

Minutes for the Regular City Council

25541 Barton Road, Loma Linda, CA, 92354

October 10, 2023, 7:01 PM - October 10, 2023, 8:32 PM

Roll Call: (The following members were in attendance)

Phillip Dupper, Mayor

Ronald Dailey, Mayor pro tempore

Bhavin Jindal, Councilmember

John Lenart, Councilmember

Rhodes Rigsby, Councilmember

1. Call to Order

1A. Call to Order - 7:01 PM

1B. Roll Call - 7:02 PM

Staff Present:

- **T. Jarb Thaipejr**, City Manager
- **Diane Robbins**, City Attorney
- **Lynette Arreola**, City Clerk
- **Sonia Fabela**, Finance Director
- **Lorena Matarrita**, Community Development Director
- **Nicole Campbell**, Associate Planner
- **Dan Harker**, Fire Chief
- **Lt. Kaysie Smith**, San Bernardino Sheriff's Dept

1C. Closed Session/Workshop - 7:02 PM

None.

1D. Invocation and Pledge of Allegiance - 7:02 PM

The Pledge of Allegiance and Invocation were led by Councilman Bhavin Jindal.

1E. Items to be Added or Deleted - 7:03 PM

City Manager Thaipejr noted the City Attorney requested to meet in Closed Session regarding a Housing Authority matter; the matter would be taken during the Housing Authority meeting.

1F. Oral Reports/Public Participation - Non-Agenda Items - 7:03 PM

Todd and Donna Underwood spoke of lawlessness occurring on the east side of the City; graffiti; shopping carts throughout the city; the homeless population and the mental challenges some are dealing with. Mr. Underwood noted that he and his wife take the initiative and pick up trash around the City. He complimented Mr. Raul Colunga for the assistance he has provided him and his wife. He suggested requiring the markets to monitor their shopping carts; increasing police patrol around Bryn Mawr Veterans Memorial Park; cleaning up the shrubbery around the storage facility on Barton

Rd. to minimize the homeless camps; removing two vacant buildings at the cul de sac on 1st Street to eliminate squatters; and to work on the homeless population.

City Manager Thaipejr stated that the City is working with the local markets to address the issue with the market carts; that the City's Code Enforcement Officer regularly monitors and removes the homeless camps around the city, giving notice beforehand; and that the City is diligent about removing graffiti on City property. He noted that some locations of graffiti are not within the City's jurisdictions, but the City will inform the other agencies. Mayor Dupper advised the residents that if they see any illegal activity to contact the Police Department.

Tushar & Carol Oza complimented Associate Planner Nicole Campbell for the assistance she provided him at the City. He noted that he came into the City to report some matters of concern and that she assisted him and helped aid with one of his matters of concern, which was removing an obstruction blocking a street name sign. He was also interested in speaking with each Council member individually and wanted to know the most appropriate manner to communicate. He noted that he was having difficulty receiving callbacks to his messages. He expressed concern about the limited hours of operations and activities at the Senior Center. Being a "blue zone" city, he would like to see significantly more programs and resources for seniors; to initiate a senior committee; and to post hours of operation more visible to the public.

City Manager Thaipejr noted the City is working on expanding programs and reestablishing the hot lunch meals program. He noted there was a Senior Board when the center was built. The Board achieved and completed its goals, so the Board was dissolved.

Milford Harrison stated that he attended the funeral of Norm Meyer, the oldest and longest-living City Council member of Loma Loma. He was 98 years old and was a Council Member for almost 22 years. He noted that the entire time he was a Council member, he was level-headed, faithful, and great to work with. He noted that he was the head of the Community Hospital and the originator behind the Air Ambulance program. He asked Council to adjourn the City Council meeting in his honor.

1G. Conflict of Interest Disclosure - 7:23 PM

There were no foreseen conflicts of interest.

2. Scheduled and Related Items

2A. Proclamation - The Unforgettables - 7:23 PM

Mayor Dupper read and presented the proclamation for The Unforgettables on its organization's 25th anniversary.

Tim Evans, the Founder, accepted the proclamation and thanked the City, City Council, and the Chamber of Commerce for recognizing their organization. He stated that 20 years ago, the Loma Linda Chamber of Commerce awarded the Unforgettables, Charity of the Year. He is grateful for everyone's support. He acknowledged Todd Underwood as the Co-Chair of the organization.

Councilman Lenart stated that he has known Mr. Evans for many years. He thanked him for this

ministry and the amazing impact he has had on people's lives.

2B. Public Hearing - Modification to the Previously Approved Conditions of Approval for Courtyard

Hotel - 7:29 PM

Minor Modification No. P23-193 to amend Condition #24 of the adopted Conditions of Approval for the Courtyard Hotel project (CUP No. P19-218) .

Public Hearing was opened at 7:35 PM and closed at 7:35 PM

Community Development Director Lorena Matarrita presented the report into evidence, stating that the applicant is requesting to pay the Development Impact Fees (DIF) before final occupancy. She explained that at one point, the City collected DIFs before final occupancy; however, the requirements changed, and the collection is now before the issuance of building permits. She noted that the applicant has consistently demonstrated financial responsibility for DIF payments, application fees, permits, and other project-related fees of the other hotel projects. Approving the Minor Modification would amend Condition No. 24 of the adopted Conditions of Approval to allow the collection of the Development Impact fees before final occupancy. She noted that based on the applicant's consistency in meeting his financial obligations with the City, staff is recommending approval.

The public hearing was opened and closed with no participation.

Mayor Dupper concurred with the strong partnership between the applicant and the City. He complimented the operations of the hotels, noting that they are all well run.

In response to Council inquiries, City Attorney Diane Robbins stated that the approval of this request to modify the due date of the DIF would not set a precedent; and Community Development Director Matarrita stated that the Development Impact Fee amounts would not change with this approval, unless the DIFs are updated before occupancy of the project.

Discussion ensued regarding hotel market analysis, Hiral Patel, applicant, noted that he conducted his market analysis. He stated that the rate of occupancy at his hotels has dropped, which may be due to other surrounding hotels; however, he anticipates the occupancy will go back up. He appreciates the partnership with the City and the financial incentives.

Motion by John Lenart, seconded by Bhavin Jindal, and passing by a vote of 5-0-0 To Approve

Minor Modification No. P23-193, Amending Condition #24 of the adopted Conditions of Approval for the Courtyard Hotel project (CUP No. P19-218) located at 10354 Richardson Street, and allowing the applicant to pay the Development Impact Fees prior to Final Occupancy.

2C. Public Hearing - Development Code Amendment No. P23-139 and Council Bill #O-2023-02

(Introduce on First Reading) - 7:42 PM

A request to amend Title 17 (Zoning) of the Loma Linda Municipal Code by standardizing administrative processes, expanding permitted land uses, minimizing the number of required loading spaces for commercial uses, modifying fence regulations, and correcting certain inconsistencies and outdated language throughout the Development Code.

Public Hearing was opened at 7:49 PM and closed at 7:52 PM

Associate Planner Nicole Campbell presented the staff report into evidence stating that the request is to amend various sections of the City's zoning code and that the proposed amendment would standardize planning processes and update outdated and conflicting language. She summarized the zoning code amendments detailed in the staff report. She noted that Bob Stewart expressed his support for the code amendment.

The public hearing was opened.

Dick Wiley expressed concern about parking issues that will result from the allowance of ADUs. Mayor Dupper noted that the State made no leeway in terms of parking and traffic matters with the allowance of ADUs. Associate Planner Campbell pointed out that ADU regulations were not part of the current code amendment.

The public hearing was closed.

Motion by Ronald Dailey, seconded by Bhavin Jindal, and passing by a vote of 5-0-0-0 To Approve *Development Code Amendment No. P23-139, TO DETERMINE that the Development Code Amendment is not subject to the requirements of the State of California Environmental Quality Act ("CEQA") pursuant Sections No. 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines which applies to proposals that are not considered projects as defined in Section No. 15378 of the CEQA guidelines and proposals that do not result in a significant change to the environment; and TO INTRODUCE ON FIRST READING AND SET SECOND READING FOR NOVEMBER 14, 2024, COUNCIL BILL #O-2023-02, an Ordinance to amend Title 17 (Zoning) of the Loma Linda Municipal Code by standardizing administrative processes, expanding permitted land uses, minimizing the number of required loading spaces for commercial uses, modifying fence regulations, and correcting certain inconsistencies and outdated language throughout the Development Code (Development Code Amendment No. P23-139).*

2D. Joint Public Hearing - Sale and Transfer of 25615 Prospect Avenue - Housing Affordability Program

- 7:55 PM

Joint Public Hearing between City Council and Housing Authority pertaining to the sale and transfer of 25615 Prospect Avenue from Chowdhury Ahmed and Farjana Hoq to Juan and Christina Sanchez

Public Hearing was opened at 7:57 PM and closed at 7:57 PM

Mayor Dupper Called to Order the Housing Authority Meeting at 7:55 pm for the Joint Public Hearing with the City Council to discuss the sale and transfer of 25615 Prospect Ave.

City Manager Thaipr presented the report into evidence stating that the property at 25615 Prospect Avenue is part of the Housing Affordability Program; and that the owners who purchased the property in 2014 anticipated a job transfer to another state facilitating the sale and transfer of the property to a program qualified family. He noted the City's Housing Consultant and Housing Attorney reviewed the qualifying applications and selected the most qualified buyer. The buyers agreed to the terms and conditions in the Assumption Agreement and the affordability covenants to which the property is subject. The buyers will be assuming the responsibilities outlined in the attached Agreement.

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

Motion by Ronald Dailey, seconded by Bhavin Jindal, and passing by a vote of 5-0-0-0 To Approve *the sale and transfer of 25615 Prospect Street to Juan and Christina Sanchez per the terms and conditions outlined in the Assumption Agreement; and to Adopt Council Bill #R-2023-37, presently known as, RESOLUTION 3199 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA CONSENTING TO THE APPROVAL BY THE LOMA LINDA HOUSING AUTHORITY OF AN AGREEMENT FOR THE DISPOSITION OF PROPERTY FOR AFFORDABLE HOUSING USE WITH JUAN SANCHEZ AND CHRISTINA SANCHEZ.*

3. Consent Calendar

Motion by John Lenart, seconded by Rhodes Rigsby, and passing by a vote of 5-0-0-0 To Approve *Consent Calendar items as submitted.*

3A. Demands Registers - September 26 and October 10, 2023 -

Approved the Demands Registers dated:

- September 26, 2023, with a commercial demand totaling \$1,113,970.21 and payroll demands dated September 14, 2023, totaling \$412,110.43; and

- October 10, 2023, with a commercial demand totaling \$703,878.69 and payroll demands dated September 28, 2023, totaling \$415,842.22.

3B. Approval of Minutes September 12, 2023 - 7:59 PM

Approved Minutes of September 12, 2023, as submitted.

3C. Treasurer's Report - September 2023 -

Accepted for filing the Fire Department's Activity Report for September 2023.

3D. Fire Department's Activity Report - September 2023 -

September 2023 Fire Department Activity Report

Accepted for filing the Fire Department's Activity Report for September 2023.

3E. Award a Contract for Installation of Generator Electrical Wiring - 7:59 PM

Awarded a contract to Mac GC-Electric of San Diego, CA, for the installation of electrical wiring for a new generator for emergency power usage at City Hall for \$68,314.00, and a contingency amount of \$6,800.00.

3F. Appropriate \$88,200.00 and Approve a Change Order to the contract for In-Line Valve Installation (CIP 22-666) - 7:59 PM

Supplemental Appropriation \$88,200.00 from Water Utility Operations Fund Balance into Account No. 4657010-58500 and Approve a Change Order to the contract for In-Line Valve Installation (CIP 22-666)

Approved Supplemental Appropriation of \$88,200.00 from Water Utility Operations Fund Balance into account no. 4657010-58500 and approved a Change Order totaling \$80,100.00 for the contract for In-Line Valve Installation with a contingency allocation of \$8,100.00 (CIP 22-666).

3G. Appropriate \$30,000.00 and Award Contract for Security Camera Acquisition - 7:59 PM

Appropriate \$30,000.00 into Acct. No. 1355430-58220 and Award Contract for Security Camera Acquisition.

Approved an appropriation of \$30,000.00 into Account No. 1355430-58220 and Awarded a contract to Security Lines US of Van Nuys, CA for \$27,126.06 to purchase five (5) security cameras.

3H. Approve MOU with San Bernardino County Health Dept. for SB 1383 Edible Food Recovery Enforcement - 7:59 PM

Approved a Memorandum of Understanding with San Bernardino County Public Health Environmental Health Services for SB 1383 Edible Food Recovery Inspection and Enforcement.

3I. Notice of Completion - Shower Modification to Fire Station No. 1 -

Accept as complete and authorize recordation of Notice of Completion of the shower stall modifications at Fire Station No. 1; Neuroth Construction, Contractor

Accepted as complete and authorized recordation of Notice of Completion for shower stall modification at Fire Station No. 1 with a final project total of \$16,243.50; Contractor: Neuroth Construction, Inc. of Carlsbad, California.

3J. Notice of Completion - Traffic Signal Improvements -

Accept as complete and authorize recordation of Notice of Completion for the Traffic Signal Improvements as California Street and Citrus Avenue (CIP 21-221); DBX Inc. , Contractor

Accepted as complete and authorized recordation of Notice of Completion for the Traffic Signal Improvements at California Street and Citrus Avenue with a final project total of \$341,661.00; Contractor: DBX, Inc. of Temecula, California (CIP 21-221).

3K. Notice of Completion - Pavement Rehabilitation by Slurry Seal - 7:59 PM

Accept as complete and authorize recordation of Notice of Completion for the Pavement Rehabilitation by Slurry Seal Method at Various Locations (CIP 21-107); Doug Martin Contracting Co., Inc., Contractor

Accepted as complete and authorized recordation of Notice of Completion for the Pavement Rehabilitation by Slurry Seal Method at Various Locations project with a final project total of \$113,759.60; Contractor: Doug Martin Contracting Company, Inc. of La Habra, California (CIP 21-107).

4. Old Business

4. Council Bill #O-2023-03 (Second Reading and Roll Call Vote) -

Adopt an Ordinance to update Title 17 (Zoning) of the Loma Linda Municipal Code and establish a reasonable accommodation ordinance in compliance with Federal and State Laws that will provide flexibility in the application of the Development Code standards in order to provide individuals with disabilities an equal opportunity to housing (Ref: Development Code Amendment No. P23-155)

Community Development Director Matarrita stated that this was the second reading and adoption of the Ordinance. There were no changes from the first reading on September 12, 2023.

Motion by Bhavin Jindal, seconded by Ron Dailey and motion carried by a vote of 5-0-0-0 to adopt Council Bill #O-2023-03, waiving the reading in its entirety, but by Title only, presently known as ORDINANCE 777 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT NO. P23-155, WHICH ESTABLISHES A REASONABLE ACCOMMODATION CHAPTER IN TITLE 17 (ZONING) OF THE LOMA LINDA MUNICIPAL CODE AND INCLUDES FLEXIBILITY IN THE APPLICATION OF THE DEVELOPMENT CODE STANDARDS IN ORDER TO PROVIDE INDIVIDUALS WITH DISABILITIES AN EQUAL OPPORTUNITY TO HOUSING.

5. New Business

5A. March 5, 2024, General Elections - 7:59 PM

City Clerk Lynette Arreola presented the report into evidence stating that the 2024 Presidential Primary Elections is Tuesday, March 5, 2024, to elect three (3) members from City Council in Districts 1, 4 and 5 for four-year terms; that the filing period for nomination papers begins Monday, November 13, 2023, to Friday, December 8, 2023, during regular business hours; and that the City Clerk's Office will be open Friday, December 8, 2023, between the hours of 8:00 a.m. - 12:00 p.m. The recommendation is to adopt Council Bills #R-2023-35 - Calling the Election; and #R-2023-36 - Regulations for Candidate Statements.

Discussion ensued pertaining to the code of conduct of candidates and ensuring compliance.

Motion by John Lenart, seconded by Rhodes Rigsby, and passing by a vote of 5-0-0-0 To Approve and To Adopt Council Bill #R-2023-35, presently known as, RESOLUTION NO. 3200 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and To Adopt Council Bill #R-2023-36, presently known as RESOLUTION NO. 3201 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024.

6. Reports

6A. Reports of Council Members - 8:20 PM

Councilman Jindal stated that he attended the SBCTA Board meeting and discussion involved homelessness and funds being allocated for programs.

6B. Reports Of Officers - 8:24 PM

- Video presentation highlighting Loma Linda.

The video highlighting the City of Loma Linda was presented to the City Council. It was noted the video was on the City's website.

The City Council praised the video and thanked the staff members for their time and efforts working with the video company and producing a positive portrayal of Loma Linda.

At 8:32 PM, the City Council adjourned the meeting in honor and memory of former Councilmember Norman Meyer.

7. Adjournment
