



# CITY OF **BIG BEAR LAKE** *California*

## Regular Meeting Minutes – September 19, 2022

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Herrick at 6:00 p.m., Monday, September 19, 2022, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

### **OPEN SESSION**

- Flag Salute: Flag Salute led by Councilmember Putz
- Invocation: Invocation was led by Pastor Robert Grand from Summit Christian Fellowship.
- Councilmembers Present: Mayor Rick Herrick  
Mayor Pro Tem Bynette Mote  
Councilmember Alan Lee  
Councilmember Perri Melnick  
Councilmember Randall Putz
- Others Present: Erik Sund, City Manager  
Kelly Ent, Acting City Manager  
Erica Stephenson, City Clerk  
Stephen P. Deitsch, City Attorney

### **PRESENTATIONS**

- Introduction of new City employee – Erik Sund, City Manager – City Manager Department.
- Introduction of new City employee – Tracy Cui, Administrative Assistant – Administrative Services Department.
- Presentation of a Proclamation to California Interagency Incident Management Team 11 for their tireless efforts to protect the Big Bear Valley during the Radford Fire emergency.
- Michael Perry, Visit Big Bear CEO will provide a report on temporary housing efforts for Radford Fire personnel.
- Will Weisfeld, Visit Big Bear Events Director will present an overview of their Events, Shows and Activities.
- Arnold San Miguel, Southern California Association of Governments' Regional Affairs Manager, will be providing an update on Southern California Association of Governments (SCAG).

### **PUBLIC COMMUNICATIONS**

Charles Hicks, Big Bear Lake resident, introduced himself as a candidate for the Big Bear Airport District Board of Directors and reviewed his priorities as a board member, should he be elected; stated that he hopes the City Council and the Airport Board will work in tandem in the future regarding matters of common concern.

James Hayton, Big Bear Lake second homeowner, expressed his concerns with the aesthetics of a new business on Big Bear Boulevard as it doesn't add any charm to the community; indicated that he was sickened to see so many mature pine trees cut down to make way for the new construction of a hotel on the Boulevard.

Dawn Hartmeister, Big Bear Lake Rotary Club President, offered a re-cap on the Labor Day Fireworks show including the large number of volunteer hours; briefly discussed future upcoming Rotary-sponsored events; stated that she plans on keeping Council apprised of all Rotary events on a monthly basis.

Lisa Shower, Big Bear resident, expressed her concerns regarding comments a Councilmember made during the recent Democratic Club meeting; said she supports the only current recall effort of a Councilmember and urged District 1 residents to consider voting "yes" on that recall.

Gloria Meade, Big Bear City resident, expressed her disappointment regarding comments made by a Councilmember at the local Democratic Club meeting and thanked the other four Councilmembers for their service.

Theodore Trentman, Big Bear resident, acknowledged the vacation rental and lodging owners for offering their properties to fire personnel during the Radford Fire emergency; invited the community to a Potluck on Thursday, September 22.

Maureen Auer, Big Bear Lake resident, discussed regulations regarding election signs/banners and made related campaign financing comments; questioned the motives as to why Councilmember Lee expressed his preference to make the last Public Comment during recent Council meetings.

Ellen Clarke, Big Bear Chamber of Commerce Executive Director, shared that the Chamber of Commerce will be holding a local Candidate Forum event on Thursday, October 6, at the Civic Center Performing Arts Center and invited the community to attend.

Alan Lee, Big Bear Lake Councilmember, welcomed the new City Manager Erik Sund; invited the public to his 2<sup>nd</sup> Annual Community Unity event on Thursday, September 22 at Veteran's Park; expressed his appreciation for fire service personnel and indicated he was pleased that they were honored during this meeting; stated that he was delighted to see many candidates running for local elected offices during this election cycle.

## **1. CONSENT CALENDAR**

### **1.1 APPROVAL OF DEMANDS – CHECK ISSUE DATE 08/06/2022 THROUGH 09/01/2022 IN THE AMOUNT OF \$3,747,034.26 AND THE JULY 2022 TREASURER'S REPORT**

Approved.

### **1.2 APPROVAL OF MEETING MINUTES FROM THE JUNE 20, 2022 REGULAR MEETING OF CITY COUNCIL**

Approved.

### **1.3 APPROVAL OF MEETING MINUTES FROM THE JUNE 29, 2022 SPECIAL MEETING OF CITY COUNCIL**

Approved.

**1.4 APPROVAL OF MEETING MINUTES FROM THE JULY 18, 2022 REGULAR MEETING OF CITY COUNCIL**

Approved.

**1.5 RESOLUTION ADOPTING AMENDMENTS TO THE CITY’S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

City Council considered a formal resolution amending the City’s Conflict of Interest Code pursuant to the Political Reform Act of 1974. The proposed amendments to the Conflict of Interest Code are necessary to include two new staff positions that are required to be designated per Government Code.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-106**

**RESOLUTION ADOPTING AMENDMENTS TO THE CITY’S  
CONFLICT OF INTEREST CODE PURSUANT TO THE  
POLITICAL REFORM ACT OF 1974**

**1.6 RESOLUTION RESCINDING THE LOCAL STATE OF EMERGENCY DECLARED IN RESPONSE TO THE RADFORD FIRE**

City Council considered a formal resolution rescinding the City’s Declaration of a Local State of Emergency related to the Radford Fire. A State of Emergency was declared on September 6, 2022 by the Acting City Manager and was ratified by the City Council on September 9, 2022. The efforts of fire personnel were aided by precipitation received from tropical storm Kay and significantly reduce the threat posed by the Radford Fire to our community.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-107**

**RESOLUTION RESCINDING THE LOCAL STATE OF  
EMERGENCY DELCARED IN RESPONSE TO THE RADFORD FIRE**

**1.7 RESOLUTION ESTABLISHING AND APPOINTING A CITY COUNCIL AD HOC COMMITTEE FOR THE LEISURE BEAR MOBILE HOME PARK**

City Council considered a formal resolution establishing and appointing a City Council Ad Hoc Committee for matters related to the Leisure Bear Mobile Home Park. Effective August 1, 2022, the City Council authorized a 99-year ground lease of property owned by the Bear Valley Mutual Water Company, which includes the Leisure Bear Mobile Home Park. As the transition of the City to operate this facility continues, there will be considerable public outreach and engagement. The appointment of an Ad Hoc Committee for this work will allow for the City Council to be represented throughout this process but still allow for work to continue efficiently. The Ad Hoc Committee will remain in place, on an as needed basis, until it is determined that is no longer necessary.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-108**

**RESOLUTION ESTABLISHING AND APPOINTING A  
CITY COUNCIL AD HOC COMMITTEE FOR  
THE LEISURE BEAR MOBILE HOME PARK**

**1.8 RESOLUTION AUTHORIZING THE PURCHASE OF FLEET VEHICLES**

City Council considered a formal resolution authorizing the purchase of replacement fleet vehicles from Dave Smith Motors (Kellogg, ID) and Sunrise Ford (Fontana, CA). The proposed vehicles include two (2) Dodge Ram 2500 pickup trucks that are properly equipped to receive snowplows, which are the standard pickups for Public Works. The other proposed vehicle is a Ford Explorer that will be assigned to administration at City Hall. Funding is available in the adopted FY 2022-23 budget.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-109**

**RESOLUTION AUTHORIZING PURCHASE OF FLEET VEHICLES**

**1.9 RESOLUTION AUTHORIZING A BID SOLICITATION FOR DEMOLITION OF THE  
BUILDING AT 40986 BIG BEAR BOULEVARD**

City Council considered a formal resolution authoring staff to undertake a bid solicitation for the demolition of the building located at 40986 Big Bear Boulevard. Effective August 1, 2022, the City executed a 99-year ground lease for property owned by Bear Valley Mutual Water Company. The 19-acres includes the building at 40986 Big Bear Boulevard. The building, which is currently vacant, previously served as a sign shop and was most recently being remodeled. Staff has assessed the building and found it to be unsafe and in need of substantial repair should it look to be repurposed. The demolition of the building will alleviate the aesthetic and safety concerns as well as allow the property to be reimaged. Staff anticipates undertaking the bid solicitation immediately and presenting a contract for consideration in October 2022.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-110**

**RESOLUTION AUTHORIZING A BID SOLICITATION FOR  
DEMOLITION OF THE BUILDING AT  
40986 BIG BEAR BOULEVARD**

**1.10 RESOLUTION AUTHORIZING RENTAL AGREEMENTS AND PURCHASE ORDERS  
FOR SNOW REMOVAL EQUIPMENT FOR WINTER SEASON 2022-23**

City Council considered a formal resolution authorizing purchase orders and rental agreements associated with winter snow management equipment. The resolution authorizes staff to purchase the necessary cutting edges and tire chains to be used on the City's owned trucks and rented tractors. Additionally, the resolution will authorize the necessary rental agreements for loaders, backhoes, and dump trucks that will be used to support the City's winter operations. Funding for these efforts is included in the approved Fiscal Year 2022-23 annual budget.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-111**

**RESOLUTION AUTHORIZING RENTAL AGREEMENTS AND  
PURCHASE ORDERS FOR SNOW REMOVAL EQUIPMENT FOR  
WINTER SEASON 2022-23**

**1.11 RESOLUTION AUTHORIZING A CHANGE ORDER WITH SCHOCK CONTRACTING CORPORATION FOR THE STANFIELD MARSH BOARDWALKS IMPROVEMENTS PROJECT**

City Council considered a formal resolution authorizing a change order with Schock Contracting Corporation for the Stanfield Marsh Boardwalks Improvements Project. On August 1, 2022, the City Council awarded a contract to Schock Contracting Corporation for the Stanfield Marsh Boardwalks Improvements Project, which will remove and replace all existing wooden decking and handrails on the boardwalks which are original to the construction of the boardwalks from the mid-1990s. The proposed change order will be to install additional restraints and attachments, which are not currently installed, to provide additional structural integrity and seismic reinforcement. The contract with Schock Contracting Corporation is for \$853,150 and the total project budget is \$1,000,000 so there is sufficient funding available to bear the approximately \$75,000 cost of the change order.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-112**

**RESOLUTION AUTHORIZING A CHANGE ORDER WITH SCHOCK CONTRACTING CORPORATION FOR THE STANFIELD MARSH BOARDWALKS IMPROVEMENTS PROJECT**

**1.12 RESOLUTION REJECTING ALL BIDS FOR THE KNICKERBOCKER CHANNEL FENCE REPLACEMENT PROJECT AND AUTHORIZING STAFF TO RESOLICIT BIDS**

City Council considered a formal resolution rejecting all bids received for the Knickerbocker Channel Fence Replacement Project and authorize staff to resolicit bids for this project in early 2023. In June 2022, the City Council authorized staff to solicit bids for a project that would replace approximately 350 linear feet of chain link fence with new wrought iron fencing similar to that which was installed under a previous project. Staff conducted a public procurement process and all bids received were in excess of the project's budget of \$75,000, ranging from \$112,280 to \$191,573. Staff is working with the San Bernardino County Flood Control District to revise the design of the fence that should result in lower bid prices. Staff anticipates that the project would be bid again in the winter 2023 and work would commence in the Spring.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-113**

**RESOLUTION REJECTING ALL BIDS FOR THE KNICKERBOCKER CHANNEL FENCE REPLACEMENT PROJECT AND AUTHORIZING STAFF TO RESOLICIT BIDS**

**1.13 RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO SUPERIOR PAVEMENT MARKINGS, INC. FOR THE FALL CITYWIDE LINE STRIPING PROJECT**

City Council considered a formal resolution awarding a construction contract with Superior Pavement Markings, Inc. for the Fall Citywide Line Striping Project. The work included within the scope for this project is a restriping of all long (lane) lines throughout the City to enhance their visibility prior to the winter season. A subsequent effort will take place again, in the spring, as the budget allows for this work to be completed twice per year. The refreshed and painted roadway marking will promote traffic safety.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-114**

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO SUPERIOR PAVEMENT MARKINGS, INC. FOR THE FALL CITYWIDE LINE STRIPING PROJECT**

**1.14 ORDINANCE ADOPTING A NEGATIVE DECLARATION AND APPROVING ZONE CHANGE 2021-39 CHANGING THE ZONING DESIGNATION OF 40347 YORK LANE (APN 0308-082-08) FROM COMMERCIAL-VISITOR (C-3) TO SINGLE FAMILY RESIDENTIAL (R-1)**

City Council considered adopting an ordinance to change the zoning designation of vacant property addressed at 40347 York Lane (APN 0308-082-08). The requested change, from commercial-visitor to single family residential, is concurrently processed with an accompanying general plan amendment (GPA 2021-038) to amend the underlying land use designations. A Negative Declaration, prepared in accordance with the California Environmental Quality Act, concludes the request will not have a significant effect on the environment. City Council introduced the ordinance, read the title and waived further reading at the August 15, 2022 regular meeting.

Approved and adopted the following ordinance entitled:

**ORDINANCE NO. 2022-505**

**ORDINANCE ADOPTING A NEGATIVE DECLARATION AND APPROVING ZONE CHANGE 2021-039 CHANGING THE ZONING DESIGNATION OF 40347 YORK LANE (APN 0308-082-08) FROM COMMERCIAL-VISITOR (C-3) TO SINGLE FAMILY RESIDENTIAL (R-1)**

**1.15 RESOLUTION APPROVING A TASK ORDER WITH MERRELL-JOHNSON COMPANIES FOR SURVEY SERVICES RELATED TO THE RATHBUN CREEK TRAIL PHASE II PROJECT**

City Council considered a formal resolution approving a task order with Merrell-Johnson Companies for survey services related to the Rathbun Creek Trail Phase II Project. The City's adopted Five-Year Capital Improvement Program contemplates the development and construction of Phases II & III of the Rathbun Creek Trail Project, which at build out will connect the San Bernardino National Forest to the shores of Big Bear Lake. Phase I, from Elm Street to Big Bear Boulevard, is already complete. In order to proceed with the engineering design of Phase II, staff solicited proposals for surveying

services from the City’s on-call engineering and surveying firms. Staff is recommending approval of a Task Order with Merrell-Johnson Companies for this assignment, which will provide the necessary base map for the design to be built upon.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-115**

**RESOLUTION APPROVING A TASK ORDER WITH MERRELL-JOHNSON COMPANIES FOR SURVEY SERVICES RELATED TO THE RATHBUN CREEK TRAIL PHASE II PROJECT**

Motion made by Councilmember Putz, seconded by Councilmember Melnick, to approve the consent calendar with Mayor Herrick abstaining from Item 1.10 due to a potential conflict of interest.

Said motion was approved by the following vote:

AYES: Melnick, Putz, Mote, Herrick  
NOES: None  
ABSTAIN: Lee  
ABSENT: None

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

**2. PUBLIC HEARINGS**

**2.1 RESOLUTION APPROVING VACATION OF RIGHT-OF-WAY APPLICATION 2021-140 FOR AN APPROXIMATELY 217 SQUARE FOOT PORTION OF FRANCIS WAY ADJACENT TO 199 AND 205 LAGUNITA LANE, APN’S 0307-071-36, 43 & 44, AND FINDING THE ACTION CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

City Council received a report from Janice Etter, Senior Principal Planner; then conducted a public hearing and considered a formal resolution for a Vacation of Right-of-Way application 2021-140 to abandon a 217 square foot portion at the terminus of Francis Way. Upon abandonment, the adjoining property owner could then pursue a lot merger to combine property addressed at 199 and 205 Lagunita Lane (APN 0307-071-36, -43 & -44).

At the hour of 7:27 p.m., Mayor Herrick opened the public hearing; seeing no speakers, Mayor Herrick closed the public hearing at 7:27 p.m.

A motion was made by Mayor Pro Tem Mote, seconded by Councilmember Melnick, to approve staff’s recommendation and adopt the following resolution entitled:

**RESOLUTION NO. 2022-116**

**RESOLUTION APPROVING VACATION OF RIGHT-OF-WAY APPLICATION 2021-140 FOR AN APPROXIMATELY 217 SQUARE FOOT PORTION OF FRANCIS WAY ADJACENT TO 199**

**AND 205 LAGUNITA LANE, APN'S 0307-071-36, 43 & 44, AND  
FINDING THE ACTION CATEGORICALLY EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Said motion was approved by the following vote:

AYES: Lee, Putz, Melnick, Mote, Herrick  
ANOES: None  
ABSTAIN: None  
ABSENT: None

**2.2 RESOLUTION APPROVING GENERAL PLAN AMENDMENT 2021-019 AND  
ORDINANCE APPROVING DEVELOPMENT CODE AMENDMENT 2022-046,  
PERTAINING TO THE LAND USE ELEMENT, 2021-2029 HOUSING ELEMENT, AND  
CORRESPONDING ZONING AMENDMENTS**

Sue O'Strander, Director of Community Development provided a brief presentation on this item and described an additional section (recital) that needed to be included in the proposed Resolution and Ordinance language that had been included in this Agenda packet. In addition, Sue O'Strander read aloud the title of the proposed Ordinance. Then the City Council conducted a public hearing and considered the formal resolution to adopt the 2021-2029 Housing Element, which has been revised to accommodate comments received from the State Department of Housing and Community Development (HCD) over the past several months. As part of the resolution, City Council also considered amending the General Plan Land Use Element and General Plan Land Use Map to establish a new High Density Residential (HDR) land use designation under Policy L 1.1 to accommodate densities of 20 to 24 dwelling units per acre to encourage multifamily developments to meet the State housing goal requirements. Lastly, City Council considered an ordinance approving a corresponding zone change on six parcels (APNs 311-411-13, 311-411-17, 311-421-02, 311-421-03, 311-421-39, and 2328-301-25) – five of which are located near the intersection of Eagle Ridge and Starvation Flats Road, and one located on the south side of Moonridge Road, just west of Evergreen Drive.

At the hour of 7:46 p.m., Mayor Herrick opened the public hearing; seeing no speakers, Mayor Herrick closed the public hearing at 7:46 p.m.

A motion was made by Mayor Pro Tem Mote, seconded by Councilmember Putz, to approve all three of staff's recommendations (including the proposed recital additions) and reading the title, waiving further reading and introducing an ordinance entitled:

**ORDINANCE NO. 2022-xxx**

**ORDINANCE APPROVING DEVELOPMENT CODE AMENDMENT 2022-046,  
AMENDING THE ZONING MAP TO ESTABLISH THE R-4 ZONE DISTRICT AND  
AMENDING CHAPTERS 17.02 (DEFINITIONS), 17.03 (GENERAL PROCEDURES),  
17.25 (RESIDENTIAL ZONES), AND 17.35 (COMMERCIAL AND PUBLIC ZONES)  
AND FINDING THESE AMENDMENTS EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT**



and adopting a resolution (including the proposed recital addition) entitled:

**RESOLUTION NO. 2022-117**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING  
GENERAL PLAN AMENDMENT 2021-19 TO UPDATE THE 2021-2029 HOUSING  
AND LAND USE ELEMENTS AND FINDING THE ACTION EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Said motion was approved by the following vote:

AYES: Putz, Lee, Mote, Melnick, Herrick  
ANOES: None  
ABSTAIN: None  
ABSENT: None

At the hour of 7:48 p.m., Mayor Herrick called a short recess.

At the hour of 7:53 p.m., Mayor Herrick reconvened the meeting.

**3 DISCUSSION/ACTION ITEMS**

**3.1 DISCUSSION - CITY COUNCIL POLICY, PROCEDURES, AND RULES OF ORDER MANUAL**

At the City Council's August 15, 2022 Meeting, an Agenda item request was made by Mayor Pro Tem Bynette Mote and seconded by Mayor Rick Herrick to review the City Council Policy, Procedures and Rules of Order Manual (Rules of Order).

Stephen P. Deitsch, City Attorney provided a detailed overview of the Council's Rules of Order document. Council reviewed and discussed the Rules of Order, and provided the following direction to staff as to what related topics to include for further consideration at a future meeting.

A motion was made by Mayor Herrick, seconded by Councilmember Melnick, to include a future Agenda item, proposing an ordinance related to City Council proof of domicile requirements.

A motion was made by Mayor Herrick, seconded by Mayor Pro Tem Mote, to bring back a discussion item related to City Councilmember attendance and adherence to the established rules.

A motion was made by Councilmember Lee to bring back an item requiring Councilmembers to indicate what specific contributions (reporting beyond the minimum State requirements) Councilmembers receive from local vendors that do business with the City.

Erik Sund, City Manager, suggested that staff agendize a discussion/action item that provides a broad overview of all State campaign contribution and conflict of interest reporting requirements and allowing for Council discussion regarding the potential for further political reform, but on a more localized level.

A motion was made by Mayor Herrick, seconded by Councilmember Melnick, to go forward with the City Manager's suggestion and include that discussion item on a future Agenda.

#### **4. COMMENTS, ANNOUNCEMENTS & ADDITIONAL CITY BUSINESS**

##### **4.1 CITY CLERK, CITY ATTORNEY, CITY MANAGER COMMENTS**

Erica Stephenson, City Clerk, welcomed City Manager Erik Sund to the City of Big Bear Lake.

Stephen Deitsch, City Attorney, echoed Erica Stephenson's comments and welcomed Erik Sund to the City of Big Bear Lake.

Kelly Ent, Acting City Manager, thanked Council and the community for their support during her time as Acting City Manager; welcomed incoming City Manager Erik Sund.

Erik Sund, City Manager, expressed his gratitude for the warm welcome and support; said he is ready to get to work.

##### **4.2 COUNCILMEMBER BOARD/COMMITTEE REPORTS & COMMENTS**

Councilmember Putz shared some highlights from the League of California Cities Annual Conference that was held from September 7 to September 9.

Councilmember Lee welcomed City Manager Erik Sund and invited him to his upcoming Community Unity event.


Councilmember Melnick expressed her appreciation to everyone that was involved in the mitigation of the Radford Fire; thanked Kelly Ent for stepping in as Acting City Manager and welcomed Erik Sund and his family to the community.

Mayor Pro Tem Mote reported on the August 17 Mountain Transit Board Meeting and the August 24 Big Bear Area Regional Wastewater Agency Board Meeting; welcomed Erik Sund to the City.

Mayor Herrick thanked City staff, specifically Kelly Ent, for their efforts during the Radford Fire emergency; stated that he is looking forward to working with City Manager Erik Sund.

#### **ADJOURNMENT**

There being no further business to come before the Council at this Open Session, Mayor Herrick adjourned the meeting at 9:38 p.m. in honor of Cheryl Fish.

  
Erica Stephenson, City Clerk