



CITY OF **BIG BEAR LAKE** *California*

Regular Meeting Minutes – October 4, 2021

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Pro Tem Putz at 6:00 p.m., Monday, October 4, 2021, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

OPEN SESSION

Flag Salute: Flag Salute led by Councilmember Melnick

Invocation: Invocation delivered by Liz Harris, Former Mayor and City Councilmember.

Councilmembers Present: Mayor Pro Tem Randall Putz
Councilmember Perri Melnick
Councilmember Bynette Mote

Councilmembers Participating Remotely: Mayor Rick Herrick
Councilmember Alan Lee

Others Present: Frank A. Rush, Jr., City Manager
Erica Stephenson, City Clerk
Stephen P. Deitsch, City Attorney

After Roll Call, City Manager Frank A. Rush, Jr. made a request to the City Council to remove Item 3.2 from the Agenda.

Motion made by Councilmember Melnick, seconded by Councilmember Mote, to approve the City Manager's request and remove Item 3.2 from the Agenda.

Said motion was approved by the following vote:

AYES: Melnick, Mote, Putz, Lee, Herrick
NOES: None
ABSTAIN: None
ABSENT: None

PRESENTATIONS

- Presentation of a Proclamation to Doves in Recognition of Domestic Violence Awareness Month.
- Presentation of a Proclamation Recognizing October 10 – 16 as Code Enforcement Officer Week.
- Presentation of a Proclamation Recognizing October as Community Planning Month.

- Presentation of a Proclamation Expressing Appreciation for All City Employees for Their Commitment and Service Throughout COVID-19.
- Presentation of a 20-year Employee Service Award to Harry Takenaka, Street Maintenance Worker II.
- Introduction of New City Employees:
 - James Massengill, Code Compliance Officer I – Tourism Management Department
 - George Harrison, Facilities/Parks Maintenance Worker – Public Services Department
 - Roger Palmer, Facilities/Parks Maintenance Worker – Public Services Department

At approximately 6:20 p.m., Councilmember Lee indicated that he was no longer remotely participating in the meeting.

PUBLIC HEARING

In an effort to remain consistent with the posted 6:30 p.m. start time of the public hearing item, Mayor Pro Tem Putz requested that the order of the agenda be modified, and that the 2022 City Council Redistricting presentation, discussion and public hearing be next up for consideration.

2.1 2022 CITY COUNCIL REDISTRICTING

City Council will conduct a public hearing, receive an overview, and formally begin the City's upcoming redistricting process. All California public agencies that hold elections by district must ensure that their district boundaries are mapped according to the latest U.S. Census results. Decennial redistricting is required in an effort to balance the City's population within the 5 Council districts and ensure proper consideration for communities of interest. This will be the first of four required public hearings scheduled to allow for Council and community engagement, discussion, and legally-compliant district development.

At 6:31 p.m., Stephen Deitsch, City Attorney, introduced Scott Smith, BB&K Partner, and invited him to the podium make the public presentation. Scott Smith reviewed the redistricting process including the anticipated timeline of the potential map adoption, required meeting schedule and key deadlines Council and staff must meet in order to be in compliance; discussed redistricting rules and goals; and answered Council's questions.

At the hour of 6:54 p.m., Mayor Pro Tem Putz opened the Public Hearing. Seeing no public comment, Mayor Pro Tem Putz closed the Public Hearing.

Report was received and filed; no formal Council action was required for this Item.

PUBLIC COMMUNICATIONS

Marta Grunsky, Big Bear Lake resident, stated that the City is in need of an organized advocacy group for those that are not affiliated with the local business community, especially in regards to item 3.2 on the agenda; compared how the City Council of Cathedral City has handled vacation rentals to how the Big Bear Lake City Council has addressed residents' vacation rentals concerns; stated that full-time residents deserve the representation of the City Council.

Barbara Olsen, Big Bear Lake resident, approached Council regarding Item 3.2 (previously removed from the agenda); believes the proposed ordinance restricts property owners' rights and believes the noise ordinance that is currently in place is respected and reasonable.

Kenneth Olsen, Big Bear Lake resident, stated that he is against any new proposed ordinances that would further restrict property owners – including item 3.2 relating to noise.

Lori Hutchins, Big Bear Lake resident, indicated that she opposes item 3.2; urged Council to listen to the residents as she believes they [residents] are not being heard and represented.

1. CONSENT CALENDAR

Motion made by Councilmember Mote, seconded by Councilmember Melnick, to approve the Consent Calendar as follows:

1.1 APPROVAL OF DEMANDS – CHECK ISSUE DATE 09/09/2021 THROUGH 09/21/2021 IN THE AMOUNT OF \$909,246.12 AND THE AUGUST 2021 TREASURER’S REPORT

Approved.

1.2 APPROVAL OF MEETING MINUTES FROM THE SEPTEMBER 20, 2021 REGULAR MEETING OF CITY COUNCIL

Approved.

1.3 ORDINANCE AMENDING TITLE 1, CHAPTER 1.17 – ADMINISTRATIVE CITATIONS AND HEARINGS, TITLE 3, CHAPTER 3.20 – TRANSIENT OCCUPANCY TAX AND TITLE 5, CHAPTER 5.02 – BUSINESS LICENSES TO PROVIDE ADDITIONAL CLARIFICATION AND ENSURE CONSISTENCY WITH THE NEW VACATION RENTAL ORDINANCE

City Council will consider adoption of an ordinance amending three sections of the Big Bear Lake Municipal Code. The proposed ordinance amendment is presented to provide additional clarification and ensure consistency with the new vacation rental ordinance that was approved by City Council on August 16, 2021. The new vacation rental ordinance is codified in Title 4, however, several other related ordinance provisions are included in Title 1, Title 3, and Title 5. The proposed revisions to Chapter 1.17 would modify the administrative citations section to allow email delivery, extend the time to file an appeal, reduce the required appeal deposit, and incorporate other minor adjustments. The proposed revisions to Chapter 3.20 clarify that vacation rentals are subject to the collection and remittance of transient occupancy tax (TOT) and tourism business improvement district (TBID) assessments, designate the City Manager to consider appeals, authorize payment plans for up to one year, and incorporate other minor adjustments. The proposed revisions to Chapter 5.02 would eliminate the requirement for the owners of self-managed vacation rentals to obtain a City business license, which is now incorporated into the annual vacation rental license and fee (\$550), and clarify the transferability of business licenses. City Council introduced the ordinance, conducted first reading, and waived further reading at the September 20, 2021 regular meeting.

Approved and adopted the following ordinance entitled:

ORDINANCE NO. 2021-497

ORDINANCE AMENDING TITLE 1, CHAPTER 1.17 – ADMINISTRATIVE CITATIONS AND HEARINGS, TITLE 3, CHAPTER 3.20 – TRANSIENT OCCUPANCY TAX, AND TITLE 5,

**CHAPTER 5.02 – BUSINESS LICENSES - TO PROVIDE ADDITIONAL
CLARIFICATION AND ENSURE CONSISTENCY WITH THE NEW
VACATION RENTAL ORDINANCE**

1.4 RESOLUTION EXTENDING DECKARD TECHNOLOGIES PROFESSIONAL SERVICES AGREEMENT

City Council will consider a formal resolution to extend the City’s professional services agreement with Deckard Technologies, San Diego, CA for vacation rental monitoring software. The City has utilized the *Rentalscape* software provided by Deckard to identify illegal vacation rentals and monitor other vacation rental issues since March 2, 2021, and that contract has expired. The proposed resolution authorizes a 1-year extension through October 5, 2022 at an annual cost of \$80,000. Sufficient funds are included in the FY 2021-22 adopted budget for the Tourism Management Department. This expense is fully supported by vacation rental license fee revenues.

Approved and adopted the following resolution entitled:

RESOLUTION NO. 2021-119

**RESOLUTION EXTENDING DECKARD TECHNOLOGIES
PROFESSIONAL SERVICES AGREEMENT**

1.5 RESOLUTION AUTHORIZING SUBMITTAL OF A CLAIM FOR GRANT FUNDS FROM THE 2017 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PROGRAM FOR THE NEW MOUNTAIN TRANSIT BUS STOP

City Council will consider a formal resolution authorizing submittal of a grant reimbursement claim to the San Bernardino County Transportation Authority (SBCTA) for the new Mountain Transit bus stop located in front of the Stater Brothers grocery store on Big Bear Boulevard. In 2017, the City was awarded \$87,000 from the SBCTA Article 3 Transit Stop Access Program for the new bus stop, which has been constructed by Mountain Transit, in partnership with the City. The City would submit the claim in the amount of \$87,000, and these funds would then be remitted to Mountain Transit for bus stop project costs.

Approved and adopted the following resolution entitled:

RESOLUTION NO. 2021-120

**RESOLUTION AUTHORIZING SUBMITTAL OF A CLAIM FOR
GRANT FUNDS FROM THE 2017 TRANSPORTATION
DEVELOPMENT ACT (TDA) ARTICLE 3 PROGRAM FOR THE
NEW MOUNTAIN TRANSIT BUS STOP**

1.6 RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF BACKUP GENERATOR FOR SEWER LIFT STATION NO. 12 AND FINDING THE PROJECT EXEMPT FROM CEQA

City Council will consider a formal resolution authorizing the purchase of a replacement backup generator from Bay Cities Electric Works, Poway, CA, in the amount of \$36,548, and approving an agreement with Big Bear Electric, Big Bear City, CA, in an amount not to exceed \$29,183 for the installation. The sewer lift stations are critical infrastructure to ensure continuous and safe operation

of the City’s sanitary sewer system, and are equipped with backup electrical generators. The existing backup generator at Lift Station No. 12, located along Cove Drive, no longer functions and is in need of replacement. Sufficient funds for the replacement generator are included in the FY 2021-22 adopted budget and 5-Year Capital Replacement / Improvement Plan. The project is categorically exempt from the California Environmental Quality Act.

Approved and adopted the following resolution entitled:

RESOLUTION NO. 2021-121

**RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION OF
BACKUP GENERATOR FOR SEWER LIFT STATION NO. 12 AND
FINDING THE PROJECT EXEMPT FROM CEQA**

The Consent Calendar was approved by the following vote:

AYES: Mote, Putz, Melnick, Herrick
NOES: None
ABSTAIN: None
ABSENT: Lee

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

3. DISCUSSION/ACTION ITEMS

3.1 2021-22 WINTER TRAFFIC MANAGEMENT, PARKING, AND ENFORCEMENT PLANS

City Council will receive an overview of the Big Bear Mountain Resorts (BBMR) winter Traffic Management Plan, which has been designed by BBMR, the City, the Sheriff’s Department, and consultants to optimize traffic flow during the peak winter season. The plan is similar to last year’s plan, and includes the use of traffic control signage, BBMR staff, and Sheriff’s Department staff to efficiently route traffic visiting Snow Summit and Bear Mountain. The City is also working with map application companies to implement the display of residential street closures on popular map applications, in an effort to deter visitor traffic from utilizing residential neighborhoods. In addition, the City will deploy additional Sheriff’s Department staff to popular snow play locations (Boulder Bay Park, Tulip Lane near Aspen Glen, The Village and Cherry Lane, and the Stanfield area) to enforce parking restrictions and prevent illegal snow play activities at these locations.

Sean Sullivan, Director of Public Services, discussed the City’s winter operations plans including the traffic management plan; reviewed the City’s snow and ice removal procedures; and explained the upcoming winter season enforcement plans that are being made in an effort to avert illegal snow play and illegal parking; and provided an overview of staff’s recommendations.

Sean Sullivan, Captain Mitch Dattilo, San Bernardino County Sheriff’s Department, and Wade Reeser, Big Bear Mountain Resort (BBMR) Chief Operations Officer, addressed Council’s concerns and questions.

At the hour of 7:38 p.m., Mayor Herrick recused himself due to a potential conflict of Interest.

Dan Corona, Big Bear Lake resident, stated that access to the hospital is restricted when Big Bear Mountain Resorts utilizes the Fox Farm parking lot.

3.1A RESOLUTION AUTHORIZING A TRAFFIC MANAGEMENT AND PARKING AGREEMENT WITH BIG BEAR MOUNTAIN RESORTS

City Council will consider a resolution authorizing a formal Traffic Management and Parking Agreement with Big Bear Mountain Resorts. The agreement is similar to last year's agreement, and allows BBMR to engage in traffic control in several areas near the ski resorts and remote parking lots, in partnership with the City and the Sheriff's Department.

Motion made by Councilmember Mote, seconded by Councilmember Melnick, to approve staff's recommendation and adopt the following resolution entitled:

RESOLUTION NO. 2021-122

RESOLUTION AUTHORIZING A TRAFFIC MANAGEMENT AND PARKING AGREEMENT WITH BIG BEAR MOUNTAIN RESORTS

Said motion was approved by the following vote:

AYES: Mote, Putz, Melnick
NOES: None
ABSTAIN: Herrick
ABSENT: Lee

3.1B RESOLUTION AUTHORIZING AN AGREEMENT WITH BIG BEAR MOUNTAIN RESORTS TO REIMBURSE THE CITY FOR TRAFFIC MANAGEMENT SERVICES PROVIDED BY THE SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

City Council will consider a resolution authorizing full reimbursement of actual traffic management costs incurred by the City via its contract with the San Bernardino County Sheriff, estimated at approximately \$150,000 annually. All Sheriff's Department costs associated with winter traffic management near Snow Summit and Bear Mountain are funded 100% by BBMR.

Motion made by Councilmember Mote, seconded by Councilmember Melnick, to approve staff's recommendation and adopt the following resolution entitled:

RESOLUTION NO. 2021-123

RESOLUTION AUTHORIZING AN AGREEMENT WITH BIG BEAR MOUNTAIN RESORTS TO REIMBURSE THE CITY FOR TRAFFIC MANAGEMENT SERVICES PROVIDED BY THE SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

Said motion was approved by the following vote:

AYES: Melnick, Putz, Mote
NOES: None
ABSTAIN: Herrick
ABSENT: Lee

At the hour of 7:42 p.m., Mayor Herrick returned to the meeting.

3.2 ORDINANCE AMENDING MUNICIPAL CODE TITLE 9 – PUBLIC PEACE, MORALS AND WELFARE – TO CLARIFY THE CITY’S NOISE ORDINANCE

City Council will consider reading the title, waiving further reading, and introducing an ordinance amending Title 9 of the Municipal Code to clarify the City’s noise ordinance. The proposed ordinance would apply to permanent homes, second homes, and businesses, and would generally prohibit noise disturbance in residential areas between 7 pm and 7 am, with limited exceptions. More stringent requirements are already in place for vacation rentals, and prohibit amplified music audible at the property line 24 hours per day.

This item was pulled from the agenda.

3.3 ORDINANCE AMENDING MUNICIPAL CODE TITLE 1 – GENERAL PROVISIONS – TO AUTHORIZE RECOVERY OF ATTORNEY FEES IN ACTIONS TO ENFORCE THE MUNICIPAL CODE

City Council will consider reading the title, waiving further reading, and introducing an ordinance adding new section 1.08.010 to the Municipal Code to authorize the prevailing party in any judicial action, administrative proceeding, or special proceeding to abate a municipal code violation to recover reasonable attorney fees. The proposed ordinance amendment will be helpful in resolving public nuisance, vacation rental, transient occupancy tax, and other code violations, and places the cost burden on the offending party.

Stephen Deitsch, City Attorney, presented the item by explaining the purpose of this new suggested ordinance; stated staff’s recommendation and read aloud the title of the proposed ordinance.

Lori Hutchins, Big Bear Lake resident, sought clarification on the proposed ordinance and the reimbursement requirements.

Following Council discussion, a motion made by Councilmember Melnick, seconded by Councilmember Mote, to approve staff’s recommendations to read the title, waive further reading, and introduce the following ordinance entitled:

ORDINANCE NO. 2021-xxx

ORDINANCE AMENDING MUNICIPAL CODE TITLE 1 – GENERAL PROVISIONS – TO AUTHORIZE RECOVERY OF ATTORNEY FEES IN ACTIONS TO ENFORCE THE MUNICIPAL CODE

Said motion was approved by the following vote:

AYES: Putz, Mote, Melnick, Herrick
NOES: None
ABSTAIN: None
ABSENT: Lee

3.4 RESOLUTION ADOPTING THE CITY COUNCIL’S 2022 MEETING CALENDAR

City Council will consider a formal resolution to adopt the 2022 meeting calendar. The proposed 2022 meeting calendar includes regular City Council meetings on the first and third Monday of each month, except when there are conflicts with holidays. In 2022, meetings would not be held on the third Monday of January (Martin Luther King, Jr. Day), the third Monday of February (President's Day), the first Monday of July (Independence Day), the first Monday of September (Labor Day), the third Monday of November (Thanksgiving week), or the third Monday of December (Christmas week). In addition, the second meeting held during the months of March, April, May, June, August, and October would be specifically reserved for focused Council discussion on significant issues and initiatives, including, but not limited to the City's overall mission and vision, the annual budget and capital plan, comprehensive planning efforts, annual review of the vacation rental ordinance, Council appointments, joint meetings with the Planning Commission and/or DWP Board, and other significant and timely topics. Additional special Council meetings and workshops would be scheduled as needed or desired.

Erica Stephenson, City Clerk, reviewed the 2022 City Council meeting calendar, highlighting the City observed holiday conflicts and discussed staffs' proposal to reserve the second meeting of the month to hold a more focused workshop style Council meeting.

Following Council discussion, a motion made by Mayor Herrick, seconded by Councilmember Mote, to approve staff's recommendation and adopt the following resolution entitled:

RESOLUTION NO. 2021-124

**RESOLUTION ADOPTING THE CITY COUNCIL'S
2022 MEETING CALENDAR**

Said motion was approved by the following vote:

AYES: Melnick, Mote, Putz, Herrick
NOES: None
ABSTAIN: None
ABSENT: Lee

4. COMMENTS, ANNOUNCEMENTS & ADDITIONAL CITY BUSINESS

4.1 CITY CLERK , CITY ATTORNEY & CITY MANAGER COMMENTS

Erica Stephenson, City Clerk, informed Council that the application filing period for the Public Information Officer position has closed and the interview selection process is moving forward; believes the recruitment to be successful thus far.

Frank A. Rush, Jr., City Manager, elaborated on his City Manager report in respect to COVID-19 and discussed the goals of the upcoming City Council meeting schedule and stated that the next meeting will be set-up in more of a workshop style, and indicated that the future second meetings of each month will also be organized in the same workshop format; assured Council and the public that Halloween in the Village will occur; updated Council on the negotiations between Bear Valley Mutual Water Company lease and is hopeful this item will be brought to Council for discussion in November; thanked Council for supporting staff and adopting the employee proclamation and invited Council to attend the upcoming staff appreciation breakfast; reported on the progress of the multi-use paved pathway by Sandalwood and Big Bear Blvd.

4.2 COUNCILMEMBER BOARD/COMMITTEE REPORTS & COMMENTS

Councilmember Mote thanked Public Works staff for their hard work this past summer with street paving and gave kudos to Visit Big Bear on their re-branding efforts; provided details of the following upcoming community events: Twilight Safari at the Big Bear Alpine Zoo, Adventure Van Expo, The Spartan Race; congratulated Ella Powell for being crowned “Miss Big Bear”; highlighted the recent Economic Development Advisory Committee interviews and thanked all of the applicants; provided a brief overview of the meetings she recently attended including the Big Bear Area Regional Wastewater Agency (BBARWA), the League of California Cities Annual Conference and the Fire Authority Admin. Committee; reminded everyone that it is bear hibernation season and advised everyone to be careful; requested that the Village sidewalks be pressure washed.


Councilmember Melnick said she appreciates public engagement and participation during the Council meetings and stated that she can be reached by email at any time to address community issues; congratulated the varsity and junior varsity football teams on their homecoming wins and the middle school cross-country teams for their wins at league finals; recognized cross-country Coach Nettlebeck for his tremendous dedication and efforts with the team and encouraged the community to keep him in their thoughts and prays as he fights against brain cancer.

Mayor Herrick highlighted his attendance at the League of California Cities Conference; thanked staff and Council for accommodating and coordinating his remote participation in tonight’s meeting.

Mayor Pro Tem Putz also discussed the League of California Cities Conference and the various sessions he participated in; indicated that several Conference attendees were very complimentary of our City/Fire Authority staff.

ADJOURNMENT

There being no further business to come before the Council at this Open Session, Mayor Pro Tem Putz adjourned the meeting at 8:09 p.m.



Erica Stephenson, City Clerk