
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
MARCH 28, 2005**

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 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 6:35 p.m., Council adjourned to Open Session.

OPEN SESSION

Invocation: Moment of Silence

Flag Salute: Led by Councilmember Harris

Councilmembers Present: Mayor Darrell Mulvihill
Councilmember S. O. Conklin
Councilmember Bill Jahn
Councilmember Liz Harris

Councilmembers Excused: Mayor Pro Tem Ken Dally

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

RESULTS OF CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: Cienega Road – APN 307-212-15

Negotiating Parties: City Manager on behalf of the City, City Attorney, General Manager on behalf of the Department of Water & Power, and representative from Bear Valley Electric
Under Negotiation: Price and Terms of Payment

No reportable action.

2. 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

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Jahn, seconded by Councilmember Conklin to table Item 4.2 - No Parking Signs on Fox Farm Road to April 11, 2005, and 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.

- C.A.T.S. presents “The Laramie Project” – April 1, 2, 3, 6, 8, 9, 10, 13, 15, & 16.

PRESENTATIONS

Mayor Mulvihill presented a 15-Year Employee Pin to Diane Muir, DWP Office Manager, and a 25-Year Employee Pin to Fire Chief John Morley.

COMMITTEE REPORTS

Councilmember Jahn gave a status report on the Tax Election Committee.

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

Nancy Sargent, Big Bear Lake: discussed her concerns regarding the Private Home Rental Program related to over-crowded units, and too many cars parked than the Code allows. She discussed Municipal Code Section 17.03.310, F – 3, which states that the maximum occupancy of a transient private home rental shall be one person per two hundred (200) square feet of building area, excluding garages or other accessory buildings; provided, however, that in no case may the occupancy of a transient private home rental unit exceed sixteen (16) people. She stated that the Code does not say that this pertains to occupants who stay overnight, but to never exceed 16 people at any given time, and that the City needs to enforce that Code. She discussed parking issues which the Municipal Code state that parking shall be provided on-site to meet the occupancy of each transient private home rental at a ratio of not less than one parking space per bedroom, however, many renters are parking on the street overnight, or on neighboring properties. She suggested that the City conduct a workshop meeting to discuss and review the issues of occupancy and parking for private home rentals.

Chris Hartley, Big Bear Lake: discussed that she lives in the Evergreen Estates area that was established in 1985. She stated that under the Covenants, Conditions & Restrictions (CC&Rs) for Evergreen Estates, transient private home rentals are not allowed, however, over the past few years they have encroached into the neighborhood. She discussed her concerns regarding the fact that the City is not enforcing the Municipal Code and is arbitrarily issuing accessory use permits for commercial activities in residential zones and in her neighborhood, even though the CC&R's state that they are not allowed.

Dixie Allison, Big Bear Lake: discussed an incident on Brownie Lane near Snow Summit Boulevard where she observed an occupant throw a beer bottle out of a moving vehicle. She stated that she reported the incident in person at the Sheriff's station but was told that she had to call in the report to the dispatch center in Rialto. She stated that it took 3 hours for someone to call her back to take the report and that the Sheriff missed catching a litterer, and perhaps a drunk driver as well. She urged the City to look into getting our dispatch service back to Big Bear for a more effective system.

Court Malquist, Big Bear Lake: discussed his concerns regarding the Prudential Real Estate office employees parking along Fox Farm Road. He stated that drivers have to cross the double yellow line to avoid hitting the cars parked along the side of the road, causing a very dangerous situation.

Ed Neatherlin, Big Bear Lake: stated that he lives on Fox Farm Road and had complained to the City several months ago about the real estate employees parking along the road on Fox Farm Road. He stated that he was told that someone would look into it, however, he feels that 7 months is a long time to wait and that something needs to be done before someone gets hurt.

PUBLIC FORUM RESPONSE

City Attorney Deitsch responded to comments raised by Ms. Hartley and stated that he has spoken with Mr. and Mrs. Hartley regarding their concerns. He explained that private property owners are free to enforce their declaration of covenant notwithstanding the City's issuance of a permit, which is consistent with the Big Bear Lake Municipal Code. He stated that the City is not equipped to have knowledge of the existent covenant recorded against private property, nor is the City responsible for checking on a declaration of covenant every time an application is made for a use permit because it is not within the purview nor the responsibility of the City to enforce private covenant.

Ms. Hartley: stated that in 1994 the Evergreen Estates Homeowners came before the City Council regarding an issue with a property owner that was requesting to open up a Bed and Breakfast, in which the City Council voted to turn down. She asked why the Council decided in 1994 that it was against our CC&R's and now does not want to be involved.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 3/9/05 through 3/21/05 – Check Nos. 26547 through 26651, in the amount of \$375,201.59

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 Paine Road/State Route 18 Traffic Signal Program Supplement No. M003 to Administering Agency-State Agreement No. 08-5426

Council consideration of a resolution authorizing the City Engineer, Deputy City Manager, or City Manager to sign the Program Supplement No. M003 to Administering Agency-State Agreement for Federal Aid Projects No. 08-5426.

Adopted the following resolution, entitled:

RESOLUTION NO. 2005-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER OR CITY ENGINEER TO EXECUTE PROGRAM SUPPLEMENT NO. M003 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5426 FOR PROJECT NO. STPL-5426 (006)

1.5 Monthly Financial Report

Approved as presented.

1.6 Fee Waiver Request for Rental of the Performing Arts Center

Council consideration of approving a request from Big Bear Youth Baseball for the City to waive the PAC rental fees for a fund raising event scheduled for April 21, 2005.

Approved.

The Consent Calendar was approved by the following vote:

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

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

None.

3. **PUBLIC HEARINGS**

3.1 **Planning Appeal 2005-022/PAP**

Council consideration of a resolution to deny Appeal No. 2005-022 pertaining to exterior building materials for Plot Plan Review 2005-002 located at 42621, 42629, and 42635 Moonridge Road, APN 2328-387-01, 02, and 03 and uphold the decision of the Planning Commission pertaining to condition of approval 19(B); or a resolution to uphold the appeal pertaining to building materials, reversing the decision of the Planning Commission; and, make a finding that the project is exempt from the California Environmental Quality Act (CEQA)

At the hour of 7:14 p.m., Mayor Mulvihill opened the public hearing.

Richard Williams, Applicant: discussed that he appealed the decision by the Planning Commission because it would be more cost effective to paint his proposed building rather than apply log siding. He stated that it would also be consistent with the material used on the building that he owns on the adjacent lot, which had been approved by the Planning Commission.

At the hour of 7:15 p.m., Mayor Mulvihill closed the public hearing.

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

RESOLUTION NO. 2005-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, UPHOLDING APPEAL NO. 2005-022 PERTAINING TO EXTERIOR BUILDING MATERIALS FOR PLOT PLAN REVIEW 2005-002 LOCATED AT 42621, 42629, AND 42635 MOONRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 2328-387-01, 02, AND 03, AND REVERSING THE DECISION OF THE PLANNING COMMISSION AS IT PERTAINS TO CONDITION OF APPROVAL 19(B).

Said Motion was approved by the following vote:

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

3.2 Development Code Amendment

Council consideration of introduction and first reading of an ordinance revising Title 17 of the Big Bear Lake Municipal Code by amending Table 17.25.030.A (Principal Uses Permitted in Residential Zones) to allow public use of ancillary facilities within commercial lodging facilities and adding a new Section 17.25.220 (Development and Performance Standards for Ancillary Uses within Commercial Lodging Facilities) affecting R-3 properties within the City limits.

At the hour of 7:30 p.m., Mayor Mulvihill opened the public hearing.

Jim McLean, Apples Bed & Breakfast Inn, Big Bear Lake: spoke in support of amending the revision to the ordinance.

At the hour of 7:34 p.m., Mayor Mulvihill closed the public hearing.

Council amended the ordinance as follows:

Section 17.25.220 Development and Performance Standards for Ancillary uses within commercial lodging facilities

D. Outdoor Use

- ~~1. Seated dining for the general public shall not be permitted.~~
- ~~2.~~ 1. The use of outdoor facilities shall be prohibited between the hours of 10:00 p.m., and 9:00 a.m.
- ~~3.~~ 2. Non-amplified sound only shall be permitted between the hours of 11:00 a.m., and 9:00 p.m.

Motion by Councilmember Jahn, seconded by Councilmember Conklin to introduce and waive first reading of an ordinance, entitled:

ORDINANCE NO. 2005-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, STATE OF CALIFORNIA, REVISING TITLE 17 (DEVELOPMENT CODE) OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE BY AMENDING TABLE 17.25.030.A (PRINCIPAL USES PERMITTED IN RESIDENTIAL ZONES) TO ALLOW PUBLIC USE OF ANCILLARY FACILITIES WITHIN COMMERCIAL LODGING FACILITIES AND ADDING A NEW SECTION 17.25.220 (DEVELOPMENT AND PERFORMANCE STANDARDS FOR ANCILLARY USES WITHIN COMMERCIAL LODGING FACILITIES) AFFECTING R-3 PROPERTIES WITHIN THE CITY LIMITS

Said Motion was approved by the following vote:

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

RECESS

At the hour of 7:38 p.m., Mayor Mulvihill declared a recess. At the hour of 7:46 p.m., Council reconvened.

4. DISCUSSION/ACTION ITEMS

4.1 Village Assessment District

Council consideration of authorizing the City Manager to mail the Advisory Ballot to each Village Property Owner with the three choices as specified by staff; tabulate the results on a front footage basis; and, report the results to the Council on April 25, 2005.

Hal Schoettger, Big Bear Lake: stated that the Village Assessment District was originally formed under the Landscape, Lighting and Maintenance Act, however, it would be much easier for both the City and a private non-profit organization to change it to a Parking and Business Improvement District. He stated that he is in the process of looking into the development of a non-profit Business

Improvement District and that he would have the information by the end of the week.

Vaino Hofren, Big Bear Lake: stated that he would be in support of an increase in the assessments over a three-year period with an annual review.

Motion by Councilmember Jahn, seconded by Councilmember Conklin to authorize the City Manager to mail the Advisory Ballot to each Village Property Owner with the three choices as specified by staff; tabulate the results on a front footage basis; and, report the results to the Council on April 25, 2005.

Said Motion was approved by the following vote:

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

4.2 No Parking Signs on Fox Farm Road

Council consideration of a resolution authorizing the installation of No Parking signs on portions of Fox Farm Road.

Tabled to April 11, 2005.

At the hour of 8:18 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 8:25 p.m., the Fire Protection District adjourned to Regular Council session.

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

City Manager Perry reported on the City/County Conference that he attended.

CITY COUNCIL REPORTS

Councilmember Harris and Councilmember Jahn reported on the City/County Conference that they had attended.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 8:29 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: May 9, 2005