
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
SEPTEMBER 12, 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, September 12, 2005, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

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 Liz Harris
Councilmember Bill Jahn

Councilmembers Excused: None

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

RESULTS OF CLOSED SESSION

FIRE PROTECTION DISTRICT

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

Title of Position: Fire Chief

Motion by Vice Chairman Dally, seconded by Boardmember Harris to authorize the Fire Administrator to negotiate an employment agreement with interim Fire Chief John Morley for the position of Fire Chief. Motion carried 5-0.

CITY COUNCIL

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title of Position: City Manager

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Harris, seconded by Councilmember Conklin 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.

- The Big Bear Lake Film Festival – September 15 – 18
- The Big Bear Lake Jazz Festival starring Shirley Jones – September 23 - 25
- The City of Big Bear Lake 25th Anniversary Finale scheduled for October 15 has been postponed to a date to be announced.
- The Big Bear Lake Performing Arts Foundation and the Bear Valley Arts Council presents *The Vienna Boy's Choir* – October 23

City Manager Perry stated that the 25th Anniversary celebration, originally scheduled for October 15, would be re-scheduled for either November 4, or November 11, 2005.

PRESENTATIONS

None.

COMMITTEE REPORTS

Councilmember Jahn reported on the Special Events Committee and stated that Events Coordinator Sara Foulkes will present a follow-up report to the City Council at the September 26th meeting, regarding the Big Bear Country Fair and Island in the Sky Concert events held during the summer.

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

Dan Cross, Big Bear Lake: discussed his concerns regarding a deep culvert on both sides of his driveway, which makes it difficult and sometimes dangerous for him, and other property owners on his street, to get in and out of their driveways. He also discussed that he had received notification that his carport was in violation of City ordinance and must be removed. He stated that throughout the City there are many permanent and temporary tents and/or carports that are allowed by the City, and he doesn't understand why he should have to take his down because it is used only to keep the pinesap off of his car, and that he takes it down in the winter when it snows.

PUBLIC FORUM RESPONSE

Deputy City Manager Vasquez explained to Mr. Cross that the City is aware of the culvert and hopes to solve the problem before winter. City Manager Perry responded that the Ordinance regulating temporary carports was adopted based on safety reasons such as winter snows which has caused many carports to collapse; encroachment of the carports on other properties; and, attractiveness.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 8/18/05 through 9/6/05 – Check Nos. 29121 through 29349, in the amount of \$634,535.58

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 Approval of the Minutes from the Regular Meeting of July 11, 2005, the Workshop Meeting of July 25, 2005, the Regular Meeting of July 25, 2005 and the Regular Meeting of August 8, 2005

Approved as presented.

1.4 Final Map Approval - Tract 16511

Council consideration of determining that the final map for Tract 16511 is in conformance with the approved tentative map and the conditions of approval have been met; approve the Agreement for Completion of Public Improvements; accept offers of dedication for easements within the tract; accept offers of dedication for public roads within the tract; accept vehicular ingress and egress rights on lots abutting Knickerbocker Road, Maryland Road, and a portion of lot A; and, approve the final map for Tract No. 16511.

Approved.

1.5 FEMA Emergency Relief Projects 2005

Council consideration of awarding the contract for the FEMA Emergency Relief Project 2005 to Bear Valley Paving in the amount of \$255,423.00; and, authorize staff to contract for Inspection and Materials Testing services.

Approved.

1.6 Possible Fundraisers for Hurricane Katrina

Council consideration of approving a request to waive the Performing Arts Center fees, if a non-profit organization holds an event to raise funds for victims of Hurricane Katrina.

Approved.

Council consideration of donating the proceeds from the 25th Anniversary Finale to the victims of Hurricane Katrina.

Approved.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: Dally on item 1.1 Check #29301 for \$13.74 payable to the Paperclip

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

3. PUBLIC HEARINGS

3.1 Public Hearing – Planning Commission Appeal 2005-174, Appealing a Planning Commission’s Denial of Lot Line Adjustment 2001-110 at 780 Delmar Road, Greg Schick Applicant

Council consideration of a resolution holding Planning Appeal 2005-174 in abeyance, remanding Lot Line Adjustment 2001-110 to the Planning Commission, and directing staff to prepare a revised Environmental Initial Study and Mitigated Negative Declaration.

Associate Planner Etter presented the staff report and informed the City Council that the applicant, Mr. Greg Schick, has filed an appeal of the Planning

Commission's action of August 3, 2005. The Commission denied Mr. Schick's Lot Line Adjustment application because the application was inconsistent with the General Plan and failed to comply with the California Environmental Quality Act.

At the hour of 6:59 p.m., Mayor Mulvihill opened the public hearing.

Greg Schick, Applicant: discussed that he has been working with the City for 5 years to get approval for a Lot Line Adjustment that would bring his two lots closer together and release one of the lots from being land-locked. He stated that he is aware of the endangered plants and has mitigated the area where the endangered plants exist. He requested that the Council remand the matter back to the Planning Commission for approval, based on the condition that his property is subject to the CEQA requirements when there was future development on that particular property.

Councilmember Jahn asked the City Attorney if the City would be exposed to liability if the Council approved the Lot Line Adjustment without addressing the environmental issues that have been raised by the public and environmental agencies.

City Attorney Deitsch responded that the City would be exposed to significant liability if the City did not address the environmental issues prior to approving the Lot Line Adjustment, and stated that the City must comply with CEQA requirements.

At the hour of 7:20 p.m., Mayor Mulvihill closed the public hearing.

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

RESOLUTION NO. 2005-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, HOLDING PLANNING APPEAL 2005-174 IN ABEYANCE, REMANDING LOT LINE ADJUSTMENT 2001-110 TO THE PLANNING COMMISSION, AND DIRECTING STAFF TO PREPARE A REVISED ENVIRONMENTAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Said Motion was approved by the following vote:

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

ABSENT: None
ABSTAIN: None

FUTURE AGENDA ITEMS

Mayor Mulvihill requested that staff prepare a report for the September 26th Council meeting regarding the permitting of temporary A-frame signs.

CITY MANAGER REPORTS

City Manager Perry reported that Kelvin McElfish of the Big Bear Lake Fire Department was on temporary assignment in Jackson, Mississippi to help with the Hurricane Katrina recovery efforts; announced that Big Bear Disposal is accepting donations at the City's Clean Bear Sites for Hurricane Katrina victims; and, gave a report on the City's emergency preparedness plans.

Public Works Superintendent Vantine gave an update on the current street overlay program, and Assistant Engineer Cylwik reported on current contract street projects.

CITY COUNCIL REPORTS

None.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Mulvihill adjourned the meeting at 7:59 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: October 10, 2005