

Minutes for the Regular City Council

25541 Barton Road, Loma Linda, CA 92354

June 11, 2024, 5:30 PM - June 11, 2024, 9:08 PM

Roll Call: *(The following members were in attendance)*

- **Phillip Dupper**, Mayor
- **Ronald Dailey**, Mayor pro tempore
- **Ovidiu Popescu**, Councilmember
- **Rhodes Rigsby**, Councilmember - Present via Zoom
- **Rhonda Spencer-Hwang**, CouncilMember

1. Call to Order

1A. Call to Order- 8:35 PM

The meeting was called to order at 5:30 pm and immediately recessed to consider the Closed Session as listed. The Regular Meeting reconvened at 8:07 pm with all members present; Councilman Rigsby participated via Zoom at 8:15 pm.

1B. Roll Call- 8:35 PM

Council Member Rhodes Rigsby participated via Zoom; all other Council Members were present.

Staff Present:

T. Jarb Thaipejr, City Manager

Diane Robbins, City Attorney

Lynette Arreola, City Clerk

Sonia Fabela, Finance Director

Lorena Matarrita, Community Development Director

Dan Harker, Fire Chief

Nicole Campbell, Associate Planner

Andrew Sanchez, Information Systems

Lt. Kaysie Smith, San Bernardino County Sheriff's Department

1C. Closed Session - 5:30 PM - 8:35 PM

City Attorney Robbins stated that the City Council met in Closed Session to discuss the two items as noted on the agenda. She mentioned that direction was given to staff, and no action was taken.

1D. Invocation and Pledge of Allegiance - Councilwoman Spencer-Hwang- 8:35 PM

The Invocation and Pledge of Allegiance was led by Councilmember Spencer-Hwang.

1E. Items to be Added or Deleted- 8:35 PM

No items were added or deleted.

1F. Oral Reports/Public Participation - Non-Agenda Items (Each Speaker limited to 3 minutes. Pursuant to the Brown Act, no action or discussion can be taken by City Council)- 8:35 PM

Cotie Williams, Director of the PossAbilities Program, and Zane Browning stated that they will be hosting the US Paralympics Cycling Time Trial in Loma Linda scheduled for July 7, 2024. At this event, Team USA will select 5 men and 5 women and 3 alternates to compete in the Paris Paralympics representing Team USA. Mr. Browning also discussed the technical and logistical aspects of the race.

Andrea De Leon introduced herself as the new Executive Director for the Chamber of Commerce. She expressed her appreciation for the warm welcome from the City staff and stated her hopes of serving the city and business community effectively.

Kyle MacGavin, Representing the Unrepresented Miscellaneous Management/Confidential City Employees, spoke on behalf of the group in relation to the labor negotiations pertaining to wages and benefits. He highlighted the collective years of service and institutional knowledge within the group.

1G. Conflict of Interest Disclosure- 8:35 PM

No conflicts of interest were noted.

2. Scheduled and Related Items

2A. Public Hearing (Continued from May 14, 2024) - Tentative Tract Map No. P22-264 (TTM 20467) and Precise Plan of Design No. P22-266 - a request to demolish a single-family home and develop a single-family residential subdivision, comprised of nine (9) residential lots, one (1) lettered lot, and a new public street. The site is located on Park Avenue, west of

Curtis Street, and east of Coloma Street, within the Low Density Residential (R-1) General Land Use designation and Zoning District. (APN:0283-162-20) [Community Development]-
8:35 PM

Associate Planner Campbell presented the report into evidence, summarizing that the project was continued from May 14, 2024, for the applicant to revise the site plan to address parking concerns. She noted that the applicant worked with City staff, revised their site plan, and widened the driveways while ensuring compliance with City codes. She summarized five (5) Conditions of Approval discussed and recommended by the Planning Commission and City Council that included a 6-foot block wall along the western property line; decomposed granite walking path along the western curb, installing bollard lighting along the western property line; establishing drainage solutions; and widening the driveways. Since the five conditions are not part of the project's conditions of approval, she reminded that adding any or all of the conditions should be part of the motion.

Councilmember Popescu thanked the applicant for working with City staff to make the modifications to address his parking concerns. He was satisfied with the revised plan and the five Conditions of Approval in the staff's presentation.

The public hearing was opened at 8:30 pm.

Mr. Stewart expressed concern about water drainage from the project development that will impact adjacent residential properties. Associate Planner Campbell noted that it was an added condition where the applicant shall work with staff to establish a drainage solution to facilitate drainage from the east adjacent property.

Alex Mucino, the applicant, stated that he had no objections to the five added conditions in the staff's presentation.

The public hearing was closed at 8:34 pm.

Motion by Ovidiu Popescu, seconded Ronald Dailey, and passing by a vote of 5-0-0-0-0 that the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant Section No. 15332, (Class No. 32, In-Fill) and direct staff to file a Notice of Exemption; to APPROVE Tentative Tract Map No. P22-264 (Map 20467) to subdivide a 2.8-acre parcel and create nine (9) single-family residential lots, one (1) letter lot for a storm-water drainage basin, and a new public street with associated street and landscaping improvements; and, to APPROVE Precise Plan of Design No. P22-266 for the demolition of an existing single-family residence and the construction of nine (9) single-family residences each featuring its own Accessory Dwelling Unit based on the Findings and

Conditions contained in the staff report and subject to the five added Conditions noted in the presentation.

2B. Public Hearing - Council Bill #R-2024-22 - A Resolution to Approve the Annual Report and Assessments for the Landscape Maintenance District 1 for Fiscal Year 2024-25- 8:35 PM

City Manager Thaipejr presented the report into evidence stating that the preliminary Annual Report and Assessment for the Landscape Maintenance Maintenance District 1 for Fiscal Year 2024-25 was presented on May 14, 2024; that the adoption of the proposed resolution would approve the assessment for each property within the Landscape Maintenance District; and that the total assessment will be \$468,177 and the total expenditures were estimated to be \$669,981, the difference would be offset by the General Fund.

The public hearing was opened and closed with no public participation.

Motion by Ovidiu Popescu, seconded Rhodes Rigsby, and passing by a vote of 5-0-0-0-0
Council Bill #R-2024-22, RESOLUTION NO. 3221, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2024/2025 IN LANDSCAPE MAINTENANCE DISTRICT NO. 1, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE SPECIAL THAN GENERAL PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 1 TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS LANDSCAPE MAINTENANCE DISTRICT NO. 1, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR THE PUBLIC HEARING

2C. Public Hearing - Council Bill #R-2024-23 - A Resolution to Approve the Annual Report and Assessments for the Street Light Benefits Assessment District for Fiscal Year 2024-25- 8:35 PM

City Manager Thaipejr presented the report into evidence stating that the preliminary Annual Report and Assessment for the Street Light Benefits Assessment District for Fiscal Year 2024-25 was presented on May 14, 2024; that the adoption of the proposed resolution would approve the assessment for each property within the Street Light Benefits Assessment District; and that the total assessment will be \$365,191 and the total expenditures were estimated to be \$457,900, the difference would be funded with the previous year carry over.

The public hearing was opened and closed with no public participation.

Motion by Rhodes Rigsby, seconded Ronald Dailey, and passing by a vote of 5-0-0-0-0

Council Bill #R-2024-23, RESOLUTION NO. 3222, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2024/2025 IN STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE SPECIAL THAN GENERAL PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

2D. Public Hearing - Council Bill #O-2024-04 - An Ordinance of the City Council of the City of Loma Linda repealing Ordinance 712, which will remove Chapter 17.105 Formula-Based Fast Food Restaurants of the Loma Linda Municipal Code in its entirety- 8:36 PM

Public Hearing was opened at 8:42 PM and closed at 8:47 PM

Community Development Director Matarrita presented the report into evidence stating that the proposal is to repeal Ordinance 712 removing Chapter 17.105, which currently imposes restrictions on fast food restaurants with drive-throughs. The repeal would lift the ban on drive-throughs. She provided the history of when the Ordinance was adopted in 2013. She noted that since the ban, there had been significant changes particularly driven by the pandemic shifting dining habits. She noted that at a budget workshop in March, community members highlighted the need for drive-throughs to serve Loma Linda's daytime population and the convenience for those with accessible needs. She further discussed the adoption of the Ordinance would amend the allowable uses table, permitting drive-throughs in most commercial areas with a Conditional Use Permit, and would also introduce special use regulations to additional development standards specific to drive-throughs. She noted that public noticing was done as required by the Code. To date, the City had not received comments in opposition to the Code Amendment. She noted that the Planning Commission approved the Ordinance on June 5.

Councilmember Rigsby inquired from Councilmember Spencer-Hwang about the opinion of her colleagues, who were the primary proponents of the adoption of Chapter 17.105, as to the removal of the restriction. Councilmember Spencer-Hwang stated that the majority of her colleagues she spoke with agreed that COVID has changed how public health views drive-throughs.

Milford Harrison supported the adoption of the Ordinance. He noted his involvement with the first drive-through in Loma Linda, pointing out that the design aspects of the drive-through

must be carefully considered under the Conditional Use Permit process to maintain the community's aesthetics.

Andrea De Leon, Executive Director of the Chamber of Commerce, expressed support for lifting the drive-through ban, which will generate tax revenue for the City.

Maria Rosas, Government Affairs of the Western Region for Starbucks, supported the adoption of the ordinance. She noted that communities are finding that drive-throughs when carefully designed in alignment with the vision of the leadership of the community, are a great asset.

The public hearing was closed.

Discussion ensued regarding the City scheduling a second regular meeting on June 25 to address the City's 2024-25 Fiscal Year Budget for City Council action, pending ongoing labor negotiations. However, if the draft budget is not ready by June 25, City Attorney Robbins stated that the Council would need to adopt a resolution allowing the City continued authority to pay bills. It was also discussed to schedule the second ordinance reading for June 25.

Motion by Ron Dailey, Seconded by Rhonda Spencer-Hwang and passed by a vote of 4-1-0-0, Opposed by Popescu, to Determine that Development Code Amendment is not subject to CEQA requirements per §15378, as it does not commit to any specific project with potential environmental impacts. Additionally, the ordinances are exempt under §15061(b)(3), the common sense rule, which states these actions have no environmental effect; and to Introduce Council Bill #O-2024-04 on first reading and set second reading to July 23, 2024, An Ordinance of the City Council of the City of Loma Linda repealing Ordinance 712, which will remove Chapter 17.105 Formula-Based Fast Food Restaurants of the Loma Linda Municipal Code in its entirety, and amending Chapter 17.40 Commercial and Industrial Zones (BP, CO, C-1, C-2, and CM) to allow Fast Food Restaurant With Drive-Through in the BP, C-1, C-2, and CM Zones subject to a Conditional Use Permit and specific use regulations, and amending applicable definitions in Chapter 17.02 Introduction and Definitions for consistency purposes throughout the Development Code.

Councilmember Popescu noted that, when the drive-through ban was adopted, he believed it was for the right reasons; to maintain Loma Linda as a healthy living, Blue Zone city. Although he frequently uses drive-throughs, he believes that banning them helps keep Loma Linda a nice place. He added that he has not been persuaded that drive-throughs will generate much revenue, but, from personal research, will contribute to other negative matters.

3. Consent Calendar

Regarding Agenda Item 3G, Councilmember Popescu thanked the San Manual Band of Mission Indians for the generous contribution to the Fire Department.

Motion by Ronald Dailey, seconded Rhodes Rigsby, and passing by a vote of 5-0-0-0-0 the Consent Calendar as submitted.

3A. Demands Register - May 28, and June 11, 2024 [Finance]- 8:53 PM

Approved the Demands Registers dated:

- May 28, 2024, with commercial demands totaling \$1,733,557.62, and Payroll dated May 23, 2024, totaling \$393,693.03; and
- June 11, 2024, with commercial demands totaling \$746,905.52, and Payroll dated June 6, 2024, totaling \$375,076.16.

3B. Approval of Minutes April 23, 2024- 8:53 PM

Approved minutes as submitted.

3C. Approval of Minutes May 14, 2024- 8:53 PM

Approved minutes as submitted.

3D. Treasurer's Report - May 2024 [Finance]- 8:53 PM

Accepted for filing.

3E. Fire Department's Activity Report - May 2024 [Fire]- 8:53 PM

Accepted for filing.

3F. Approve Revised Animal Shelter Service Agreement with City of San Bernardino [Fire]- 8:53 PM

Approved revised Animal Shelter Service Agreement with the City of San Bernardino.

3G. Accept Grant Donation of Electrocardiograms (ECG) [Fire]- 8:53 PM

Accepted grant donation by San Manual Band of Mission Indians.

3H. Council Bill #R-2024-21 - A Resolution to Add Canyon Ranch Annexation Area (Annexation Area 70; LAFCO 3259) to Council District 4 [Administration]- 8:53 PM

Adopted R-2024-21.

RESOLUTION NO. 3223

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, DECLARING THAT ANNEXED TERRITORY IS ADDED TO COUNCIL DISTRICT 4

3I. Notice of Completion - Upgrade of the Audio and Visual Equipment in the Council Chambers- 8:53 PM

Accepted this project as substantially complete and authorized the City Clerk to file the Notice of Completion.

3J. Agreement for Professional Services with Romo Planning Group [Community Development]- 8:53 PM

Approved Agreement with Romo Planning Group to prepare Environmental review documents for Precise Plan of Design No. P23-180 Loma Linda University Building Pediatric Medical Office Building; and authorized funds to be deposited as pass-through fee in the amount of \$69,500 with a 10% contingency fee.

3K. Approve Agreement with Synoptek to Provide Managed Services [Information Systems]- 8:53 PM

Awarded contract for Managed Information System services to Synoptek for \$97,126.68.

4. Old Business

No scheduled items.

5. New Business

5A. Develop a Revenue Generating Committee [Councilwoman Spencer-Hwang]- 8:54 PM

Councilmember Spencer-Hwang requested to place this item on the agenda to discuss developing a revenue-generating committee, 7-9 members, appointed by the Council, with the task to develop a proposal strategically identifying resources to generate revenue, attracting new businesses and enhancing existing businesses while maintaining a focus on the City's identity as a Blue Zone city as well as the City's motto of Health and Prosperity. She suggested networking and finding interested members from other cities or businesses having the same health and wellness component in their operations. She noted there is interest from the Randall Lewis Foundation for Center for Innovation and Entrepreneurship from Claremont McKenna College that can offer assistance. She stated that she could reach out to other cities with revenue-generating committees and inquire about their successes.

Mayor Dupper supports this idea, especially given the City's financial challenges. He suggested partnering with the Chamber of Commerce and business leaders, as well as capitalizing on resources offered at conferences.

Mayor pro tempore Dailey noted the importance of identifying members who have the expertise and knowledge and who can fully contribute.

Councilmember Popescu stated that, although a Committee would help guide the Council, he believed this would require a professional firm that would prepare a city business plan, would have the expertise to work with developers and business owners, and could accomplish the goals set forth.

It was the consensus to place on the agenda for continued discussion and action.

6. Reports

6A. Reports of Council Members- 9:05 PM

Councilmember Popescu stated that invited by ESRI to join the Sr. Executive Summit on July 14, 2024, in San Diego. He noted that even though the City has a contract with ESRI, they have several services on how to improve operations; address homelessness; and apply for grants. He noted that they have massive data that the City can take advantage of. He will report back. He thanked staff for working with the applicant on the Park Street project.

Mayor pro tempore Dailey reported weeds growing in the median on Mt. View Ave.

6B. Reports Of Officers- 9:07 PM

7. Adjournment

The meeting adjourned at 9:08 pm. to the regular meeting of June 25, 2024.