
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
APRIL 26, 2010**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 5:00 p.m., Monday, April 26, 2010, 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.

Moment of Silence

Flag Salute: Led by City Engineer David Lawrence

Councilmembers Present: Mayor Liz Harris
Mayor Pro Tem Bill Jahn
Councilmember Rick Herrick
Councilmember Michael Karp
Councilmember Darrell Mulvihill

Councilmembers Excused: None.

Others Present: Jeff Mathieu, City Manager
Steve Deitsch, City Attorney
Katherine E. Jefferies, City Clerk
Kathleen Smith, Chief Operations Officer
Mark Mills, Assistant Fire Chief

RESULTS OF CLOSED SESSION:

City Council

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: McLean v. City of Big Bear Lake
Case Number: CIVHS 700195 – San Bernardino Superior Court

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v Griffin
Case Number: VCV010794 – San Bernardino Superior Court

No reportable action.

Improvement Agency

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: APN Nos. 0308-17-139, 0308-17-136, 0308-17-140 & 0308-17-120

City Negotiators: Executive Director and Agency Counsel

Negotiating Parties: Bisson Holdings III, LLC, Shan Sayles, Gonzalez Living Trust & Richard Rey

Under Negotiations: Price and Terms of Payment

This item was not discussed.

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: APN No. 0307-195-14

City Negotiators: Executive Director and City Attorney

Negotiating Parties: Federal Home Loan Mortgage Company c/o Wells Fargo Bank and Rick Fromm, President of Big Bear Valley Habitat for Humanity

Under Negotiations: Price and Terms of Payment

No reportable action.

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)

- Big Bear High School Spring Musical will be held Friday, April 30 & Saturday, May 1, at 7:30 p.m.
- Kiwanis International presents the “Hope of America” Awards on Monday, May 3, at 6:30 p.m.
- Algene’s Dancers Dance Recital will be held on Saturday, May 8, at 6:00 p.m.

- Big Bear High School Performing Arts Jazz/Pop Show will be held on Wednesday, May 26 and Thursday, May 27, at 7:30 p.m.

PRESENTATIONS

Mayor Harris presented a Proclamation proclaiming the Month of April, 2010 as Fair Housing Month.

Mayor Harris presented a Proclamation proclaiming the Month of May, 2010 as Building Safety Month.

PUBLIC COMMUNICATIONS:

None.

1. CONSENT CALENDAR

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

1.1 Approval of Demands – Check Issue Date 3/16/10 through 04/19/10 – Check Nos. 50441 through 50841 in the amount of \$2,046,709.94

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 Ordinance Amending Municipal Code Chapter 10 Providing for a Vehicle Release Fee for Towed Vehicles

Council consideration of adopting Ordinance No. 2010-XXX adding Section 10.30 to Chapter 10 of the Big Bear Lake Municipal Code providing for a vehicle release fee for towed vehicles.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2010-404

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 5, CHAPTER 10, SECTION 110 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO MAXIMUM AMOUNT OF BINGO PRIZES

1.4 Relocation of Fire Station Traffic Signal Project – Accept as Complete

Council consideration of accepting the Relocation of the Fire Station Signal Project as complete; determine the final construction contract amount to be \$21,374.16; direct staff to adjust funding from the Capital Projects for Street Improvements for the change order; direct staff to file the Notice of Completion; and release the final retention thirty-five (35) days following recordation, provided that no stop payment notices have been filed.

Approved.

1.5 Approval of the Minutes from the Regular Meeting of February 8, 2010, the Special Meeting of February 22, 2010 and the Regular Meeting of February 22, 2010

Approved the Minutes of the Regular Meeting of February 8, 2010 as presented, the Special Meeting of February 22, 2010 as presented, and the Regular Meeting of February 22, 2010 with amendments.

The Consent Calendar was approved by the following vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

2. PUBLIC HEARINGS

2.1 Proposed Revision to the Transient Private Home Rental Registration Fee

Council consideration of a resolution adopting a revised service fee schedule increasing the Transient Private Home Rental Registration and Inspection Service Fee from \$175.00 to \$270.00.

At the hour of 6:53 p.m., Mayor Harris opened the public hearing.

Michael Perry, Erwin Lake: spoke on behalf of Citizens Protecting the Rights of Property Owners (CPRPro), and discussed his concerns that the Transient Private Home Owners and rental agencies had not been notified that the City intended to raise the fees. He stated that, although CPRPro has a great relationship with the City, the homeowners and rental agencies need to have a better understanding of why the increase is needed, and urged the Council to table the matter at this time.

At the hour of 6:54 p.m., Mayor Harris closed the public hearing.

Motion by Councilmember Herrick, seconded by Mayor Pro Tem Jahn to table this item until staff can conduct an outreach with the Transient Private Home Rental owners and agencies to explain the fee increase.

Said Motion was approved by the following vote:

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

3. DISCUSSION/ACTION ITEMS

3.1 AMGEN Tour of California, Major Special Event Application 2010-019

Joint City Council and Fire Protection District

Council consideration of receiving a presentation from representatives of the Local Organizing Committee with an update on operational logistics, planning and sponsorships for the Tour of California and ancillary events.

Council consideration of approving a request for street closures and use of public facilities and grant a fee waiver for \$921 for facility usage and encroachment fees.

Board consideration of granting a fee waiver for \$3,819.51 for the AMGEN Tour of California professional cycling race scheduled for Friday, May 21, 2010.

Cheri Haggerty, Director of Intergovernmental/Community Relations, Jim Miller, Director of Building and Planning, Rick Bates, Event Resource Office, and Ken Dally, Chamber of Commerce President, provided an overview of the AMGEN Tour of California event that will take place throughout the City and valley on May 21st.

Tim Breunig, Village Business Owner: stated that he was in support of the event but not the street closure in the Village.

Michael Holmes, Victoria Park Carriages in the Village: stated that he was in support of the event but not the street closure in the Village.

Jeff Schwing, Big Bear Fire Department: spoke in opposition to the Fire fee waiver request of \$3,819.51.

Motion by Councilmember Mulvihill, seconded by Mayor Pro Tem Jahn to grant a City fee waiver fee of \$921.00 for facility usage and encroachment fees, and deny the Fire fee waiver request of \$3,819.51 for the AMGEN Tour of California event, scheduled for May 21, 2010.

Said Motion was approved by the following vote:

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

Motion by Councilmember Herrick, seconded by Mayor Pro Tem Jahn to approve the requested street closures and use of public facilities as presented by staff for the AMGEN Tour of California event, scheduled for May 21, 2010.

Said Motion was approved by the following vote:

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

3.2 Boulder Bay Park Grand Re-Opening and City of Big Bear Lake's 30th Anniversary Celebration

Council discussion of hosting a celebration in honor of Boulder Bay Park re-opening and the City's 30th Anniversary.

Motion by Mayor Pro Tem Jahn, seconded by Councilmember Herrick to direct staff to begin preparations for the City to host a celebration in honor of the Boulder Bay Park improvements and the City of Big Bear Lake celebrating its 30th Anniversary.

Said Motion was approved by the following vote:

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

3.3 Municipal Code Amendment to Raise the Bingo Prize Amount

Council consideration of introduction and waive full reading of an ordinance amending Title 5, Chapter 10, Section 110 of the Big Bear Lake Municipal Code relating to the maximum amount of bingo prizes.

Motion by Councilmember Herrick, seconded by Mayor Pro Tem Jahn to introduce and waive further reading of an ordinance, entitled:

ORDINANCE NO. 2010-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 5, CHAPTER 10, SECTION 110 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO MAXIMUM AMOUNT OF BINGO PRIZES

Said Motion was approved by the following vote:

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

3.4 Ordinance relating to Claims Against the City

Council consideration of introduction and waive full reading of an ordinance amending Section 3.08.030 and adding Section 3.08.080 to Chapter 3.08 of Title 3 of the Big Bear Lake Municipal Code prohibiting class action lawsuits to recover money or damages from the City and requiring persons filing legal action against the City challenging liability for taxes, assessments or fees to pay all said taxes, assessments, fees, plus any interest and/or penalties, prior to and as a condition to seeking judicial review.

Motion by Mayor Pro Tem Jahn, seconded by Mayor Harris to introduce and waive full reading of an ordinance, entitled:

ORDINANCE NO. 2010-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, AMENDING SECTION 3.08.030 TO CHAPTER 3.08 OF TITLE 3 OF THE BIG BEAR LAKE MUNICIPAL CODE PROHIBITING CLASS ACTION LAWSUITS TO RECOVER MONEY OR DAMAGES FROM THE CITY AND REQUIRING PERSONS FILING LEGAL ACTION AGAINST THE CITY CHALLENGING LIABILITY FOR TAXES, ASSESSMENTS OR FEES TO PAY ALL SAID TAXES, ASSESSMENTS, FEES, INTEREST AND/OR PENALTIES AS A CONDITION PRECEDENT TO SEEKING JUDICIAL REVIEW

Said Motion was approved by the following vote:

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

3.5 Supplemental Retirement Plan for General Employees and Non-Represented Employees

Council consideration of giving direct questions for the Actuary to staff to provide a written response related to the establishment of a Public Agency Retirement System (PARS), and advance the matter to the next City Council meeting.

Motion by Mayor Pro Tem Jahn, seconded by Councilmember Karp to advance this matter to May 10, 2010.

Said Motion was approved by the following vote:

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

At the hour of 8:18 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 9:01 p.m., the Improvement Agency adjourned to City Council.

CITY COUNCIL BUSINESS


Board and Committee Reports

SANBAG Board Meeting report was presented by Mayor Pro Tem Jahn.

The MARTA Board Meeting report was presented by Councilmember Karp and Mayor Pro Tem Jahn.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 9:25 p.m., in memory of Regina Herrick.


Katherine E. Jefferies, CMC
City Clerk