



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

## Regular Meeting Minutes – March 7, 2022

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Herrick at 3:30 p.m., Monday, March 7, 2022, at the Big Bear Lake Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

**PUBLIC FORUM FOR CLOSED SESSION:** None.

At the hour of 3:30 p.m., Council adjourned to Closed Session.

At the hour of 5:00 p.m., Mayor Herrick called Open Session to order.

### **OPEN SESSION**

Flag Salute: Flag Salute led by Mayor Pro Tem Mote

Invocation: Invocation was led by Jay Walden, Transitional Lead Pastor for Bear Valley Church Big Bear

Councilmembers Present: Mayor Rick Herrick  
Mayor Pro Tem Bynette Mote  
Councilmember Alan Lee  
Councilmember Perri Melnick  
Councilmember Randall Putz

Others Present: Stephen P. Deitsch, City Attorney  
Erica Stephenson, City Clerk

Mayor Herrick asked for Council to consider adding an Urgency Item to the Agenda for discussion and possible action in relation to appointing an Interim City Manager. Stephen Deitsch, City Attorney, discussed the two findings that need to be made in order for Council to add an item on the agenda.

A motion was made by Councilmember Putz, seconded by Mayor Pro Tem Mote, to add the Urgency Item suggested by Mayor Herrick to the agenda.

Said motion was made by the following vote:

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

### **RESULTS OF CLOSED SESSION**

#### **1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957**

Title of Position: City Manager

No Reportable Action.

**2. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO Govt. Code Sec. 54957.6**

Agency designated representatives: Mayor Rick Herrick and City Attorney Stephen P. Deitsch  
Unrepresented employee: City Manager

No Reportable Action.

**3. PUBLIC EMPLOYEE DISMISSAL / RELEASE PURSUANT TO Govt. Code Sec. 54957**

No Reportable Action.

**EMPLOYMENT STATUS OF CITY MANAGER DISCUSSION/ACTION**

Joseph Sanchez, BB&K Labor Attorney, gave a brief synopsis of the proposed Mutual Separation, Settlement, and Release Agreement between Frank A. Rush, Jr. and the City of Big Bear Lake; and answered a myriad of questions from the City Council.

A motion was made by Mayor Pro Tem Mote, seconded by Councilmember Putz, to approve the Mutual Separation, Settlement, and Release Agreement as written

Council engaged in a discussion regarding the agreement.

Mayor Herrick invited up speakers who wanted to speak on this item. The following individuals approached Council:

Mike Rotman, Big Bear Lake resident, recalled that working with Frank Rush was an overall positive experience as he listened to the concerns of the residents and implemented solutions that have proven to be effective; stated that he hopes the next City Manager can be as professional, open and transparent as Frank Rush was/is.

Sierra Orr, Big Bear City resident, thanked Frank Rush for his visionary leadership; questioned how Councilmember Lee has protected and advocated for Frank Rush and other City employees as a professional Union Representative and Organizer and said that he is responsible for Frank Rush's departure; implored Councilmember Lee to resign from his position of City Councilmember.

Steve Pontell, Big Bear Lake resident, apologized for not being more involved in the community in the recent years and committed to being more actively involved going forward.

Sarah Simoneau, Sugarloaf resident, thanked Frank Rush for all he has done for the Big Bear Valley over the last two years; said that she is committed to becoming more involved in City matters.

Carol Wentz, Big Bear resident, said she was saddened by the news of Frank Rush's resignation and questioned how Councilmember Lee's negative behavior has been continuing for so long.

Patrice Carlisle, Big Bear resident, stated that she no longer supports Councilmember Lee as he has not lived up to his principles and promises; said his bullying behavior needs to stop.

Brian Hathorn, Big Bear Lake second-home owner, said Councilmember Lee created a toxic work environment and his conduct caused a good City employee to leave; asked Councilmember Lee to resign.

Miguel Gonzalez, Big Bear City resident, stated that Councilmembers must respectfully present themselves as Councilmembers at all times; indicated that respect is earned when respect is given.

Alaine Uthus, Big Bear resident, questioned why Councilmember Lee does not look any speakers in the eye when they are speaking.

Tom Sitton, Big Bear resident, read aloud an email he sent to Councilmember Lee back in February 2021.

Lorie Johnson, Big Bear resident, stated that the wrong City official has resigned; indicated that the only way to correct this injustice is at the ballot box as trust has been placed in someone that does not deserve it.

Dottie Saville, Big Bear Lake resident, said Council business needs to be done in a civil manner and the City has never had a Councilmember as disrespectful as Councilmember Lee; stated Councilmember Lee's letters and cartoons have created discord and don't represent both sides of the issue/story; hopes that as a community we can respect one another's differences.

Liz Harris, Big Bear Lake resident, thanked Frank Rush for his visionary approach and hard work; said her heart is broken for him and the community and that it is a sad day because Frank is leaving.

The motion to accept and approve the Mutual Separation, Settlement, and Release Agreement was approved by the following vote:

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

### **URGENCY ITEM: INTERIM CITY MANAGER DISCUSSION/ACTION**

City Council discussed the possibility of appointing former City Manager Jeff Mathieu as Interim City Manager.

Following Council discussion, a motion was made by Councilmember Melnick, seconded by Mayor Pro Tem Mote, to direct the City Attorney, Mayor Herrick, and Mayor Pro Tem Mote to engage in negotiations with Jeff Mathieu and to bring back the proposed limited-duration City Manager employment agreement for formal consideration at a Special Meeting.

Said motion was approved by the following vote:

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

At the hour of 6:04 p.m., Mayor Herrick called a short recess.

At the hour of 6:10 p.m., Mayor Herrick reconvened the meeting.

## **PUBLIC COMMUNICATIONS**

Dawn Rowe, San Bernardino County Supervisor, introduced her new Chief of Staff and new Field Representative; gave a brief update on the County's priorities in the mountain region; presented a certificate of recognition for Frank A. Rush, Jr.

Gloria Meade, Big Bear City resident, asked that the City consider leaving up the Christmas lights in the Village all year round.

Mickey Peterson, President of the Big Bear Association of Realtors, discussed the Big Bear Association of Realtors' position regarding the SB 9 legislation.

Tom Sitton, Big Bear Lake resident, does not support the idea of metered parking in the Village and said most merchants in the Village also do not support metered parking.

Tim Brigham, Big Bear City resident, said he has never seen such anger and divisiveness on a governing board or body; thanked the majority of the Council for their professionalism and leadership.

Andrew Goodwin Brown, Big Bear Lake resident, expressed his concerns with Councilmember Lee's virtual town hall meeting by indicating that it was not made available or accessible to everyone equally.

Reggie Lamson, Big Bear Lake resident, corrected statements Councilmember Lee has made in relation to lowering water rates for DWP customers.

Diana Havey, Big Bear resident, discussed recent and upcoming events hosted by the Lion's Club.

Maureen Auer, Big Bear Lake resident, addressed Councilmember Lee's latest newsletter, the Big Bear Post, published on February 16, 2022 and cleared up some misinformation being communicated about her by Councilmember Lee.

Jim Hart, Big Bear Lake resident, said that he regularly attends Council meetings and doesn't recognize the majority of those in attendance of this meeting.

### **1. CONSENT CALENDAR**

#### **1.1 APPROVAL OF DEMANDS – CHECK ISSUE DATE 1/21/2022 THROUGH 2/22/2022 IN THE AMOUNT OF \$1,339,121.02 AND THE JANUARY 2022 TREASURER'S REPORT**

Approved.

#### **1.2 APPROVAL OF MEETING MINUTES FROM THE FEBRUARY 7, 2022 REGULAR MEETING OF CITY COUNCIL**

Approved.

#### **1.3 ORDINANCE AMENDING CHAPTER 16.07 – SUBDIVISIONS – AND CHAPTER 17.25 – RESIDENTIAL ZONES – OF THE MUNICIPAL CODE TO IMPLEMENT SB 9 AND REGULATE URBAN LOT SPLITS AND ADDITIONAL UNITS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

City Council will consider adoption of an ordinance that implements SB 9, establishes a ministerial process for approval of urban lot splits and additional units, and includes various regulations intended to promote and preserve single-family neighborhood characteristics to the maximum extent possible. The proposed amendment to Chapter 16.07 – Subdivisions - includes the addition of section 16.07.060 - Urban Lot Splits - to allow and regulate these lot splits on R-L (residential low) and R-1 (single-family) zoned properties citywide. Proposed amendments to Chapter 17.25 – Residential Zones, specifically section 17.25.130 - Second Units and Two-Unit Projects, would allow and regulate such projects in the R-L (residential low) and R-1 (single-family) zone districts citywide. City Council introduced the ordinance, read the title, and waived further reading at the February 7, 2022 regular meeting.

Approved and adopted the following ordinance entitled:

**ORDINANCE NO. 2022-500**

**ORDINANCE AMENDING CHAPTER 16.07 – SUBDIVISIONS - AND CHAPTER 17.25 - RESIDENTIAL ZONES - OF THE MUNICIPAL CODE TO IMPLEMENT SB 9 AND REGULATE URBAN LOT SPLITS AND ADDITIONAL UNITS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**1.4 RESOLUTION AUTHORIZING 2022 MEMORIAL DAY AND LABOR DAY FIREWORKS DISPLAYS**

City Council will consider a formal resolution authorizing Visit Big Bear to produce fireworks displays on the upcoming Memorial Day and Labor Day holiday weekends. The events and impacts are expected to be similar to the traditional July 4 fireworks display in Big Bear Lake. The proposed resolution specifically exempts the proposed Memorial Day and Labor Day fireworks displays from the City’s major special event permitting process, in the same manner that the July 4 fireworks display is exempt.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-21**

**RESOLUTION AUTHORIZING 2022 MEMORIAL DAY AND LABOR DAY FIREWORKS DISPLAYS**

**1.5 RESOLUTION AUTHORIZING A BID SOLICITATION FOR THE SMORE I PROJECT**

City Council will consider a formal resolution authorizing a bid solicitation for the SMORE I Project. The SMORE I Project is designed to improve bicycle and pedestrian connectivity in the Stanfield Marsh area by constructing new paved paths from the existing parking lots to the boardwalks and from the easterly terminus of the boardwalks toward Division Creek. This is one of several improvement projects in the Stanfield Marsh area that are included in the Five-Year Capital Replacement / Improvement Plan. If the Council authorizes this bid solicitation, staff anticipates a construction contract award in May or June to facilitate construction activity taking place this summer. The project is primarily funded by an Environmental Enhancement and Mitigation Grant, with the local match provided by transient occupancy taxes derived from overnight visitors to Big Bear Lake.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-22**

**RESOLUTION AUTHORIZING A BID SOLICITATION FOR THE  
SMORE I PROJECT**

**1.6 RESOLUTIONS AUTHORIZING CONSTRUCTION CONTRACTS FOR ROTARY PARK  
IMPROVEMENTS**

City Council will consider two formal resolutions authorizing two construction contracts for planned improvements at Rotary Park. At its November 1, 2021 meeting, the City Council reviewed options for benches, trash receptacles, and light fixtures, and authorized the purchase of these materials at that meeting. The attached resolutions presented on March 7 authorize a construction contract with 3P Construction, Inc., Menifee, CA, in the amount of \$66,375 for the installation of lighting improvements at Rotary Park, and also authorize a contract with Harris Steel Fence Company, Los Angeles, CA, in the amount of \$52,770 for the purchase and installation of new fencing. City staff will install new benches and trash receptacles. Sufficient funds are available in the FY 2021-22 City budget for these improvements. If approved by Council, these improvements will be installed in Spring 2022.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-23**

**RESOLUTION AUTHORIZING A CONSTRUCTION CONTRACT FOR  
THE ROTARY PARK FENCING PROJECT**

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-24**

**RESOLUTION AUTHORIZING A CONSTRUCTION CONTRACT FOR  
THE ROTARY PARK LIGHTING PROJECT**

**1.7 RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FROM  
ENGINEERING FIRMS TO PREPARE THE CITY'S LOCAL ROADWAY SAFETY PLAN**

City Council will consider a formal resolution authorizing staff to solicit proposals from qualified engineering firms to prepare the City' Local Roadway Safety Plan. A Local Roadway Safety Plan is a document that is prepared by local agencies to analyze and prioritize safety improvements on local roads. The City's Local Roadway Safety Plan would then become a part of the State's Strategic Highway Safety Plan, which satisfies certain requirements associated with federal funding. An adopted Local Roadway Safety Plan will become a requirement for future highway improvement and safety grants that are administered by the State, and the plan will aid in preparing future applications. The City has been awarded a \$40,000 grant to develop this plan, and will provide a \$10,000 local match. If approved by Council, City staff will solicit proposals in March, and expects to present a contract recommendation to Council in May.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-25**

**RESOLUTION AUTHORIZING THE SOLICITATION OF  
PROPOSALS FROM ENGINEERING FIRMS TO PREPARE THE  
CITY'S LOCAL ROADWAY SAFETY PLAN**

**1.8 RESOLUTION AUTHORIZING A JOINT DEFENSE, COMMON INTEREST, AND  
CONFIDENTIALITY AGREEMENT RELATED TO THE MS4 PERMIT**

City Council will consider a formal resolution authorizing the execution of a Joint Defense, Common Interest and Confidentiality agreement between San Bernardino County, the San Bernardino County Flood Control District, and fifteen (15) cities within the County for mutual legal counsel services associated with the pending release of an updated municipal separate storm sewer system (MS4) permit for San Bernardino County. MS4 permits are highly complex regulatory documents that provide guidance, direction, and regulations associated with the operation of the storm drainage system to mitigate the inflow of pollutants into stormwater that are administered by the local branch of the State Regional Water Quality Control Board. The MS4 permit for San Bernardino County covers the entire County, including the unincorporated area, the Flood Control District, and fifteen (15) incorporated cities and given the impacts across the board, the County has retained Meyers Nave, a regulatory law firm, to provide joint legal counsel related to the MS4 permit to all participating agencies. This agreement will provide the City the opportunity to garner support and feedback related to the MS4 permit, will have this law firm negotiating terms of the proposed permit with the Board, and provide additional technical support. This agreement does not replace the need for the City to maintain their own legal representation, including for matters related to the MS4, but does provide additional resources to support the City. The cost of these services is distributed among all participants in the San Bernardino County MS4 permit, and is already included in the City's annual contribution of \$11,107. This agreement has been vetted by the City Attorney and is presented for the City Council's consideration.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-26**

**RESOLUTION AUTHORIZING A JOINT DEFENSE, COMMON  
INTEREST, AND CONFIDENTIALITY AGREEMENT  
RELATED TO THE MS4 PERMIT**

**1.9 RESOLUTION AUTHORIZING SUBMISSION OF THE 2021 ANNUAL GENERAL PLAN  
AND HOUSING ELEMENT PROGRESS REPORTS**

City Council will consider a formal resolution directing staff to submit two required annual progress reports to the State of California. The Housing Element Annual Progress Report (APR) will be submitted to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) prior to the April 1 deadline, and tracks the number of residential units permitted or built over the past year. The General Plan Progress Report will be submitted to the Governor's Office of Planning and Research (OPR), and outlines the City's progress toward implementing the goals and policies included in the General Plan.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-27**

**RESOLUTION AUTHORIZING SUBMISSION OF THE 2021  
GENERAL PLAN AND HOUSING ELEMENT  
PROGRESS REPORTS**

**1.10 RESOLUTION AUTHORIZING A FEE SCHEDULE AMENDMENT REMOVING ADMINISTRATIVE FEES FOR PROCESSING BUSINESS LICENSE MODIFICATIONS**

City Council will consider a formal resolution amending the City's Master Fee Schedule to eliminate business license fees and home occupation permit fees associated with businesses that relocate after securing the required initial license and/or permit. A business that relocates would still be required to amend the license and/or permit to ensure compliance with applicable Municipal Code and Development Code requirements, however, no fee would be charged for the associated review.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-28**

**RESOLUTION AUTHORIZING A FEE SCHEDULE AMENDMENT  
REMOVING ADMINISTRATIVE FEES FOR PROCESSING  
BUSINESS LICENSE MODIFICATIONS**

**1.11 RESOLUTION AUTHORIZING A PURCHASE ORDER FOR NEW PUBLIC WORKS TRUCKS**

City Council will consider a formal resolution authorizing a purchase order with Dave Smith Motors, Kellogg, ID, for the purchase of three (3) heavy duty pickup trucks to support Public Works operations. The approved FY 2021-22 City budget includes funding for the replacement of one (1) existing fleet vehicle in Public Works, and also for the purchase of two (2) new vehicles to support additional litter collection and parks maintenance staff in Public Works. Staff has identified heavy duty pickup trucks as the appropriate vehicles for these usages, with the preferred vehicle being a Dodge Ram 2500. These are the primary utilized vehicles within Public Works and they can accommodate the addition of a snow plow. Staff has been shopping for these vehicles since the beginning of the fiscal year and, based upon the supply chain concerns resulting from the COVID-19 pandemic and the notable microchip shortage, vehicles have been difficult to locate and are generally at a higher price point. Staff has pursued these vehicles through the usual channels, including the Sourcewell purchasing collective and local dealerships, none of which will even provide pricing due to the uncertain ability to deliver the requested vehicles. Through their diligence, staff has pursued nontraditional channels to source these, including looking out of State. Staff has identified the appropriate vehicles, three (3) Dodge Ram 2500 pickup trucks that are available through Dave Smith Motors, Kellogg, ID, and are available for immediate purchase and delivery. Staff has found their pricing to be competitive despite the short supply. The total purchase price for these vehicles is \$168,087.

Approved and adopted the following resolution entitled:

**RESOLUTION NO. 2022-29**

**RESOLUTION AUTHORIZING A PURCHASE ORDER FOR NEW  
PUBLIC WORKS TRUCKS**

Motion made by Councilmember Melnick, seconded by Mayor Pro Tem Mote, to approve the Consent Calendar with Mayor Herrick abstaining on Item 1.4 due to a potential conflict of interest and Mayor Pro Tem Mote voting “no” on Item 1.3.

Said motion was approved by the following vote:

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

### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

Mayor Herrick recommended that the order of the agenda be modified.

A motion was made by Councilmember Putz, seconded by Councilmember Melnick, to re-arrange the items on the agenda so that Item 3.1, Resolution Amending Council Rules of Order, could be discussed prior to the scheduled Public Hearing item regarding Redistricting. No objections were made to modify the order of Agenda.

### **3. DISCUSSION/ACTION ITEMS**

#### **3.1 RESOLUTION AMENDING CITY COUNCIL RULES OF ORDER**

City Council will consider a formal resolution amending various provisions in the Rules of Order per City Council’s direction to staff during the February 25, 2022 Special City Council Meeting. The proposed amendments are modeled after the Rules of Order utilized by the City of Victorville, and incorporate various other provisions from the most recent version of the City of Big Bear Lake Rules of Order adopted in November 2021.

Erica Stephenson, City Clerk, briefly presented the item and informed Council that she and/or the City Attorney can answer any questions.

Following Council discussion, a motion was made by Councilmember Putz, seconded by Mayor Herrick, to approve and adopt the following resolution with Mayor Pro Tem Mote’s recommended revisions including that proof of residency be confirmed once the Manual is adopted, that the live feed and recording of Regular and Special Council meetings be uninterrupted, and that Councilmember Comments are limited to only City-appointed boards and/or commissions, adopted resolution entitled:

#### **RESOLUTION NO. 2022-30**

#### **RESOLUTION AMENDING CITY COUNCIL RULES OF ORDER**

Said motion was approved by the following vote:

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

ABSENT: None

## **2. PUBLIC HEARING**

### **2.2 ORDINANCE AMENDING SUBSECTION 1.12.050(B) OF THE BIG BEAR LAKE MUNICIPAL CODE REGARDING BY-DISTRICT ELECTIONS TO ADJUST THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND TO CONFIRM SUCH REVISED COUNCIL DISTRICT BOUNDARIES**

City Council will receive a presentation, conduct a public hearing, and continue the City's decennial redistricting process by reviewing two draft district map options. If Council selects one of the two map options, Council may introduce an ordinance adopting new City Council district maps at the March 7 meeting, with final adoption scheduled for the April 4 meeting. All California public agencies that hold elections by district must ensure that their district boundaries are mapped according to the latest U.S. Census results and in accordance with California's new Fair Maps Act. Decennial redistricting is required in an effort to balance the City's population within the 5 Council districts and ensure proper consideration for communities of interest. This is the fourth of four required public hearings scheduled to allow for Council and community engagement, discussion, and legally-compliant district development. At the February 7 meeting, City Council reviewed eighteen draft map options and reached a consensus regarding their preference for two maps - Map 1 and Map 5B, and additional analysis of these two maps will be provided at the March 7 meeting.

At 7:00 p.m., Stephen Dietsch, City Attorney, introduced Scott Smith, BB&K Partner, to present the item. Scott Smith reviewed the two final map options and the respective findings in regard to deviation and voter disruption; answered a myriad of Council's questions.

At the hour of 7:07 p.m., Mayor Herrick opened the Public Hearing. Seeing no speakers come forward, Mayor Herrick closed the Public Hearing at the hour of 7:07 p.m.

Following Council discussion of their preferred maps, a motion was made by Councilmember Putz, seconded by Mayor Herrick, to move forward with Map Option 1; encourage future Council's to continue to work towards further compacting the districts during future redistricting processes and to approve staff's recommendation to read the title, waive further reading, and introduce an ordinance entitled:

#### **ORDINANCE NO. 2022-xxx**

#### **ORDINANCE AMENDING SUBSECTION 1.12.050(B) OF THE BIG BEAR LAKE MUNICIPAL CODE REGARDING BY-DISTRICT ELECTIONS TO ADJUST THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND TO CONFIRM SUCH REVISED COUNCIL DISTRICT BOUNDARIES**

Said motion was approved by the following vote:

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

### **2.1 ORDINANCE AMENDING TABLE 17.35.040.A (ACCESSORY USES AND STRUCTURES PERMITTED IN COMMERCIAL AND PUBLIC ZONES) TO ALLOW CONSIDERATION**

**OF DEMONSTRATION AREAS, SUBJECT TO A CONDITIONAL USE PERMIT, IN THE C-2, C-3 AND C-4 ZONE DISTRICTS CITYWIDE**

City Council will conduct a public hearing to receive comments, consider reading the title, waive further reading, and introduce a proposed ordinance amendment to the Development Code to allow a new accessory use in conjunction with and incidental to an allowed principal primary use onsite. Several businesses have expressed interest in outdoor demonstration areas, typically with retail and/or equipment rental operations. The Planning Commission considered this request at a public hearing on January 19, 2022 and voted 4-0 to recommend City Council approval of the proposed ordinance amendment.

Susan O’Strander, Director of Community Development, presented the item, read the title of the ordinance, and answered Council’s questions.

At the hour of 7:26 p.m., Mayor Herrick opened the public hearing. Seeing no speakers come forward, Mayor Herrick closed the public hearing at the hour of 7:27 p.m.

A speaker came forward and the City Attorney advised the Mayor to re-open the public hearing. At the hour of 7:27 p.m., Mayor Herrick re-opened the Public Hearing and the following individual approached Council:

Desi Howard, owner of Big Bear Jeep Experience, thanked Council for considering this ordinance amendment; indicated the intent behind this is to enhance everyone’s experience.

Seeing no additional speakers, Mayor Herrick closed the public hearing at the hour of 7:28 p.m.

A motion was made by Mayor Pro Tem Mote, seconded by Councilmember Melnick, to approve staff’s recommendation to read the title, waive further reading, and introduce an ordinance entitled:

**ORINDNANCE NO. 2022-xxx**

**ORDINANCE AMENDING TABLE 17.35.040.A (ACCESSORY USES AND STRUCTURES PERMITTED IN COMMERCIAL AND PUBLIC ZONES) TO ALLOW CONSIDERATION OF DEMONSTRATION AREAS, SUBJECT TO A CONDITIONAL USE PERMIT, IN THE C-2, C-3, & C-4 ZONE DISTRICTS CITYWIDE, AND FINDING THE AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Said motion was approved by the following vote:

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

**2.3 RESOLUTION ESTABLISHING ELECTRIC VEHICLE CHARGING FEES AND APPROVING A MASTER SERVICES AND SUBSCRIPTION AGREEMENT**

The City Council will receive a presentation, conduct a public hearing, and consider a formal resolution adopting electric vehicle charging fees. The proposed resolution would also approve a master services and subscription agreement with ChargePoint, Campbell, CA, for administration associated with the

new electric vehicle charging stations. In August 2021, the City Council approved the purchase and installation of electric vehicle charging stations for the Bartlett and Pennsylvania Public Parking lots located near The Village. The stations, which are funded through Air Quality Management Subvention Funds, are due to be installed in March 2022, and will soon ready for public use. ChargePoint is the largest networked EV station provider within the US with more than 111,000 stations. The proposed service agreement will populate these stations on the ChargePoint app to enable easy location by electric vehicle drivers, and ChargePoint will administer all payment collection on behalf of the City.

Sean Sullivan, Director of Public Services, presented the item and answered a myriad of Council's questions.

At the hour of 7:41 p.m., Mayor Herrick opened the public hearing. Seeing no speakers come forward, Mayor Herrick closed the public hearing at the hour of 7:42 p.m.

Following Council discussion, a motion was made by Mayor Pro Tem Mote, seconded by Councilmember Putz, to approve staff's recommendation and adopt the following resolution entitled:

**RESOLUTION NO. 2022-31**

**RESOLUTION ESTABLISHING ELECTRIC VEHICLE CHARGING FEES  
AND APPROVING A MASTER SERVICES AND SUBSCRIPTION  
AGREEMENT**

Said motion was approved by the following vote:

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

**3. DISCUSSION/ACTION ITEMS**

**3.2 RESOLUTION ISSUING WRITTEN REPRIMAND TO COUNCIL MEMBER ALAN LEE FOR VIOLATION OF THE CITY OF BIG BEAR LAKE COUNCIL RULES OF ORDER**

City Council will discuss and consider the possible adoption of a formal resolution issuing a written reprimand to Council Member Alan Lee.

Stephen Deitsch, City Attorney, presented the item and answered all of the City Council's questions.

Council engaged in a discussion regarding the proposed reprimand.

Mayor Herrick invited up speakers who wanted to speak on this item. The following individuals approached Council:

Rick Snow, Big Bear resident: said there needs to be safeguards for employees; indicated that the City may have liability concerns based on how they react to any harassment allegations.

Patty Hafen, Big Bear Lake resident, addressed Councilmember Lee regarding past interactions between the two of them and stated her personal issues with Councilmember Lee.

Maureen Auer, Big Bear Lake resident, formally asked that Councilmember Lee stop publicly harassing/bullying her; urged the public to question Councilmember Lee's motives.

Gloria Meade, Big Bear City resident, expressed her dissatisfaction and disappointment with Councilmember Lee's behavior.

Dawn Rowe, speaking as a private citizen, thanked the majority of Councilmembers for working together in a collegial manner; said Council is not alone and they are appreciated.

Dan Corona, Big Bear Lake resident, expressed his discontentment with the lack of support from the majority of City Council; stated the reason Councilmember Lee was absent from the February 25 Special City Council Meeting was to support a citizen during a court case proceeding.

Sierra Orr, Big Bear City resident, thanked Council for proceeding with the reprimand – saying it took a lot of bravery on their part.

Miguel Gonzalez, Big Bear City resident, said the community is supporting the majority of the City Council.

Following Council discussion, a motion was made by Councilmember Putz, seconded by Mayor Pro Tem Mote, to adopt the resolution with an amendment to Section 2.A; said resolution entitled:

**RESOLUTION NO. 2022-32**

**RESOLUTION ISSUING WRITTEN REPRIMAND TO  
COUNCIL MEMBER ALAN LEE FOR VIOLATION OF THE  
CITY OF BIG BEAR LAKE COUNCIL RULES OF ORDER**

Said motion was approved by the following vote:

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

Stephen Deitsch, City Attorney, recommended that Council entertain a motion to reconsider an earlier motion related to the negotiation of the Interim City Manager's contract as it must be done at a regular meeting, not a special meeting.

Motion made by Councilmember Putz, seconded by Councilmember Melnick to reconsider the earlier motion as suggested by the City Attorney.

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

Motion made by Mayor Pro Tem Mote, seconded by Councilmember Melnick, to direct the Mayor and Mayor Pro Tem to negotiate the Interim City Manager's contract with the assistance of the City Attorney and to bring back the finalized contract back at the Adjourned Regular Meeting on Friday, March 11, 2022, at 2 p.m.

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

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

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

Erica Stephenson, City Clerk, thanked Frank Rush for his leadership over the last two years and said he will be greatly missed by everyone within the organization.

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

Councilmember Lee did not give a report.

Councilmember Putz reported on the February 18 Desert Mountain Division meeting; said he was going to miss former City Manager Frank A. Rush Jr., and is thankful that Jeff Mathieu will be returning.

Councilmember Melnick did not give a report.

Mayor Pro Tem Mote reported on the January 19 Mountain Transit Board Meeting, the January 26 Big Bear Area Regional Wastewater Agency Board Meeting, and the recent meeting with the City and the tenants of the Leisure Bear Mobile Home Park.

Mayor Herrick proposed that a motion be entertained to place an item on a future meeting agenda that would allow the City to initiate an internal investigation regarding any bullying and harassment allegations within the organization.

Councilmember Putz moved the item, and Mayor Pro Tem Mote seconded it.

Said motion was approved by the following vote:

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

Mayor Herrick proposed a motion be entertained to cancel that the Regular City Council Meeting scheduled for March 21, 2022.

Mayor Pro Tem Mote moved the item, and Councilmember Melnick seconded it.

Said motion was approved by the following vote:

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

**ADJOURNMENT**

There being no further business to come before the Council at this Open Session Mayor Herrick adjourned the meeting at 8:36 p.m., in honor of all the Europeans suffering due to the Ukraine-Russia war, to an Adjourned Regular Meeting on Friday, March 11, 2022, at 2 p.m.

*Erica Stephenson*

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Erica Stephenson, City Clerk