
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JANUARY 11, 2010**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 6:30 p.m., Monday, January 11, 2010, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

OPEN SESSION

Moment of Silence

Flag Salute: Led by Councilmember Karp

Councilmembers Present: Mayor Liz Harris
 Councilmember Rick Herrick
 Councilmember Michael Karp
 Councilmember Darrell Mulvihill

Councilmembers Excused: Mayor Pro Tem Bill Jahn

Others Present: Jeff Mathieu, City Manager
 Jeff Ballinger, City Attorney
 Katherine E. Jefferies, City Clerk
 Kathleen Smith, Chief Operations Officer
 Rod Ballard, Fire Chief

ANNOUNCEMENTS & UPCOMING EVENTS

Event Calendar for the Performing Arts Center – (For tickets please contact the box office at (909) 866-4970 or visit www.citybigbearlake.com unless noted otherwise)

- Friends of Fawnskin present “A Sentimental Journey with Nancy Walker” – February 27.

PRESENTATIONS

Mayor Harris presented Certificates of Recognition to Jose and Theresa Vazquez, Mike and Vicky Roney, Fred and Linda Goldsmith, and Kat Sawyer for their participation toward making “Christmas in the Village” a huge success.

Mayor Harris presented a 15-year City Employee Pin to Don Bartell, Public Works Street Maintenance Crew Leader.

PUBLIC COMMUNICATIONS

None.

1. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Mulvihill, seconded by Councilmember Herrick to approve the Consent Calendar as follows:

1.1 Approval of Demands – Check Issue Date 12/08/09 through 01/04/10 – Check Nos. 49138 through 49514 in the amount of \$1,962,732.68

Approved.

1.2 Continuance of the Declaration of Local State of Emergency

Council consideration of continuing the Declaration of the Local State of Emergency due to the drought and Bark Beetle infestation.

Approved.

1.3 An Ordinance Prohibiting the Issuance of Any Business License to Medical Marijuana Dispensaries and other Businesses, Operations and Uses Prohibited by Federal or State Law

Council consideration of adopting an ordinance amending Title 5 of the Big Bear Lake Municipal Code by adding Chapter 5.99, prohibiting the issuance of any business license to medical marijuana dispensaries and other businesses, operations and uses that are prohibited by Federal or State Law, and finding that the action is exempt from the California Environmental Quality Act (CEQA).

Adopted the following ordinance, entitled:

ORDINANCE NO. 2010-400

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 5 OF THE MUNICIPAL CODE TO ADD A NEW CHAPTER 5.99 TO PROHIBIT THE ISSUANCE OF BUSINESS LICENSES TO MEDICAL MARIJUANA

DISPENSARIES AND OTHER BUSINESSES, OPERATIONS AND USES
PROHIBITED BY FEDERAL OR STATE LAW THROUGHOUT THE CITY

1.4 Boulder Bay Park Phase II Improvements – Fishing Dock Grant

Council consideration of approving a Public Access Program Agreement with the State of California/Wildlife Conservation Board for a Fishing Pier at Boulder Bay Park, and adoption of a resolution authorizing the City to enter into the agreement.

Adopted the following resolution, entitled:

RESOLUTION NO. 2010-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZATING ENTERING INTO AN AGREEMENT WITH THE WILDLIFE CONSERVATION BOARD FOR THEIR PUBLIC ACCESS PROGRAM RELATING TO THE FISHING DOCK AT BOULDER BAY PARK LOCATED AT 39080 BIG BEAR BLVD, BIG BEAR LAKE, CA 92315

1.5 Tahoe Sewer Main Replacement Project

Council consideration of awarding a construction contract to T.B.U. Inc., for the Tahoe Sewer Main Replacement Project, in the amount of \$488,577.50; reject all other bids and any protests received; and, authorize staff to contract for inspection and construction engineering services.

This item was removed from the Consent Calendar for separate discussion.

1.6 Approval of the Minutes from the Meeting of October 26, 2009

Approved as presented.

The Consent Calendar was approved by the following vote:

AYES: Harris, Herrick, Karp, Mulvihill
NOES: None
ABSENT: Jahn
ABSTAIN: None

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.5 Tahoe Sewer Main Replacement Project

Council consideration of awarding a construction contract to T.B.U. Inc., for the Tahoe Sewer Main Replacement Project, in the amount of \$488,577.50; reject all other bids and any protests received; and, authorize staff to contract for inspection and construction engineering services.

Bruce Perry, President of Genesis Construction: formally protested the City's recommendation to award the construction contract to T.B.U. Inc., based on the fact that the three low bidders, T.B.U. Inc., Dan Worley Plumbing, Inc., and Ramona Inc., did not attend the non-mandatory Pre-Bid Conference and site walk, or meet the 15.1% DBE goal for the project. He also stated that Dan Worley Plumbing and Ramona Inc. did not submit all required paperwork related to the bidding process.

Motion by Councilmember Herrick, seconded by Councilmember Mulvihill to continue this item to January 25, 2010 to allow staff to review the protest.

Said Motion was approved by the following vote:

AYES: Harris, Herrick, Mulvihill
NOES: Karp
ABSENT: Jahn
ABSTAIN: None

PUBLIC HEARINGS

2.1 Extension of a Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries

Council consideration of adopting an ordinance establishing a moratorium on the establishment and operations of medical marijuana dispensaries pursuant to Government Code Section 65858 and finding that the action is exempt from the California Environmental Quality Act (CEQA).

At the hour of 6:57 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Herrick, seconded by Councilmember Karp to adopt the following ordinance, entitled:

ORDINANCE NO. 2010-401

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, PURSUANT TO GOVERNMENT CODE SECTION 65858

Said Motion was approved by the following vote:

AYES: Harris, Herrick, Karp, Mulvihill
NOES: None
ABSENT: Jahn
ABSTAIN: None

2.2 Bail Schedule Related to Parking Violations

After the public hearing notice was published, it was found that this matter was not required to be brought before the City Council, however, members of the public will be given an opportunity to address the Council, if they so choose.

At the hour of 6:59 p.m., Mayor Harris opened the public hearing. Hearing no comment the public hearing was closed.

No action was taken.

3. DISCUSSION/ACTION ITEMS

3.1 Department of Water & Power Capacity Charges and Administrative Fees

Council consideration of introduction and first reading of an ordinance to modify Capacity Charges, Water Demand Offset Capacity Charges, Meter Installation Fees and Administrative Fees and repeal Sections 2, 3, 4 & 5 of Ordinance No. 2007-368.

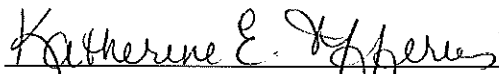
This item was tabled to January 25, 2010.

CITY COUNCIL BUSINESS

Board and Committee Reports - None.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 8:14 p.m.



Katherine E. Jefferies, CMC
City Clerk