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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
FEBRUARY 12, 2007**

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A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Jahn at 6:35 p.m., Monday, February 12, 2007, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Moment of Silence

Flag Salute:                      Led by Mayor Jahn

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

Councilmembers Excused:      None

Others Present:                      Jeff Mathieu, City Manager  
   Stephen P. Deitsch, City Attorney  
   Katherine E Jefferies, City Clerk  
   Kathleen Smith, Administrative Services Director

**RESULTS OF CLOSED SESSION**

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

Name of Parties:              Center for Biological Diversity; San Bernardino Valley Audubon Society; Sierra Club; Friends of Big Bear Valley; and Christians for the Earth v. City of Big Bear Lake; City Council for the City of Big Bear Lake; and Does 1-10

Case Number:                  Superior Court Case No. SCVSS140492

No reportable action.

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

Number of potential cases: 1

No reportable action.

## **AGENDA APPROVAL**

Motion by Councilmember Harris, seconded by Mayor Pro Tem Herrick 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**

- Big Bear Lake Performing Arts Center Foundation presents *Incredible Shanghai Acrobats* – February 21

City offices will be closed on Monday, February 19, 2007, in observance of Presidents' Day.

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

Norm Reinek, Big Bear Lake: discussed his concerns regarding the City's road construction project on Catalina Road, which he was told by City staff was done to improve drainage problems. He stated that, for the past 27 years, he has driven on Catalina and never observed drainage problems of such magnitude that required expensive reconstruction. He reported that the City also placed 8 foot tall orange poles along the road after it was completed, which are hideous and out of character with our mountain environment, and asked that they be removed since they are totally unnecessary.

## **PUBLIC FORUM RESPONSE**

None.

Item 2.1 was moved to be heard prior to the Consent Calendar.

## **2. DISCUSSION/ACTION ITEMS**

### **2.1 Private Home Rental Initiative**

Council receipt of a report from the City Clerk certifying the sufficiency of the signatures for the Private Home Rental Initiative Petition; and direction to staff to either (1) adopt the ordinance as submitted by the proponents; (2) adopt the

necessary resolutions placing the Initiative on the November 4, 2008 ballot; or (3) order a report from staff to be presented to the City Council within 30 days on the effect of the proposed Initiative.

City Clerk Jefferies presented the staff report and stated that the proposed initiative has the sufficient number of signatures to be placed on the next Municipal Election scheduled for November 4, 2008. City Attorney Deitsch explained the options available for Council action and recommended that the Council order an Economic Impact Report to see what the effects would be should the proposed ordinance be adopted.

Bob Pool, President of the Lodging Association: discussed the need for the adoption of an ordinance that is at least similar to the proposed initiative, commenting that this issue really should have been resolved when it was first brought before the City several years ago. He stated that the Lodging Industry just wants the same standards to be applied to the private home rentals as they are to the motels, lodges, and bed and breakfast establishments.

Dixie Allison, Big Bear Lake: discussed that the responsibility of resolving this issue lies with the City, and that a resolution should have been made a long time ago. She urged the Council to order an objective Economic Impact Report, and suggested that representatives from both sides of the issue meet to form an evenly balanced task force to draft a new City ordinance.

Stan Miller, Big Bear Lake: spoke in support of the proposed initiative.

Lynn Wheeler, Big Bear Lake: discussed the impacts on the City if the proposed ordinance is adopted, which he felt would eliminate all private home rentals. It would also require each home to meet Federal ADA requirements that could cost between \$40,000 - \$50,000; require each rental home to obtain a Conditional Use Permit at a cost of \$2,000 dollars for the application process, impacting staff and Planning Commission time. He urged the Council to order the Economic Impact Report.

J. J. McCullan: discussed the Good Neighbor Policy and 24/7 Program implemented by the private home rental agencies, stating that these programs have led the homeowners and agencies to become more accountable and responsive when issues come up. She stated that the programs also provide greater protection for our neighborhoods, and urged the Council to order the Economic Impact Report.

Tim Brigham, President of the Board of Realtors: discussed his opposition to the proposed initiative because he feels that it would eliminate all Private Home Rentals, and urged the Council to order the Economic Impact Report.

Patty LaBaron, Big Bear Lake: spoke in opposition to the proposed initiative.

Douglas Nelson, Big Bear Lake: spoke in opposition to the proposed initiative and stated that if the ordinance is adopted it would be in violation of Federal law that protects homeowner's property rights.

City Attorney Deitsch discussed that the City had received requests to inspect the signatures on the petition filed with the City Clerk. He explained that the City must protect the voters right to privacy and cited Government Code Section 6253.5, which places heavy restrictions on the inspection of signed petitions.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Herrick to direct staff to create an impartial report by an outside, objective economist to ensure impartiality, to be presented to the City Council within 30 days, on the effect of the proposed Initiative. The report is to contain the effect on the internal consistency of the City's General and Specific Plans, including the housing element, the consistency between planning and zoning, and the limitations on City actions under Government Code Section 65008; its effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs; its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space; its impact on the community's ability to attract and retain business and employment; its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization; with best efforts made on how the initiative would affect tax write-offs for investment property owners; the possible loss of Improvement Agency funds if there is a reduction in the Transient Occupancy Tax; visitor lodging expectations; and, Federal law protecting the right to rent out one's home.

Said Motion was approved by the following vote:

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

**RECESS**

At the hour of 7:45 p.m., the Mayor declared a recess. At the hour of 7:56 p.m., Council reconvened.

**1. 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 1/13/07 through 2/05/07 – Check Nos. 35619 through 35847, in the amount of \$842,536.55**

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 Meeting of December 11, 2006, and the Meeting of January 8, 2007**

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 1.3 – Meeting of December 11, 2006  
Mulvihill on item 1.1 Check number 35838 in the amount of \$3,035.05, payable to Union Bank

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

**FUTURE AGENDA ITEMS**

Councilmember Mulvihill asked for the establishment of an Ethics Committee.

**CITY COUNCIL REPORTS AND COMMITTEE REPORTS**

Councilmember Karp and Councilmember Mulvihill reported that they had attended a Fire DAC training session with Fire Chief Morley.

Mayor Jahn presented the SANBAG committee report.

Councilmember Harris presented the BBARWA committee report.

**CITY MANAGER REPORTS**

No report.

**ADJOURNMENT**

There being no further business to come before the Council at this session, Mayor Jahn adjourned the meeting at 7:59 p.m. in Memory of Jared Landaker, U. S. Marine Corp 1<sup>st</sup> Lt. and helicopter pilot, who was killed in Iraq on February 7, 2007, and reconvened the Special Meeting of February 12, 2007.

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Katherine E. Jefferies, CMC  
City Clerk

APPROVED AT THE MEETING OF: April 9, 2007