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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
MARCH 14, 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, March 14, 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 Mayor Mulvihill

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

Councilmembers Excused: None

Others Present: Michael Perry, City Manager  
Stephen Deitsch, Best Best & Krieger, LLP City Attorney  
Katherine E. Jefferies, City Clerk/ACM  
Kathleen Smith, Finance Manager  
Dave Vasquez, Deputy City Manager Administrative Services

**RESULTS OF CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(a)  
Name of Parties: Citizens against Neighborhood Transient Occupant Rentals v  
City of Big Bear Lake  
Case Number: BBC 00733 – San Bernardino County Superior Court

City Attorney Deitsch reported that, although no reportable action was taken, the City has received a written request from Plaintiff to discuss Private Home Transient Rentals. The City also received from Plaintiff's attorney a short list of questions and a threat of filing litigation against the City. He stated that the City respectfully declines to respond to Plaintiff and their attorney, due to the recent litigation and threat of new litigation concerning private home transient rentals. Furthermore, the City ordinances, resolutions, regulations and past actions speak for themselves and are available to the public for review, including Plaintiff. Finally, the City notes that, regrettably, past communications between Plaintiff's attorney and the City did not produce positive results and merely led to the litigation by Plaintiff, which was recently dismissed in State Superior Court.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: City Streets and Rights-of-Ways  
Negotiating Parties: City Manager, City Attorney, and Big Bear Disposal  
Under Negotiation: Price and Terms of Payment

No reportable action.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: City Streets and Rights-of-Ways  
Negotiating Parties: City Manager, City Attorney, and Charter Communications  
Under Negotiation: Price and Terms of Payment

No reportable action.

**AGENDA APPROVAL**

Motion by Councilmember Conklin, seconded by Councilmember Jahn 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 Laramie Project” – April 1, 2, 3, 6, 8, 9, 10, 13, 15, & 16.

## **PRESENTATIONS**

Mayor Mulvihill read a Proclamation proclaiming March 28 – April 3, 2005, as “National Community Development Week.”

Fire Chief Morley reported that at 4:00 p.m., this afternoon Verizon had informed the City that the 911-microwave tower was not receiving power due to a problem with the main power source, as well as the propane generator, which supplies the back-up energy. He stated that at this point in time there has been no interruption of service, however, should the system fail a procedure has been set up for all 911 calls to be re-routed to the local fire stations and the Sheriff’s station to handle emergencies. He stated that it is anticipated that the problem would be fixed by tomorrow.

## **COMMITTEE REPORTS**

Councilmember Jahn presented a report on the Tax Election Committee, and reported that since the Ambulance Negotiation Committee has completed their assignment, the Committee will no longer meet.

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

None.

## **PUBLIC FORUM RESPONSE**

None.

### **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 2/24/05 through 3/8/05 – Check Nos. 26345 through 26480, in the amount of \$603,462.85**

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 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 Landscape Ordinance**

Council consideration of second reading and adoption of an ordinance adding Chapter 15.66 to Article XV of the Big Bear Lake Municipal; Code regulating landscaping.

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

**1.5 Fire Suppression Impact (Developer) Fees**

Council consideration of second reading and adoption of an ordinance adding Chapter 15.70 to the Big Bear Lake Municipal Code relating to the enactment of development impact fees to finance fire suppression facilities, vehicles and equipment.

Waived second reading and adopted the following ordinance, entitled:

ORDINANCE NO. 2005-347

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 15.70 TO THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO THE ENACTMENT OF DEVELOPMENT IMPACT FEES TO FINANCE FIRE SUPPRESSION FACILITIES, VEHICLES AND EQUIPMENT

**1.6 Performing Arts Center Foundation Reimbursement Agreement**

Council consideration of approving the Performing Arts Center Foundation Reimbursement Agreement.

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

**1.7 Approval of the Minutes from the Regular Meeting of January 24, 2005, the Workshop Meeting of January 27, 2005, the Workshop Meeting of February 7, 2005, the Workshop Meeting of February 14, 2005, and the Regular Meeting of February 14, 2005**

Approved as presented.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill  
NOES: None  
ABSENT: None  
ABSTAIN: Dally abstained from voting on Check No. 266446 under Item 1.1, in the amount of \$15.88, payable to the Paper Clip.

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

**1.4 Department of Water & Power Landscape Ordinance**

Council consideration of second reading and adoption of an ordinance adding Chapter 15.66 to Article XV of the Big Bear Lake Municipal; Code regulating landscaping.

Motion by Councilmember Jahn, seconded by Councilmember Harris to waive second reading and adopt the following ordinance, entitled:

**ORDINANCE NO. 2005-348**

**AN ORDINANCE OF THE CITY OF BIG BEAR LAKE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING CHAPTER 15.66 OF ARTICLE XV OF THE BIG BEAR LAKE MUNICIPAL CODE DEALING WITH THE REGULATION OF LANDSCAPING**

Said Motion was approved by the following vote:

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

**1.6 Performing Arts Center Foundation Reimbursement Agreement**

Council consideration of approving the Performing Arts Center Foundation Reimbursement Agreement.

Motion by Mayor Pro Tem Dally, seconded by Councilmember Harris to approve the Performing Arts Center Foundation Reimbursement Agreement.

Said Motion was approved by the following vote:

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

**3. PUBLIC HEARINGS**

**3.1 Water Demand Offset Fee Resolution**

Council consideration of a resolution approving the Water Demand Offset Fees.

At the hour of 6:51 p.m., Mayor Mulvihill opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2005-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA APPROVING A WATER DEMAND OFFSET CAPACITY CHARGE FOR ALL NEW DEVELOPMENT

Said Motion was approved by the following vote:

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

**4. DISCUSSION/ACTION ITEMS**

**4.1 Taxicab Company Charges**

Council discussion with staff taxicab regulations and rates.

Finance Manager Smith stated that this item was placed on the agenda at the request of Council because of claims that Big Bear Shuttle & Taxi was charging higher than normal rates to customers. She reported that, after investigating the matter and speaking with the owner of the company, she was unable to find any complaints that had been filed.

Peter Peralta, Owner of Big Bear Shuttle & Taxi: stated that all of his taxicabs operating in the city have the rates posted that customers are charged for mileage and/or time. He stated, however, that during the busy times, such as Oktoberfest and New Year's Eve, rental vans are used which do not have a meter. He stated that his drivers are aware of providing quality service, and if anyone has a complaint to please contact his office.

Council responded that, in order for the customers to be aware of the rates for time and mileage, a meter should be placed in all units that are operated within the city limits.

At the hour of 7:11 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 7:15 p.m., the Fire Protection District adjourned to Regular Council session.

**FUTURE AGENDA ITEMS**

None.

**CITY MANAGER REPORTS**

None.

**CITY COUNCIL REPORTS**

None.

**ADJOURNMENT:**

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 7:16 p.m.

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Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: April 11, 2005