
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
May 13, 2019**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Putz at 6:34 p.m. on Monday, May 13, 2019, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

OPEN SESSION

Flag Salute: Led by Councilmember Caretto

Invocation Led by Associate Pastor Tom Owens of Big Bear Four Square Church.

Councilmembers Present: Mayor Randall Putz
Mayor Pro Tem Rick Herrick
Councilmember David Caretto

Councilmembers Excused: Councilmember Bob Jackowski
Councilmember Bill Jahn

Others Present: Jeff Mathieu, City Manager
Stephen Deitsch, City Attorney
Erica Stephenson, City Clerk
Rebecca Cannon, Administrative Assistant

ANNOUNCEMENTS & UPCOMING EVENTS

The City Council Meeting scheduled for May 27th has been cancelled; the next Regular Meeting of City Council will take place Monday, June 10, 2019 at 6:30 p.m.

EVENT CALENDAR FOR THE PERFORMING ARTS CENTER

For tickets please contact the box office at (909) 866-4970 or visit www.citybigbearlake.com

- Hope of America Awards presented by the Kiwanis Club of Big Bear Valley on May 14th at 6:30 p.m.
- The Voice Studio of Diane Sloan Kubeja presents The Summer Voice Recital on May 30th at 7:30 p.m.
- The Voice Studio of Diane Sloan Kubeja presents Maggie & Friends on June 1st at 7:30 p.m.
- Steven G. Mihaylo Scholarship Presentation on June 2nd at 2:00 p.m.
- Big Bear High School Awards Night on June 3rd at 7:00 p.m.

PUBLIC COMMUNICATIONS

Johnny Wells, Big Bear Lake: Addressed Council regarding the Sidewalk Vending Ordinance. Mr. Wells stated his concerns with vendors only accepting cash payments in an effort to avoid paying taxes; wants to know if there is a possibility for a clause in the ordinance to ensure vendors do not set up their carts/displays in front of brick and mortar business' windows.

1. CONSENT CALENDAR

Motion by Councilmember Caretto, seconded by Mayor Pro Tem Herrick, to approve the consent calendar as follows:

1.1 APPROVAL OF DEMANDS – CHECK ISSUE DATE 04/12/19 THROUGH 05/01/19 IN THE AMOUNT OF \$348,999.64

Approved.

1.2 APPROVAL OF MEETING MINUTES FROM THE APRIL 22, 2019 REGULAR MEETING OF CITY COUNCIL

Approved.

1.3 LETTER OF OPPOSITION – AB 1356 (TING)

Council consideration of receiving and filing a report regarding the submittal of a Letter of Opposition for Assembly Bill 1356.

Approved.

1.4 VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 – ENGINEER'S REPORT FOR FISCAL YEAR 2019-20

Council consideration of receiving and approving the Engineer's Report; adopting a resolution of intention to levy and collect assessments within the Village Assessment District and scheduling a public hearing for June 10, 2019; and directing the City Clerk's Office to publish the resolution of intention.

Approved and adopted the following resolution entitled:

RESOLUTION NO. 2019-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE VILLAGE MAINTENANCE ASSESSMENT DISTRICT NO. 1-92 FOR FISCAL YEAR 2019-20, AND SETTING THE DATE FOR A PUBLIC HEARING ON THIS ACTION

1.5 SBCTA ADVANCE EXPENDITURE AGREEMENT NO. 19-1002192

Council consideration of authorizing the City Manager, and/or his designee, to execute the Advance Expenditure Agreement No. 19-1002192.

Approved.

1.6 FRANCHISE AGREEMENT AMENDMENT AND EXTENSION – BIG BEAR DISPOSAL

Council consideration of authorizing the City Manager, and/or his designee, to execute the contract extension documents with Big Bear Disposal for the duration of one year.

Approved.

1.7 DEVELOPMENT CODE AMENDMENT – DCA 2019-001

Council consideration of adopting an ordinance approving Development Code Amendment 2019-001 revising Table 17.35.030.A.; and finding the amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2019-464

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT 2019-001 AMENDING DEVELOPMENT CODE TABLE 17.35.030.A. "PRINCIPAL USES PERMITTED IN THE COMMERCIAL AND PUBLIC ZONES" TO REMOVE THE CONDITIONAL USE PERMIT REQUIREMENT FOR A PSYCHIC, TAROT CARD READER, FORTUNETELLER, HYPNOTIST, OR SIMILAR USE AND TO ALLOW THIS KIND OF USE IN THE COMMERCIAL-SERVICE (C-1) AND COMMERCIAL-GENERAL (C-2) ZONES, AND FINDING THE AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

1.8 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 10.40 TO TITLE 10 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO MOBILE FOOD VENDING

Council consideration of adopting an ordinance adding chapter 10.40 to title 10 of the Big Bear Lake Municipal Code relating to Mobile Food Vending.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2019-465

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ADDING CHAPTER 10.40 TO TITLE 10 OF THE BIG BEAR LAKE MUNICIPAL CODE, RELATING TO MOBILE FOOD VENDORS

1.9 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING CHAPTERS 10.04.190 AND 10.40.200 OF THE BIG BEAR LAKE MUNICIPAL CODE PERTAINING TO THE PROHIBITION OF THE USE OF STREETS FOR VEHICLE STORAGE AND PARKING FOR CERTAIN PURPOSES

Council consideration of adopting an ordinance amending chapters 10.04.190 and 10.04.200 of the Big Bear Lake Municipal Code pertaining to the prohibition of the use of streets for vehicle storage and parking for certain purposes.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2019-466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING CHAPTERS 10.04.190 AND 10.04.200 OF THE BIG BEAR LAKE MUNICIPAL CODE PERTAINING TO PROHIBITION OF THE USE OF STREETS FOR VEHICLE STORAGE AND TO PROHIBITION OF PARKING FOR CERTAIN PURPOSES

1.10 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 12.64 TO THE BIG BEAR LAKE MUNICIPAL CODE CREATING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946

Council consideration of adopting an ordinance adding chapter 12.64 to the Big Bear Lake Municipal Code creating regulations on sidewalk vending in compliance with Senate Bill 946.

Mayor Pro Tem Herrick pulled this item from the Consent Calendar for further discussion.

1.11 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 12.70 TO THE BIG BEAR LAKE MUNICIPAL CODE CREATING REGULATIONS ON AGGRESSIVE SOLICITING ON PUBLIC PROPERTY

Council consideration of adopting an ordinance adding chapter 12.70 to the Big Bear Lake Municipal Code creating regulations on aggressive soliciting on public property.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2019-467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ADDING CHAPTER 12.70 TO TITLE 12 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO AGGRESSIVE SOLICITING ON PUBLIC PROPERTY

1.12 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 12.80 TO TITLE 12 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO CAMPING AND LOITERING ON PUBLIC PROPERTY

Council consideration of adopting an ordinance adding chapter 12.80 to title 12 of the Big Bear Lake Municipal Code relating to camping and loitering on public property.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2019-468

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ADDING CHAPTER 12.80 TO TITLE 12 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO CAMPING AND LOITERING ON PUBLIC PROPERTY

1.13 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 12 OF THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO PARKS AND RECREATION

Council consideration of adopting an ordinance amending title 12 of the Big Bear Lake Municipal Code relating to Parks and Recreation.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2019-469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AMENDING TITLE 12 OF THE BIG BEAR LAKE MUNICIPAL CODE, RELATING TO PARKS AND RECREATION

The balance of the Consent Calendar was approved by the following vote:

AYES: Herrick, Caretto, Putz
ANOES: None
ABSTAIN: None
EXCUSED: Jackowski, Jahn

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.10 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 12.64 TO THE BIG BEAR LAKE MUNICIPAL CODE CREATING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946

Council consideration of adopting an ordinance adding chapter 12.64 to the Big Bear Lake Municipal Code creating regulations on sidewalk vending in compliance with Senate Bill 946.

Phil Mosley, Director of Community Services, gave a brief overview of Senate Bill 946 and how it pertains to the proposed ordinance.

Mayor Pro Tem Herrick commented on his frustrations with the passing of SB 946; asked if there is anything in place to collect taxes from the vendors.

Stephen Deitsch, City Attorney, advised Council that the City can audit all vendors and get a consultant for that specific purpose; also indicated that the City can file a complaint with the State Board of Equalization if there is reason to believe there is any transgression or violation occurring.

Mayor Pro Tem Herrick inquired about prohibited perimeters around a brick and mortar business' entrance and windows in which a vendor cannot occupy; asked if 866-CODE should be dialed if a situation arises with noncompliance and inquired about response times.

Staff responded.

Councilmember Caretto asked if there is a way the staff can suggest locations for vendors in an effort to steer them away from brick and mortar display windows.

Phil Mosley said the only regulations that can be in place are to maintain access and circulation, the City cannot restrict or suggest where the vendors are on the sidewalk.

City Attorney did respond to Councilmember Caretto's comment and said the City can encourage vendors to locate away from the window and still leave a 36-inch path.

Councilmember Caretto inquired about a method of secret-shopping to ensure the vendors will be charging a sales tax.

City Manager responded.

Councilmember Caretto commented that the passing of this ordinance, and those similar to it, is not what the Council wants to do; assured that these ordinances are being forced upon us [City] by the State.

Phil Mosley said by we are trying to provide protection for the community by adopting these ordinances.

Mayor Putz added that the state law is more permissive, and the proposed ordinances will allow for more restrictions to be put into place.

Johnny Wells, Big Bear Lake: Addressed Council regarding encouraging vendors to set up outside the line of traffic for safety reasons.

Mayor Putz asked if a map can be created to indicate the areas that are acceptable and not acceptable under this ordinance.

Phil Mosley responded that a map would be a productive training tool, but could be potentially problematic for the public.

Mayor Putz inquired about areas in the Village that are susceptible to sidewalk vending and inquired about the best way to notify brick and mortar businesses.

Phil Mosley commented that continued public outreach is needed before the ordinance takes effect.

Mayor Putz said he is curious as to how sidewalk vending plays out in the City.

Phil Mosley noted that he has only had one caller that expressed interest in sidewalk vending.

Councilmember Caretto commented on the difficulties one may face with sidewalk vending in the Village, particularly on the weekends, with respect to heavy foot traffic and leaving a 36-inch pathway on the sidewalks.

Motion by Councilmember Caretto, seconded by Mayor Putz, to approve and adopt an ordinance entitled:

ORDINANCE NO. 2019-470

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 12.64 TO THE BIG BEAR LAKE MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946

Said motion was approved by the following vote:

AYES: Caretto, Herrick, Putz
ANONES: None
ABSTAIN: None
EXCUSED: Jackowski, Jahn

2. DISCUSSION/ ACTION ITEMS

2.1 2018-19 WINTER SEASON WRAP UP

Council consideration, discussion and possible action regarding receiving and filing a report pertaining to the 2018-19 Winter Season.

John Harris, Director of Development Services, discussed the 2018-19 winter season with an overview of City operations and Big Bear Mountain Resort operations, reviewed the City's Traffic Management Plan and discussed the goals for the 2019-20 winter season.

Councilmember Caretto stated that he would like to see Mountain Transit involved in the upcoming and ongoing winter season meetings; commented on the intersection of Moonridge Road and Big Bear Boulevard with respect to the double left-hand turn lanes and, due to safety concerns, believes eliminating one turn lane is a great idea.

John Harris said he will bring that issue up with Caltrans at the annual ambassador meeting; hopes to get the intersection re-stripped and re-signed prior to the next winter season.

Mayor Pro Tem Herrick asked if there was any positive feedback from the Community Services District (CSD) regarding the discussion of creating trash collection sites to alleviate the pressure on the City's Clean Bear sites and to help eliminate the amount of trash left from visitors valley-wide.

Staff responded.

Mayor Putz asked how the City will implement next year's Traffic Management Plan with the City's various stakeholders.

Staff responded.

Mayor Putz asked for staff to review the TOT collection chart and sought clarification on the data; inquired how we can balance our residents' quality of life with the fact that our community is a visitor-based economy; stated we need to collect a wide-set of data to clearly and objectively measure the impact and demands on our infrastructure.

Mason Perry addressed Council stating he is current working with Bear Mountain Resorts, Visitors Bureau and other agencies to gather valley-wide data to track visitor trends, capacity and load.

John Harris stated that the goal for the Traffic Management Plan is to implement traffic counts all year around; confirmed that traffic flow did not vary significantly from last year and remained consistent the whole season.

Mayor Pro Tem Herrick asked Mason Perry if data was collected from a specific day, peak-ski day and if that corresponded with traffic.

Mason Perry and Wade Reeser, Chief Operating Officer, Big Bear Mountain Resorts, and staff responded.

Councilmember Caretto commented on the lack of trash receptacles at the parking lot adjacent to Rathbun Creek and asked how that may be resolved.

Wade Reeser responded.

Further discussion regarding data collection and the accompanying benefits.

Councilmember Caretto and Mayor Pro Tem complimented Public Works on their efficiency with the Berm Reduction Program and the clearing of public sidewalks.


CITY COUNCIL BUSINESS

Board/Committee Reports

- Big Bear Area Regional Wastewater Agency Board Meeting on April 24th, represented by Councilmember Caretto and Mayor Pro Tem Herrick.
- SCAG Regional Conference & Assembly May 1st-3rd, represented by Councilmember Jahn, Councilmember Caretto and Mayor Putz.
- Mojave Desert & Mountain Recycling Integrated Waste Management Joint Powers Authority Board Meeting on May 9th, represented by Mayor Putz.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Putz adjourned the meeting at 7:39 p.m.



Erica Stephenson, City Clerk