
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JUNE 11, 2007**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Jahn at 6:33 p.m., Monday, June 11, 2007, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Moment of Silence

Flag Salute: Led by Scout Troop 87

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, Chief Operations Officer
John Morley, Fire Chief

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, Superior Court Case No. SCVSS140492

No reportable action.

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

Name of Parties: Riffenburgh Lumber Company, Inc. v. City of Big Bear Lake, Big Bear Lake Department of Water and Power, and Does 1-25, San Bernardino County Superior Court Case No. BBCHS 000986

No reportable action.

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

Property: 1085 Cherokee Street, Fawnskin, California (APN 0304-126-04)

City Negotiators: City Manager and City Attorney

Negotiating Parties: Joan D. West, Successor Trustee of the Dorothy Allen Porter Living Trust, through Mike Geibelhouse

Under Negotiation: Price and Terms of Payment

No reportable action.

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

Number of parties: City of Big Bear Lake v Joan West, etc., San Bernardino County Court Case Number BBCHS 00974

No reportable action.

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(b)(1)

Number of potential cases: 1

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Mulvihill, seconded by Mayor Pro Tem Herrick to approve the Agenda as presented. Said Motion was approved 5-0.

ANNOUNCEMENTS

Upcoming events scheduled for the Performing Arts Center – For ticket information please contact the box office at 866-4970

- C.A.T.S. presents “*Guys and Dolls*” – June 28 - July 8

- Women's Club Flower Show – July

The City is accepting applications for one seat on the Department of Water Board of Commissioners and for two seats on the Planning Commission. Applicants must be a Big Bear Lake resident and a registered voter. To obtain an application, please contact the City Clerk's office. Deadline to submit an application is Friday, June 15th.

PRESENTATIONS

Recognition of Firefighter/Engineer McElfish and Firefighter Paramedic Schwing for being accepted to the National Incident Management Teams.

Fire Chief Morley administered Oath of Office to Firefighter/Paramedic Scott Gehr, and his father, Los Angeles Battalion Chief Gehr, presented him with his Badge.

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

Dorothy Brown, Big Bear Lake: discussed her concerns regarding the proposed air pollution ban on fireplace usage by the Southern California Air Quality Management District.

PUBLIC FORUM RESPONSE

None.

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 5/08/07 through 6/04/07 – Check Nos. 37111 through 37488, in the amount of \$1,190,160.34

Approved.

1.2 Continuance of the Declaration of the 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 February 26, 2007

Approved as presented.

1.4 Sewer Fees, Refuse Fees, and Sewer Standby Fees

Council consideration of authorizing staff to schedule a public hearing for June 25, 2007, for the collection of assessments for the Sewer Fees, Refuse Fees, and Sewer Standby Fees on the 2007-2008 tax rolls.

Approved.

1.5 Modification to the Memorandum of Understanding – San Bernardino Public Employees Association, General Unit

Council consideration of a resolution approving the amendments to the General Employee Memorandum of Understanding.

Adopted the following resolution, entitled:

RESOLUTION NO. 2007-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING A SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BIG BEAR LAKE AND SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION, GENERAL EMPLOYEES UNIT

1.6 Civic Center Biological Services

Council consideration of allocating \$21,040.00, from undesignated fund balance to 110-4410-2240, contract services, for the comprehensive biological study of Civic Center.

Approved.

1.7 Fiscal Year 2007/2008 Sewer Reline Project

Council consideration of a finding that the project is categorically exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15302 (c); and authorize staff to advertise for the fiscal year 2007/2008 Sewer Reline Project.

Approved.

1.8 Stop Sign on Lahontan Road at Eureka Drive and Yield Signs on Lahontan Road at Mountaineire Lane and Jeffries Road

Council consideration of a resolution authorizing the installation of a stop sign at the southwest corner of Lahontan Road at Eureka Drive and yield signs at the southwest and northeast corners of Lahontan Road at Mountaineire Lane and at Jeffries Road.

Adopted the following resolution, entitled:

RESOLUTION NO. 2007-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESIGNATING STOP CONTROL ON LAHONTAN ROAD AT EUREKA DRIVE AND YIELD SIGNS ON LAHONTAN AT MOUNTAINAIRE LANE AND JEFFRIES ROAD

1.9 Resolution of Support for Proposition 1B Fund Allocation

Council consideration of a resolution urging the State legislature to release Proposition 1B funds in a timely and adequate manner, allowing local transportation projects currently underway to continue without interruption and benefit those ready to go.

Adopted the following resolution, entitled:

RESOLUTION NO. 2007-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, SUPPORTING \$1 BILLION STATE BUDGET ALLOCATION OF PROPOSITION 1B FUNDS TO CITIES IN 2007-08

1.10 Claim of Gaye Simms

Council consideration of rejecting the Claim of Gaye Simms based on the recommendation by Carl Warren & Co.

Approved.

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.37443 in the amount of \$56.66

2. PUBLIC HEARINGS

2.1 General Plan Amendment 2006-169 and Zone Change 2006-170, 42040 Big Bear Boulevard (APN 2328-121-02 – Ray Burton Applicant)

Council consideration of a resolution adopting a Negative Declaration and approving General Plan Amendment 2006-169 changing the land use designation of an approximately 32,000 square foot portion of the property at 42040 Big Bear Boulevard from Industrial to Commercial General; and, introduction and first reading of an ordinance adopting a Negative Declaration for the project and approving Zone Change application 2006-170 changing the zoning of an approximately 32,000 square foot portion of the property at 42040 Big Bear Boulevard from Commercial-Industrial (C-5) to Commercial-General (C-2).

At the hour of 6:50 p.m., Mayor Jahn opened the public hearing. Hearing no comment, the public hearing was closed.

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

RESOLUTION NO. 2007-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ADOPTING A NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT 2006-169 FOR AN APPROXIMATELY 32,000 SQUARE FOOT PORTION OF PROPERTY LOCATED AT 42040 BIG BEAR BOULEVARD, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2328-121-02

Said Motion was approved by the following vote:

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

Motion by Councilmember Harris, seconded by Mayor Pro Tem Herrick to waive further reading and introduce the following ordinance, entitled:

ORDINANCE NO. 2007-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING ZONE CHANGE 2006-170 FOR AN APPROXIMATELY 32,000 SQUARE FOOT PORTION OF PROPERTY LOCATED AT 42040 BIG BEAR BOULEVARD, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2328-121-02

Said Motion was approved by the following vote:

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

2.2 Department of Water & Power Standby Fees

Council consideration of Introduction and first reading of an ordinance adopting a written report for the water standby charges for fiscal year 2007/2008 and directing that the charges be collected on the tax roll. These fees will be at the same rate that was established in 1994.

At the hour of 6:55 p.m., Mayor Jahn opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Herrick to waive further reading and introduce the following ordinance, entitled:

ORDINANCE NO. 2007-XXX

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 2007-08 AND DIRECTING THAT SUCH CHARGES BE COLLECTED ON THE TAX ROLL

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 Proposed Increase to Commercial Usage Charges and System Rehabilitation Fees

Council consideration of introduction and first reading of an ordinance rescinding Ordinance No. 2003-330 and a portion of Ordinance No. 2002-321 and a portion of Ordinance No. 2004-340, and adopting increased commercial usage charges and system rehabilitation fees.

Vi Coalunga, Bear Valley Community Healthcare District Chief Executive Officer: spoke in opposition to the proposed increase because it would cause the District's water bill to increase by as much as 75%.

Marge MacDonald, Sugarloaf: discussed that the commercial rates should be increased however, she felt that the proposed amount is too high.

Denise Proffer, Sugarloaf: discussed that the proposed fee increase is too high and taxpayers cannot handle another increase.

Charlie Brewster, Big Bear Lake: spoke in opposition to the proposed increase and stated that he owns six commercial meters for his lodge and restaurant facilities. He discussed that the Big Bear lodging industry is approximately at 40 percent occupancy, and many commercial buildings in town are already vacant and, if this increase were to be approved, the economic impact would be devastating.

Jerry Lemke, Owner of Evergreen Restaurant: urged the Council to hold off making a decision until the business owners can get more information on how the increase will affect their businesses. He suggested that if the increase is to go forward that it be done on an incremental basis.

Walt Eggett, Sugarloaf: spoke in support of the commercial rate increase.

Lynn Baker, Northwoods Resort: discussed her concerns regarding the proposed rate increase, and stated that business owners have spent many hours trying to reduce water usage while at the same time trying to maintain a quality of standard and comfort for their guests. She stated that businesses are not opposed to the commercial rate increase, but are opposed to the amount of the increase.

Carol Ferraud, Superintendent of Bear Valley Unified School District: spoke in opposition to the proposed rate increase as proposed by the DWP Board. She stated that the action provides for rate increases as high as 112% for the school district, an annual increase of \$32,000, which will place a significant fiscal burden on the District. She discussed that the cost to service analysis prepared by the DWP has several discrepancies which need further explanation and urged the City Council to send this rate proposal back to DWP to work with their customers to resolve all of the issues.

Dana DuVall, Sugarloaf: spoke in support of the rate increase to replace the 50 year old pipes.

Brent Tragaskis, Chamber of Commerce: spoke in opposition to the proposed rate increase. He urged the Council to conduct public workshops involving the business community and the Chamber, in order to better understand the cost of service analysis recently completed by the DWP, and that a new rate structure should be drafted with gradual increases over a five plus year period.

Reese Troublefield, Big Bear Valley Recreation and Park District: discussed the need for a tiered rate increase structure that can be achieved on a 3 to 5 year period.

Doreen Wiggins, Big Bear Lake: spoke in opposition to the proposed rate increase because it would have a serious financial affect on her business.

Barbara McLean, Big Bear Lake: spoke in opposition to the proposed rate increase.

Jim McLean, Big Bear Lake: spoke in opposition to the proposed rate increase and stated that the Financial Plan and Water Rate Study prepared for the DWP by CDM is flawed.

Discussion ensued regarding the need for more clarification from the DWP related to what the actual rates would be for the rate payers if the rate increase was approved. The Council also asked for more information related to the mandates of Proposition 218 if the rates were phased in rather than implemented all at once.

Motion by Mayor Pro Tem Herrick, seconded by Councilmember Harris to continue this matter to June 25, 2007.

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 8:57 p.m., Mayor Jahn declared a recess. At the hour of 9:07 p.m., Council reconvened.

3.2 Big Bear Valley Aquatic Center

City Council authorization to staff regarding the Assessment District Ballots for the proposed Big Bear Valley Aquatic Center.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Herrick for the Council to take a neutral position in this matter.

Said Motion was approved by the following vote:

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

3.3 Newsrack Devices

Council consideration of directing staff to prepare ordinances amending the Municipal Code and the Development Code to regulate Newsracks on public property with direction to staff that the ordinance be reviewed by the Planning Commission.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Herrick to direct staff to prepare ordinances amending the Municipal Code and the Development Code to regulate Newsracks on public property, and that the ordinances be brought before the Planning Commission for review.

Said Motion was approved by the following vote:

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

3.4 Adoption of an Eminent Domain Program to the Improvement Agency Plans Pursuant to New Health and Safety Code Requirements

Council consideration of introduction and first reading of an ordinance adopting an amendment to the Improvement Plan for the Big Bear Lake Improvement Project, adopting an eminent domain program for the Big Bear Lake Improvement Project Area, and directing staff to record a revised statement of proceedings.

Motion by Mayor Pro Tem Herrick, seconded by Councilmember Karp to waive further reading and introduce the following ordinance, entitled:

ORDINANCE NO. 2007-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING AN AMENDMENT TO THE IMPROVEMENT PLAN FOR THE BIG BEAR LAKE IMPROVEMENT PROJECT, ADOPTING AN EMINENT DOMAIN PROGRAM FOR THE BIG BEAR LAKE IMPROVEMENT PROJECT AREA AND DIRECTING AGENCY STAFF TO RECORD A REVISED STATEMENT OF PROCEEDINGS

Said Motion was approved by the following vote:

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

Council consideration of introduction and first reading of an ordinance adopting an amendment to the Improvement Plan for the Moonridge Improvement Project, adopting an eminent domain program for Moonridge Project Area and directing staff to record a revised statement of proceedings.

Motion by Mayor Pro Tem Herrick, seconded by Councilmember Karp to waive further reading and introduce the following ordinance, entitled:

ORDINANCE NO. 2007-371

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING AN AMENDMENT TO THE IMPROVEMENT PLAN FOR THE BIG BEAR LAKE IMPROVEMENT PROJECT, ADOPTING AN EMINENT DOMAIN PROGRAM FOR THE BIG BEAR LAKE IMPROVEMENT PROJECT AREA AND DIRECTING AGENCY STAFF TO RECORD A REVISED STATEMENT OF PROCEEDINGS

Said Motion was approved by the following vote:

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

At the hour of 10:00 p.m., Council adjourned to the Improvement Agency

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 10:03 p.m., the Improvement Agency adjourned to Council session.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

FUTURE AGENDA ITEMS

None.

COMMITTEE/CITY COUNCIL REPORTS

SANBAG – Mayor Jahn reported that SANBAG has approved the fiscal year 2007-2008 budget, and that the Mayor of Barstow has been elected as Chairman.

CITY MANAGER REPORTS

None.

There being no further business to come before the Council at this session, Mayor Jahn adjourned the meeting at 10:12 p.m.

Katherine E. Jefferies, CMC
City Clerk

APPROVED AT THE MEETING OF: September 10, 2007