City of Loma Linda
Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: January 24, 2006

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk

SUBJECT: Minutes of January 10, 2006

RECOMMENDATION

It is recommended that the City Council approve the Minutes of January 10, 2006.

AGENDA ITEM 6

PENDING CITY COUNCIL APPROVAL

City of Loma Linda

City Council Minutes

Regular Meeting of January 10, 2006

A regular meeting of the City Council was called to order by Mayor Petersen at 5:55 p.m., Tuesday, January 10, 2006, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Floyd Petersen Mayor pro tempore Stan Brauer Robert H. Christman Robert Ziprick Charles Umeda
Councilman Absent:	None
Others Present:	City Manager Dennis R. Halloway City Attorney Richard E. Holdaway

CC-2006-001 – Closed Session

a. Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)

Property:	APN 0284-142-15 (Willis Drive)
Negotiators:	Dennis R. Halloway, Pamela Byrnes-O'Camb, Martin Eskenasy
Under Negotiation:	Price and terms of payment

b. Conference with Legal Counsel – Anticipated Litigation – One Case – A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency

The City Council immediately recessed to consider the closed session items as listed and reconvened at 7:02 p.m. with all members present.

City Attorney Holdaway stated that relating to the real property item, the City Council conferred with Legal Counsel and its Negotiators and gave direction. There was no final action to report. As to the Anticipated Litigation item, City Council conferred with Legal Counsel and gave direction, and there was no final action to report.

Mayor pro tempore Brauer led the invocation and Pledge of Allegiance. No items were added or deleted.

Oral Reports/Public Participation

Sandra Stevenson, 26245 Avenida Riquejo, Bryn Mawr, asked that the Whittier Avenue Railroad Crossing be made a Quiet Zone.

Scheduled and Related Items

CC-2006-002 – Presentation by Wilson & Company relating to Railroad Quiet Zones

Director of Public Works Thaipejr introduced the item, stating that the City Council previously requested Staff to investigate the possibility of declaring the railroad crossings at Whittier and Beaumont Avenue Quiet Zones. The City retained Wilson & Company to perform a feasibility study. He then introduced Gerard Reminiskey to present the report.

Mr. Reminiskey presented a summary of the study to establish a Quiet Zone in the eastern portion of the City along the Union Pacific Railroad. He defined a Quiet Zone as a corridor at which the at-grade crossings met criteria for a safety threshold that allowed trains to pass through the corridor without sounding their whistles. He went on to say that the criteria was established by the Federal Railroad Administration and was overseen by the California Public Utilities Commission.

Mr. Reminskey explained that each railroad crossing in the U. S. was assigned a risk index, which took into consideration train volume, speeds, and characteristics of the roadway geometrics; however, most railroad crossings cannot meet the criteria unless supplemental safety measures are enacted. He elaborated that a new Quiet Zone Rule was enacted in 2005, and based upon the New Rule, the City requested a Quiet Zone Feasibility Study for the two subject at-grade railroad crossings. The study concluded that a Quiet Zone designation would require upgrades to the existing crossings.

He noted that up to 40 trains per day utilize the Yuma Subdivision Transcontinental Main Track. The Risk Index for both crossings would require installation of four quadrant gates to seal off the crossings, thus

deterring gate run-around. Installation of vehicle detection at the crossings would also be required. Cost of the improvements was estimated to be $500,000 to $600,000 per crossing.

He then reviewed the process to establish a Quiet Zone:

1) File a Notice of Intent with the FRA and PUC;
2) Conduct a field diagnostic of all the stakeholders: PUC, RR and the FRA;
3) Submit application to the PUC;
4) Sign agreement with the Union Pacific, which would require the City to indemnify the Railroad and provide an annual payment to the Union Pacific Railroad of approximately $10,000 to maintain the improvements.

He noted that the time frame for procurement and installation by the Railroad was estimated to be 18 months subsequent to the signing of the Agreement with the Union Pacific Railroad. Following installation of the improvements, the City assumed all liability pursuant to the FRA Rule.

A question and answer period followed.

CC-2006-003 – Presentations pertaining to the Land Use Element of the General Plan (See Item #17)

Kathy Glendrange, 26551 Beaumont Avenue, asked that the item be postponed, stating that although she submitted the presentation to City Staff prior to the meeting, it was too late to place it on the City's Website for review prior to the oral presentation. In addition, City Council did not receive the presentation in order to adequately review it prior to tonight's meeting. Glenn Elssmann, 25814 Business Center Drive, stated that Mission Development had been working with the community and the Save Loma Linda Group to arrive at solutions to issues and concerns related to the General Plan and the South Hills, and in his opinion, progress was being made. He also supported continuation of the item.

It was also noted that the proposed Alternative to the South Hills Designation (Alternative 2) had been presented previously and therefore only the proposed Initiative would be presented.

Councilman Umeda suggested that as the proposed Initiative and General Plan was reviewed, particularly relating to the Housing Element of the General Plan, that the City Council and the community understand the demographic and infrastructure challenges that this region was facing as well as the City's obligation under the Housing Element Law to provide housing for a broad section of the community. He asked Staff to contact the Southern California Association of Governments and the State Housing and Community Development Department and request that representatives attend the next meeting to respond to the regional and local issues. He expressed concern as to whether the City would be able to meet its obligation under the Housing Element Law, based on the type of zoning in the Initiative.

Discussion ensued relating to time and date of the meeting for presentation of the Initiative as well as a response from SCAG and State HCD Offices.

Motion by Ziprick, seconded by Christman and unanimously carried to continue presentation of the proposed Initiative to January 24.

CC-2006-004 – Public Hearing – Off-site Subdivision Directional Sign Program administered by the Building Industry Association (BIA)

a. Council Bill #O-2005-20 – (Second Reading/Roll Call) Development Code Amendment 05-03 – Amending Section 17.18.190 of the Loma Linda Municipal Code
b. Council Bill #2006-01 – Designating the allowable number and placement of Subdivision Directional Signs THIS IS NOT A PUBLIC HEARING, BUT RELATED TO THE ABOVE ITEM

The public hearing was opened and Planning Technician Penaflorida presented the report into evidence, stating that the proposed ordinance revised the maximum number of off-site signs from 12 to 1 8, with the locations to be designated by resolution. He also stated that each sign would be subject to a Sign Permit.

Jeff Ashton of the BIA concurred with the provisions of the proposed Ordinance and Resolution and urged approval of the Development Code Amendment.

No other public testimony was offered and the public hearing was closed.

Motion by Christman, seconded by Ziprick and unanimously carried to waive reading of Council Bill #O-2005-20 in its entirety; direct the Clerk to read by title only and adopt on roll call vote.

The Clerk read the title and called the roll with the following results:

Ayes:	Petersen, Christman, Ziprick, Umeda
Noes:	Brauer
Abstain:	None
Absent:	None

Ordinance No. 650

An Ordinance of the City Council of the City of Loma Linda amending Chapter 17.18.190 of Title 17 of the Loma Linda Municipal Code to amend the requirement that limits the number of off-site subdivision directional signs

Motion by Christman, seconded by Ziprick and carried to adopt Council Bill #R-2006-01. Brauer opposed.

Resolution No. 2426

A Resolution of the City Council of the City of Loma Linda designating the allowable number of and locations for placement of off-site directional subdivision signs

CC-2006-005 – **Public Hearing – Council Bill #O-2005-21** (Second Reading/Roll Call) – Development Code Amendment No. 05-02 – Art in Public Places for new development, expansions and/or remodeling in all zones

The public hearing was opened and Planning Technician Penaflorida presented the report into evidence, stating that the proposed ordinance was City initiated to establish standards for art in public places for new development in all zones. The ordinance outlined exceptions to the Program and also provided for a Public Arts Fund to be established to receive monies collected (a percentage of building evaluation) for designated purposes of the Public Arts Program.

No other public testimony was offered and the public hearing was closed.

Motion by Christman, seconded by Umeda and unanimously carried to waive reading of Council Bill #O-2005-21 in its entirety, direct the Clerk to read by title only, and adopt on roll call vote.

The Clerk read the title and called the roll with the following results:

Ayes:	Petersen, Brauer, Christman, Ziprick, Umeda
Noes:	None
Abstain:	None
Absent:	None

Ordinance No. 651

An Ordinance of the City Council of the City of Loma Linda adding Chapter 17.26 to Title 17 of the Loma Linda Municipal Code to establish regulations, criteria, and standards for Art in Public Places

CC-2006-006 – **Public Hearing – Precise Plan of Design No. 2005-09** – Demolition of the existing Gentry Gym and construction of a new 148,000 square foot, 4-story building that includes laboratories, classrooms, faculty offices, lecture halls, and computer labs on approximately 18 acres and a thermal energy storage tank as Phase I located at the northwest and northeast corners of Stewart Street and Anderson Street in the Institutional Zone. Phases II and III will include a 157,524 square-foot Learning Center, a 21,257 square-foot student services building, the construction of a three-story parking structure, resurfacing of the existing parking lot, and construction of a central electrical plant substation at the existing Electrical Yard/Housekeeping Facility

Mayor Petersen declared a potential conflict of interest because he is employed by Loma Linda University; Mayor pro tempore Brauer declared a potential conflict of interest because he is a practicing physician for the Medical Center and part of his patient income was derived from a faculty appointment at Loma Linda University. Councilman Ziprick also declared a possible conflict of interest because his law office provided legal services for Loma Linda University.

City Attorney Holdaway stated that the Rule of Necessity could be applied to allow the City Council to take action on items where the majority of members have declared a potential conflict of interest. He provided straws, the Council Member drawing the straw with the white marking was to sit to constitute a quorum and vote. The draw resulted in Mayor Petersen participating. Mayor pro tempore Brauer and Councilman Ziprick left the Council Chamber.

The public hearing was opened and Sr. Planner Kang presented the report into evidence, stating that the subject property encompassed three separate parcels. The Planning Commission expressed concern relating to pedestrian traffic, Stewart Street and Campus Street access, handicap accessible parking and front courtyard, and the thermal energy storage tank, but recommended approval with minor changes.

He then addressed the Planning Commission's concerns one by one. First, pedestrian crosswalks, noting that pedestrians could cross at three locations: Stewart and Anderson, a controlled intersection; mid-block on Stewart Street, uncontrolled, however, the applicant was willing to install a controlled crosswalk with enhanced pavers; and the Stewart and Campus Street crossing, which was an existing uncontrolled crosswalk.

Stewart and Campus Street access. Because of traffic congestion in the area, the Stewart Street access was proposed for right turn in only so there would be no right turn out or left turn movements in or out; Campus Street would have left and right turn movements to improve the traffic flow.

Accessible Parking and front courtyard. Originally the accessible and handicap parking was centralized in front of the building. The applicant modified the design to propose a courtyard feel in the front with handicap access to the edges of the building back and sides.

The thermal energy storage tank, proposed for the northeast corner of Stewart and Anderson Streets near the railroad tracks, was 90 feet in height and 80 feet in diameter with approximately 50 percent of the tank below ground, so that only approximately 40 feet would be exposed. Existing landscape on Anderson Street would screen portions of the site and the applicant proposed to screen the site with enhanced landscaping and tank paint to match the surrounding buildings.

He also stated that the Conditions of Approval were modified to address the changes made by the applicant to respond to the concerns of the Planning Commission.

Verlon Strauss, Vice-President of Finance, LLU, responded to questions, stating that the thermal energy storage tank would store chilled water during the night-time period for use during the daytime so that the chillers and absorbers would not be running during the day, thus conserving energy.

He thanked City Staff for their assistance over the past six months in preparation for presentations to the Planning Commission and City Council. He then responded to questions, noting that an elevated crosswalk on Stewart Street was cost prohibitive because it would involve placement of elevators to make it ADA accessible, and would not fit the overall plan of the Campus. Also, the classrooms, laboratories, lecture halls, etc., would significantly reduce the number of pedestrians utilizing the Stewart Street crosswalk because students would be attending classes in the new buildings. He added that occupancy was expected by 2008.

No other public testimony was offered and the public hearing was closed.

Discussion ensued relating to the possibility of closing Stewart Street, restricting Anderson Street for that portion that passed through the campus; circulation should Stewart Street be closed; and parking.

Mr. Strauss responded that the number of parking spaces would exceed City parking requirements in that the site would encompass over 1100 parking spaces.

Director of Community Development Woldruff clarified that the public hearing related to Phase I of the project; that the master plan included Phases II and III included in the project description.

> **Motion by Umeda, seconded by Christman and carried to adopt the Mitigated Negative Declaration and approve Precise Plan of Design 05-09 subject to the modified Conditions of Approval.**

Mayor pro tempore Brauer and Councilman Ziprick returned.

CC-2006-007 – **Public Hearing – Appeal of Planning Commission decision to deny a request to demolish two existing homes and to build 12 two-bedroom apartments on .52 acres located at 10684-10690 Ohio Street in the north Central Neighborhood in an R-3, Multiple Family Residential Zone** (To be continued to February 28)

The Mayor opened the public hearing and asked anyone who could not attend on February 28 to present testimony at this time. No comments were offered

Motion by Christman, seconded by Brauer and unanimously carried to continue the public hearing to February 28.

CC-2006-008 – **Public Hearing – Appeal of Planning Commission decision to deny a request to demolish one single-family home and accessory structure at 26657 Orange Avenue and to build 30 single-family homes on a three-acre project site located at the southwest corner of Orange Avenue and New Jersey Street** (To be continued to February 28)

The Mayor opened the public hearing and asked anyone who could not attend on February 28 to present testimony at this time. No comments were offered

Motion by Brauer, seconded by Umeda and unanimously carried to continue the public hearing to February 28.

CC-2006-009 – **Consent Calendar**

Motion by Brauer, seconded by Christman and unanimously carried to approve the following items:

The Demands Register dated December 27, 2005 with commercial demands totaling $1,427,781.60 and payroll demands totaling $193,682.86.

The Demands Register dated December 31, 2005 with commercial demands totaling $77,371.26 and payroll demands totaling $196,414.86.

The Demands Register dated January 10, 2006 with commercial demands totaling $533,446.58.

The November and December 2005 Treasurer's Reports for filing.

The November 2005 Fire Department Monthly Report for filing.

The Fire Protection Services Agreement between San Bernardino County Consolidated Fire District, County Service Area 70, County Service Area 38 and the City for fire protection services to the subject areas within the City's Sphere of Influence.

Quadrant 2, Phase I Fiber Optic Backbone of the Loma Linda Connected Community Program as complete and recordation of a Notice of Completion.

Award of contract for Pavement Rehabilitation by Slurry Seal Method at Various Locations to Doug Martin Contracting Co., Inc., La Habra for $191,004.00, a contingency allocation of 10 percent and a contract for construction inspection to Willdan Associates in an amount not to exceed $3,320.00.

Old Business

CC-2006-010 – **General Plan Update** (To be continued to January 24, 2006)

a. Adopt and approve the Findings for Statements of Overriding Considerations (pursuant to CEQA Guidelines Sections 15043, 15091, 15092 and 15093) for the significant unavoidable adverse impacts related to Air Quality, Loss of Open Space, Biological Resources, Water Supply, and Traffic and Circulation that would result from implementation of the General Plan (October 2005)

b. Council Bill #R-2005-55 – Approve and Certify the Final Program Environmental Impact Report (FEIR), which includes the Draft EIR, Response to Comments, and Mitigation Monitoring Program based on the Findings

c. Council Bill #R-2005-57 – Approve and adopt all Elements of the Draft General Plan (October 2005) as follows:

1. Introduction to the General Plan Elements (Element 1.0)
2. Land Use Element (Element 2.0) including consideration of
   a. Proposed Initiative
   b. Proposed Alternative to the South Hills Designation
3. Community Design Element (Element 3.0)
4. Economic Development Element (Element 4.0)
5. Housing Element (Element 5.0)
6. Transportation and Circulation Element (Element 6.0)
7. Noise Element (Element 7.0)
8. Public Services and Facilities Element (Element 8.0)

9. Conservation and Open Space Element (Element 9.0)
10. Public Health and Safety Element (Element 10.0)
11. General Plan Implementation Programs Element (Element 11.0)

By common consent, the item was continued to January 24, 2006.

Reports of Councilmen

Mayor pro tempore Brauer commented on illegal signs advertising new housing tracts. He also supported the solar energy project recently approved by the City Council, in light of rising energy costs. Information Systems Director Hettrick responded to questions on methods to conserve energy, noting that new technology has produced solar panels that look like interlocking roofing shingles; other energy efficiency methods were being researched.

Councilman Umeda suggested that the City adopt solar energy standards to be included in its construction standards. Mr. Hettrick indicated that he would work with the Community Development Department to draft standards for City Council consideration.

Mayor Petersen commented on the red light cameras at the intersections of Barton Road/Anderson Street; Barton Road/Mt. View Avenue; Redlands Blvd./Mt. View Avenue; and Redlands Blvd./Anderson Street.

Reports of Officers

CC-2006-011 – Report and consideration of referenda petitions relating to University Village and Orchard Park Specific Plans

The City Clerk presented the report, stating that on October 20, 2005, petitions were submitted to repeal the ordinances and resolutions pertaining to the University Village and Orchard Park Specific Plans. The petitions were submitted to the Registrar of Voters Office for verification of all signatures; however, because of the November 8 election and a petition from another jurisdiction being submitted prior to Loma Linda's petitions, the deadline for verifying all signatures could not be met. Therefore, the Random Sampling procedure was implemented pursuant to Elections Code §9115, whereby 500 signatures for each specific plan were checked. This procedure, while qualifying the petitions as sufficient to be placed on a ballot, did not compel the Registrar to examine all signatures because the percentage of valid signatures did not fall within the guidelines of Elections Code §9115.

On December 13, it was reported that the petitions were sufficient to be placed on a ballot and that implementation of the ordinances and resolutions for the Specific Plans were suspended. In the meantime, Lewis Operating Corporation and Holland Partner Group requested that all signatures be verified. The request was honored because the original request of the City Clerk was that all signatures be verified.

The Registrar of Voters proceeded to verify signatures (a minimum of 884 for each project petition), and determined that sufficient signatures were verified to place the item on a ballot. Therefore, the City Council could either rescind its previous approvals or place the referenda on a ballot for an election to be held not sooner than 88 days from the date of the resolution calling the election.

She noted that should the City Council call an election, the related resolutions would be placed on the January 24 agenda for formal action.

Discussion ensued. Councilman Christman stated that both projects were approved by a unanimous vote of the City Council and both projects were good projects for the community. He supported placing the item on the June 6 ballot because the City Council election was scheduled at that time. Mayor pro tempore Brauer concurred in that the City Council's practice was to place items on the ballot in a timely and cost effective manner. He expressed frustration concerning comments that the City Council was stalling and not taking action. Councilmen Ziprick and Umeda concurred.

Motion by Christman, seconded by Ziprick and unanimously carried to receive the report and directed the Clerk to schedule the referenda for the June 6 election.

The meeting adjourned at 8:30 p.m.

Approved at the meeting of

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City Clerk