
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JANUARY 10, 2005**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Mulvihill at 6:30 p.m., Monday, January 10, 2005, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Invocation: Moment of Silence

Flag Salute: Led by Councilmember Dally

Councilmembers Present: Mayor Darrell Mulvihill
Mayor Pro Tem Ken Dally
Councilmember Liz Harris
Councilmember Bill Jahn

Councilmembers Excused: Councilmember S. O. Conklin

Others Present: Michael Perry, City Manager
Katherine E. Jefferies, City Clerk
Dave Vasquez, Deputy City Manager Administration
Kathleen Smith, Finance Director

AGENDA APPROVAL

Motion by Councilmember Jahn, seconded by Mayor Pro Tem Dally to add Item 3.0, a Resolution Declaring a Local Emergency, as an urgency item to the Agenda, based on the finding that the matter arose after the posting of the agenda. Motion carried 4-0.

Motion by Councilmember Jahn, seconded by Mayor Pro Tem Dally to approve the Agenda as amended. Motion carried 4-0.

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 Offices will be closed on Monday, January 17, 2005, in observance of Martin Luther King Jr. Day.

The City will be accepting applications for one seat on the Planning Commission until Friday, January 14, 2005. Applicants must be a resident of the City of Big Bear Lake and a registered voter. To obtain an application, please contact the City Clerk's office at 866-5831.

PRESENTATIONS

None.

COMMITTEE REPORTS

Mayor Pro Tem Dally reported that BBARWA is now processing approximately 10 million gallons of sewage per day, as opposed to 2 million gallons, because of the recent storms, with a portion diverted to the emergency ponds. He cautioned the need for the public to continue to conserve water, because the system is working at its maximum capacity.

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

Peter Parry, Big Bear Lake: discussed his concerns regarding snow plowing, and stated that every time he removes the snow from his driveway the plows come by and berm him in again. He stated that the snowplow operators have the capacity to reduce the amount of snow that accumulates in driveways, but they don't do it. He stated that when he calls the City to complain, he is always told that a driver will come by to take care of the berm but they never show up.

City Manager Perry stated that he would meet with Mr. Parry to discuss the matter.

Jim Weyant, Big Bear City: stated that, on behalf of the C.A.T.S. organization, he would like to express his gratitude to City staff for amending the Performing Arts Center Rental Guide, which will allow the PAC user groups more flexibility during their rehearsal days.

PUBLIC FORUM RESPONSE

None.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 12/09/04 through 1/05/05 – Check Nos. 25439 through 25742, in the amount of \$2,083,0888.43

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 Development Code Amendment 2004-289 (Slope Density)

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

Adopted the following ordinance, entitled:

ORDINANCE NO. 2005-345

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, REPEALING VARIOUS CHAPTERS OF TITLE 17 OF THE BIG BEAR LAKE MUNICIPAL CODE AND REPEALING ORDINANCE 90-191 RELATING TO SLOPE DENSITY AND READOPTING IT AS CHAPTER 17.09 OF THE DEVELOPMENT CODE (SLOPE DENSITY) FOR THE PURPOSE OF REGULATING DEVELOPMENT ON SLOPES THAT ARE AT OR EXCEED THIRTY PERCENT (30%) GRADIENT AND REVISING SECTIONS RELATING TO MAXIMUM DRIVEWAY GRADIENT AND THE REQUIREMENT OF A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF SINGLE FAMILY RESIDENCES ON EXISTING LOTS OF RECORD WHERE NATURAL SLOPES ARE AT OR EXCEED FORTY PERCENT (40%)

1.4 Release of 5% Retention on the 2004 Sewer Reline Project

Council consideration of authorizing staff to release 5% retention on the completed portion of the Sewer Reline 2004 Project, which amounts to \$33,413.20.

Approved.

1.5 Approval of the Minutes from the Regular Meeting of December 13, 2004

This item was removed for separate discussion.

The Consent Calendar was approved by the following vote:

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

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

1.5 Approval of the Minutes from the Regular Meeting of December 13, 2004

Motion by Mayor Pro Tem Dally, seconded by Councilmember Jahn to approve the Minutes from the Regular Meeting of December 13, 2004, as amended.

Said Motion was approved by the following vote:

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

3. DISCUSSION/ACTION ITEMS

ADDED AS URGENCY ITEM

3.0 Resolution declaring a Local Emergency

Council consideration of adopting a resolution declaring a local emergency due to the recent snow and rainstorms.

Council heard a status report from Assistant Fire Chief Morley regarding the damage that has occurred from the snow and rainstorms.

Motion by Councilmember Harris, seconded by Councilmember Jahn to adopt the following resolution, entitled:

RESOLUTION NO. 2005-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING A LOCAL EMERGENCY

Said Motion was approved by the following vote:

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

3.1 Performing Arts Center Rental Guide Revision

Council consideration of amending the Performing Arts Center Rental Guide to allow PAC user groups more flexibility related to rehearsal time.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Dally to amend the Performing Arts Center Rental Guide as recommended by staff.

Said Motion was approved by the following vote:

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

3.2 Village Assessment District Budget Update

Council consideration of receiving a report from staff regarding the Village Assessment District Budget.

Following discussion regarding the Village Assessment District Budget, particularly related to snow plow issues within the VAD, the City Council took the following action:

Motion by Councilmember Jahn, seconded by Mayor Pro Tem Dally to direct staff to notify the Village Assessment District property and business owners that because of heavier than usual snow conditions, it is anticipated that the City will exceed the designated snow removal budget of \$27,652 for this fiscal year, and that during the next snowfall the City will suspend snow removal operations on the sidewalks in order to not exceed this snow removal budget; however, the City is to continue to remove snow from the streets and parking stalls; and, direct the ad hoc Village Assessment District/Village Advisory Committee to review and discuss the year-to-date Village Assessment District financial costs with staff.

Said Motion was approved by the following vote:

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

3.3 Department of Water & Power Water Demand Offset Program

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

Tabled to January 24, 2005.

3.4 Department of Water & Power Landscape Ordinance

Council consideration of introduction and first reading of an ordinance, which adds Chapter 17.13 to Article XVII of the Big Bear Lake Municipal Code regulating landscaping.

Following discussion with staff regarding the Landscape Ordinance, the Council amended the ordinance as follows:

Section 15.66.100 Landscape Plans

- A. New Installations. Landscape plans must be submitted for review and approval by a Department representative whenever the proposed landscape exceeds 1,000 square feet or when any turf is proposed to

be installed. For ministerial projects, landscape improvements will be inspected by the Department and have no impact in granting a final certificate of occupancy.

Section 15.66.120 Regulations for Retrofitting Landscapes

- A. On landscapes that do not contain existing turf, new turf must be installed in accordance with section 15.66.070.
- B. Turf may not be expanded in existing landscapes containing turf, unless the current area of turf is less than 500 square feet. Total area of turf not to exceed 500 square feet in size for each property.

Section 15.66.140 Guidelines for ~~Promoting Groundwater Recharge and Controlling Erosion~~

- A. All landscape plans for new and retrofitted landscapes must identify potential erosion problems, ~~and ground water recharge opportunities.~~
- ~~B. Capturing runoff and promoting infiltration.~~
 - ~~1. All building roof runoff must be captured in infiltration systems. Roof drip line runoff must be captured in trenches that promote infiltration. Downspout runoff must be directed to a dry well system.~~
 - ~~2. The capacity of infiltration trenches and dry wells must be designed to accommodate normal storm runoff.~~

~~B.C.~~ Preventing erosion.

Section 1566.160 Failure to Comply.

- C. Fourth violation. The Department will contact the violator by certified mail explaining the violation, the need for the regulation that was violated, inform the customer of his previous violations, provide a list of penalties associated with continued violation, install a flow restrictor in the customer's water service, add a surcharge to the customer's bill which is quadruple the customer's current charge for water usage and all associated expenses dealing with the flow restrictor ~~to the customer's water bill~~, and notify the Board.

Section 15.66.180 Appeal Process.

Prior to establishing a hearing date, a review committee composed of one or more Boardmembers shall review the customers written request for appeal. ~~If a follow-up review is deemed necessary and determine whether the appeal has merit.~~ a hearing with the Board will ~~only~~ be scheduled ~~when the review committee determines that the appeal has merit.~~

Motion by Mayor Pro Tem Dally, seconded by Councilmember Jahn to waive first reading, and pass to second reading an ordinance, entitled:

ORDINANCE NO. 2005-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING CHAPTER 15.66 TO ARTICLE XV OF THE BIG BEAR LAKE MUNICIPAL CODE REGULATING LANDSCAPING

Said Motion was approved by the following vote:

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

3.5 City Council Committee Assignments

Council approved the Committee Assignments as follows:

League of California Cities

Mountain/Desert Division Jahn, City Manager Perry as alternate

Boards

BBARWA

Harris & Dally
Conklin & Harris, City Manager Perry &
Deputy CM Martinez as alternates

SANBAG

Mulvihill, Dally as alternate

Measure I

Mulvihill, Dally as alternate

CJPIA

Dally, Deputy City Manager Vasquez as
alternate

Solid Waste Task Force	Conklin, City Engineer as alternate
Integrated Waste Management	Conklin, City Engineer as alternate
Performing Arts Center Foundation	Mulvihill & Dally

Ad Hoc Committees

Budget/Financial	Mulvihill & Jahn
Valley Wide Fire & HUFU	Mulvihill & Conklin
Economic Development	Harris & Mulvihill
Business Friendly Efforts	Mulvihill & Conklin
Clean Bear Sites/Big Bear Disposal	Dally & Harris
Contract Negotiations	
City Manager Evaluation Format	Mulvihill & Harris
Low Cost Housing	Jahn & Mulvihill
Pool Action	Mulvihill & Conklin
Slope Density	Jahn & Conklin
25 th Anniversary	Mulvihill
Village Advisory Group/ Village Assessment District	Harris & Dally (also Chamber of Commerce Manager, 2 representatives from Retail, 1 representative from Hotel and 1 representative from Restaurant)
NAY Foundation (Zoo)	Harris

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

None.

CITY COUNCIL REPORTS

Mayor Mulvihill expressed his appreciation to Councilmember Harris for serving as Mayor for the past two years, and welcomed Councilmember Jahn to the City Council. He also thanked staff for their hard work during the recent storms.

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ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 7:55 p.m., in memory of Big Bear City Fire Engineer Kirk Bowdrige.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: February 14, 2005