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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
NOVEMBER 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 6:35 p.m., Monday, November 8, 2004, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Invocation: Moment of Silence

Flag Salute: Led by Mr. Bill Jahn

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: Steve Deitsch, Best Best & Krieger, LLP City Attorney  
Katherine E. Jefferies, City Clerk  
Dave Vasquez, Deputy City Manager Administration  
Dave Martinez, Deputy City Manager Development Services

**AGENDA APPROVAL**

Motion by Councilmember Hertzmann, seconded by Mayor Pro Tem Mulvihill 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 “A Funny Thing Happened on the Way to the Forum” – November 12 – 14, 17, 19 – 21, 23, 26 & 27.
- Mountain Master Choral presentation – December 4

City Offices will be closed on Thursday, November 11, 2004, in observance of Veterans Day.

## **PRESENTATIONS**

Keith Switzer, from Bear Valley Electric gave a report on the proposed rate increase that is before the California Public Utilities Commission. He stated that, due to increased growth, the capacity of the three transmission lines serving the Valley had reached its capacity, which left Bear Valley Electric with the option of bringing in more transmission lines at a cost of over \$20 million dollars, or to build a new generating plant at a cost of \$13 million. He stated that the electric company chose to build the plant, which was completed in August. He gave an overview of the revenue, operation and maintenance costs, and discussed the rate increase, which has been proposed for 10.3 percent.

Mayor Harris announced that a Proclamation in honor of Veterans Day would be presented at 10:45 a.m., on Thursday, November 11<sup>th</sup> at Veterans Park, during a ceremony honoring all Veterans of our armed services.

## **COMMITTEE REPORTS**

None.

## **PUBLIC FORUM** (City Council, Fire Protection District and Improvement Agency)

George Schaut, Big Bear Lake: invited the Council and public to the Masonic Breakfast Buffet on Saturday, November 27<sup>th</sup> from 7:30 a.m., to 11:30 a.m., at the Masonic Lodge. He reported that all proceeds would be donated to the Bear Valley Paramedics.

## **PUBLIC FORUM RESPONSE**

None.

### **1. PUBLIC HEARINGS**

#### **1.1 Restaurant Rating Guide**

Council consideration of waiving second reading and adopting Ordinance No. 2004-343 amending and restating Chapter 8.08 of Division II, Title 8 of the Big Bear Lake Municipal Code to adopt by reference San Bernardino County Ordinance No. 3930 relating to inspection grading of food establishments.

At the hour of 7:41 p.m., Mayor Harris opened the public hearing.

Marge McDonald, Sugarloaf: spoke in support of the proposed ordinance.

Denise Proffer, Sugarloaf: spoke in support of the proposed ordinance.

Dennis Weight, Big Bear City: spoke in support of the proposed ordinance, but had some concerns regarding the inspection process. He stated that the health inspectors are not always consistent, and unless the inspections are equal and consistent the program could fail.

Jennifer McCullar, Chamber of Commerce: stated that the Chamber of Commerce agrees that restaurants should be safe and clean, and supports the intent of the County's inspection process to reassure the safety of the public. However, the posting of grades is not necessary to protect the public health and it should not be part of the governmental process.

Brent Tregaskis, Big Bear Lake: stated that he is in support of the program other than the posting of grades. He stated that the program should improve restaurants, but has concerns regarding the inspection process because three different inspectors, ten minutes apart, would come up with a different score for a particular restaurant. He felt that the program has obvious flaws and should be postponed for one year until the County can work the bugs out of the system.

Terry Smith, County Environmental Health Specialist: gave an overview of the new grading system and how the program is proposed to work, and answered questions of concern from the Council and members of the public.

Tony Tamberchi, Owner/Operator of the Sizzler Restaurant, Big Bear Lake: spoke in support of the proposed ordinance.

Fran Fish, Big Bear Lake: spoke in support of the proposed ordinance for the health and safety of our citizens and visitors.

At the hour of 8:31 p.m., Mayor Harris closed the public hearing.

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

ORDINANCE NO. 2004-343

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING AND RESTATING CHAPTER 8.08 OF DIVISION II, TITLE 8 OF THE BIG BEAR LAKE MUNICIPAL CODE TO ADOPT BY REFERENCE SAN BERNARDINO COUNTY ORDINANCE NO. 3930 ADDING CHAPTER 14 TO DIVISION 3 OF TITLE 3 AND ADDING SUBSECTION 16.0213B(b)(17) TO CHAPTER 2 OF DIVISION 6 OF TITLE 1, ALL OF THE SAN BERNARDINO COUNTY CODE, RELATING TO INSPECTION GRADING OF FOOD ESTABLISHMENTS

Said Motion was approved by the following vote:

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

At the hour of 8:51 p.m., Mayor Harris declared a recess. At the hour of 9:01 p.m., Council reconvened.

**1.2 Performing Arts Center Rental Guide**

Council consideration of a resolution adopting the revised Performing Arts Center Rental Guide and Fee Changes.

At the hour of 9:05 p.m., Mayor Harris opened the public hearing.

Steve Fine, Lake Arrowhead: stated that he does not know of any other theater down the hill that charges or limits the time for community theater groups, because they are considered an asset to their community.

Amber Carpenter, Baldwin Lake: spoke in support of the CATS organization, and stated that she was opposed to the City reducing the number of rehearsal days.

Fran Fish, Big Bear Lake: spoke in support of allowing CATS the 18.5 days needed for rehearsals.

Gloria Meade, Big Bear City: discussed the need for the City to support CATS and all of the user groups.

Eric Schwartz, Big Bear City: spoke in support of CATS.

Jim Fipps: thanked the Council and staff for the time and energy that has been put into reviewing the Performing Arts Center policies in order to make it fair and consistent for all of the user groups.

At the hour of 9:20 p.m., Mayor Harris closed the public hearing.

Motion by Councilmember Dally, seconded by Councilmember Hertzmann to amend the Performing Arts Rental Guide as follows:

Booking Policy

3. Theatre Booking: A maximum of eleven and one half (11½) days rehearsal or preparation time can be guaranteed to a Lessee prior to a theatrical event if the Lessee is willing to pay for the entire eleven and one half (11½) day period.
5. Additional Rehearsal Time: One hundred twenty (120) days prior to the eleven and one half (11½) booking period, Lessee may schedule with P.AC. Director additional rehearsals and similar events.

Said Motion was approved by the following vote:

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

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to amend the Performing Arts Center Rental Guide as follows:

Booking Policy

14. The Center is a non-smoking facility. ~~Smoking on stage is allowed only when specified in the script and is an integral part of the performance.~~ The Center staff must be notified in advance of the event if there is ~~smoking or~~ any use of fire, so that they may institute the necessary fire

regulations. Any infraction of smoking and fire regulations can become cause for ending the event, and clearing and closing the Center.

Said Motion was approved by the following vote:

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

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to amend the Performing Arts Center Rental Guide as follows:

Rental Fees

4. For-Profit primarily located outside the Big Bear Valley:

Each performance \$1,000.00 - Six hours maximum.

Dry Rehearsal \$500.00 - Five hour block of time not to exceed 11:00 p.m. Booth usage (lights or sound) prohibited.

Rehearsal \$500.00 - Five hour block of time not to exceed 11:00 p.m. Full usage of sound and lighting equipment permitted.

Set lights \$55.00 - Five hour block of time not to exceed 11:00 p.m.

Load-in, Strike Sets, or Shop Use \$55.00 - Five hour block of time not to exceed 11:00 p.m.

Invited Dress Rehearsal \$500.00

Said Motion was approved by the following vote:

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

Motion by Mayor Harris, seconded by Councilmember Hertzmann to amend the Performing Arts Center Rental Guide as follows:

Box Office Services

6. Ticket Services – Hours and Staffing: Normal Box Office hours are 1:00 PM – 6:00 PM Tuesday ~~Wednesday~~ through Friday. On performance days the Box Office will open four (4) hours prior to show time. Extended Box Office hours may be arranged by the Lessee at an additional fee to equal the cost of staff time at the directly burdened hourly cost as determined by the Finance Director.

Said Motion was approved by the following vote:

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

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

RESOLUTION NO 2004-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE REVISED PERFORMING ARTS CENTER RENTAL GUIDE AND THE FEE CHANGES CONTAINED THEREIN

Said Motion was approved by the following vote:

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

**1.3 Development Code Amendment 2004-289 (Slope Density)**

Council consideration of introduction and first reading of an ordinance repealing Ordinance No. 90-191 relating to Slope Density and readopting it as Chapter 17.09 of the Development Code (Slope Density) for the purpose of regulating development on slopes that are at or exceed 30% gradient and revising sections relating to maximum driveway gradient and the requirement of a Conditional Use Permit for development of single family residences on existing lots of record where natural slopes are at or exceed 40%.

At the hour of 10:17 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 waive first reading and pass to second reading an ordinance, entitled:

**ORDINANCE NO. 2004-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, REPEALING VARIOUS CHAPTERS OF TITLE 17 OF THE BIG BEAR LAKE MUNICIPAL CODE AND REPEALING ORDINANCE NO. 90-191 RELATING TO SLOPE DENSITY AND READOPTING IT AS CHAPTER 17.09 OF THE DEVELOPMENT CODE (SLOPE DENSITY) FOR THE PURPOSE OF REGULATING DEVELOPMENT ON SLOPES THAT ARE AT OR EXCEED THIRTY PERCENT (30%) GRADIENT AND REVISING SECTIONS RELATING TO MAXIMUM DRIVEWAY GRADIENT AND THE REQUIREMENT OF A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF SINGLE FAMILY RESIDENCES ON EXISTING LOTS OF RECORD WHERE NATURAL SLOPES ARE AT OR EXCEED FORTY PERCENT (40%)

Said Motion was approved by the following vote:

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

**2. CONSENT CALENDAR**

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

**2.1 Approval of Demands – Check Issue Date 10/21/04 through 11/03/04 – Check Nos. 24895 through 24996, in the amount of \$468,807.91**

Approved.

**2.2 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.

**2.3 Regulation of Large Retail Commercial Uses**

Council consideration of adopting an ordinance amending Title 17 (Development Code) of the Big Bear Lake Municipal Code, which was adopted by Ordinance No. 2003-333, by amending Sections 17.35.030.A (Principal Uses Permitted in Commercial and Public Zones), 17.35.050.A (General Development Standards), adding new Section 17.35.220 relating to Development Standards for Large Retail Uses, and new Section 17.03.330 relating to Transitional Uses and Structures. This project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 150619b)(3).

Adopted the following ordinance, entitled:

ORDINANCE NO. 2004-344

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 17 (DEVELOPMENT CODE) OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE, WHICH WAS ADOPTED BY ORDINANCE NO. 2003-333, BY AMENDING SECTIONS 17.35.030.A (PRINCIPAL USES PERMITTED IN COMMERCIAL AND PUBLIC ZONES), 17.35.050.A (GENERAL DEVELOPMENT STANDARDS), ADDING NEW SECTION 17.35.220 (DEVELOPMENT STANDARDS REGULATING LARGE RETAIL USES) RELATING TO DEVELOPMENT STANDARDS FOR LARGE RETAIL USES

AND NEW SECTION 17.03.330 RELATING TO TRANSITIONAL USES AND STRUCTURES

**2.4 Approval of the Minutes from the Regular Meeting of October 11, 2004**

Approved as presented.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Hertzmann, Mulvihill  
NOES: None  
ABSENT: None  
ABSTAIN: Conklin from Item 2.4

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

None.

At the hour of 10:27 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 10:28 p.m., the Fire Protection District adjourned to City Council Session.

**FUTURE AGENDA ITEMS**

Councilmember Dally asked for an update on the Paine Road and Village Drive Intersection Traffic Signal Project.

**CITY MANAGER REPORTS**

None.

**CITY COUNCIL REPORTS**

Mayor Pro Tem Mulvihill congratulated Mayor Harris on her re-election to the City Council, and to Mr. Bill Jahn on his election to the City Council.

Mayor Harris reported that she was one of seven women Mayors from the Inland Empire, who had been invited by Loma Linda Hospital to attend the Loma Linda International Heart Institute Women's Heart Symposium Luncheon. She stated that each Mayor invited ten women of influence from their communities to also attend the event.

Mayor Harris reported that she had attended the Headquarters Battalion Marine Birthday Ball on Sunday, November 4<sup>th</sup>, in which over 1300 Marines were in attendance.

**ADJOURNMENT:**

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 10:31 p.m.

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Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: December 13, 2004