
**CITY OF BIG BEAR LAKE CITY COUNCIL
REGULAR MEETING MINUTES
January 13, 2020**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Rick Herrick at 5:15 p.m., Monday, January 13, 2020, 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 Herrick called Open Session to order.

OPEN SESSION

Flag Salute: Led by Councilmember Caretto

Invocation: Led by Pastor Michael White of Bear Valley Church

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

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

RESULTS OF CLOSED SESSION

1. **PROPERTY NEGOTIATIONS** pursuant to Government Code Section 54956.8
Property: 42600 Rathbun Drive - APN 2328-383-01
City Negotiator: City Manager & Director of Development Services
Negotiating Party: Snow Summit LLC
Under Negotiation: Price & Terms of Payment

This item was not discussed during this Closed Session, but planned for discussion at a future meeting.

2. **ANTICIPATED LITIGATION** pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: 1

No reportable action, although the City Attorney did note that the potential claims are regarding various easements within the City limits.

3. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION** pursuant to Government Code Section 54956.9(d)(1)
Court & 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.

Mayor Herrick recused himself due to a potential conflict of interest. No reportable action.

4. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION** pursuant to Government Code Section 54956.9(d)(1)
Name of Case: City of Big Bear Lake v. Barret Woods
Court & Case No: County of San Bernardino Superior Court, Case No. CIVDS1927890

No reportable action.

5. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION** pursuant to Government Code Section 54956.9(d)(1)
Name of Case: City of Big Bear Lake v. Pine Knot Guest Ranch LLC
Court & Case No: County of San Bernardino Superior Court, Case No. CIVDS1916292

No reportable action.

PRESENTATIONS

- Presentation of a Proclamation recognizing January 2020 as “National Mentoring Month” to Jeffrey Tunnell on behalf of the County of San Bernardino.
- Presentation of a Proclamation recognizing February 2020 as “Teen Dating Violence Awareness and Prevention Month” to Quinton Page, Program Manager, and Scott Waner, Chairman of the Board, of DOVES.
- Presentation from Councilmember Bill Jahn to City Manager Jeff Mathieu.

PUBLIC COMMUNICATIONS

Julie Dawson-Parlee (Community Advocates of Big Bear) - Addressed Council with social posts from visitor’s regarding traffic and tourism in the valley; suggested Council revisit the Short Term Rental Ordinance from 2007, allowing input from residents.

1. **CONSENT CALENDAR**

City Council

Motion made by Councilmember Jahn, seconded by Mayor Pro Tem Putz, to approve the Consent Calendar as follows:

1.1 APPROVAL OF DEMANDS – CHECK ISSUE DATE 11/27/19 THROUGH 1/3/2020 IN THE AMOUNT OF \$2,944,394.76 AND THE NOVEMBER 2019 TREASURER’S REPORT

Approved.

1.2 APPROVAL OF MEETING MINUTES FROM THE DECEMBER 9, 2019 REGULAR MEETING OF CITY COUNCIL

Approved.

1.3 CANCELLATION OF THE FEBRUARY 10, 2020 AND THE APRIL 13, 2020 CITY COUNCIL MEETINGS

Council consideration of canceling the February 10, 2020 and the April 13, 2020 regularly scheduled City Council Meetings.

Approved.

1.4 AUTHORIZING A DELEGATE FOR THE MOJAVE DESERT AND MOUNTAIN RECYCLING JOINT POWERS AUTHORITY

Council consideration of adopting a resolution confirming the re-appointment of Mayor Pro Tem Putz as the City’s delegate and Councilmember Jackowski as the City’s alternate to the Mojave Desert and Mountain Recycling Joint Powers Authority Board of Directors.

Approved and adopted the following resolution entitled:

RESOLUTION NO. 2020-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RE-APPOINTING MAYOR PRO TEM RANDALL PUTZ AS THE CITY’S DELEGATE TO THE MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JOINT POWERS AUTHORITY BOARD OF DIRECTORS, AND COUNCILMEMBER BOB JACKOWSKI AS THE ALTERNATE

1.5 AUTHORIZING A DELEGATE FOR THE COUNTY OF SAN BERNARDINO SOLID WASTE ADVISORY TASK-FORCE

Council consideration of upholding the re-appointment of Councilmember Caretto as delegate and Councilmember Jahn as the alternate on the San Bernardino County Solid Waste Advisory Task Force (SWAT).

Approved.

1.6 AUTHORIZATION TO EXECUTE AN AGREEMENT FOR EVENT RESOURCE MANAGEMENT SERVICES

Council consideration of authorizing the City Manager, or his designee, to execute a new Agreement for the performance of event resource management services.

This item was removed from the Consent Calendar by Councilmember Jahn for further discussion.

1.7 AUTHORIZATION TO ADVERTISE – ALPINE PEDAL PATH RATHBUN CREEK EXTENSION PROJECT – CONSTRUCTION PHASE

Council consideration of authorizing the City Manager, or his designee, to advertise the Alpine Pedal Path Rathbun Creek Extension Project – Construction Phase.

Approved.

Fire Protection District

1.8 APPROVAL OF MEETING MINUTES FROM THE DECEMBER 9, 2019 REGULAR MEETING OF THE FIRE PROTECTION DISTRICT

Approved.

Successor Agency

1.9 APPROVAL OF MEETING MINUTES FROM THE DECEMBER 9, 2019 REGULAR MEETING OF THE SUCCESSOR AGENCY

Approved.

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

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 AUTHORIZATION TO EXECUTE AN AGREEMENT FOR EVENT RESOURCE MANAGEMENT SERVICES

Council consideration of authorizing the City Manager, or his designee, to execute a new Agreement for the performance of event resource management services.

Councilmember Jahn pulled the item for further clarification relating to the purpose of the agreement and asked if the agreement is for the management of the events or the discovery of events; suggested Council be involved in the discussion and should have some input in regards to major events within the City.

Jeff Mathieu, City Manager, responded.

Motion made by Councilmember Jahn, seconded by Councilmember Caretto, to approve staff's recommendation.

Mayor Pro Tem Putz stated he understands this to be an interim solution, but asked for insight in regards to if the City has future plans to create a more permanent solution for this service; asked what is going to happen to this function a year from now and asked if this item will be brought forth to the incoming City Manager for further discussion.

City Manager responded.

Said motion was approved by the following vote:

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

2. **PUBLIC HEARING**

Any person may appear and be heard in support or opposition to the proposal at the time of this meeting. If you challenge the action in court, you may be limited to raising only those items in which you or someone else raised at the public meeting described in the notice; or in written correspondence delivered to the City at or before the public meeting.

2.1 **DEVELOPMENT CODE AMENDMENT 2019-135 TO ADOPT BOTH AN URGENCY AND NON-URGENCY ORDINANCE AMENDING THE DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS AS A RESULT OF RECENT STATE LAW CHANGES**

Council consideration of holding a public hearing to consider the written and oral testimony regarding a proposed urgency ordinance and non-urgency ordinance for Development Code Amendment 2019-135 pertaining to Accessory Dwelling Units; reading the title, waiving further reading and adopting the urgency ordinance; and reading the title, waiving further reading and introducing the non-urgency ordinance.

Janice Etter, Interim Planning Director, gave a presentation regarding the proposed Development Code Amendment including an overview of recent changes to

California Accessory Dwelling Units (ADU) laws in relation to parking requirements, the inability to rent an ADU as a short-term private home rental, architectural standards, and development impact fees; and read the title of the urgency ordinance and non-urgency ordinance.

Councilmember Caretto thanked Janice and acknowledged that this is a lot of work for the Planning Department Staff; inquired about the standards that apply to a JADU including sharing bathroom facilities, whether or not a separate entrance and kitchen plumbing within the efficiency kitchen is required; stated that a separate entrance seems inapplicable if the bathroom is allowed to be shared.

Staff responded and assured Council that the proposed ordinance is true-to-course in regards to the state law changes.

Mayor Pro Tem Putz sought clarification on the rental differences between an ADU and a Private Home Rental; asked if there will be deed restrictions placed on the property whenever there is an ADU or JADU; asked if either the ADU or the primary residence can be registered in the City's Transient Private Home Rental Program; sought clarification on the restrictions pertaining to full-time rentals with respect to the primary residence and the ADU.

Staff responded.

Council and staff discussion regarding the 5-year moratorium of owner occupancy requirement.

Mayor Pro Tem Putz asked about the legality of having roommates and the purpose of JADUs if having a roommate is a viable option.

Staff responded.

Mayor Herrick brought up the lack of parking requirements and asked how the City plans to handle that with snow maintenance operations if cars are parked on the street; asked how the new laws apply to HOAs.

Staff and City Attorney, Stephen Deitsch, responded.

Councilmember Caretto asked about the requirements of a garage conversion in respect to heating and plumbing; inquired about the allocation of utility payments.

Staff and Council discussion regarding the options for additional parking if certain ADUs do not accommodate for additional parking spaces on the property including the possibility of using City-owned parking lots and the use of public transportation.

Councilmember Caretto asked how the public that staff works with at the City's permit counter is responding to the new ADU laws in respect to parking.

Mayor Pro Tem Herrick commented on the fact that the City can no longer waive special set-back requirements for ADUs.

At the hour of 7:35 p.m., Mayor Herrick opened the public hearing. Seeing no public comment, he closed the public hearing at 7:35 p.m.

At the hour of 7:36 p.m., Mayor Herrick re-opened the public hearing.

Michael McConnell: Addressed Council regarding the desire to see water restrictions put in place to limit additional building.

Janice Etter stated that upon new information, it has been confirmed that an ADU and JADU both need to have independent access which is separate from the primary dwelling unit.

At the hour of 7:37 p.m., Mayor Herrick closed the public hearing.

Motion made by Councilmember Caretto, seconded by Mayor Pro Tem Putz, to approve staff's recommendation and adopt the urgency ordinance entitled:

ORDINANCE NO. 2020-477

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AMENDING DEVELOPMENT CODE TABLE 17.25.040.A. AND SECTION 17.25.210 RELATING TO ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Councilmember Jahn asked what happens if the proposed ordinances do not pass.

City Attorney responded.

Mayor Pro Tem Putz asked for staff to be very transparent to all prospective ADU builders in respect to not being eligible for the Private Home Rental Program explain the possible parking issue.

Councilmember Jackowski asked if the City is at risk for not requiring the property owner to include additional parking spaces for an ADU or JADU; stated that it is clear that this legislation does not consider mountain communities.

City Attorney responded.

Said motion was approved by the following vote:

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

Motion made by Councilmember Jahn, seconded by Councilmember Caretto, to approve staff's recommendations and waive further reading of a non-urgency ordinance entitled:

ORDINANCE NO. 2020-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA APPROVING DEVELOPMENT CODE AMENDMENT 2019-135 AMENDING DEVELOPMENT CODE TABLE 17.25.040.A. AND SECTION 17.25.210 RELATING TO ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Said motion was approved by the following vote:

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

3. DISCUSSION/ ACTION ITEMS

3.1 PRESENTATION OF THE 2020 HAZARD MITIGATION PLAN UPDATE AND INVITATION FOR THE PUBLIC TO REVIEW AND PROVIDE INPUT

Council consideration of receiving and filing the draft 2020 Multi-Jurisdictional Hazard Mitigation Plan as presented.

John Harris, Director of Development Services, gave a presentation regarding the Hazard Mitigation Plan including the requirements, the participants, and the identifiable natural and man-made hazards, and commented that the public is able to view and comment on the proposed multi-jurisdictional plan.

Councilmember Caretto noted that the Community Services District (CSD) seems to be missing a signature line for their approval on the signature page and noted that CSD's draft resolution was not included in the document.

Staff and City Attorney responded.

Mayor Pro Tem Putz asked how working on this plan helps foster and reinforce relations with disaster preparedness agencies and other governmental agencies.

Staff responded.

No formal action was taken. The report was received and filed.

CITY COUNCIL GENERAL ANNOUNCEMENTS & CITY BUSINESS

Mayor Herrick announced that he attended a meeting with the California State Insurance Commissioner, Ricardo Lara and participated in a roundtable discussion regarding a few insurance topics that may affect mountain communities.


Councilmember Caretto commended staff for their creativity regarding the Alpine Pedal Path Rathbun Creek Extension project.

Board/Committee Reports

- Nay Foundation update from Mayor Herrick.

ADJOURNMENT

There being no further business to come before the Council at this session, Mayor Herrick adjourned the meeting at 7:54 p.m.


Erica Stephenson, City Clerk