 Sanbag/Measure I Expenditure Plan**

Council consideration of a resolution approving the Expenditure Plan for the revenues to be derived from the proposed continuation of Measure I, San Bernardino County's one-half of one percent sales tax for transportation improvements, tentatively scheduled for voter consideration on November 2, 2004.

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

RESOLUTION NO. 2004-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE EXPENDITURE PLAN FOR THE REVENUES EXPECTED TO BE DERIVED FROM THE PROPOSED CONTINUATION OF MEASURE I

Said motion was approved by the following vote:

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

**3.2 Approval of a Letter to the United States Forest Service**

Council consideration of approving a letter of request to the USFS regarding stationing a water dropping helicopter at the Big Bear Airport, additional fire personnel and equipment stationed in the Big Bear Valley, Butler Peak to be manned with lookouts 24 hours per day 7 days a week, and patrols on forest roads to identify illegal activities that could lead to a fire.

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

Said motion was approved by the following vote:

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

### **3.3 National Pollutant Discharge Elimination System**

Council consideration of introducing an ordinance to amend the Big Bear Lake Municipal Code by adding Chapter 14.04 pertaining to the protection and regulation of the City's storm drain system. This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines.

Council amended the ordinance as follows:

#### Sec. 14.04.320 Violations

A. Except as herein provided, any person, firm, or corporation convicted of violating any provision of this ordinance, including but not limited to a failure of a construction project and/or an industrial facility, which is required to obtain coverage under the State's General Storm Water Permits to file with the State Board a Notice of Intent, to be covered by the relevant permit, shall be guilty of a misdemeanor. The City Attorney shall have the authority to prosecute any violation of this ordinance, which is otherwise a misdemeanor, as an infraction, in the interests of justice. In such cases, the City Attorney shall specify in the accusatory pleadings that the offense has been filed as an infraction. Each violation of this Ordinance shall constitute a separate offense. In addition, the following remedies may be imposed:

4. Notwithstanding anything to the contrary contained in this section, the illicit discharges into the storm drain system shall be punishable as an infraction or a misdemeanor, as permitted by section 14.04.320, subparagraph A.

Motion by Councilmember Hertzmann, seconded by Mayor Pro Tem Mulvihill to introduce and waive further reading of the following ordinance, entitled:

ORDINANCE NO. 2004-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING CHAPTER 14.04 OF THE BIG BEAR LAKE MUNICIPAL CODE PERTAINING TO THE PROTECTION AND REGULATION OF THE CITY'S STORM DRAIN SYSTEM AND REPEALING ORDINANCE NO. 93-231

Said motion was approved by the following vote:

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

**3.4 Slope Density Ordinance Ad-Hoc Committee**

Council consideration of appointing Mayor Pro Tem Mulvihill and Councilmember Conklin to an ad-hoc committee to review the City's Slope Density Ordinance.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to approve staff recommendation.

Said motion was approved by the following vote:

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

**FUTURE AGENDA ITEMS**

Councilmember Mulvihill asked if staff could look into additional areas to post the City Council and Planning Commission agendas and notices, in order to get information to as much of the population as possible.

**CITY MANAGER REPORTS**

None.

**CITY COUNCIL REPORTS**

Councilmember Hertzmann announced that the 22<sup>nd</sup> Annual Bear Valley Prayer Breakfast would be held on Wednesday, May 12, 2004, at Pine Summit Conference Center.

Mayor Harris reported that the Food and Marketing Institute have recognized Rick Jaeger, General Manager of the Big Bear Stater Bros. Market, nationally for his efforts during the Old Fire.

**ADJOURNMENT:**

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 3:53 p.m.

---

Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: June 14, 2004