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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR A REGULAR MEETING OF  
JANUARY 24, 2005**

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A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Mulvihill at 5:00 p.m., Monday, January 24, 2005, 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 6:35 p.m., Council adjourned to Open Session.

**OPEN SESSION**

Invocation: Moment of Silence

Flag Salute: Led by Councilmember Harris

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

Councilmembers Excused: None

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

**RESULTS OF CLOSED SESSION**

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8**  
Property: 39707 Big Bear Boulevard, Big Bear Lake, California  
Negotiating Parties: City Manager, Acting City Planner and Verizon Wireless  
Under Negotiation: Price and Terms of Payment

No reportable action.

## **FIRE PROTECTION DISTRICT CLOSED SESSION**

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

Name of Negotiators: Fire Administrator and Fire Protection District Legal Counsel

Name of Organization: Unrepresented Employee – Fire Chief

No reportable action.

## **AGENDA APPROVAL**

Motion by Councilmember Harris, seconded by Councilmember Jahn to approve the Agenda as amended. 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 Lake Performing Arts Center Foundation presents Rob Rio “King of Boogie Woogie” – January 29.
- Bear Valley Hospital Foundation presents “On Golden Pond” – February 11, 12 & 13.

City Manager Perry announced that Caltrans will hold a community meeting on January 26<sup>th</sup> at 7:00 p.m., at the Performing Arts Center, to inform the public regarding road closures and road repairs on highway 18, 330, and 38.

## **PRESENTATIONS**

The City Council expressed appreciation to City employees and various contractors throughout the Valley, and others for their hard work during the recent snow and rainstorms.

Mr. & Mrs. Alsop were unable to attend the Council meeting to receive a certificate of appreciation for their donation of child restraint seats to the Big Bear Sheriff Station. The certificate will be presented on February 28, 2005.

Mayor Mulvihill presented 5-year City Employee Service Pins to Frank Gerlette, Maintenance Worker I, and Bryan McIlrevey, DWP Customer Service Supervisor, and a 15-year Pin to John Arden, Fire Captain.

Recreation and Park District General Manager Kathy Campbell gave a status report regarding the community-wide swimming pool.

Mayor Mulvihill presented a plaque on behalf of the Council to Councilmember Harris in appreciation for her serving the City of Big Bear Lake as Mayor from December 2002 to December 2004.

### **COMMITTEE REPORTS**

Mayor Mulvihill reported on the Big Bear Valley Fire Merger Committee and stated that the Big Bear City Community Services District plans to make a recommendation to their Board to no longer participate in the merger, due to financial reasons. He stated that after discussing the matter with Committee member Conklin, City Manager Perry and the Fire Chief, it's the Fire Committee's recommendation to ask the Fire Chief to continue working on the merger process for next 60 days.

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

Lynn Okerblom, Big Bear Lake: discussed the 866-ROAD number that is advertised for the public to access in order to hear the current road conditions. She stated that during the recent storms, the information was not updated in a timely manner, and many travelers trying to leave the mountain did not know of specific road closures until they faced a road closure sign, and were forced to turn around and try another route.

Dixie Allison, Big Bear Lake: discussed her concerns regarding the private home rentals stating that the majority of people who rent them do not obey the rules and regulations. She stated that the City needs to hire a full-time employee to drive the streets on weekends and holidays to compare the number of cars to the number allowed as indicated on the signs located on the houses. She stated that if there are more cars than there should be, then the party should be fined. 2) Do not permit a home to be placed on the private home rental program until there is a number placed on the house and verified by the City. 3) revise the Private Home Rental Ordinance so that the only number of people that can be in that house at any time, is the number of people on the sign.

Andy Acosta, Big Bear Lake: discussed the closure of Highway 18 due to the amount of snow and stated that our system needs to be changed, because Caltrans lost the Artic Circle because decisions that should be made locally were made by Sacramento who are not aware of the problems that occur here in the mountains.

### **PUBLIC FORUM RESPONSE**

City Manager Perry responded to Ms. Okerblom and stated that he will contact the Sheriff's Office, which maintains the 866-ROAD number. He stated that Caltrans also maintains 1-800-427-ROAD, which is another number that travelers can call.

He responded to Ms. Allison's concerns regarding the private home rentals and stated that he would take her suggestions under consideration. He responded to Mr. Acosta and thanked him for his hard work to help open Highway 18. He stated that he would contact Caltrans to see what can be done about keeping the road closure decisions at a local level. He also responded to the concerns addressed by Mr. Parry at the meeting of January 10<sup>th</sup> regarding snow berms, and reported that the Public Works maintenance staff has met with Mr. Parry to discuss the issue.

**1. CONSENT CALENDAR**

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

**1.1 Approval of Demands – Check Issue Date 1/06/05 through 1/18/05 – Check Nos. 25743 through 25848, in the amount of \$687,662.16**

Approved as presented. Councilmember Conklin abstained from voting on Check No. 25785 payable to Conklin Paints in the amount of \$7.64.

**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 Continuance of the Declaration of Local State of Emergency**

Continued the Declaration of the Local State of Emergency due to rain and snow.

**1.4 Department of Water & Power Barbara Lee Lane Well Site Exchange for Cherokee Street Well Site in Fawnskin**

Council consideration of approving a transfer agreement in order for the DWP to transfer the title to the Barbara Lee Lane well site to the Cherokee Street well site.

Approved.

**1.5 Authorization of Emergency Funds**

Council consideration of authorizing staff to transfer \$100,000 from the Disaster Reserve Account (110-2441) to the Disaster Fund (995).

Approved.

The Consent Calendar was approved by the following vote:

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

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

None.

**3. DISCUSSION/ACTION ITEMS**

**3.1 Village Assessment District Financial Analysis**

Council consideration of receiving the Financial Analysis Report, and receiving a report from the Village Advisory Committee.

Charlie Brewster, Big Bear Lake: discussed that he owns a business within the Village Assessment District. He reported that he would support an assessment increase as long as the City can justify the expenses, which he feels has not been done in the past. He stated that the Council's decision to stop the snow removal on the sidewalks was poorly timed because of the tremendous amount of storms that has hit the City this year, and urged the Council to rescind their direction to staff. He explained that right now there is some difference of opinions and trusts within the Village, however, it is time for the merchants and the City to sit down for open and honest discussions on how to resolve the issues.

Vaino Hoffren, Big Bear Lake: stated that when the Assessment District was initially formed the City took control of the sidewalks, which were then reconstructed and maintained by the City. The Village Assessment District was charged a certain amount, and a few years later that amount was reduced because more money was coming in than was needed. Now the City is asking for more funds without documentation or proof of where or how the money is being spent. He stated that a year ago he had presented the Council with his comments, concerns and questions regarding the assessment district budget, but never received a response.

City Manager Perry reported that the City received a letter from Mr. Dennis Large', who was unable to attend the meeting. Mr. Large' wrote that he is requesting that this item be tabled, because the Village Advisory Committee has met without proper notification, which is in violation of the Brown Act.

City Attorney Deitsch explained that the Village Advisory Committee would be subject to the Ralph M. Brown Act and its requirements for a posted agenda, if the committee has been in existence for a reasonable period of time. He stated that, following a discussion with the City Manager, it is his belief that the Village Advisory Committee is a standing committee, and therefore subject to the Ralph M. Brown Act requirements.

Mr. Perry stated that the Village Advisory Committee has not yet met, but will adhere to all Brown Act requirements.

Sherrie Kamphaus, Big Bear Lake: discussed her concerns that because the City stopped removing the snow from the sidewalks, the build-up of snow turned into ice and diverted water into her business, and several other businesses in the Village causing major flooding.

Colin Clark, Big Bear Lake: discussed his concerns regarding liability issues now that the City has stopped removing the snow from the sidewalks, and urged the City to work with the committee to discuss options to keep the sidewalks free of snow and ice. He also discussed flooding that is occurring under several of the buildings throughout the Village, and asked if a City employee could come out and look at it.

City Manager Perry responded that he would have City Engineer Rodriguez contact him.

Nona Clark, Big Bear Lake: discussed her concerns regarding the fact that the Village business owners should have been told from the very beginning that the City was not going to clean the sidewalks before it started to snow again. She stated that the City needs to take more responsibility for their actions because the flooding that occurred was horrible and the insurance companies will not cover the losses.

Motion by Councilmember Harris, seconded by Councilmember Jahn to direct staff to amend the Village Assessment District Budget to transfer \$21,545.10 from landscape planting/planter maintenance, to the snow removal budget, in order to allow the City to continue to remove snow from the Village Assessment District sidewalks, and direct the Village Advisory Committee to meet with the Village property and business owners to review budget expenses, and discuss issues related to the Village Assessment District.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill  
NOES: None

ABSENT: None  
ABSTAIN: None

### **RECESS**

At the hour of 9:00 p.m., Mayor Mulvihill declared a recess. At the hour of 9:10 p.m., Council reconvened.

#### **3.2 Summer 2005 Village Special Events**

Council consideration of directing the Village Advisory Committee to work with the Chamber of Commerce and Village merchants to plan the Summer 2005 Village Special Events, and recommend a budget for Council consideration.

Motion by Councilmember Conklin, seconded by Councilmember Jahn to appoint Councilmember Conklin and Councilmember Jahn to a Committee to work with the Chamber of Commerce and Village merchants to promote future events in the Village, and recommend a budget and a plan for Council consideration.

Said Motion was approved by the following vote:

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

#### **3.3 Department of Water & Power Landscape Ordinance**

Council consideration of introduction and first reading of an ordinance, which adds Chapter 15.66 to Article XV of the Big Bear Lake Municipal Code regulating landscaping.

Council directed staff to meet with the landscaper within the DWP Service area to discuss the sections in the ordinance that relate to the amount of turf that is allowed, as well as the time period DWP staff needs to review landscape plans before a permit is issued.

Said Motion was approved by the following vote:

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

### 3.4 Department of Water & Power Water Demand Offset Program Ordinance

Council consideration of introduction and first reading of an ordinance establishing a Water Demand Offset Program.

Council amended the ordinance as follows:

13.26.050 Implementation of the Water Demand Offset Program – Estimating the Water Demand to be Offset.

A. At the time a map or similar instrument is recorded, a developer will be required to offset a portion of the anticipated demand by paying a Water Demand Offset capacity charge equivalent to 0.5 1.0 EDU for each new lot that is created. Any water demand exceeding 0.5 EDU shall be offset by an applicant in accordance with the provisions of this Chapter. as a condition of receiving a water supply certification letter is required to ensure the Department has sufficient capacity to supply water to a new development. No new development will receive a water connection without a water supply certification letter.

B. An applicant shall calculate the total water demand to be offset as follows:

~~When any developer or property owner requests a water supply certification letter for a new development, he will be responsible for offsetting the estimated water demand of lot with credit provided for any offsets previously~~

1. When an applicant seeks a water connection for a lot where a Ssmall residential or and commercial development is being proposed, he will calculate his water demand using the water use factors provided in Table 1.

2. When an applicant seeks a water connection for a lot where a Llarge residential developments is being proposed, he may calculate his their water demand using the water use factors provided in Table 1, or he may elect to submit a Water Demand Study, which determines estimating the water demand of his proposed development.

3. When an applicant seeks a water connection for a lot where a Llarge commercial developments is being proposed, he will be are required to submit a Water Demand Study which determines estimating the water demand of his proposed development.

13.26.60 Implementation of the Water Demand Offset Program – ~~Offsetting the Estimated Water Demand~~ Use of the Water Demand Offset Capacity Charge

- B. Once established, the Water Demand Offset capacity charge will be paid to the Department for ~~by~~ all new development required to participate in this program and will be paid in addition to any other connection or supplemental water source fees imposed by the Department.
- C. The Water Demand Offset capacity charges collected by the Department will be specifically designated for future retrofit projects that create water capacity for new developments. ~~If a parcel or final map is not recorded with the County Recorder's Office, the Department will refund the capacity charges received.~~
- F. Water Demand Offset funds will be utilized ~~Water demand offset credit will be given~~ for turf reduction projects greater than 500 square feet. Any turf areas less than 500 square feet will not be eligible for Water Demand Offset funds. ~~demand offset credit.~~
- G. The Department will fund, up to a predetermined maximum amount of per square foot, the removal of ~~more than 500 square feet of existing turf~~ to as little as 500 square feet of remaining turf. The property owner will be responsible for the cost of removing the first 500 square feet on projects where all turf on the property will be removed.

13.26.080 Implementation of the Water Demand Offset Program – Procedure for Obtaining a Water Connection ~~Procedure for Obtaining a Water Supply Certification Letter.~~

In order to ensure the Department has sufficient capacity to supply water to a new development, ~~obtain a water supply certification letter, a developer or property owner shall do as follows: the following procedures shall be observed:~~

- A. ~~Submit an application for a water supply certification letter to the Department during the planning stage of the development but before final approval of the development.~~ The developer shall enter into a Water Demand Offset Agreement with the Department as a condition of obtaining the Department's representation that sufficient capacity exists to service the lots to be created.
- B. ~~If the proposed development is a residential subdivision or lot, the water demand calculations will be based on 1.0 EDU (0.28 acre ft. of water demand for each lot.~~ The Water Demand Offset Agreement

shall require that the developer pay that portion of the Water Demand Offset capacity charge necessary to offset 0.5 EDU of water demand for each new lot at the time the map of the new development or similar instrument is recorded with the county recorder.

- C. An applicant for a water connection shall calculate his water demand in accordance with section 13.26.050 B. of this Chapter. Thereafter, he shall submit a Water Demand Offset Application or Water Demand Study for review and approval by the Department.

~~If the proposed development is a small residential or commercial development, the Water Demand Offset Application, based on the water use factors in Table 1, shall be submitted to the Department for review.~~

- ~~D. If the proposed development is a large residential development electing to utilize the water use factors in Table 1, Water Demand Offset Application, based on the water use factors in Table 1, shall be submitted to the Department for review. The applicant shall have the option of submitting a Water Demand Study if he wishes to substantiate a lower water demand than that obtained using the water use factors.~~

- ~~E. If the proposed development is a large commercial development or a large residential development electing to submit a Water Demand Study, the Water Demand Study shall be submitted to the Department for review.~~

D.F. The Department will review the submitted Water Demand Study or Water Demand Offset Application, and return it to the applicant within 15 working days. The number of EDU's for the development required to be offset will be provided to the applicant with the Department's approval or comments.

- F. G. The Department will require the applicant to pay a Water Demand Offset capacity charge which will be based on the number of EDU's that the applicant will be required to offset. The Department will apply a credit for any previous payments of the Water Demand Offset capacity charge.

~~The applicant will be required to pay the Water Demand Offset capacity charge as may be approved by the City Council by resolution. A developer or property owner will be required to pay the balance of~~

~~any outstanding capacity charges at the time he purchases a water meter for the development.~~

Motion by Councilmember Jahn, seconded by Councilmember Conklin to direct staff to amend and prepare first reading at the February 14, 2005 City Council meeting an ordinance, entitled:

ORDINANCE NO. 2005-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 13.26 TO ARTICLE XIII OF THE BIG BEAR LAKE MUNICIPAL CODE ESTABLISHING A WATER DEMAND OFFSET PROGRAM FOR ALL NEW DEVELOPMENT

Said Motion was approved by the following vote:

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

**3.5 Modification to Community Development Block Grant Application - DOVES**

Council consideration of approving the modifications to DOVES of Big Bear Valley Project Year 2004-2005 CDBG application.

Motion by Councilmember Harris, seconded by Councilmember Jahn to approve the staff recommendation.

Said Motion was approved by the following vote:

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

**3.6 Planning Commission Appointment**

Council consideration of appointing a member to the Planning Commission to fill Mr. Jahn's unexpired term ending June 30, 2005; or, to fill Mr. Jahn's unexpired term and allow the appointee to hold over for a four-year term to June 30, 2009.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Dally to appoint Timothy Brigham to the Planning Commission to fill Mr. Jahn's unexpired term and allow the appointee to hold over for a four-year term to June 30, 2009.

Said Motion was approved by the following vote:

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

### **3.7 SANBAG Transportation Development Act (TDA) Article 3 Call for Projects**

Council consideration of discussing the various projects as presented, and directing staff on whether or not to file the applications, and their respective matching levels.

At the hour of 10:20 p.m., Councilmember Jahn was excused from the meeting due to a potential conflict of interest.

Motion by Councilmember Harris, seconded by Councilmember Conklin to direct staff to file the applications, and their respective matching levels.

Said Motion was approved by the following vote:

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

At the hour of 10:30 p.m., Councilmember Jahn rejoined the meeting.

### **3.8 Veterans' Park**

Council consideration of a contribution of \$10,000 from undesignated reserves toward the completion of Veteran's Park.

City Manager Perry reported that he had received a letter of support from Mr. Dennis Large', who was unable to attend the meeting. Mr. Large' wrote that his support is with the assurance that the City will include the installation of the Unknown Soldier monument and the Veteran's monument that are called for in the Park Master Plan.

Motion by Councilmember Conklin, seconded by Councilmember Jahn to approve a contribution of \$10,000 from undesignated reserves toward the completion of Veterans' Park.

Said Motion was approved by the following vote:

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

### **3.9 Draft 2005 City Council Goals**

Council consideration of approving the City Council Draft Short Term Goals and Long Term Goals for 2005.

Motion by Councilmember Conklin, seconded by Councilmember Jahn to approved the goals as presented.

Said Motion was approved by the following vote:

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

### **FUTURE AGENDA ITEMS**

Mayor Pro Tem Dally requested a discussion on the length of the City Council meetings.

Mayor Mulvihill requested a discussion on the current rates that are being charged by local taxicabs. City Manager Perry reported that staff has been researching that issue and once the investigation is complete, he intends to go over his findings with the Council.

### **CITY MANAGER REPORTS**

City Manager Perry discussed that the City Council will meet on Thursday, January 27<sup>th</sup> at 9:00 a.m., to discuss the future pavement, capital and operational needs of the City; as well as the possible additional revenue sources to fund the needs.

City Manager Perry stated that at an upcoming meeting, he would like to discuss the Council meeting set up and the costs involved to purchase new U-shaped tables.

**COUNCIL REPORTS**

Councilmember Conklin asked if the Council could be given a tour of Highway 18 to Lucerne Valley to see first hand the road conditions, in order to answer questions from the public. City Manager Perry stated that he would make arrangements with Caltrans.

**ADJOURNMENT:**

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 11:34 p.m.

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Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: March 14, 2005