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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
JUNE 28, 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, June 28, 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: Gloria Meade

Councilmembers Present: Mayor Liz Harris  
Mayor Pro Tem Darrell Mulvihill  
Councilmember Dally  
Councilmember S. O. Conklin  
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  
Dave Vasquez, Deputy City Manager Administration

**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 Griffen

Case Number: VCV010794 – San Bernardino Superior Court

No reportable action.

2. 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.

**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.**

C.A.T.S. presents “*The Music Man*” – June 30, July 2 – 5, 7, 9 & 10  
Old Miners’ Association presents “*Cowboy Gathering*”- July 16 - 18

**PRESENTATIONS**

None.

**COMMITTEE REPORTS**

The BBARWA Committee Report was given by Councilmember Dally.

The MARTA Committee Report was given by Councilmember Hertzmann. He reported that the new MARTA Visitor Trolley would begin service on Friday, July 2<sup>nd</sup> at 10:00 a.m., at the Chamber of Commerce.

Councilmember Hertzmann announced that the Desert/Mountain Division of the League of California Cities quarterly meeting, hosted by the City of Big Bear Lake, will be held on July 23<sup>rd</sup> at Northwood’s Resort, and encouraged all Councilmembers to attend.

## **PUBLIC FORUM**

Gloria Meade, Big Bear Historical Society: presented a letter asking the City to consider changing Division Drive to Tom Core Drive, in honor of historian Tom Core, who has spent many years contributing research and documentation on the history of the Big Bear Valley. She stated that she also plans to contact the County of San Bernardino to make the same request.

Robert Esmay, Big Bear Lake: stated that on June 17<sup>th</sup>, he had written a letter to the City Council regarding the placement of his Hot Dog Cart on the corner of Pine Knot Boulevard and Village Drive, but has not received a response. City Manager Perry responded that the matter has been scheduled for Council discussion on July 12, 2004.

Russ Lowery, Community Arts Theatre Society Boardmember: requested that the City place the Performing Arts Center Rental Guide on the next City Council meeting agenda. He stated that C.A.T.S. would like the City to suspend the use and implementation of the Guide until the local user groups can meet with City staff to discuss specific amendments related to dress rehearsals.

## **PUBLIC FORUM RESPONSE**

City Manager Perry discussed a recent article regarding fire fighting tanker planes that had been taken out of service, because the government was concerned about their safety. He reported that he has recently learned that some of the tanker planes may be placed back into service as early as the July 4<sup>th</sup> holiday.

### **1. CONSENT CALENDAR**

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

#### **1.1 Approval of Demands – Check Issue Date 6/10/04 through 6/23/04 – Check Nos. 23181 through 23389, in the amount of \$506,072.64**

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 Monthly Financial Report**

Received and filed.

**1.4 Department of Water & Power Standby Charges**

Council consideration of adopting Ordinance No. 2004-338 adopting a written report regarding water standby charges for fiscal year 2004-2005, and directing that such charges be collected on the tax roll.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2004-338

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 2004-05, AND DIRECTING THAT SUCH CHARGES BE COLLECTED ON THE TAX ROLL

**1.5 Village Maintenance District No. 1-92 – Engineer’s Report for Fiscal Year 2004-2005**

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 26, 2004.

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

**1.6 2004 Mandatory Review of the Conflict of Interest Code**

Council consideration of directing staff and the City Attorney to review the City’s Conflict of Interest Code, as mandated by the Fair political Practices Commission, and submit a written response as to compliance no later than October 1, 2004.

Approved.

**1.7 November 2, 2004 General Election**

Council consideration of a resolution calling for the November 2, 2004 election; a resolution consolidating the City's General Municipal Election with the County of San Bernardino; and, a resolution adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 2, 2004, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES

and,

RESOLUTION NO. 2004-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION OF SAID CITY TO BE HELD ON TUESDAY, NOVEMBER 2, 2004, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON SAID DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

and,

RESOLUTION NO. 2004-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE

VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004

**1.8 2003 Manhole Covers to Grade**

Council consideration of accepting the Adjustment of Manhole Covers to Grade Project as complete; determine the final contract cost to be \$53,821.00, and direct staff to file the Notice of Completion; and release the retention amount of \$5,382.00 thirty-five (35) days after recordation, provided that no stop notices have been filed.

Approved.

**1.9 Amendment to Title 15 of the Big Bear Lake Municipal Code updating the Structural Standards in the 2001 California Building Standards Code**

Council consideration of adopting an ordinance amending Title 15 of the Big Bear Lake Municipal Code pertaining to updating the Structural Standards in the 2001 California Building Standards Code.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2004-339

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 BY ADDING SUBSECTIONS I THROUGH X TO SECTION 15.04.020 PERTAINING TO UPDATING THE STRUCTURAL STANDARDS IN THE 2001 CALIFORNIA BUILDING STANDARDS CODE

**1.10 Acceptance of the Sidewalk Easement - Fox Farm Road Rehabilitation**

Council consideration of accepting the Sidewalk Easement in order to facilitate the construction of the sidewalk on Garstin Drive, along the Snow Summit property frontage as part of the Fox Farm Road Rehabilitation Project.

Approved.

**1.11 Request for Donation by the Performing Arts Center of a Portable Stage**

Council consideration of a request by the Big Bear High School for the City to donate the portable stage for local school related events.

Approved.

**1.12 Sewer Reline Project**

Council consideration of adopting a finding that the proposed sewer reline project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (c) of the CEQA Guidelines; and, direct staff to allocate \$510,625 from the Replacement System Reserve Account and to advertise, receive, and publicly open construction bids.

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

**1.13 Approval of the Minutes from the Workshop Meeting of April 21, 2004, and the Regular Meeting of May 24, 2004**

Approved as presented.

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**

**1.5 Village Maintenance District No. 1-92 – Engineer’s Report for Fiscal Year 2004-2005**

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 26, 2004.

Motion by Councilmember Hertzmann, seconded by Councilmember Dally to approve the Engineer's Report; adopt the following resolution, entitled:

RESOLUTION NO. 2004-24

A RESOLUTION OF THE CITY COUNCIL 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 2004/2005, AND SETTING THE DATE FOR A PUBLIC HEARING ON THIS ACTION

and, authorize staff to schedule a public hearing for July 26, 2004.

Said motion was approved by the following vote:

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

**1.12 Sewer Reline Project**

Council consideration of adopting a finding that the proposed sewer reline project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (c) of the CEQA Guidelines; and, direct staff to allocate \$510,625 from the Replacement System Reserve Account and to advertise, receive, and publicly open construction bids.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to adopt a finding that the proposed sewer reline project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 (c) of the CEQA Guidelines; and, direct staff to allocate \$510,625 from the Replacement System Reserve Account and to advertise, receive, and publicly open construction bids.

Said motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Hertzmann, Mulvihill

NOES: None  
ABSENT: None  
ABSTAIN: None

**3. PUBLIC HEARINGS**

**3.1 Increase in DWP Connection Fees, Supplemental Water Source Fees & Rehabilitation Fees**

Council consideration of introduction and first reading of an ordinance amending Ordinance No. 2002-321 regarding water rates, charges and fees.

At the hour of 7:25 p.m., Mayor Harris opened the public hearing, hearing no comment the public hearing was closed.

DWP General Manager Gruber gave an overview of the increased fees and stated that staff will be taking a more in-depth look at the current rate structure as it relates to EDU's when the Master Plan is completed.

At the hour of 7:28 p.m., Mayor Harris closed the public hearing.

Motion by Councilmember Dally, seconded by Councilmember Conklin to waive further reading of an ordinance, entitled:

**ORDINANCE NO. 2004-XXX**

**AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 2002-321 REGARDING WATER RATES, CHARGES, AND FEES**

Said motion was approved by the following vote:

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

**4. DISCUSSION/ACTION ITEMS**

**4.1 Development Code Changes regarding Outdoor Displays and Vehicles for Sale**

Council consideration of a status report prepared by staff regarding Outdoor display provisions contained within the Development Code and regulations regarding vehicles for sale on private and public property.

Motion by Councilmember Conklin, seconded by Councilmember Hertzmann to direct staff to suspend the enforcement of two or less vehicles that are parked for sale on developed private commercial parking lots, provided that the vehicles are registered in the name of the owner of the property, while staff prepare revisions to the Development Code.

Said motion was approved by the following vote:

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

At the hour of 8:07 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 8:09 p.m., the Fire Protection District adjourned to Regular Council session.

**FUTURE AGENDA ITEMS**

Mayor Pro Tem Mulvihill requested an update on the HUFU Program. City Manager Perry reported that staff plans to present a HUFU update at the first City Council meeting of each month.

**CITY MANAGER REPORTS**

DWP Assistant General Manager Heule stated that he had attended, on behalf of the City, an Earthquake Presentation hosted by the County Fire Department and the San

Bernardino County Office of Emergency Services, earlier today. He reported that an overview was given regarding our seismic vulnerability, and the earthquake prediction of a magnitude of 6.4 or greater earthquake on or before September 5, 2004, within a 12,440 square mile area of Southern California, including the Eastern portion of the San Bernardino Mountains.

**CITY COUNCIL REPORTS**

None.

**ADJOURNMENT:**

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 8:20 p.m.

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Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: August 23, 2004