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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
FEBRUARY 28, 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, February 28, 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 6:30 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 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  
Dave Vasquez, Deputy City Manager Administrative Services  
Kathleen Smith, Finance Director

**RESULTS OF CLOSED SESSION**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957  
Title of Position: City Attorney

No reportable action.

## **AGENDA APPROVAL**

Motion by Councilmember Harris, seconded by Mayor Pro Tem Dally 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.

- Soroptimist International of Big Bear Valley presents “Man About Town” – March 5
- The City of Big Bear Lake presents Steve Reid’s “DreamScapes” – March 11

## **PRESENTATIONS**

Mayor Mulvihill presented a Certificate of Appreciation on behalf of the City, and Staci Johnson presented a plaque on behalf of the Sheriff’s office, to Kevin and Mona Alsop of Big Bear Choppers for their generous donation of 75 child restraint seats to the Big Bear Sheriff’s Station.

Fire Chief Morley gave a status report on the HUF/Defensible Space Programs.

## **COMMITTEE REPORTS**

Councilmember Jahn gave status reports on the Tax Election committee and the Ambulance Negotiations committee.

Mayor Pro Tem Dally gave a status report on the latest actions of the BBARWA Board.

Councilmember Harris gave a status report on the College Committee Economic Development committee.

Mayor Mulvihill reported that he had attended a workshop session with the Fire Chief regarding the responsibilities of Fire Protection District Board Members in California.

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

Nancy Sargent, Big Bear: discussed her concerns regarding the Private Home Transient Program. She stated that many of the complaints that have been reported to the Sheriff’s Office addressing issues related to overcrowding and parking, have not been turned over to the City.

**PUBLIC FORUM RESPONSE**

None.

**1. CONSENT CALENDAR**

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

**1.1 Approval of Demands – Check Issue Date 2/9/05 through 2/23/05 – Check Nos. 26150 through 26344, in the amount of \$402,124.40**

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 Rehabilitation of Sewage Lift Station No. 7**

Council consideration of approving the plans, specifications, and estimates for the rehabilitation of Sewage Lift Station No. 7, with the finding that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 Class 1; and authorization for staff to advertise for bids.

Approved.

**1.5 Design of Street and Drainage Improvements for Fiscal Year 2004/2005**

Council consideration of awarding a consultant services contract to PBS&J for an amount not to exceed \$149,057, for the design of street and drainage improvements for fiscal year 2004/2005; and appropriate \$26,525 from undesignated fund balance to Account 321-4321-2240.

Approved.

**1.6 Moonridge Road, Mill Creek Road and Brownie Lane Reconstruction Projects**

Council consideration of approving the plans, specifications, and estimates for the reconstruction of Moonridge Road from Sand Canyon Drive to Goldmine Drive, Mill Creek Road from Big Bear Boulevard to the City limits, and Brownie Lane from Summit Boulevard to Thrush Drive, with the finding that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 Class 1; and authorization for staff to advertise for bids.

Approved.

**1.7 Department of Water & Power Water Demand Offset Program Ordinance**

Council consideration of second reading and adoption of an ordinance establishing a Water Demand Offset Program.

Waived second reading and adopted the following ordinance, entitled:

ORDINANCE NO. 2005-346

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

**1.8 Principal Planner Position Upgrade to City Planner**

Council consideration of a resolution upgrading the position of Principal Planner to City Planner.

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, UPGRADING THE PRINCIPAL PLANNER POSITION TO CITY PLANNER

**1.9 Approval of the Minutes from the Regular Meeting of January 24, 2005**

Tabled to March 14, 2005.

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. PUBLIC HEARINGS**

**3.1 Continued Public Hearing Planning Appeal 2005-004**

Council consideration of a resolution approving Planning Appeal 2005-004 and remanding Tentative Tract Map 2003-217, Conditional Use Permit 2003-218, and Variance 2003-359 to the Planning Commission for action subsequent to the preparation and circulation of revised environmental document.

Associate Planner Braunstein explained that this item had been scheduled for a public hearing for February 14, 2005, however, staff had not received the appellant's justification for the appeal until the day of the hearing, leaving staff inadequate time to analyze and respond to the appellant's questions. At the meeting on February 14, 2005, Mayor Mulvihill opened the public hearing to receive comments from the public and continued the hearing to February 28, 2005. Mr. Braunstein reported that since that time staff was able to respond to the appellant's request, which has been explained in the staff report. Staff recommends that the City Council remand this item back to the Planning Commission subsequent to additional environmental analysis.

At the hour of 7:22 p.m., Mayor Mulvihill re-opened the public hearing.

Dennis Large', Appellant: stated that he appreciated the willingness of the developer to revisit the environmental issues, and that his only interest in this matter is to ensure that this project is done properly.

At the hour of 7:24 p.m., the Public Hearing was closed.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Dally, to adopt the following resolution, entitled:

RESOLUTION NO. 2005-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING PLANNING APPEAL 2005-004 AND REMANDING TENTATIVE TRACT MAP 2003-217, CONDITIONAL USE PERMIT 2003-218, AND VARIANCE 2003-359 TO THE PLANNING COMMISSION FOR ACTION SUBSEQUENT TO THE PREPARATION AND CIRCULATION OF REVISED ENVIRONMENTAL DOCUMENTS

Said Motion was approved by the following vote:

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

**3.2 Community Block Grant Applications (CDBG)**

Council consideration of prioritizing the funding of the eligible CDBG projects submitted for program year 2005-2006.

At the hour of 7:33 p.m., Mayor Mulvihill opened the public hearing.

Pamela Heiman and Danita Craft, Big Bear Lake Branch Library: spoke in support of the request from the Big Bear Lake Branch County Library for Public Service Funds for the continuation of literacy education.

Jeronimo Breen, Operation Breakthrough: spoke in support of the request from Operation Breakthrough for Public Service Funds for the new teen/parent substance abuse program.

Cris Schlanser, USARC: spoke in support of the request from United States Adaptive Recreation Center for Public Service Funds for the new therapeutic water sports instruction for disabled persons program.

Janet Trott, DOVES: spoke in support of the request from DOVES for Public Service Funds for domestic violence services.

Elaine Holzer-Tennity, Hummingbird Project: spoke in support of the request by the Hummingbird Project for Public Service Funds for the continuation of the school supply program for youths.

Bobbi Martinez, Lutheran Social Services: spoke in support of the request by Lutheran Social Services for Public Service Funds for the senior outreach program.

Theresa Reagan-Blood, Soroptimist International of Big Bear Valley: spoke in support of the request by Soroptimist for Public Service Funds to support the Rainbow Kids Club daycare tuition assistance program.

Kathleen Campbell, Big Bear Valley Recreation and Park District: spoke in support of the request by the Big Bear valley Recreation and Park District for Public Service Funds to support a new Senior Nutrition Program.

At the hour of 7:52 p.m., Mayor Mulvihill closed the public hearing.

It was the consensus of the Council to prioritize the Community Development Block Grant (CDBG) Applications for Program Year 2005-2006 for Public Service Funds as follows:

Lutheran Social Services - \$5,285 for the continuation and expansion of telephone senior outreach and resource services.

Soroptimist International of Big Bear Valley - \$5,285 for the expansion of the tuition assistance program for school children.

San Bernardino County Big Bear Lake Branch Library - \$5,285 for the continuation of literacy education.

DOVES of Big Bear valley - \$5,285 for a new domestic violence children's counseling program.

Bear Valley Unified School District - \$5,285 for the continuation of the Healthy Start children's counseling services program.

Big Bear Valley Recreation and Park District - \$5,285 for a new senior nutrition program.

Operation Breakthrough - \$5,285 for a new youth alcohol and drug program.

### **3.3 Continued Public Hearing Fire Suppression Impact (Developer) Fees**

Council consideration of introduction and first reading 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; and adopting a resolution No. 2005-05 adopting development impact fees to finance Fire suppression facilities, vehicles and equipment.

At the hour of 8:16 p.m., Mayor Mulvihill re-opened the public hearing. Hearing no comment the public hearing was closed.

The Council amended the ordinance as follows:

Whereas, providing an exemption from the payment of the Fire Suppression Development Fee to affordable housing projects is beneficial, appropriate and consistent with state housing policy, which encourages the development of affordable housing and the elimination of constraints to its development.

15.70.90 Affordable Housing

The City waives all Fire Suppression improvement fees established by any resolution for affordable housing.

Motion by Councilmember Jahn, seconded by Councilmember Harris to waive first reading and pass to second reading an ordinance as amended, entitled:

#### ORDINANCE NO. 2005-XXX

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

and,

Adopt the following resolution, entitled:

RESOLUTION NO. 2005-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING DEVELOPMENT IMPACT FEES TO FINANCE FIRE SUPPRESSION FACILITIES, VEHICLES AND EQUIPMENT

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 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.

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 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

**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 8:38 p.m.

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Katherine E. Jefferies  
City Clerk

APPROVED AT THE MEETING OF: April 11, 2005