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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
JULY 10, 2006**

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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 6:30 p.m., Monday, July 10, 2006, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

Moment of Silence

Flag Salute: Led by Councilmember Harris

Councilmembers Present: Mayor Bill Jahn  
Mayor Pro Tem Shed Conklin  
Councilmember Ken Dally  
Councilmember Liz Harris  
Councilmember Darrell Mulvihill

Councilmembers Excused: None

Others Present: Kathleen Smith, Interim City Manager  
Stephen P. Deitsch, City Attorney  
Wendy Costello, Deputy City Clerk  
Dave Martinez, Development Services Director

**PUBLIC FORUM FOR CLOSED SESSION**

None.

**RESULTS OF CLOSED SESSION**

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

Number of Cases: 1

No reportable action.

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

Property: 412211 Lahonton Drive, Big Bear Lake  
City Negotiating Parties: Interim City Manager and City Attorney  
Negotiating Party: Alan Degenhardt

Under Negotiation: Price and Terms of Payment

No reportable action.

3. PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code Section 54957  
Title of position to be filled: City Manager

No reportable action.

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54956.7

City Designated Negotiator: Peckham & McKenney, and City Attorney

Unrepresented Employee: City Manager

No reportable action.

### **AGENDA APPROVAL**

Motion by Councilmember Harris, seconded by Councilmember Dally 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

- Miss Big Bear Pageant will be held on July 15
- Old Miners Association presents *The Cowboy Poetry & Music Festival* July 21 & 22

The nomination period for three seats on the City Council begins Monday, July 17, 2006, and will close at 5:00 p.m., Friday, August 11, 2006, unless an incumbent does not file then the nomination period will be extended to August 16th. To qualify for election, a candidate must be a resident and a registered voter of Big Bear Lake. For those interested in filing, please make an appointment with the City Clerk at 866-5831 ext. 103.

### **PRESENTATIONS**

Domingo Rojas, Maintenance Worker I was presented with his 5-year City employee pin by Mayor Jahn and Public Works Superintendent Jerry Vantine.

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

Elaine Tenuity, Big Bear Lake: discussed her concerns about water conservation in the Big Bear Valley. She also stated that the sound system, at the last Council meeting held at the MWD, was not loud enough for everyone to hear the Hilton Public Hearing.

Mayor Jahn responded by stating that he had repeatedly reminded the City Council to speak into the microphone.

Dixie Allison, Big Bear Lake: spoke in opposition to the Private Home Rental Ordinance. She also stated that the Resort Association and the ski areas were marketing to cheap people and that the business owners were suffering.

**PUBLIC FORUM RESPONSE**

None.

**1. CONSENT CALENDAR**

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

**1.1 Approval of Demands – Check Issue Date 06/21/06 through 07/04/06 – Check Nos. 33015 through 33216, in the amount of \$363,794.58**

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.

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

**1.3 Statement of Investment Policy**

Council consideration of a resolution adopting the Statement of Investment Policy for fiscal year 2006-2007.

Adopted the following resolution entitled:

RESOLUTION NO. 2006-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2006-07

**1.4 City Manager Contract**

Council consideration of approving the contract for the position of City Manager.

Approved.

The Consent Calendar was approved by the following vote:

AYES : Conklin, Dally, Harris, Jahn, Mulvihill  
NOES: None  
ABSENT: None  
ABSTAIN: None

**2. PUBLIC HEARINGS**

**2.1 Conveyance of City Property for the Development of Affordable Housing and Approval of an Affordable Housing Agreement**

Council consideration of a resolution approving the sale of property located at 41221 Lahonton Drive to the Improvement Agency; and a resolution approving an Affordable Housing Agreement between the Improvement Agency and Developer, and making certain findings pursuant to California Health and Safety Code Section 33433.

At the hour of 6:54 p.m., Mayor Jahn opened the public hearing. Hearing no comments, the public hearing was closed.

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

RESOLUTION NO. 2006-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING THE SALE OF PROPERTY LOCATED AT 41221 LAHONTON DRIVE (ASSESSOR'S PARCEL NUMBER 0309-046-32) TO THE IMPROVEMENT AGENCY OF THE CITY OF BIG BEAR LAKE

and,

RESOLUTION NO. 2006-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE IMPROVEMENT AGENCY OF THE CITY OF BIG BEAR LAKE AND BIG BEAR HOUSING AFFORDABILITY PARTNERS, INC., LLC AND MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 IN CONNECTION THEREWITH

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill  
NOES: None  
ABSTAIN: None  
ABSENT: None

**2.2 Payment of Improvement Agency Tax Increment Revenues for the Fire Station**

Council consideration of a resolution approving a financing agreement between the City of Big Bear Lake and the Improvement Agency, and making findings in connection with the City of Big Bear Lake Improvement Agency's use of Tax Increment funds for the financing of certain fire station improvements pursuant to California Health and Safety Code Sections 33445 and 33679.

At the hour of 7:00 p.m., Mayor Jahn opened the public hearing. Hearing no comments, the public hearing was closed.

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

RESOLUTION NO. 2006-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF BIG BEAR LAKE IMPROVEMENT AGENCY AND THE CITY OF BIG BEAR LAKE AND MAKING FINDINGS IN CONNECTION WITH THE CITY OF BIG BEAR LAKE IMPROVEMENT AGENCY'S USE OF TAX INCREMENT FUNDS FOR THE FINANCING OF CERTAIN FIRE STATION IMPROVEMENTS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill  
NOES: None  
ABSTAIN: None  
ABSENT: None

At the hour of 7:01 p.m., Council adjourned to the Improvement Agency.

**IMPROVEMENT AGENCY**

Improvement Agency proceedings are contained in separate minutes.

At the hour of 7:04 p.m., the Improvement Agency adjourned to City Council session.

**3. DISCUSSION/ACTION ITEMS**

**3.1 Bear Valley Community Wildfire Protection Plan**

Council Consideration of authorizing the Mayor to acknowledge and sign the Big Bear Valley Community Wildfire Protection Plan on behalf of the City.

Fire Chief Morley presented the staff report.

Lynn Okerblum, Big Bear Lake: spoke in support of the Wildfire Protection Plan and wanted to know what future action would be taken in order to move forward with the project.

Motion by Councilmember Harris, seconded by Councilmember Dally to acknowledge and authorize the Mayor to sign the Big Bear Valley Community Wildfire Protection Plan on behalf of the City.

Said Motion was approved by the following vote:

AYES: Conklin, Dally, Harris, Jahn, Mulvihill  
NOES: None  
ABSENT: None  
ABSTAIN: None

### **3.2 Transient Private Home Rental Noise and Spa Complaints**

Council consideration of discussing with staff Transient Private Home Rental noise and spa complaints with direction to staff.

Michael Karp, Big Bear Lake: stated that there is a need for more law and medical personnel due to the number of private home rental complaints. He also stated that any inconvenience or disturbance calls should be charged to the private home rental agencies and the homeowners.

Dixie Allison, Big Bear Lake: stated that she had concerns about noise, hot tubs, parking and health and safety issues with private home rentals. She also stated that the 24/7 Hour Hot Line was virtually non-existent.

Cindy Graab, Big Bear Lake: spoke in opposition to the Private Home Rental program.

Mark Tomchik, Big Bear Lake: stated that he manages private home rentals and out of 2,000 reservations made last year, he received only four noise complaints and that is because of their strict rental policy guidelines.

Sam Bocka, The Black Forest Lodge and Northwoods Resort Manager, Big Bear Lake: discussed concerns about police response to 911 calls and the need for more law enforcement personnel in the Big Bear Valley.

Received and filed the report.

### **3.3 Code Compliance Officer II**

Council consideration of reviewing and discussing with staff the hiring of an additional Code Compliance Officer II.

Chuck Lindeen, Owner, Chuck's Home Inspections: stated that he is opposed to in-house inspections of private home rentals, because the majority of private homeowners would not like City Building Officials inspecting their properties.

Lynn Okerblum, Big Bear Lake: discussed her concerns as to whether the Public Works employees have the same training and authority as a Code Enforcement Officer or a Sheriff to enforce the City's code.

Mark Tomchik, Big Bear Lake: spoke in support of the Private Home Rental Program. He stated that when owners go off the Private Home Rental Program, they continue to rent their homes, however, Transient Occupancy Tax is no longer collected and no one takes responsibility for the rental.

Council directed staff to further research other possible funding sources including looking at additional budget accounts to fund the proposed position.

At the hour of 8:22 p.m., Council adjourned to the Fire Protection District Meeting.

### **FIRE PROTECTION DISTRICT**

Fire Protection District proceedings are contained in separate minutes.

At the hour of 8:23 p.m., the Fire Protection District adjourned to Council session.

### **4. ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

### **FUTURE AGENDA ITEMS**

Councilmember Harris presented an article related to water conservation and asked staff to research the feasibility of no flush urinals.

Development Services Director Martinez stated that staff would research the information and report back to the Council.

Councilmember Mulvihill asked for an Improvement Agency meeting to be scheduled for discussion of utilizing Improvement Agency funds for road and drainage projects.

### **CITY COUNCIL REPORTS AND COMMITTEE REPORTS**

Councilmember Mulvihill gave a SANBAG Committee status report and stated that he has been asked to sit on the budget and personnel committee.

Mayor Jahn stated that he had attended the second of six scheduled summer concert series, at Veterans' Park, and was happy to see such a wonderful turnout.

### **CITY MANAGER REPORTS**

Interim City Manager Smith expressed her sincere thanks to the City Council and staff for their support during her term as Interim City Manager.

### **ADJOURNMENT**

There being no further business to come before the Council at this session, Mayor Jahn adjourned the meeting at 8:27 p.m.

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Wendy L. Costello  
Deputy City Clerk

APPROVED AT THE MEETING OF: September 11, 2006