
CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
February 25, 2019

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Randall Putz at 5:15 p.m., Monday, February 25, 2019, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION: None.

At the hour of 5:15 p.m., Council adjourned to Closed Session.

At the hour of 6:32 p.m., Mayor Putz called Open Session to order.

OPEN SESSION

Moment of Silence

Flag Salute: Led by Councilmember Caretto

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

Councilmembers Excused: Councilmember Bill Jahn

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

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *California Department of Finance v. City of Big Bear Lake, et al*
Court and Case No.: Sacramento County Superior Court Case No. 34-2016-800002505

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION pursuant to Government Code Section 54956.9(d)(1)
Court and Case No.: California Public Utilities Commission Case No. A. 18-12-019.
Case Matter: In the matter of the application of Golden State Water Company (U133W), Golden State Water Company on behalf of its Bear Valley Electric Service Division (U913E) and Bear Valley Electric Service, Inc. for authority to implement a corporate reorganization plan that will transfer the electric utility operations of Bear Valley Electric Service Division to Bear Valley Electric Service, Inc.

No reportable action.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: 40865 Big Bear Boulevard
City Negotiator: City Manager
Negotiating Party: First Foundation Bank
Under Negotiation: Price & Terms of Payment

With a 3-0 vote, Councilmember Jahn excused and Mayor Pro Tem Herrick recused himself due to a conflict of interest by way of source of income, City Council unanimously approved the lease with First Foundation Bank for fifty-two (52) parking spaces in an effort to provide overflow parking in the Village.

ANNOUNCEMENTS & UPCOMING EVENTS

The City Council Meetings scheduled for March 11th, March 25th and April 8th have been cancelled; the next Regular Meeting of City Council will take place Monday, April 22nd.

EVENT CALENDAR FOR THE PERFORMING ARTS CENTER

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

- Big Bear American Association of University Women (AAUW) Annual Eleanor Stem Allen Memorial Speech Contest rescheduled for February 27th, 6 p.m. due to weather.
- PTL Plus and Opal Singleton present “Internet Predators – Are Innocent Behaviors Putting Your Child at Risk?” on February 28th, 6 p.m.
- Big Bear Middle School presents “Once on This Island” on March 14th, March 15th, and 16th, 7 p.m., and a matinee showing on March 17th, 2 p.m.

PRESENTATIONS

- Presentation of a 15-year Employee Service Award to Christine Bennett, Senior Administrative Analyst.

PUBLIC COMMUNICATIONS

None.

1. CONSENT CALENDAR

City Council

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 1/31/19 THROUGH 2/13/19 IN THE AMOUNT OF \$691,330.26

Approved.

1.2 APPROVAL OF MEETING MINUTES FROM THE FEBRUARY 11, 2019 REGULAR MEETING OF CITY COUNCIL

Approved.

Item 1.2 was approved by the following vote:

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

1.3 RESOLUTION DESIGNATING AUTHORIZED AGENTS FOR THE OFFICE OF EMERGENCY SERVICES

Council consideration of repealing Resolution No. 2017-14 and adopting Resolution No. 2019-XX designating the City Manager, Director of Government Services, Director of Development Services and the Director of Community Services as authorized agents for the purposes of executing Cal OES and FEMA Public Assistance documentation.

Adopted the following resolution entitled:

RESOLUTION NO. 2019-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING AUTHORIZED AGENTS FOR THE EXECUTION OF STATE AND FEDERAL DISASTER ASSISTANCE REQUEST APPLICATIONS

1.4 RATIFICATION OF THE PROCLAMATION MADE ON FEBRUARY 19, 2019 DECLARING A LOCAL STATE OF EMERGENCY WITHIN THE CITY OF BIG BEAR LAKE

Council consideration of adopting a Resolution ratifying the Director of Emergency Services' proclamation of a local state of emergency which is still in effect in accordance with the BLMC and Section 8630 of the California Government Code.

Adopted the following resolution entitled:

RESOLUTION NO. 2019-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RATIFYING THE PROCLAMATION MADE BY THE CITY OF BIG BEAR LAKE DIRECTOR OF EMERGENCY SERVICES ON FEBRUARY 19, 2019 DECLARING A LOCAL STATE OF EMERGENCY WITHIN THE CITY OF BIG BEAR LAKE

1.5 CHANGE ORDER AUTHORIZATION – STANFIELD MARSH OUTDOOR RECREATION AND EDUCATION (SMORE) PROJECT

Council consideration of approving a Change Order to the current RRM Design Group Professional Services Agreement in the amount of \$17,100 for the revision of construction documents and the preparation of legal documents necessary to acquire property for the SMORE Project.

Approved.

1.6 2018 ANNUAL HOUSING ELEMENT PROGRESS REPORT (APR)

Council consideration of receiving and filing the APR in accordance with state laws; finding the APR exempt from CEQA pursuant to Section 15378 of CEQA Guidelines; and receiving any potential public comment regarding the APR.

Approved.

1.7 CANCELLATION OF THE JUNE 24, 2019 CITY COUNCIL MEETING

Council consideration of cancelling the June 24, 2019 City Council meeting.

Approved.

The balance of the Consent Calendar, with Mayor Pro Tem Herrick abstaining from voting on Item 1.2 due to his absence at the February 11, 2019 Council Meeting, was approved by the following vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

2. DISCUSSION/ ACTION ITEMS

2.1 INTRODUCTION OF AN ORDINANCE 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 RESTRICTION OF THE USE OF STREETS FOR VEHICLE STORAGE AND PARKING FOR CERTAIN PURPOSES IN COMPLIANCE WITH SENATE BILL 946

Council consideration and discussion regarding receiving a presentation of this report concerning the proposed ordinance.

Jeff Mathieu, City Manager, explained to Council the reasoning behind the green sheet revisions and clarified the process of how these ordinances will be presented and introduced tonight and the additional process planned for subsequent meetings.

Phil Mosley, Director of Community Services, presented the item by introducing Senate Bill 946 and the proposed ordinances; asked for Council to first consider the entire presentation before diving into the specifics of each ordinance; and invited Captain Mitch Dattilo to assist in answering potential questions.

Mayor Pro Tem Herrick commented that he believes Council needs to regulate this matter; proceeded to ask for clarification on the current rules regarding vehicle storage and parking and how this ordinance will change them if adopted.

Staff and Captain Dattilo responded.

Councilmember Caretto sought further explanation on the current vehicle code and asked how this ordinance will affect the possibility of food trucks parking on City streets for vending purposes.

Staff responded.

Mayor Putz asked if there is an exception for parking within the Bartlett Parking Lot; the purpose or intent for allowing guests of commercial lodging being allowed to park their cars in City public parking lots for a longer period of time; and sought reassurance that this is just pertaining to the Bartlett lot in the event of parking overflow.

Staff responded.

2.2 INTRODUCTION OF AN ORDINANCE 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 OF SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946

Council consideration and discussion regarding receiving a presentation of this report concerning the proposed ordinance.

Councilmember Caretto asked if food vending would be permitted under this particular ordinance; inquired about the involvement of the Health Department; asked if the Chamber of Commerce and Village Business Association were made aware of these ordinances; inquired how public trails, future acquired property, sidewalks, parking lots, and other public property would be affected by SB 946 and the proposed City ordinances.

Staff, City Manager, and Steve Deitsch, City Attorney, responded.

Mayor Pro Tem Herrick commented on how some state laws do not apply to all cities, including ours, and asked if sidewalk vendors would be permitted to solicit on federal lands such as the Alpine Pedal Path; stated that this would be difficult for him to vote positively on.

City Attorney responded.

Councilmember Caretto asked if the County of San Bernardino would be adopting similar ordinances.

Captain Dattilo responded.

Mayor Putz stated his struggle with accepting this; asked if the intent of updating our municipal code is to exercise some sort of local control; sought clarification on what the City's options are in regard to implementing Senate Bill 946; asked if there is a mechanism in place for revisiting and revising the ordinance in the future; asked if we envisioned worst-case scenario of this statute; inquired if an economic impact to local brick and mortar businesses would be a case to make this statute more restrictive.

City Attorney and City Manager responded.

Mayor Pro Tem Herrick echoed Mayor Putz's concern about competition to local businesses and asked if location and place of competition can be a cause of

restricting this statute; inquired about the possibility of collection of sales tax from the vendors.

City Attorney responded.

Councilmember Jackowski asked if each sidewalk within city limits would be treated differently and on an individual basis.

Councilmember Caretto inquired about ADA Compliance and requirements regarding sidewalks and potential vendors; asked about obstruction to brick and mortar businesses; asked if the Sheriff's Department would be conducting the live scan.

Staff responded and Captain Dattilo responded.

Mayor Pro Tem Herrick asked if there are any restrictions in place for large groups or corporations; inquired about possible restrictions on the type of equipment used by sidewalk vendors.

Councilmember Caretto commented on the possibility for multiple street vendors on busy weekends and holidays such as Fourth of July.

City Attorney and staff responded.

Councilmember Jackowski asked if the vendors required business license needs to be visible; asked Council for the intention or purpose of enacting these restrictions.

Mayor Putz responded to Councilmember Jackowski's inquiry and asked if Senate Bill 946 is in effect now; said it would behoove the Council to enact these restrictions sooner rather than later, inquired about the sale of alcohol under Senate Bill 946; asked if we can do a map analysis to get a better understanding on what areas in our City would be more susceptible to this statute; stated his concerns about the role and impact of Code Compliance staff; suggested that vendors should be given an orientation packet to clearly state what is and what is not allowed; commented on the challenges this ordinance imposes on small locally owned retail shops; asked if whether or not we can adjust the City's Village plan to enhance aesthetics and deter this statute.

Staff, Captain Dattilo and City Manager responded.

Mayor Pro Tem Herrick inquired about the penalty for vendors if they prove to be non-compliant.

City Attorney and staff responded.

Councilmember Caretto expressed his concern regarding the potential conflict of implementing Senate Bill 946 in contrast to the City's Code Enforcement efforts with respect to deterring brick and mortar businesses from displaying their inventory outside.

Councilmember Jackowski asked if the City will be employing additional Code Enforcement staff to regulate Senate Bill 946.

City Manager and Captain Dattilo responded.

Mayor Putz asked for clarification regarding if the proposed ordinance and Senate Bill 946 would be permitted within public property and/or private property.

City Attorney responded to Mayor Putz and also revisited Mayor Pro Tem Herrick's inquiry regarding punishment for noncompliance.

Mayor Pro Tem Herrick asked staff when Senate Bill 946 would take effect.

Staff responded.

2.3 INTRODUCTION OF AN ORDINANCE 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 IN COMPLIANCE WITH SENATE BILL 946

Council consideration and discussion regarding receiving a presentation of this report concerning the proposed ordinance.

Councilmember Caretto inquired about the different scenarios that may fall under the definition of aggressive soliciting.

City Attorney, Captain Dattilo and staff responded.

City Attorney suggested that Council could revisit the ordinance for detailed definitions of Aggressive Soliciting and the different scenarios.

2.4 INTRODUCTION OF AN ORDINANCE 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 and discussion regarding receiving a presentation of this report concerning the proposed ordinance.

Phil Mosley, Director of Community Services, states the purpose of this ordinance and what issues it is set out to address.

City Attorney further explained the background and purpose of the ordinance.

Councilmember Caretto asked what constitutes as a shelter and asked if any known churches allow overnight stay.

City Attorney and City Manager responded.

Mayor Pro Tem Herrick asked for clarification on the whereabouts of public facilities and if private land is restricted; asked how we restrict open-flame fires.

Staff and Captain Dattilo responded.

Mayor Putz asked for a hypothetical scenario of what overnight camping could look like or may already look like; suggested that camping websites be on city staff's radar; asked if it is prohibited to rent out private property for a person to set-up camp on.

Staff responded.

2.5 INTRODUCTION OF AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING TITLE 18 TO THE BIG BEAR LAKE MUNICIPAL CODE RELATING TO PARKS AND RECREATION IN COMPLIANCE WITH SENATE BILL 946

Council consideration and discussion regarding receiving a presentation of this report concerning the proposed ordinance.

Phil Mosley, Director of Community Services, gave a brief overview of how Senate Bill 946 relates to Park and Recreation facilities.

Councilmember Caretto asked which one of the five ordinances regulates food trucks on public streets; sought clarification on whether or not we are prohibiting food trucks with a valid Health Department permit to conduct business within our community.

Staff responded.

Mayor Putz asked staff to reiterate the timeline for the adoption process.

Mayor Pro Tem Herrick commented that he is in favor of how these updates were handled and appreciates the information given.

Mayor Putz encouraged outreach efforts to be made to local merchants regarding these ordinances and SB 946; said he looks forward to how we can be proactive about trying to maintain local control.

City Manager responded.

CITY COUNCIL GENERAL ANNOUNCEMENTS & CITY BUSINESS


- Mayor Pro Tem Herrick thanked Senator Morrell for his service as he will not be challenging the term limit and running for office again. Senator Morrell's term will expire in 2020.

Board/Committee Reports

- Mojave Desert & Mountain Recycling Integrated Waste Management Joint Powers Authority Board Meeting on February 14th, represented by Mayor Putz.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Putz adjourned the meeting at 8:24 p.m.



Erica Stephenson, City Clerk