
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JUNE 22, 2009**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Herrick at 6:34 p.m., Monday, June 22, 2009, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Moment of Silence

Pledge of Allegiance led by: Councilmember Mulvihill

Councilmembers Present: Mayor Rick Herrick
Mayor Pro Tem Bill Jahn
Councilmember Liz Harris
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
Rod Ballard, Fire Chief

RESULTS OF CLOSED SESSION

City Council

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9 (c)
Number of Cases: 2

No reportable action.

Improvement Agency

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: 737-773 Knickerbocker Road, Big Bear Lake
City Negotiators: Executive Director, Redevelopment Director and Agency Attorney
Negotiating Parties: John Bigley, UHC
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)

- Big Bear Valley Community Arts Theater Society presents the “Wizard of Oz” June 26 thru July 12.

PRESENTATIONS

None.

COUNCILMEMBER GENERAL ANNOUNCEMENTS

Councilmember Mulvihill requested that his monthly stipend be reduced by 50% for the remainder of the year.

Councilmember Karp reported that on June 20th he attended the Friends of Fawnskin Town Hall Meeting, where several citizens discussed the need for the City of Big Bear Lake to allow representation from outside the City limits to be on the Department of Water & Power Board, due to the fact that 40 percent of the DWP water customers live outside of the City.

PUBLIC COMMUNICATIONS:

Marge MacDonald, Big Bear City: requested that the City Charter eligibility requirements for appointments to the Department of Water & Power Board be amended to allow for DWP customers living outside of the City limits to have representation on the Board.

Bill Lo Presti, Big Bear Lake: spoke in opposition to the City allowing additional launch ramps in Boulder Bay Park, because there are no representatives checking vessels for a lake permit or conducting an inspection for the Quagga Mussel.

Bob Ybarra, Big Bear City: discussed the need for the City to amend the Charter to allow for DWP customers living outside of the City limits to have representation on the DWP Board.

1. **CITY COUNCIL CONSENT CALENDAR**

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

1.1 Approval of Demands – Check Issue Date 06/02/09 through 06/15/09 – Check Nos. 46776 through 46914, in the amount of \$603,988.97.

Approved.

1.2 Continuance of the Declaration of Local State of Emergency due to the drought and Bark Beetle infestation.

Approved.

1.3 Use of City Grounds and Facilities – Old Miner’s Days Miss Clementine Pageant; Major Special Event Application 2009-090

Council consideration of approving a request from the Old Miners’ Association to close a portion of Bartlett Road Public Parking Lot, and grant a fee waiver for \$150 of facility rental fee and for \$20 of electricity use fee associated with the Miss Clementine Pageant, scheduled for July 20, 2009.

Approved.

1.4 Use of City Grounds and Facilities - Run the Bear Marathon, Major Special Event Application 2009-084

Council consideration of approving a request to close City streets and use public facilities and grant a fee waiver for \$921 for facility usage and encroachment fees associated with the Run the Bear event, scheduled for September 12, 2009.

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

1.5 Incorporation of the Fiscal Year 2009-2010 Department of Water Budget into the Fiscal Year 2009-2010 City of Big Bear Lake Budget

Council consideration of a resolution incorporating the Fiscal Year 2009-2010 Department of Water Budget into the City Budget, contingent upon the DWP adopting the budget as presented to the City Council on June 11, 2009.

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

1.6 Department of Water & Power Standby Charges

Council consideration of adopting an ordinance which adopts a written report regarding the water standby charges for Fiscal Year 2009/2010, and directing that the charges be collected on the tax roll. The charges will be at the same rate that was established by the City in 1994.

Adopted the following ordinance, entitled:

ORDINANCE NO. 2009-390

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A WRITTEN REPORT REGARDING WATER STANDBY CHARGES FOR FISCAL YEAR 2009-2010 AND DIRECTING THAT SUCH CHARGES BE COLLECTED ON THE TAX ROLL

1.7 Mountain Area Regional Transit Authority (MARTA) Joint Powers Agreement Amendment No. 2

Council consideration of approving Amendment No. 2 to the Mountain Area Regional Transit Authority (MARTA) Joint Powers Agreement to change the 45-day annual budget review time period to 30 days.

Approved.

1.8 Development Code Amendment 2008-339 Pertaining to Standards for Bed and Breakfast Establishments and Commercial Lodging Facilities within Residential Zones

Council consideration of adopting an ordinance amending portions of Development Code 17.25 and Chapter 17.12, pertaining to standards for bed and breakfast establishments and commercial lodging facilities in residential zones, within the City of Big Bear Lake.

This item was removed from the consent calendar for separate discussion.

1.9 Big Bear Lake Law Enforcement Contract Amendment No. 16

Council consideration of approving Amendment No. 16 to the Big Bear Lake Law Enforcement Contract for Fiscal Year 2009-2010.

Approved.

1.10 League of California Cities Litigation over Unconstitutional Diversion of Local Share of Motor Fuel (Gas) Tax

Council consideration of a resolution directing the City Attorney to cooperate and work with the League of California Cities and other local governments to advance litigation challenging the constitutionality of the proposed taking of Highway User Tax Account (HUTA) funds.

Adopted the following resolution, entitled:

RESOLUTION NO. 2009-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS

1.11 Approval of the Minutes from the Regular Meeting of April 27, 2009

Approved as presented.

The Consent Calendar was approved by the following vote:

AYES: Harris, Herrick, Jahn, Karp, Mulvihill
NOES: None
ABSENT: None
ABSTAIN: Herrick on Item 1.1 Check No. 46855; Mulvihill on Item 1.1
Check No. 46905; and Herrick on Item 1.11

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.4 Use of City Grounds and Facilities - Run the Bear Marathon, Major Special Event Application 2009-084

Council consideration of approving a request to close City streets and use public facilities and grant a fee waiver for \$921 for facility usage and encroachment fees associated with the Run the Bear event, scheduled for September 12, 2009.

Motion by Mayor Pro Tem Jahn, seconded by Councilmember Harris to approve staff recommendation.

Said Motion was approved by the following vote:

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

1.5 Incorporation of the Fiscal Year 2009-2010 Department of Water Budget into the Fiscal Year 2009-2010 City of Big Bear Lake Budget

Council consideration of a resolution incorporating the Fiscal Year 2009-2010 Department of Water Budget into the City Budget, contingent upon the DWP adopting the budget as presented to the City Council on June 11, 2009.

Motion by Councilmember Karp, seconded by Councilmember Mulvihill to table this matter in order for the City Council to take a closer look at expenditures and revenues.

A Substitute Motion was made by Councilmember Harris, and seconded by Mayor Pro Tem Jahn to adopt the following resolution, recognizing the fact that the City Council is not approving the Department of Water & Power Budget and

that the City Council is expressing their concerns that the adopted Department of Water & Power Budget contains an excessive travel allowance.

RESOLUTION NO. 2009-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, INCORPORATING THE DEPARTMENT OF WATER AND POWER OF THE CITY OF BIG BEAR LAKE APPROVED BUDGET FOR FISCAL YEAR 2009-10 INTO THE CITY BUDGET

Said Motion was approved by the following vote:

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

1.8 Development Code Amendment 2008-339 Pertaining to Standards for Bed and Breakfast Establishments and Commercial Lodging Facilities within Residential Zones

Council consideration of adopting an ordinance amending portions of Development Code 17.25 and Chapter 17.12, pertaining to standards for bed and breakfast establishments and commercial lodging facilities in residential zones, within the City of Big Bear Lake.

Motion by Mayor Pro Tem Jahn, seconded by Councilmember Harris to adopt the following ordinance, entitled:

ORDINANCE NO. 2009-391

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 17 (DEVELOPMENT CODE) OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE TO AMEND PORTIONS OF DEVELOPMENT CODE CHAPTER 17.25 (RESIDENTIAL ZONES) AND CHAPTER 17.12 (SIGNS) PERTAINING TO STANDARDS FOR BED AND BREAKFAST ESTABLISHMENTS AND COMMERCIAL LODGING FACILITIES IN RESIDENTIAL ZONES WITHIN THE CITY LIMITS

Said Motion was approved by the following vote:

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

At the hour of 7:45 p.m., Council adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 8:55 p.m., the Improvement Agency adjourned to the Fire Protection District.

FIRE PROTECTION DISTRICT

Fire Protection District proceedings are contained in separate minutes.

At the hour of 10:08 p.m., the Fire Protection District adjourned to City Council Session.

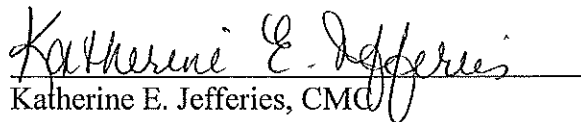
CITY COUNCIL BUSINESS

BOARD/COMMITTEE REPORTS

- MARTA Meeting represented by Mayor Pro Tem Jahn and Councilmember Harris.
- BBARWA Meeting represented by Mayor Herrick and Councilmember Harris.
- SANBAG Desert/Mountain Division Meeting; and Plans and Programs Meeting represented by Mayor Pro Tem Jahn.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Herrick adjourned the meeting at 10:15 p.m.


Katherine E. Jefferies, CMC
City Clerk

APPROVED AT THE MEETING OF: August 24, 2009