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**CITY OF BIG BEAR LAKE CITY COUNCIL  
MINUTES FOR REGULAR MEETING  
NOVEMBER 10, 2008**

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A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Herrick at 4:30 p.m., Monday, November 10, 2008, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

**PUBLIC FORUM FOR CLOSED SESSION:** None.

At the hour of 4:35 p.m., Council adjourned to Closed Session.

At the hour of 6:31 p.m., Council adjourned to Open Session.

**OPEN SESSION**

Moment of Silence

Flag Salute: Led by Councilmember Harris

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  
Mark Mills, Interim Fire Chief

**RESULTS OF CLOSED SESSION: City Council**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)  
James R. McLean vs. City of Big Bear Lake - Superior Court of California CIVHS 700195

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(a)  
Application of Golden State Water Company before the Public Utilities Commission  
Application Nos. 08-06-034 and 08-08-021

No reportable action.

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

Property:	39690 Big Bear Blvd., and 41970 Garstin Road
City Negotiators:	City Manager and City Attorney
Negotiating Party:	Big Bear Disposal
Under Negotiation:	Price and Terms of Payment

No reportable action.

**RESULTS OF CLOSED SESSION: Improvement Agency**

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

No reportable action.

**AGENDA APPROVAL**

Motion by Mayor Pro Tem Jahn, seconded by Councilmember Karp 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 or [www.citybigbearlake.com](http://www.citybigbearlake.com)

- Community Arts Theater Society presents 'Cinderella' – November 14 – 30.

City offices will be closed on Tuesday November 11, 2008 in observance of Veteran's Day.

## **PRESENTATIONS**

Fire Protection District Chairman Karp administered the Oath of Office to Paid Call Firefighters Edgar Alderete, Josh Winters, Regina Preiss, Stefan Zbyszycski, Shawn Leonard, James Landrum, Patrick Kenahan and Andrew Keller.

## **PUBLIC FORUM**

Barbara McLean, Big Bear Lake: discussed her concerns regarding the existing litigation that was filed against the Department of Water & Power a year ago related to water rates that were charged to Apples Bed & Breakfast. She stated that the case is no further along now than it was 12 months ago due to the fact that the City's attorney is not handling the case correctly and is not informing the City of the true facts of the case. She questioned who at the City is giving direction to the City's attorney to make decisions in court on behalf of the City.

Jim McLean, Big Bear Lake: thanked Mayor Herrick for listening to the questions and concerns that he and Bob Pool had related to the commercial water rates. He commented that if the DWP Board and the City Council had sat down and discussed the matter a year ago he would not have filed his lawsuit with the City.

## **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 10/21/08 through 11/03/08 – Check Nos. 43845 through 44070, in the amount of \$657,388.51**

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 Notice of Completion – Sewer Reline Project**

Council consideration of accepting the Sewer Reline Project as complete; determine the final contract cost to be \$258,738.50; direct the City Clerk to file the Notice of Completion; and release the retention amount of \$25,873.85, thirty-five days after recordation.

Approved.

**1.4 Notice of Completion – Manhole Covers to Grade Project**

Council consideration of accepting the Manhole Covers to Grade Project as complete; determine the final contract cost to be \$56,441.25; direct the City Clerk to file the Notice of Completion; and release the retention amount of \$5,644.13, thirty-five days after recordation.

Approved.

**1.5 Cancellation of the November 24, 2008 and the December 22, 2008 City Council Meetings**

Council consideration of cancelling the regularly scheduled meetings of November 24, 2008, and December 22, 2008.

Approved.

**1.6 Fee Waiver Request**

Council consideration of approving a request to waive fees in the amount of \$178.00, as part of Community Arts Theater Society (C.A.T.S.) outreach to local underprivileged students to attend a performance of 'Cinderella,' to be held on Thursday, November 13, 2008 in the Performing Arts Center.

Approved.

**1.7 Approval of the Minutes from the Meeting of September 8, 2008**

Approved as presented.

**1.8 City Support and Partnership with the Big Bear Chamber of Commerce  
"Shop Big Bear" Campaign**

Council consideration of receiving and filing a report regarding the cooperation the City has had with the Chamber of Commerce related to the "Shop Big Bear" Campaign.

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

The Consent Calendar was approved by the following vote:

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

**2. PUBLIC HEARINGS**

**2.1 General Plan Amendment 2003-102, Zone Change 2003-103, and  
Development Agreement 2006-211**

Council consideration of a Resolution adopting a Mitigated Negative Declaration and Mitigation Measure Monitoring Program and approving General Plan Amendment application 2003-102 to change the General Plan designation of a 2.97-acre property from Single-Family Residential (SFR-3) to Multiple Family Residential (MFR); a first reading of an ordinance adopting a Mitigated Negative Declaration and Mitigation Measure Monitoring Program and approve Zone Change application 2003-103 to change the zoning designation of a 2.97-acre property from Single-Family Residential (R-1-10,000) to Multiple Family Residential (R-3); first reading of an ordinance adopting a Mitigated Negative Declaration and Mitigation Measure Monitoring Program that approves Development Agreement application 2006-211 enabling the City to enter into an agreement with the developer for the construction of a 35-unit senior, age-restricted condominium complex.

At the hour of 7:05 p.m., Mayor Herrick opened the public hearing

Bill Lo Presti, Big Bear Lake: discussed his concerns related to the project and the possible impacts that it would have on traffic as well as the Bald Eagle population, which has been declining considerably year after year. He urged the

Council to have an updated Environmental Impact and CEQA Report be conducted prior to approving this project in order to prevent future litigation.

Brian Weber, Applicant: gave an overview of the history of the project and discussed the need for senior related housing that gives seniors an ownership opportunity.

Ed Wallace, Chairman of the Sierra Club Representative: spoke on behalf of the Sierra Club and the San Bernardino Valley Audubon Society and stated that they are not opposed to senior housing, but were in opposition to a development that is in such close proximity to a Bald Eagle habitat. He also addressed concerns regarding the need to look at how increased density continues to be developed without a good evacuation plan.

Dr. David Foltz: spoke on behalf of the Democratic Club of Big Bear Valley in opposition to the proposed project based on impacts to traffic and the need for an updated EIR report. He also discussed that should the project be developed, restrictions be put into place guaranteeing that the units can be sold to only those who are 55-years and older.

At the hour of 7:19 p.m., the public hearing was closed.

Council discussed with staff their concerns related to the Bald Eagles, water and traffic impacts and the opportunity to have more time to review all of the issues brought forth by the speakers and correspondence from the public.

Motion by Councilmember Karp to direct staff to seek the opinion of other sources regarding the status of the Bald Eagles and the impact that this development and other projects throughout the Valley have had on the Eagles.

Said Motion died for lack of a second.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Jahn to table this item to December 8, 2008.

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 Moonridge Animal Park Relocation Draft Environmental Impact Statement**

Council consideration of receiving and filing a report related to the relocation of the Moonridge Animal Park, and extend a letter in support of the relocation.

Motion by Councilmember Harris, seconded by Mayor Pro Tem Jahn to authorize the Mayor to send a letter to the San Bernardino National Forest Association in support of the draft Environmental Impact Statement for the relocation of the Moonridge Zoo to the Discovery Center.

Said Motion was approved by the following vote:

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

Motion by Councilmember Mulvihill, seconded by Councilmember Karp to send a letter to the San Bernardino National Forest Association and the Municipal Water District to discuss the possibility of establishing a public boat dock to provide access from the lake to the Discovery Center.

Said Motion was approved by the following vote:

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

At the hour of 8:03p.m., Council adjourned to the Improvement Agency.

**IMPROVEMENT AGENCY**

Improvement Agency proceedings are contained in separate minutes.

At the hour of 8:26 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 8:44 p.m., the Fire Protection District adjourned to Regular Council Session.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**1.8 City Support and Partnership with the Big Bear Chamber of Commerce  
"Shop Big Bear" Campaign**

Council consideration of receiving and filing a report regarding the cooperation the City has had with the Chamber of Commerce related to the "Shop Big Bear" Campaign.

Motion by Mayor Pro Tem Jahn, seconded by Councilmember Karp to authorize an appropriation for an amount not to exceed \$5,000, from the General Fund to purchase new pole banners for the Village.

Said Motion was approved by the following vote:

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

**FUTURE AGENDA ITEMS**

Councilmember Karp requested a discussion item related to the Council committee appointments.

Mayor Herrick requested discussion items related to Council conduct and the sequence of traffic lights along the boulevard to help traffic congestion.

Councilmember Mulvihill reported that today marks the 230<sup>th</sup> Birthday for the Marine Corp. He encouraged the public to attend the Veteran's Day event tomorrow, and urged all businesses to fly the American flag.

**COMMITTEE REPORT/COUNCIL REPORTS**

Mayor Jahn reported on the SANBAG meeting that he attended and stated that the Board received a presentation on the Quarterly Investment Programs, and a legislative update on SB375, which will mandate that regional transportation planning agencies adopt strategies by 2010 showing how they will meet specific greenhouse-gas reduction targets for 2020 and 2035.

Councilmember Karp stated that election time is a time to enact our values, beliefs and ideals and our City Council has been vigorously engaged in this hallowed process, and discussed his hope that the Council will continue to work together in a gracious manner.

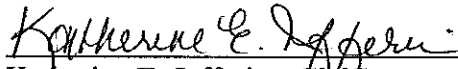
Mayor Herrick stated that he agrees with Councilmember Karp that the election process is a time of both stress and joy. He stated that at times relationships are damaged throughout the election time period, but he also hopes that during future elections the most important thing to remember is that we are all working toward the good of our community.

**CITY MANAGER REPORTS**

None.

**ADJOURNMENT**

There being no further business to come before the Council at this session, Mayor Herrick adjourned the meeting at 8:57 p.m.

  
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Katherine E. Jefferies, CMC  
City Clerk

APPROVED AT THE MEETING OF: January 26, 2009