

CITY COUNCIL MINUTES

25541 Barton Road, Loma Linda, CA 92354

April 8, 2025, 5:30 PM - April 8, 2025, 9:09 PM

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

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

1. Call to Order

1.A. Call to Order- 5:30 PM

The meeting was called to order at 5:30 pm and immediately went into closed session.

The regular meeting of the City Council reconvened at 7:05 pm.

1.B. Roll Call- 7:05 PM

All Councilmembers present.

Staff present: T. Jarb Thaipejr, City Manager; Diane Robbins, City Attorney; Lynette Arreola, City Clerk; Sonia Fabela, Finance Director; Dan Harker, Fire Chief; Lorena Matarrita, Community Development Director; Andy Ramirez, Assistant City Manager; Andrew Sanchez, Customer Support Technician; and Lt. Kaysie Smith, San Bernardino County Sheriff's Department

1.C. Closed Session - 5:30 pm - Council Board Room- 7:05 PM

City Attorney Robbins announced that the City Council met in closed session on the two closed session agenda items. She stated that direction was provided to staff on both items.

1.D. Invocation and Pledge of Allegiance - Mayor pro tempore Dailey- 7:07 PM

The Invocation and Pledge of Allegiance was led by Mayor pro tempore Dailey.

1.E. Items to be Added or Deleted- 7:07 PM

No items were added or deleted.

1.F. 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)- 7:07 PM

Lynne Campos, who resides at the intersection of San Mateo Drive and Rosarita Street, reported an ongoing drainage issue on the street that has caused flooding onto her property, which she attributes it to the lack of curb. Several years ago, a fire hydrant was struck, resulting in significant flooding on the street and on her property. She reported the issue to the City, and a temporary brick curb was installed. However, she continues to experience flooding. City Manager Thaipejr stated that he would follow up with her on this matter.

1.G. Conflict of Interest Disclosure- 7:10 PM

No disclosed items of conflict.

2. Scheduled and Related Items

2.A. Proclamation - Donate Life Month - April 2025 [Katryn Mantz]- 7:10 PM

Katryn Mantz accepted the Proclamation, expressing appreciation for the City's acknowledgment for Donate Life Month. She shared her story of her son Christopher who saved five lives. She is a mother of 3, but tragically lost her son, Christopher, 6 1/2 years ago. She stated that Loma Linda Children's Hospital made every effort to save him. She note that the hospital care and medical support they provided to her family holds a special place in her heart. She pointed out that Christopher saved five lives by donating both kidneys, liver, pancreas, and both heart valves and that those five individuals are living their best lives. She thanked the City of Loma Linda for proclaiming April as Donate Life Month and recognizing the amazing gift of organ and tissue donation.

2.B. St. Puppy's Day Presentation [Chris DeJong, Amy Jones & Community Members]- 7:16 PM

Chris DeJong, Firefighter/Paramedic, introduced Stella, Fire Department therapy dog. He noted that Stella is an intelligent dog originally trained for service work. However, due to her allergies, it prevented her from being successfully placed. Stella underwent a career change and has since become a positive presence for the firefighters. He went on to briefly discussed the St. Puppy's Day Adoption event which they coordinated with Amy Jones. He commended Amy for her passion and efforts to coordinate this community event.

Amy Jones introduced several of her event planners who were present at the meeting, explaining that she collaborated with the Mary S. Roberts Pet Adoption Center for this pet adoption event. She stated that she formed a team of volunteers to plan and execute the event. She noted that they had several games and activities for kids and families to attract attendees and to promote community engagement. She identified and thanked all the event participants who contributed to the event as well as the numerous gifts and prizes donated from several donors. She briefly discussed the event's expenses. In summary, the event attracted approximately 450 attendees, resulting in seven successful pet adoptions. She highlighted feedback from many of the attendees and noted that some attendees are now volunteering at the Mary S. Roberts Pet Adoption Center. She thanked all who were involved and supported the event.

2.C. Public Hearing - Request to operate a wholesale nursery on a 4.2 acre developed site, with improvements, located at 26660 Citrus Avenue, within the High Density Residential (R-3) Land Use Designation and Zoning District [Community Development]-

7:35 PM

Public Hearing was opened at 7:43 PM and closed at 7:43 PM

Community Development Director Matarrita introduced Gabriel Rivera, Associate Planner, to the City Council.

Gabriel Rivera, Associate Planner, presented the project report explaining that the proposal was to establish a Wholesale Nursery within a high density R-3 residential zone. He highlighted detail

aspects of the project including the location, site layout, landscape plans, floor plans and office elevations. He addressed the environmental review process, confirming the project's compliance with CEQA and Measure V. He noted that the City received public comments from the County of San Bernardino Flood Control District, and, due to the proximity of the site to the flood control channel, staff addressed their concerns and incorporated changes to the Conditions of Approval. He concluded stating that City Staff and the Planning Commission are recommending approval of the proposed project.

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

David Mlynarsky, Transtech Enginners Inc. , 413 MacKay Drive, San Bernardino, stated that the nursery is a commercial operation that is currently located in the City of Redlands; however, their lease is coming up and would like to relocate to Loma Linda. He noted that they are a local regional operator providing plant material, that is it not for retail sales (boxed trees, boxed shrubs and ground cover). He described the landscaping along the perimeter to the west and along the flood control channel, which would be boxed plant material with a drip irrigation system and the landscaping on the frontage along Citrus would be permanent enhanced landscaping.

In response to a question regarding the State's Regional National Needs Allocation (RHNA) housing requirements, Associate Planner Rivera stated that there is the potential by the applicant to develop the site in the future with housing. But, due to the Flood Hazard Zone designation, he noted it would be difficult to develop the area. He noted that should a proposal for housing be proposed, the City would work with the developer to achieve development.

Mayor Dupper acknowledged the extensive efforts involved in the negotiation process and extended his congratulations on the successful completion of the deal.

Motion by Ovidiu Popescu, seconded Rhodes Rigsby, passing by a vote of 5-0-0-0-0, *to Determine that the project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section No. 15332 (Class No. 32, In-Fill); To Introduce on First Reading, set the Second Reading to May 13, 2025, to adopt Council Bill No. O-2024-08 amending Title 17, Chapter 17.32 to allow Landscape Nurseries – Wholesale (in Table 2-1) with a note restricting the use to FEMA-designated flood hazard areas, subject to Chapter 19.12; To Approve the Conditional Use Permit No. 2024-0003 to permit a wholesale nursery as a conditionally permitted use within the High-Density Residential R-3 Zone with associated street and landscape improvements; and to Approve Precise Plan of Design No. 2024-0004 for the conversation of an existing residence into a 2,790 sq. ft. office for a wholesale nursery operations, inclusion of a new parking area, perimeter landscaping and a new proposed fencing, subject to the findings and Conditions of Approval contained in the staff report.*

3. Consent Calendar

Motion by Ovidiu Popescu, seconded Rhodes Rigsby, passing by a vote of 5-0-0-0-0, *to Approve the Consent Calendar items as presented.*

3.A. Demands Registers - March 25, and April 8, 2025 [Finance]- 7:49 PM

Approved the Demands Registers dated March 25, 2025, with commercial demands totaling \$1,170,910.22, and Payroll dated March 13, 2025, totaling \$421,627.41; and April 8, 2025, with commercial demands totaling \$937,087.67, and Payroll dated March 27, 2025, totaling \$403,621.73.

3.B. Approval of Minutes March 11, 2025 [City Clerk]- 7:49 PM

Approved the minutes of March 11, 2025, as presented.

3.C. Treasurer's Report - March 2025 [Finance]- 7:49 PM

Accepted the March 2025 Treasurer's Report for filing.

3.D. Award Consulting Services Contract to Krisch & Company for Policy Review Services in an amount not-to-exceed \$15,000 [Finance]- 7:49 PM

Awarded contract to Krisch & Company as recommended.

3.E. Approve the purchase of an Emergency Generator for \$45,073.50 from General Power and Award Contract to Las Colinas Engineering for Engineering, Testing and Project Management Services for a not-to-exceed amount of \$35,000 [Public Works]- 7:49 PM

Approved the purchase from General Power and awarded contract to Las Colinas Engineering as recommended by staff.

3.F. Approve Agreement with Tyler Technologies for Upgrading Enterprise Resource Planning Software to a Software as a Service Platform [Information Systems/Finance]- 7:49 PM

Approved agreement with Tyler Technologies as recommended.

3.G. Approve Purchase of Aggregating Network Switch for the City's Network from Synoptek [Information Systems]- 7:49 PM

Approved the purchase from Synoptek as recommended.

3.H. Approve the Amendment to the Automatic Aid and Mutual Aid Agreement between the City of Loma Linda Fire Department and San Bernardino County Fire Protection District [Fire]- 7:49 PM

Approved the amendment to the Automatic Aid and Mutual Aid Agreement as recommended.

3.I. Award Contract Agreement with Willdan Engineering for As-Needed Code Enforcement Officer Staffing through end of FY 24/25 and Approve a Supplemental Appropriation of \$25,000 from General Fund - Fund Balance for the Contract [Fire]- 7:49 PM

Approved contract to Willdan Engineering and approved a supplemental appropriation as recommended.

3.J. Confirm Contract Agreement with Willdan Engineering for After Hours, Standby, and On-Call Animal Control Services through the end of Fiscal Year 2024-25 (Continued from March 11, 2025) [Fire]- 7:49 PM

Confirmed Contract Agreement with Willdan Engineering as recommended.

3.K. Notice of Completion of the Construction of the Pickleball Courts at Leonard Bailey Park (CIP 24-757) - Contractor: RG General Engineering, Inc. [Public Works] - 7:49 PM

Accepted the project as complete and authorized recordation of Notice of Completion documents.

4. Old Business

4.A. Status Report on Revenue-Generating ad Hoc Committee [Councilmember Spencer-Hwang]- 7:50 PM

Councilmember Spencer-Hwang stated that she, Andrea DeLeon, Chamber of Commerce, and Assistant City Manager Andy Ramirez met to establish the objectives and vision of the Revenue-Generating Committee focusing on promoting a healthy and active lifestyle with a sense of community among the businesses, families and friends. The problems that were sited were no food options in the city for students and employees, and no local supplier for medical goods to serve the hospital and medical facilities. They discussed conducting a survey aimed at understanding the community's needs and their spending preferences.

She noted that she met with representatives from ESRI where they discussed the potential of utilizing ESRI's software to access various demographic data. She stated that they discussed the StoryMap platform, which would showcase Loma Linda to educate and attract visitors. She noted other cities have successfully implementing StoryMap for similar purposes. She invited representatives from ESRI to speak and share this information to City Council.

Andrea DeLeon, Chamber of Commerce, explained a little further on the purpose of survey, pointing out that daily visitors may have different needs than from those who live in Loma Linda.

Mayor pro tempore Dailey thanked the Councilmember on the Committee update.

5. New Business

5.A. Appoint Member to the Historic Commission [Administration]- 8:00 PM

Appointed Jennifer Jones to the Historic Commission as recommended.

5.B. Tobacco Retail License Informational [Assistant City Manager]- 8:03 PM

Assistant City Manager Andy Ramirez reported that, in response to the City Council's request, staff conducted a feasibility study on implementing a local Tobacco Retail License (TRL) ordinance. He summarized the State's Cigarette and Tobacco Products Licensing Act of 2003 that requires any retailer selling cigarettes or tobacco products must secure a Cigarette and Tobacco Products Retailers License from the State annually. He noted that some cities have implemented a separate TRL that includes annual fees to help cover local administrative costs for the operation and enforcement of the city's program, while other cities rely on the state regulations. He continued stating that the City does collect business license fees from all operating businesses, including those that sell tobacco products. The fees are part of the City's general business licensing process, which is designed to regulate business activities and generate municipal revenue. He noted that the City's Ordinance on Smoking Prohibition does not address the sale of tobacco products. He discussed the potential benefits and potential costs to implement a TRL Ordinance. He also provided alternate options for City Council to consider. He was seeking direction from City Council.

In response to an inquiry regarding the extent of the enforcement conducted by other cities, Assistant City Manager Ramirez noted that some cities conduct annual inspections of tobacco retailers, while others may implement multiple inspections per year, which is determined by each city's priorities and available resources.

Mayor pro tempore Dailey confirms this is a valuable program, but he wanted to know how implementing an ordinance will impact city staff.

Councilmember Rigsby inquired about the authority responsible for enforcing State Law and whether local governments can conduct enforcement. Mayor Dupper clarified that local law enforcement agencies and, possibly, Code Enforcement Officers, are authorized to enforce State Laws. Even though he supports what is being presented, he expressed concern imposing additional code restrictions with the City's current financial challenges and efforts to attract new businesses. He cautioned that imposing numerous restrictions may convey the City as not business-friendly.

Councilmember Spencer-Hwang does not believe the annual license fee will be a problem to the businesses. She stated that the adoption of an ordinance is the first step to demonstrate the City's commitment to public health and hold tobacco retailers accountable. Being a Blue Zone city, she stated that Loma Linda should be part of the solution of tobacco-related issues.

Brianna Ramirez, intern pharmacist and member of the Coalition for a Tobacco Free San Bernardino County, thanked City staff and City Council for addressing this matter. She identified the four San Bernardino County cities with the TRL in place. She strongly recommended the City to continue to move forward with the process of adopting a TRL and be a leader of promoting health and wellness in the Inland Empire and to inspire other cities to follow suit.

Laura Cortes, Redlands High School student, thanked the City for considering this matter and requesting to move forward to adopt a TRL. She noted that she is regularly approached from other students at school wanting to sell her tobacco products.

Councilmember Popescu supported comments by Councilmember Spencer-Hwang. He doesn't believe State Law is enough; otherwise, this wouldn't be up for discussion. He stated that adopting an Ordinance is a proactive step to mitigate the negative impacts of tobacco use particularly with the most vulnerable and it would make businesses accountable.

Councilmember Rigsby stated that he is having difficulty what this ordinance would add since there is already State Law in place other than a de minimis fee. He does not oppose enforcing tobacco laws, but he doesn't see a need to adopt an Ordinance with the existing State Law. He recommended that the City begin enforcing the State Law immediately and conduct a sting operation. He noted that the City doesn't have to wait for a new ordinance.

City Attorney Robbins stated that adopting a City Ordinance allows the City to conduct enforcement, even when the State is not enforcing the State Law, that it generates revenue, and that it identifies all businesses in the city selling tobacco products.

Mayor Dupper noted that conducting a sting operation is a very involved process. He expressed interest inviting the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for a presentation and guidance. He noted there are ATF satellite offices in San Bernardino and Riverside.

Discussion continued pertaining to considering an City Ordinance and to the costs associated with the operation and enforcement of an ordinance.

Patricia Lopez, Program Mgr. with the California Health Collaborative, San Bernardino County Tobacco Control Program, speaking on behalf of Mr. Fuentes who has spoken at previous meetings, noted that the California Health Collaborative is available as a resource to the City when needed.

Councilmember Rigsby pointed out that to establish fees associated with a potential TRL ordinance would necessitate a User Fee Study. City Attorney Robbins concurred.

City Attorney Robbins advised that, given ongoing concerns about enforcement, the City should consider examining how other municipalities have structured and implemented their Tobacco Retail License (TRL) ordinances and understand how they handle enforcement. She noted that while violations of an ordinances are typically classified as infractions, some cities have them classified as misdemeanors. However, pursuing misdemeanor charges would necessitate additional resources, such as city prosecutor, and could involve legal proceedings. She recommended reviewing existing TRL ordinances and determine how feasible it is for the City.

Motion by Ovidiu Popescu, seconded by Rhonda Spencer-Hwang to direct staff to prepare a draft Tobacco Retail License Ordinance that will outline the program, enforcement and costs for City Council's review.

Substitute Motion by Rhodes Rigsby, seconded by Ronald Dailey, passing by a vote of 5-0-0-0, to direct staff to conduct a review of existing Tobacco Retail License Ordinances implemented in other cities and compare the experience of cities and present the findings to City Council for further consideration.

6. Reports

6.A. Reports of Council Members- 9:09 PM

No reports.

6.B. Reports Of Officers- 9:09 PM

City Manager Thaipejr informed the City Council that there would be a joint meeting with the Budget Committee on April 16, 2025.

Community Development Director presented a gift to City Council from Puntarenas, Costa Rica, in recognition of the Friendship City relationship between the two municipalities.

7. Adjournment

Meeting adjourned at 9:09 pm.

Minutes approved May 27, 2025.

