
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JULY 12, 2004**

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, July 12, 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: Robyn Anderson

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
Kathleen Smith, Finance Manager
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 Griffin
Case Number: VCV010794 – San Bernardino Superior Court

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS
pursuant to Government Code Section 54956.8

Property Negotiations: Streets & Public Rights-of-Ways
41970 Garstin Road and 39690 Big Bear Boulevard
Name of Parties: City Manager, City Attorney and Big Bear Disposal
Terms: Price and terms of payment

No reportable action.

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

City 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 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.

Old Miners' Association presents "*Cowboy Gathering*"- July 16 – 18
Woman's Club Annual Flower Show – July 23 & 24
Barbershop Quartet/Sweet Adelines – July 24

The nomination period for two seats on the City Council begins Monday, July 12, 2004, and will close at 5:00 p.m., Friday, August 6, 2004. To qualify for election, candidates must be a resident and a registered voter of Big Bear Lake. For those interested in filing, please contact the City Clerk at 866-5831 ext. 103.

Councilmember Hertzmann announced that he does not intend to seek re-election for the office of City Council.

*City Clerk Note: If an incumbent does not file for the election, the nomination period will be extended to Wednesday, August 11, 2004.

PRESENTATIONS

Mayor Harris presented a ten-year City Employee Pin to Paid Call Firefighter David Jayne.

Mayor Harris presented a Certificate of Appreciation to Parking Citation Hearing Officer John Knott for his ten years of service to the City of Big Bear Lake. Mr. Knott introduced Dan Sullivan who will be taking his place.

Assistant Fire Chief Morley gave a status report on the HUFU and Fire Prevention Program.

Bill Swartley and Don Stadler, U. S. Forest Service Prevention and Education Team Members, gave a presentation and passed out literature explaining the six Fire Level Dangers, as well as other important fire safety issues.

COMMITTEE REPORTS

Councilmember Hertzmann gave a report on the SANBAG Committee meeting that he attended on July 7th. He reported that the SANBAG President is now County Board of Supervisor Paul Biane, and Councilmember Kelly Chastain from the City of Colton is Vice President. He stated that the meeting was held in the new SANBAG facility at the newly renovated Santa Fe Depot.

PUBLIC FORUM

Robyn Anderson: announced that Old Miners' Days officially begins this weekend with the Cowboy Music & Poetry Gathering at the Performing Arts Center on July 16th at the PAC. She reported that the Bear Mountain Resort's Cowboy Encampment and Performance will be held on July 17th and the Bob Harris Memorial Concert will be held at the PAC on July 18th. She presented to the City a framed poster of the 5th Annual Cowboy Poetry & Music Gathering.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 6/24/04 through 7/07/04 – Check Nos. 23391 through 23636, in the amount of \$766,626.62

Approved.

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 Increase in Department of Water & Power Connection Fees, Supplemental Water Source Fees & Rehabilitation Fees

Council consideration of adopting Ordinance No. 2004-340, which amends Ordinance No. 2002-321 and increases DWP connection fees, supplemental water source fees, and rehabilitation fees.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2004-340

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

1.4 Fiscal Year 2004-2005 Appropriations Limits for the City of Big Bear Lake

Council consideration of a resolution establishing the Appropriations Limits for fiscal year 2004-2005 for the City of Big Bear Lake, in accordance with provisions of Division 9 of Title 1 of the California Government Code.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMITS FOR FISCAL YEAR 2004-05 FOR THE CITY OF BIG BEAR LAKE IN ACCORDANCE WITH PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

1.5 Statement of Investment Policy

Council consideration of a resolution adopting the Statement of Investment Policy for fiscal year 2004-2005.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2004-05

1.6 City Sewer Ponds for Emergency Storage – Agreement with BBARWA

Council consideration of approving an agreement with BBARWA to allow BBARWA to use the City's sewer ponds for emergency storage of effluent.

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

1.7 Renewal Negotiations for Cable Franchise Agreement with Charter Communications, Inc.

Council consideration of directing staff to move forward with the negotiations for the renewal of the Cable Franchise Agreement with Charter Communications, Inc.

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

The Consent Calendar was approved by the following vote:

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

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 City Sewer Ponds for Emergency Storage – Agreement with BBARWA

Council consideration of approving an agreement with BBARWA to allow BBARWA to use the City's sewer ponds for emergency storage of effluent.

Motion by Councilmember Hertzmann, seconded by Councilmember Dally to approve an agreement that would allow BBARWA to use the City's sewer ponds for emergency storage of effluent, with the provision that BBARWA be advised to begin looking at alternative storage solutions, because the sewer ponds may not be available in the future.

Said motion was approved by the following vote:

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

1.7 Renewal Negotiations for Cable Franchise Agreement with Charter Communications, Inc

Council consideration of directing staff to move forward with the negotiations for the renewal of the Cable Franchise Agreement with Charter Communications, Inc.

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Hertzmann Directed staff to move forward with the negotiations for the renewal of the Cable Franchise Agreement with Charter Communications, Inc.

Said motion was approved by the following vote:

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

3. PUBLIC HEARINGS

3.1 General Plan Amendment 2004-083 and Zone Change 2004-084, to amend the General Plan Land Use Designation on 1.1 Acres located at 41922 Fox Farm Road, identified as APN 2328-101-04, from Commercial General (CG) to Industrial (IND) and the Zone District from Commercial-General (C-2) to Commercial-Industrial (C-5)

Council consideration of a resolution adopting the Mitigated Negative Declaration prepared for General Plan Amendment 2004-083 to change the General Land Use designation from Commercial General (CG) to Industrial (IND); and, introduction of an ordinance approving Zone Change 2004-084 to change the zoning designation on 1.1 acres located at 41922 Fox Farm Road, APN 2328-101-04, from Commercial-General (C-2) to Commercial-Industrial (C-5) and adopting the Mitigated Negative Declaration.

At the hour of 8:08 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Conklin to adopted the following resolution, entitled:

RESOLUTION NO. 2004-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA APPROVING GENERAL PLAN AMENDMENT 2004-083 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM COMMERCIAL GENERAL (CG) TO INDUSTRIAL (IND) ON 1.1 ACRES LOCATED AT 41922 FOX FARM ROAD, ASSESSOR'S PARCEL NUMBER 2328-101-04 AND ADOPTING A MITIGATED NEGATIVE DECLARATION

and,

Introduce and 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, APPROVING ZONE CHANGE 2004-084 TO CHANGE THE ZONING DESIGNATION OF 1.1 ACRES

LOCATED AT 41922 FOX FARM ROAD, ASSESSOR'S PARCEL NUMBERS 2328-101-04, FROM COMMERCIAL-GENERAL (C-2) TO COMMERCIAL-INDUSTRIAL (C-5) AND ADOPTING A MITIGATED NEGATIVE DECLARATION

Said motion was approved by the following vote:

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

RECESS

At the hour of 8:11 p.m., Mayor Harris declared a recess. At the hour of 8:20 p.m., Council reconvened.

3.2 Resolution setting Fee for National Pollutant Discharge Elimination (NPDES) Ordinance Compliance Inspection

Council consideration of a resolution providing for the adoption of service fees for NPDES site inspections, and approved proposal with John L. Hunter and Associates, Inc., to provide NPDES inspection services.

At the hour of 8:40 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Hertzmann, seconded by Mayor Pro Tem Mulvihill to adopt the following resolution, entitled:

RESOLUTION NO. 2004-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, PROVIDING FOR THE ADOPTION OF SERVICE FEES FOR NPDES SITE INSPECTIONS

and, authorized staff to enter into an agreement with John L. Hunter and Associates, Inc., to provide the inspection services.

Said motion was approved by the following vote:

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

3.3 Sewer User Fees, Refuse Fees, and Sewer Standby Fees

Council consideration of a resolution adopting a report determining the amount of Sewer User Fees and directing that such fees be collected on the tax roll; a resolution adopting a report determining the amount of Refuse Fees and directing that such fees be collected on the tax roll; and, a resolution adopting a report determining the amount of Sewer Standby Fees and directing that such fees be collected on the tax roll.

At the hour of 8:47 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2004-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A REPORT DETERMINING THE AMOUNT OF SEWER USER FEES AND DIRECTING THAT SUCH FEES BE COLLECTED VIA THE TAX ROLL

and,

RESOLUTION NO. 2004-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A REPORT DETERMINING THE AMOUNT OF REFUSE FEES AND DIRECTING THAT SUCH FEES BE COLLECTED VIA THE TAX ROLL

and,

RESOLUTION NO. 2004-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A REPORT DETERMINING THE AMOUNT OF SEWER STANDBY FEES AND DIRECTING THAT SUCH FEES BE COLLECTED VIA THE TAX ROLL

Said motion was approved by the following vote:

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

4. DISCUSSION/ACTION ITEMS

4.1 Village Overhead Sign

Council consideration of a proposal presented by Lofton Construction to help replace the overhead sign at the Village entrance at Pine Knot Avenue and Big Bear Boulevard.

Mr. Cortney Lofton presented to Council and gave an overview of several options for a new overhead sign, to be constructed at the entrance of the Village.

Larry Cooke, Big Bear Lake: suggested that a better location for the sign would be on Big Bear Boulevard near Veteran's Park. He stated that if the sign is placed in the same location as the previous sign, it would block the view of the lake and make it hard for visitors to see specific businesses while traveling north on Pine Knot Ave. He discussed the need for better directional signs, throughout the Village, directing visitors to different locations.

Margaret Tiefenthaler, Big Bear Lake: commended the Lofton family for their generous offer to replace the sign. She stated that the majority of the businesses in the Village consider the entrance signs to be a tremendous enhancement to the Village.

Council received the proposal presented by Lofton Construction to help replace the overhead sign at the Village entrance at Pine Knot Avenue and Big Bear Boulevard, and authorized staff to show the design to the Village businesses and property owners; check the color schemes with the recommendations made by the Wayfinding committee; and, to prepare a cost analysis of the sign proposed by Lofton Construction, and the cost to retrofit the second overhead sign in the Village for Council discussion at a future meeting.

4.2 Forest Plan Proposal by Kris Foulkes

Council consideration of receiving a presentation by Kris Foulkes and support from the City Council regarding the United States Forest Service Forest Plan revision.

Kris Foulkes, Big Bear Lake: stated that she has initiated a campaign to rally opposition to the San Bernardino National Forest Plan Revision, because the plan calls for wilderness and roadless areas within Big Bear Valley. She stated that our community wants to support the fire fighters in their efforts to suppress all fires that threaten our Valley. However, in order to do that, the forest surrounding our community must have roads for public safety and fire protection. She stated that there should not be any wilderness or other roadless areas within six miles of our community boundaries, because all areas need to be accessible to fire equipment, fire personnel, and vegetation management programs.

Erv Nichols, Fawnskin: read a letter that he has sent to the local newspaper, stating that once an area is open to the public without strict control, it is lost forever as a wilderness. The plants and animals will suffer, because more people will have access to the area. Rumors of not being able to fight fires in a wilderness area are not true and have created an unjustified fear in residents. The Forest Management Act of 1897, 1899, 1901 require the Forest Service to protect the national forest system including designated wilderness areas, which are part of that system from fire and other deprivation.

Discussion ensued between the Council and staff regarding whether or not the wilderness/roadless area should go six miles beyond the boundaries of the Valley, which would be approximately 1½ miles beyond Highway 38, as opposed to the recommendation by the Forest Service to place the boundary at the ridgeline on top of Sugarloaf Mountain.

Assistant Fire Chief Morley presented a map of the mountain range to the Council so they could get a better understanding of the location of the proposed

boundaries, and recommended that the wilderness/roadless boundary be set no further south than Highway 38.

Council directed the City Manager to write a letter to the San Bernardino National Forest Service that, due to the restrictions of fuel treatments and limitations of motorized apparatus in wilderness areas for firefighting purposes, the City of Big Bear Lake opposes any expansion of the Wilderness Area beyond Highway 38 on the south side of Sugarloaf Mountain, and that no wilderness designations, nor roadless area designations be created within the confines of the Big Bear Valley.

4.3 Big Bear Lake Performing Arts Center Foundation

Council consideration of a resolution establishing the Big Bear Lake Performing Arts Center Foundation (BBLPAC), and appointing two members of the City Council to serve on the Board of Directors.

Mayor Harris stated that the resolution should be adopted in order to begin the process of establishing the Foundation, however, she recommended that the appointments to the Board be held at a later date when more discussion could be held regarding the specific function of the PAC Foundation.

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

RESOLUTION NO. 2004-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ESTABLISHING THE BIG BEAR LAKE PERFORMING ARTS CENTER FOUNDATION AND ADOPTING THE ATTACHED ARTICLES OF INCORPORATION

Said motion was approved by the following vote:

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

4.4 Fee Waiver Request

Council consideration of a request by Robert Esmay for the City to waive the filing fee for the establishment of his mobile food cart on property located at the corner of Pine Knot Avenue and Village Drive.

Robert Esmay, Big Bear Lake: discussed that the fees that the City has asked him to pay are exorbitant for a small outdoor mobile food cart.

Council asked if there is any other fee that would be appropriate for a hot dog cart or a kiosk type of business that would not require a plot plan review.

Interim City Planner Molina explained that, although it is a small mobile business it is still considered a permanent use, which warrants a plot plan review, and Planning Commission consideration, based upon the provisions of the Village Specific Plan.

Motion by Councilmember Conklin, seconded by Councilmember Dally to deny the request by Robert Esmay for the City to waive the filing fee for the establishment of his mobile food cart on property located at the corner of Pine Knot Avenue and Village Drive.

Said motion was approved by the following vote:

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

4.5 Proposed Wall Clock on an Existing Structure at Veterans' Park

Council consideration of directing staff to move forward with the processing of a Minor Modification application for the installation of a wall clock at Veteran's Park.

Motion by Mayor Pro Tem Mulvihill, seconded by Councilmember Dally to direct staff to move forward with the processing of a Minor Modification application for the installation of a lighted wall clock at Veterans' Park.

Said motion was approved by the following vote:

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

4.6 Fee Waiver Request by C.A.T.S.

Council consideration of a request by C.A.T.S. for the City to waive the performance rate fee of \$220.00, and charge the rehearsal rate fee of \$61.00 for “invited dress rehearsals.”

Russ Lowery, Big Bear Lake: spoke in support of the fee waiver as presented by C.A.T.S.

Council discussed the need for staff to schedule a workshop meeting with the Council to discuss this matter in more detail, as soon as possible.

Council did not approve the request to waive the fees as requested by C.A.T.S., but directed staff to meet with the Council sub-committee and user groups to discuss and revise the Performing Arts Center Rental Guide, for City Council consideration by October 11, 2004.

4.7 BBARWA Public Outreach Strategic Plan

Council consideration of reviewing the Strategic Plan prepared by BBARWA and providing direction to staff regarding the feasibility of assisting BBARWA in the implementation of the Program.

Motion by Councilmember Dally, seconded by Councilmember Conklin to authorize an appropriation of \$10,000, from the Sanitation Fund, for the BBARWA Public Outreach Strategic Plan.

Said motion was approved by the following vote:

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

4.8 Private Home Rentals and 24/7 Program

Council consideration of discussion and direction to staff regarding the Private Home Rentals and 24/7 Program.

At the hour of 11:23 p.m., Mayor Harris was excused from the meeting due to a conflict of interest.

Council directed staff to continue with the 24/7 Program and to bring before the Council information regarding the costs associated to fund the Program.

At the hour of 11:49 p.m., Mayor Harris returned to the Council meeting.

4.9 San Bernardino County Contract to Provide Vector Control Services including West Nile Virus

Council discussion with staff regarding Vector Control Services provided by the County and consideration of approving to share the cost with the Municipal Water District.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to authorize staff to enter into an agreement with the County for Vector Control Services. The cost to pay for the services is to be shared between the City and the Municipal Water District.

Said motion was approved by the following vote:

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

4.10 Joint Workshop Meetings with Valley Agencies

Council consideration of prioritizing and authorizing staff to schedule meetings with various Valley agencies.

Tabled to July 26, 2004.

At the hour of 11:58 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 11:59 p.m., the Fire Protection District adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

At the hour of 12:01 a.m., the Improvement Agency adjourned to Regular Council Session.

FUTURE AGENDA ITEMS

Status report on the cloud-seeding program.
Long-term Vector Control.

CITY MANAGER REPORTS

None.

CITY COUNCIL REPORTS

Councilmember Conklin discussed the need for staff to clarify to the public that vehicles parked on private property for sale, will only be allowed until the Development Code has been amended and new regulations are in place.

Mayor Pro Tem Mulvihill discussed his disappointment that the Airport District Board turned down the City's request to participate in the HUFU Program.

Mayor Harris announced that she plans to seek re-election to the City Council.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 12:05 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: August 23, 2004