

CITY OF LOMA LINDA
CITY COUNCIL AGENDA
REGULAR MEETING OF JULY 14, 2015

An adjourned meeting of the City Council of the City of Loma Linda is scheduled to be held Tuesday, July 14, 2015 at 7:00 p.m. in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Reports and Documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours. The Loma Linda Branch Library is also provided an agenda packet for your convenience. The agenda and reports are also located on the City's Website at www.lomalinda-ca.gov.

Persons wishing to speak on an agenda item, including any closed session items, are asked to complete an information card and present it to the City Clerk prior to consideration of the item. When the item is to be considered, please step forward to the podium, the Chair will recognize you and you may offer your comments. The City Council meeting is recorded to assist in the preparation of the Minutes, and you are therefore asked to give your name and address prior to offering testimony.

The Oral Reports/Public Participation portion of the agenda pertains to items NOT on the agenda and is limited to 30 minutes; 3 minutes allotted for each speaker. Pursuant to the Brown Act, no action may be taken by the City Council at this time; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (909) 799-2819. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Later requests will be accommodated to the extent feasible.

A recess may be called at the discretion of the City Council.

A. Call To Order

B. Roll Call

C. Invocation and Pledge of Allegiance – Councilman Popescu - (In keeping with long-standing traditions of legislative invocations, this City Council meeting may include a brief, non-sectarian invocation. Such invocations are not intended to proselytize or advance any one, or to disparage any other, faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.)

D. Closed Session -5:30 p.m.

- a. Joint meeting with Successor Agency to the Loma Linda Redevelopment Agency – Conference with Legal Counsel – Pending Litigation – City of Loma Linda, a California charter city, and City of Loma Linda as Successor Agency to the Dissolved Redevelopment Agency of the City of Loma Linda, a public entity organized and existing under California Health & Safety Code Section 34173, vs. State of California; State of California Department of Finance, et al., Sacramento County Superior Court Case No. 34-2013-80001583 (Government Code Section 54956.9(b)(1))
- b. Public employee Evaluation - City Manager (Government Code Section 54957)
(Continued from June 23)
- c. Public Employee Discipline/Dismissal/Release (May be continued to after the Open Meeting)

E. Items To Be Added Or Deleted

F. Oral Reports/Public Participation - Non-Agenda Items (Limited to 30 minutes; 3 minutes allotted for each speaker)

G. Consent Calendar

1. Demands Register
2. Minutes of June 23, 2015
3. Accept as complete and authorize recordation of Notice of Completion for Installation of Playground Equipment at Elmer Digneo Park, Ortco Incorporated, contractor [**Public Works**]
4. Request for change order for Mountain View Well #3 Rehabilitation in the amount of \$26,000 and to carry over the unexpended funds of \$56,000 from fiscal year 2014-2015 to fiscal year 2015-2016 [**Public Works**]
5. City Manager Contract [**City Attorney**]
6. Agreement for Professional Services between the City and Lilburn Corporation for contract planning services, preparation of an environmental analysis, and associated technical studies for the annexation and development of Orchard Heights, a 95 unit, single-family lot subdivision located within the city's Sphere of Influence along New Jersey Street, between Orange Avenue and Citrus Avenue; and the use of funds to be deposited in the amount of \$72,464 as a pass through fee (plus a 10% contingency fee of \$7,246.40) paid for by the applicant to cover the costs of contract planning services [**Community Development**]
7. Deleted.
8. Appropriate \$20,000 from General Facilities Fund Reserves to Complete design services for the EOC Expansion project [**Public Works**]
9. Re-appropriate \$86,100 from Fiscal Year 2014-15 to Fiscal Year 2015-16 and Appropriate \$119,600 from Miscellaneous Grant Fund Reserves for the Extension of Fiber Optic Infrastructure to Grand Terrace Project [**Asst. City Manager**]
10. Increase to General Fund for Fiscal Year 2014-2015 Revenues and expenditure appropriations related to the Economic Incentive Agreement between Mansfield Oil Company and the City [**Finance**]

H. Old Business

11. Council Bill #O-2015-02 (Second Reading/Roll Call Vote) Pre-Zone No. ZMA14-076 to establish the Single Family Residence (R-1) Zone For APNs 0292-161-01, and 11, and the General Business (C-2) Zone APNs 0292-161-08, and 12 located on the east side of California Street, between Orange Avenue and Citrus [**Community Development**]

H. Reports of Councilmen

I. Reports Of Officers

J. Adjournment



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ovidiu Popescu, Councilman
Ronald Dailey, Councilman
John Lenart, Councilman

COUNCIL AGENDA: July 14, 2015

TO: City Council

VIA: T. Jarb Thaipejr, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk

SUBJECT: Minutes of June 23, 2015

Approved/Continued/Denied By City Council Date _____
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RECOMMENDATION

It is recommended that the City Council approve the minutes of June 23, 2015.

City of Loma Linda

City Council Minutes

Regular Meeting of June 23, 2015

A regular meeting of the City Council was called to order by Mayor pro tempore Dupper at 5:36 p.m., Tuesday, June 23, 2015, in the Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present: Mayor pro tempore Phill Dupper
Ovidiu Popescu
Ron Dailey
John Lenart

Councilmen Absent: Rhodes Rigsby

Others Present: City Manager T. Jarb Thaipejr
City Attorney Richard Holdaway

CC-2015-051 Closed Session – Public Employee Evaluation – City Manager (Government Code Section 54957)

The City Council recessed to consider the closed session item as listed and reconvened at 7:03 p.m. with all members present except Mayor Rigsby. City Attorney Holdaway announced that no action was taken and that a related item on the Consent Calendar would be rescheduled.

Mayor pro tempore Dupper led the invocation and Pledge of Allegiance. No public participation comments were offered upon invitation of the Mayor pro tempore.

CC-2015-052 – Items to be added or deleted

Pursuant to the City Attorney's closed session announcement, "City Manager Contract" was deleted and will be rescheduled.

Conflict of Interest

Please see Item CC-2015-53.

Old Business

CC-2015-53 - Amend Memorandum of Understanding with Loma Linda University relating to the Stewart Street Widening and Installation of Pedestrian Bridge Project and authorize appropriation of \$50,000 from Measure I Fund (Councilmen Dupper, Popescu, and Dailey constitute a quorum and vote; Councilmen Rigsby and Lenart do not vote)

Pursuant to prior implementation of the Rule of Necessity, Councilman Lenart left the Council Chamber; Councilmen Dupper, Popescu and Dailey remained to constitute a quorum and vote.

City Manager Thaipejr presented the item, stating that in May 2012, the City Council approved the Memorandum of Understanding between the City and Loma Linda University outlining the responsibilities of each party. He explained that the MOU called for the City to expend up to \$500,000 for construction management, testing and survey work. He noted that the project had been completed and a Notice of Completion recorded; however, the City's cost increased from \$500,000 to \$778, 710.00; that the City Council had approved appropriations as needed. He then asked that an appropriation of \$50,000 be approved to pay for the remainder of the City's portion, which would come from Measure I Funds.

He also stated that the American Society of Civil Engineers chose the project as Project of the Year Award and Ken Breyer would be receiving the Civil Engineer of the Year Award for the project as well.

Motion by Popescu, seconded by Dailey and unanimously carried to modify the Memorandum of Understanding with Loma Linda University and approve an appropriation of \$50,000 from Measure I fund balance. Mayor Rigsby absent; Councilman Lenart did not vote.

Councilman Lenart returned.

Scheduled And Related Items

CC-2015-54 - Public Hearing – Citrus Lane Development within the City’s Sphere of Influence on the east side of California Street between Orange Avenue and Citrus Avenue (APN 0292-151-01, 08, 11 and 12)

- a. Council Bill #R-2015-26 – General Plan Amendment 14-075 from Business Park to Low-Density Residential
- b. Council Bill #O-2015-02 (First Reading/Set Second Reading for July 28) – Pre-Zoning 14-076 from Business Park to R-1 Zone for APN 0292-161-01 & 11 and to General Business (C-2) for APN 0292-161-08 & 12
- c. Council Bill #R-2015-27 – Requesting LAFCO (Local Agency Formation Commission) to annex subject property to Loma Linda
- d. Tentative Tract Map 14-073 to subdivide 9.5 acres into 35 single-family residential lots
- e. Certificate of Appropriateness to relocate the Eli C. Curtis House to Heritage Park
- f. Mitigated Negative Declaration

The public hearing was opened and Cheryl Tubbs of Lilburn Corporation presented the report into evidence, stating that because the property was currently located within the County but within the City’s Sphere of Influence, a General Plan Amendment and Pre-Zoning were required to allow development of the proposed tract. Showing the vicinity map, she indicated that there would be access to California Street and Citrus Avenue for the residential development

Ms. Tubbs reviewed the requirements to comply with the California Environmental Quality Act (CEQA) and suggested that the developer contribute in-lieu fees for historical preservation to mitigate the significant impact of the agricultural preserve and the loss of prime farm land. She confirmed that the developer will buy in to an agricultural program which was yet to be determined and which could be anywhere within the State of California, but would most likely be in Central or Northern California.

She confirmed that the Historical Commission did approve a Certificate of Appropriateness which allowed the Eli C. Curtis House to be re-located to the City’s Heritage Park, and that all of the impacts would be mitigated to less than significant.

Ms. Tubbs then reviewed the requirements of the Local Agency Formation Commission (LAFCO), such as the Fiscal Impact Analysis to determine whether the City is capable of annexing the property and full development. As part of the development, there would be .47 lineal miles of new road, off-site drainage improvements, inclusion in the Landscape Maintenance District and Street Light Benefit Assessment District. She also reviewed the analysis on proposed water usage and compliance with Measure V requirements.

Ms. Tubbs concluded that the tract map conformed to the City’s subdivision regulations and complied with Measure V; the General Plan Amendment and pre-zoning would facilitate annexation; annexation would result in greater benefit to the residents, mitigation measures in the Initial Study would minimize the potential environmental impact and were included in the Conditions of Approval. The Planning Commission recommended approval on May 20.

David Wood of Stratus Development Partners responded to questions, stating that grading was anticipated to begin in 2016; there would be CC&Rs as well as a Homeowners Association to control the property; three models were anticipated ranging from 2,200 square feet to 2,500 square feet.

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

Motion by Popescu, seconded by Lenart and unanimously carried to adopt Council Bill #R-2015-26; Introduce Council Bill #O-2015-05 on First Reading and to set the Second Reading for July 14; adopt Council Bill #R-2015-27; approve Tentative Tract Map 14-073 to subdivide 9.5 acres into 35 single-family residential lots; approve the Certificate of Appropriateness to relocate the Eli C. Curtis House to Heritage Park, and to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program. Mayor Rigsby absent.

Resolution No. 2859

A Resolution of the City Council of the City of Loma Linda, amending the Land Use Element of the Adopted General Plan, east side of California Street between Orange Avenue and Citrus Avenue (GPA 14-075)

Resolution No. 2860

A Resolution of application by the City of Loma Linda, requesting the Local Agency Formation Commission to take proceedings for the annexation of approximately 20 acres (LAFCO 3182)

CC-2015-55 - Consent Calendar

Motion by Popescu, seconded by Lenart and unanimously carried to approve the following items. Mayor Rigsby absent.

The Demands Register dated June 23, 2015 with commercial demands totaling \$932,765.24.

The Minutes of June 9, 2015 as presented.

The Agreement with Sully Miller to lease facilities at 25964 Mission Road (Heritage Park).

The Amendment to Agreement for Contract Planning Services between the City and Lilburn Corporation to include supplemental research in response to the State of California's comments associated with a 35-lot Tentative Tract Map, General Plan Amendment, Pre-Zone, Annexation and Environmental Studies, for property located at 10997 California Street and approve the amount of \$6,633 as an applicant pass through fee to cover the cost of contract planning services.

Renewal of Agreement between the City of Loma Linda and the City of Grand Terrace for IT Services.

K. New Business

CC-2015-56 - Appointment/Re-appointment of Committee/Commission Members

- a. Budget Committee (4)
- b. Historical Commission (2)
- c. Parks, Recreation, Beautification Committee (5)
- d. Personnel Board (1)
- e. Planning Commission (3)
- f. Trails Committee (5)

The City Clerk noted that the annual Notice of terms expiring in 2015 as well as a description of each committee/commission was posted prior to December 31, 2014; that the agenda report included the terms expiring, other committee members, whether or not there were any vacancies and applications, Fair Political Practices filing requirements, and a recommendation for each.

City Council considered the committees/commission one-by-one.

Motion by Popescu, seconded by Dailey and unanimously carried to reappoint Gary Nelson, Kurt Swigart, and Verne Miller to the Budget Committee for four-year terms to expire June 30, 2019; to accept with regret the resignation of Gordon E. Hewes; to declare a vacancy, and to direct the City Clerk to advertise. Mayor Rigsby absent.

Motion by Dailey, seconded by Popescu and unanimously carried to re-appoint Michael Stewart and Lori Curtis to the Historical Commission for four-year terms to expire June 30, 2019. Mayor Rigsby absent.

Motion by Popescu, seconded by Lenart and unanimously carried to re-appoint Janet Razzouk, Kurt Swigart, Betty Stark, Valerie Gallant and Doree Morgan to the Parks, Recreation Beautification Committee for three-year terms to expire June 30, 2018. Mayor Rigsby absent.

Motion by Dailey, seconded by Lenart and unanimously carried to re-appoint Verne Miller to the Personnel Board for a two-year term to expire June 30, 2017. Mayor Rigsby absent.

The City Clerk indicated that a vacancy has occurred on the Planning Commission in that Carolyn Palmieri declined consideration for another term; those who had submitted an application in 2014 were contacted regarding interest, but had not replied; one application was received. Discussion ensued.

Motion by Popescu, seconded by Dailey and unanimously carried to re-appoint Nikan Khatibi and Ryan Gallant to three-year terms to expire June 30, 2018; accept with regret the resignation of Carolyn Palmieri; declare a vacancy and direct the City Clerk to advertise.

Mayor pro tempore Dupper indicated he would abstain regarding appointments to the Trails Development Committee because his wife's reappointment was being considered.

Motion by Dailey, seconded by Popescu and carried to re-appoint Jim Walling, Rhonda Hwang, James Earsom, Susan Israel, and Jamie Dupper to the Trails Development Committee for three-year terms to expire June 30, 2018. Mayor Rigsby absent; Mayor pro tempore Dupper abstained.

CC-2015-57 - City Council Liaison to Committees

- a. Audit Committee
- b. Budget Committee
- c. Historical Commission
- d. LLCCP
- e. Parks, Recreation, Beautification
- f. Traffic Advisory Committee
- g. Trails Development Committee

Councilman Popescu commented that it had been the custom for the Mayor and Mayor pro tempore to serve on the Audit Committee. Finance Director DeAnda clarified that the Audit Committee met with representatives of the audit firm subsequent to the year-end audit.

Motion by Dailey, seconded by Lenart to designate Mayor Rigsby and Mayor pro tempore Dupper to serve on the Audit Committee; to re-appoint Mayor Rigsby and Councilman Popescu as the liaisons to the Budget Committee; re-appoint Mayor Rigsby as liaison to the Historical Commission, Loma Linda Connected Community and Traffic Advisory Committee; re-appoint Councilman Dailey as liaison to the Parks, Recreation, Beautification Committee; re-appoint Mayor pro tempore Dupper as liaison to the Trails Development Committee. Mayor Rigsby absent.

The meeting adjourned at 8:19 p.m.

Approved at the meeting of _____, 2015.

City Clerk



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ronald Dailey, Councilman
Ovidiu Popescu, Councilman
John Lenart, Councilman

COUNCIL AGENDA: July 14, 2015

TO: City Council

FROM: T. Jarb Thaipejr, City Manager/Public Works Director

SUBJECT: Notice of Completion to Install Playground Equipment at Elmer Digneo Park

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION

It is recommended that the City Council accept this project as substantially complete and authorize the City Clerk to file the Notice of Completion.

BACKGROUND

On June 9, 2015, City Council awarded the contract for design and installation to: 1) Miracle Recreation Equipment Company, of Corona for design and purchase of playground equipment for \$25,034; 2) The Fibar Group LLC for engineered wood fiber for \$13,707; and 3) Ortco Inc. to install the playground equipment for \$33,507 at Elmer Digneo Park.

The work was completed satisfactorily. The final project cost was \$68,794. All the contractors stayed within budget. Their final costs were as follows:

- 1) Miracle Recreation Equipment - \$25,034;
- 2) The Fibar Group, LLC - \$13,707; and
- 3) Ortco, Inc.- \$30,053

Attached is the Notice of Completion for the subject project. Upon City Council authorization, the City Clerk will submit the Notice of Completion for recordation. The one (1) year warranty provided by the contractor will commence from the date of recordation.

FINANCIAL IMPACT

Funding for the project is from Account No. 04-5320-8500, Park Development Fund.

RECORDING REQUESTED BY: AND WHEN RECORDED MAIL TO: CITY CLERK CITY OF LOMA LINDA 25541 BARTON ROAD LOMA LINDA CA 92354	
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SPACE ABOVE THIS LINE FOR RECORDER'S USE
EXEMPT FROM FILING FEES, GOVERNMENT CODE SECTION 6103

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is OWNER or agent of the OWNER of the interest or estate stated below in the property hereinafter described:
2. The FULL NAME of the OWNER is City of Loma Linda
3. The FULL ADDRESS of the OWNER is 25541 Barton Road, Loma Linda, CA 92354
4. The NATURE OF THE INTEREST or ESTATE of the undersigned is: In fee.

(If other than fee, strike "in fee" and insert, for example "purchaser under contract of purchase" or "lessee.")

5. The FULL NAMES and FULL ADDRESSES of ALL PERSONS, if any, WHO HOLD SUCH INTEREST or ESTATE with the undersigned as JOINT TENANTS or as TENANTS IN COMMON are:

Names	Addresses

6. The full names and full addresses of the predecessors in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

Names	Addresses

7. A work of improvement on the property hereinafter described was COMPLETED June 30, 2015
8. The work of improvement completed is described as follows: Install Playground Equipment at Elmer Digneo Park
9. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is Ortco, Inc., 2163 N. Glassell St., Orange, CA 92865
10. The street address of said property is 10850 Parkland St., Loma Linda, CA 92354
11. The property on which said work of improvement was completed is in the City of Loma Linda County of San Bernardino, State of California, and is described as follows: Install Playground Equipment at Elmer Digneo Park

Signature of Owner or Agent Owner _____ Date: _____

Verification of INDIVIDUAL owner _____: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the owner of the aforesaid interest or estate in the property described in the above notice; that I have read said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

Date and Place

(Signature of owner named in paragraph 2)

Verification for NON-INDIVIDUAL owner: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the _____ of the aforesaid interest or "PRESIDENT, PARTNER, MANAGER, AGENT, ETC."

in the above notice; that I have read the said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

Date and Place

(Signature of person signing on behalf of owner)



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ronald Dailey, Councilman
Ovidiu Popescu, Councilman
John Lenart, Councilman

Approved/Continued/Denied
By City Council
Date _____

COUNCIL AGENDA: July 14, 2015
TO: City Council
FROM: T. Jarb Thaipejr, City Manager/Public Works Director
SUBJECT: Request for a Change Order for Mountain View Well #3 Rehabilitation in the amount of \$26,000 and to Re-appropriate the unexpended funds from Fiscal Year 2014-15 to 2015-16.

RECOMMENDATION

It is recommended that the City Council approve a change order to the original agreement of \$26,000 and appropriating those funds from Water Fund Balance, and then reappropriate unspent encumbered funds of \$56,000 from Fiscal Year 2014-15 to 2015-16 for the Mountain View Well #3 Rehabilitation project.

BACKGROUND

On April 14, 2015, City Council award the contract for Mountain View Well No. 3 rehabilitation to Legend Pump & Well Service, Inc. of San Bernardino in an amount of \$71,566.00.

As the contractor began the rehabilitation process, they discovered the repair work was more extensive than expected. A portion of the water and well casings were plugged more than expected, which will require substantial cleaning. A portion of the column pipe that was to be reused was in bad condition and will require the pipe to be replaced. The labor and materials for this change order request is an additional \$26,000.

ANALYSIS:

This additional work extended the timeline of this project, carrying it over into fiscal year 2015-16. Since this project was expected to be completed last fiscal year, the unexpended funds must be carried over to Fiscal Year 2015-16, as well as appropriating the change order request, to fund the project.

FINANCIAL IMPACT:

Reappropriate \$56,000 from Fiscal Year 2014-15 to Fiscal Year 2015-16 and appropriate \$26,000 from Water fund balance to Account No. 65-7010-8500.



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ovidiu Popescu, Councilman
Ronald Dailey, Councilman
John Lenart, Councilman

COUNCIL AGENDA: July 14, 2015
TO: City Council
SUBJECT: City Manager Contract

Approved/Continued/Denied By City Council Date _____
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AMENDED EMPLOYMENT AGREEMENT

THIS AGREEMENT effective on the first day of July 2015, by and between the CITY OF LOMA LINDA, a Municipal corporation ("CITY"), and T. JARB THAIPEJR, an individual ("THAIPEJR") who understand and agree as follows:

RECITALS:

1. CITY desires to continue to employ THAIPEJR as City Manager of the City of Loma Linda ("CITY MANAGER"), and THAIPEJR desires to continue to engage in such employment.
2. CITY will employ THAIPEJR as City Manager of the City of Loma Linda ("CITY MANAGER"), as an at-will employee and under the terms and conditions set forth in this Agreement.
3. The terms and conditions of the employment of THAIPEJR as CITY MANAGER are as set forth in this Amended Employment Agreement and there shall be no other or additional terms or conditions except as set forth herein.

In consideration of the mutual covenants contained herein, and other good and valuable consideration, the parties hereto agree as follows:

EMPLOYMENT-DUTIES

CITY hires THAIPEJR to serve as CITY MANAGER to perform duties as specified in the Loma Linda Municipal Code, Chapter 2.04, and as otherwise assigned by the City Council, subject to the terms and conditions set forth in this Agreement. Said duties shall initially include the duties of Director of Public Works and City Engineer, until the City Council agrees that those duties be assigned to another employee, after consultation with THAIPEJR and in consideration of City finances and employee work load. THAIPEJR accepts the employment.

TERM

The term of this employment shall be for three (3) years subject to renewal for additional three (3) year periods upon the CITY giving THAIPEJR written notice, not less than thirty (30) days before the expiration of the term, of the CITY's election to extend this Agreement.

The position is an "at will" employment which means that the employment may be terminated at any time, and without advance notice or cause, by action of a majority of the City Council of CITY. Upon any termination of this Agreement without cause by CITY, THAIPEJR shall be paid severance pay and benefits in an amount equal to six (6) months compensation, provided, however, that the maximum severance pay shall not exceed an amount equal to THAIPEJR'S monthly salary multiplied by the number of months left on the unexpired Term of this Agreement or any extension thereof.

CITY may terminate this Employment Agreement and the employment relationship at any time for cause without advance notice and without severance pay. "Cause" shall mean misconduct of any kind which harms the interests of the CITY or which is counter to any rules, regulations, policies or procedures of the CITY, including, but not limited to, the following:

1. Dishonesty, misappropriation of funds, unauthorized disclosure of confidential information or business, engaging in conduct or actions, which constitute a conflict of interest, misappropriation of property;
2. Incompetence, such as failure to comply with the minimum standards for THAIPEJR'S position for a significant period of time;
3. Neglect of duty, such as failure to timely perform the duties required of THAIPEJR;
4. Addiction to, or habitual use of, alcoholic beverages, narcotics or any habit-forming drug that interferes with the performance of THAIPEJR'S duties;

5. Repeated absence without excuse;
6. Conviction of a felony or any crime or conduct involving moral turpitude; and
7. Falsification of any CITY report or record, or of any report or record required to be or filed by THAIPEJR.

THAIPEJR may terminate this Agreement and withdraw from employment hereunder at any time by giving CITY not less than thirty (30) days' written notice of such termination and withdrawal.

COMPENSATION

CITY shall pay THAIPEJR for his services rendered pursuant to this Agreement an annual sum of Two Hundred Ten Thousand and no/100ths Dollars (\$210,000.00). Said sum shall be prorated and paid bi-weekly at the time CITY payrolls are paid. THAIPEJR shall hereafter receive an annual salary increase in an amount to be determined by the City Council.

On the anniversary date of this agreement, the initial salary shall be reviewed by the CITY for possible adjustment based upon performance and work load. The initial salary shall be increased by 5 % on the first anniversary and 3% on the second anniversary, or such additional amount as the City Council shall determine.

TIME COMMITMENT

THAIPEJR shall be considered employed on a full-time basis. THAIPEJR shall devote his entire time and undivided attention, and always exert his best efforts to discharge his duties under this Agreement. During the Term of this Agreement, or any extension thereof, THAIPEJR shall not directly or indirectly render any services of a business, commercial or professional nature to any other person, entity or organization, whether for compensation or otherwise, without the prior written consent of the City Council, which consent shall not be unreasonably withheld.

CONFIDENTIALITY

In the course of the discharge of THAIPEJR'S duties hereunder, he will have access to and become acquainted with information the disclosure or use of which could result in a disadvantage to CITY in attracting and dealing to the CITY's greatest benefit with prospective business ventures in the City. THAIPEJR specifically agrees that he will not misuse, misappropriate, or disclose any information he receives in the discharge of his employment hereunder, either directly or indirectly during the Term of this employment or thereafter, except as might be specifically authorized by the CITY in writing. The preceding does not, however, prevent THAIPEJR from disclosing information as would be normally required and permitted during the exercise of his duties hereunder.

CONFLICT OF INTEREST

During the Term of this employment, THAIPEJR will not have an economic or financial interest with any person, entity, project, property, and/or employment that relates to any matter connected with the performance of his duties as City Manager. This prohibition shall extend beyond any restrictions imposed by any provisions of the Government Code of the State of California.

WORK SPACE

Appropriate workspace shall be made available to THAIPEJR within the City Hall of CITY. Space, supplies, personnel assistance and telephone shall be arranged which shall reasonably meet the needs of THAIPEJR to carry out his duties hereunder.

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CITY EMPLOYEE

THAIPEJR shall have the status of an at-will contract employee of the CITY. All terms and conditions of his employment shall be as set forth in this Agreement. He shall not be entitled to rights or benefits other than as included herein or in any later amendment to this Agreement.

BENEFITS

The following benefits are afforded to THAIPEJR: The "cafeteria" plan and retirement benefits set forth in Exhibit A, attached hereto. THAIPEJR shall accrue paid leave at the rate of 8 hours per pay period. In addition to the salary and other benefits set forth herein, THAIPEJR shall hereafter be entitled to a total of one hundred twenty (120) hours of administrative leave per year. In addition, THAIPEJR shall have the full-time use (including incidental personal use) of an automobile provided by the CITY. The CITY shall be responsible for paying for the operation, repair, insurance and maintenance of said automobile.

EXPENSES

THAIPEJR shall be reimbursed for costs or expenses directly related to and reasonably necessary to the duties of CITY MANAGER. Such reimbursement shall be in accordance with all policies, guidelines, and rules governing CITY employee reimbursements.

COMMENCEMENT

THAIPEJR assumed responsibilities under the original Employment Agreement on the 3rd day of July 2009. Compensation for any partial month shall be prorated daily using the ratio of 1/365 days for partial months.

DOCUMENTS

All documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by THAIPEJR pursuant to this Agreement, or received in the course of his employment,

shall be considered the property of the CITY, and upon request, such documents and other identified materials shall be delivered to CITY by THAIPEJR.

INDEMNIFICATION

Throughout the Term of this Agreement and his employment with CITY, and subsequently thereafter as regards to any matter arising as a result of the performance of his duties during his employment with the CITY, CITY shall, subject to the provisions of Cal. Gov. Code Sec. 825 *et. seq.* and on the conditions provided therein, defend, indemnify and save harmless THAIPEJR from all liability from loss, damage or injury to persons or property, including the payment by CITY of reasonable legal costs and attorneys' fees arising out of any action by THAIPEJR within the course and scope of his duties as an employee of CITY, including, but not limited to, all consequential damages to the extent permitted by law.

SEVERABILITY

The provisions of this Agreement are severable, and if any part of it is found to be unenforceable, the other paragraphs shall remain fully valid and enforceable.

ARBITRATION OF DISPUTES

All parties to this Agreement consent and agree to submit any and all disputes, claims, causes of action, or disagreements arising during or as a result of the employment of THAIPEJR, or in connection with any decision by the City Council to sever THAIPEJR'S employment or THAIPEJR'S resignation or refusal to comply with the obligations set out in this Agreement, to binding arbitration. This consent and agreement to binding arbitration extends to any dispute, claim, cause of action or disagreement, of any kind.

Any party to this Agreement shall make a written request to the City Clerk that any dispute, claim, cause of action, or disagreement be submitted to arbitration within fifteen (15)

days of the incident or when the grieving party becomes aware of the incident giving rise to the grievance. The grievance must set forth with particularity the facts and circumstances giving rise to the grievance and the nature and support for the grieving party's claim(s).

The parties shall share equally the fees and expenses of the Arbitrator. Otherwise, the parties shall bear their own costs and attorneys' fees. No Arbitrator shall have the power to modify, change or add to the terms of this Agreement in any way.

The Arbitrator shall be mutually agreed upon between the parties or shall be selected by alternate striking of names until one name remains from a list of potential professional arbitrators to be chosen from a list to be maintained by the City Clerk. No arbitrator who has any conflict of interest in the matter shall be chosen to act as Arbitrator. The Arbitrator shall render a final and binding decision within thirty (30) days after the conclusion of the hearing and submission of any closing briefs from the parties.

The Arbitrator shall have the authority to issue subpoenas for attendance of witnesses at the hearing. If the Arbitrator concludes that some limited discovery is reasonable and necessary for any party to adequately prepare and present its or his position, the Arbitrator may order such limited discovery, not to include oral depositions.

Arbitration under this provision shall be the exclusive remedy for any dispute between the parties. If any party must move to compel another party to arbitrate and prevails, the party ordered to arbitrate shall pay the costs and legal fees incurred by the other party in moving to

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compel arbitration.

**IN WITNESS WHEREOF, the parties hereto execute this Agreement on this 23rd day of
June 2015 at Loma Linda, California.**

CITY: CITY OF LOMA LINDA, a Municipal corporation:

**By: _____
Phillip Dupper, Mayor pro tempore**

EMPLOYEE:

**_____
T. Jarb Thaipejr**

Approved as to form:

**_____
Richard E. Holdaway, City Attorney**

SUMMARY OF CITY MANAGER BENEFITS

FLEXIBLE BENEFITS/CAFETERIA PLAN - \$1,100 monthly allotment for insurance programs and/or deferred compensation. The remainder of unexpended moneys not allocated for insurance programs can be placed in the City's Deferred Compensation Plan or taken as cash on the employee's paycheck.

If the employee has other medical insurance coverage and does not desire to participate in the City offered program must provide proof of other insurance and sign a Waiver Release Form. The form is available in the Personnel Department.

Federal law and (COBRA) requires employers to make available the continuation of medical insurance to terminated employees at cost for up to eighteen (18) months.

DEFERRED COMPENSATION PLAN – ICMA RC 457 deferred compensation and 401(a) money purchase plan - The primary purpose of deferred compensation is to allow the employee to defer a portion of compensation for retirement purposes. This makes it possible to set aside more of your current income for retirement under a planned program, defer payment of current income taxes until you receive the money as a retirement benefit, and thereby provide the opportunity to reduce the amount of income taxes you will pay. The funds are eligible to be withdrawn at retirement, termination of employment or through requesting an emergency hardship. Information booklets from ICMA on deferred compensation are available from the Personnel Department.

LIFE INSURANCE - Term life coverage in the amount of \$150,000. Additional term life available at employee cost. The cost to provide the life insurance above \$50,000 is a taxable fringe benefit.

LONG TERM DISABILITY - The City provides 100% of premiums for long-term disability insurance. Benefits are for non-work related injury or illness and are payable after 30 days or when accumulated sick leave is exhausted, whichever is longer.

RETIREMENT - Public Employees Retirement System (PERS). Vesting time for the system is five (5) years.

2.5% @ 55 miscellaneous plan. Effective July 1, 2011 the Member pays the full member contribution, such contribution being pre-tax.

Social Security/Medicare - Full time miscellaneous employees contribute 6.2% of their taxable earnings to FICA (Social Security) and 1.45% of their taxable earnings to Medicare.

RETIREE MEDICAL INSURANCE –Statutory minimum set by CalPERS toward retiree medical insurance.

WORKERS COMPENSATION INSURANCE - Under provisions of the Workers Compensation Insurance Law of California, any employee who is injured on the job is entitled to disability compensation and medical care.

PAYROLL DEDUCTION AND DIRECT DEPOSIT - Payroll deduction and direct deposit are available.

EMPLOYEE ASSISTANCE PROGRAM – provided through UMUM's Work-Life Balance Program. Some of the medical insurance coverage available to City employees under the flexible benefits/cafeteria plan offer counseling and other assistance. Contact your insurance company for more specific information.

DEPENDENT CARE ASSISTANCE/UNREIMBURSED MEDICAL EXPENSE PROGRAM -

The purpose of the Plan is to enable participant to set aside a portion of their income pre-tax for reimbursement of dependent care expenses or unreimbursed medical expenses. The Plan also provides for payment of any out-of-pocket insurance premiums on a pre-tax basis. Contact the Personnel Department for further information.

HOLIDAYS - The City provides all full-time regular employees with twelve (12) paid holidays per year. Following are authorized city holidays:

- | | |
|---|----------------------------------|
| New Year's Day | Veterans' Day |
| Martin Luther King, Jr. (Monday observed) | Thanksgiving Day |
| Presidents' Day (Monday observed) | Christmas Eve (1/2 day for Fire) |
| Memorial Day (Monday observed) | Christmas Day |
| 4th of July | New Year's Eve |
| Labor Day | One Floating Holiday |

The hour value of a holiday shall be equivalent to the scheduled work day (i.e. if on a 10 hour day schedule, holiday would be compensated at 10 hours; if on an 8 hour day schedule, holiday would be compensated at 8 hours).

With the exception of Christmas Eve and New Year's Eve, if a scheduled holiday falls on a Sunday, the following Monday shall be observed as the holiday; if a scheduled holiday falls on a Friday or Saturday it shall be converted to a floating holiday; if a scheduled holiday falls on any other scheduled off work day, it shall be converted to a floating holiday. These floating holidays shall be subject to the same restrictions as other floating holidays granted to employees, except that they must be taken after the holiday for which they substitute. Christmas Eve and New Year's Eve are paid days off only when they fall on a Monday, Tuesday, Wednesday, or Thursday and do not convert to floaters if they fall on Friday, Saturday or Sunday.

PAID/SICK LEAVE - to be used for non-work injuries and illness requiring two (2) or less days off. When the absence for non-work related injuries and illness exceeds two (2) days, time off is taken from the sick-leave bank. Upon medical verification after the third consecutive day of absence, all three days may be paid from the sick leave bank.

Hours accrued in excess of the "Maximum Hours Permitted in Employee's Account" for each three (3) month period are paid at the base hourly rate.

Pay for unused sick leave annually – any accumulation above the maximum, maximum of 48 hours.

Pay for unused leave upon termination – 100% of paid leave balance; 1/3 of sick leave balance.

Employee shall earn Paid Leave at the following rate:

<u>Monthly Accrual</u>	<u>Pay Period Accrual</u>	<u>Annual Accrual (days)</u>	<u>Maximum Accumulation</u>
17.33 hrs/mo	8 hrs/pay period	208 hours (20.8 days)	368 hours

Employee shall earn Sick Leave at the following rate:

<u>Monthly Accrual</u>	<u>Annual Accrual (days)</u>	<u>Maximum Accumulation</u>
4 hrs/mo	48 hours (4.8 days)	344 hours

OTHER LEAVE - Employee is allowed time-off from work for the following:

1. To vote - in conformance with State and Federal regulations.
2. To serve as an election official - in conformance with State regulations.
3. To serve as a juror or witness – unlimited, as provided in the Personnel Rules and Regulations.
4. Military service – in conformance with State and Federal regulations and as provided in the Personnel Rules and Regulations.
5. Maternity & non-work related illnesses - in conformance with State and Federal regulations.
6. Blood donation – 4 hours, as provided in the Personnel Rules and Regulations.
7. Bereavement leave – 3 days per death, as provided in the Personnel Rules and Regulations.
8. Family Care Leave - in conformance with State and Federal regulations.

The Personnel Rules and Regulations provide a more detailed definition of the above leaves.

ADMINISTRATIVE LEAVE – Earned at the rate of 120 hours annually. Prior to June 1 each year, employee shall notify the Finance Department, in writing, of their desired method of conversion for any accrued hours which will be unused by June 30. Conversion may be made by one or more of the following methods:

1. Receive cash payout
2. Transfer to deferred compensation account

VEHICLE – City vehicle provided as described in the Amended Employment Agreement.



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ovidiu Popescu, Councilman
Ron Dailey, Councilman
John Lenart, Councilman

COUNCIL AGENDA: July 14, 2015

TO: City Council

VIA: T. Jarb Thaipejr, City Manager

FROM: Konrad Bolowich, Assistant City Manager 

SUBJECT: Request for Approval of an Agreement for Professional Services between the City and Lilburn Corporation for contract planning services, preparation of an environmental analysis, and associated technical studies, for the annexation and development of Orchard Heights, a 95 unit, single-family lot subdivision located within the City's Sphere of Influence along New Jersey Street, between Orange Avenue and Citrus Avenue.

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION

It is recommended that the City Council takes the following actions:

1. Approve the Agreement for Professional Support Services with Lilburn Corporation to prepare the Staff Reports; Environmental Analysis, including associated technical studies for the development of Orchard Heights; and,
2. Approve the use of funds to be deposited in the amount of \$72,464 as a pass through fee (plus a 10% contingency fee of \$7,246.40) paid for by the applicant to cover the costs of contract planning services, environmental analysis, and associated technical studies.

BACKGROUND

On June 4, 2015, planning staff sent out a Request for Proposal to provide contract planning services and to process the following applications in association with the Orchard Heights development:

- General Plan Amendment
- Pre-Zone: R-1 Zone (Subject Site)
- Pre-Zone: Remaining properties within the Sphere of influence north of Barton Road and South of Redlands Boulevard
- Tentative Tract Map
- Annexation

Staff sent out proposals to four consultants, received two proposals and rated each one on their scope of work, time of completion, and cost estimates. Based on these factors, Lilburn Corporation was selected.

FINANCIAL IMPACT

The proposed Agreement for Professional Services with Lilburn Corporation to process the Orchard Height development, environmental analysis, and associated technical studies for the Orchard Heights development will not result in any financial impacts to the City. The associated costs (\$79,710.40) will be borne by the project applicant, as indicated by the request to use funds deposited by the applicant as a pass through fee.

ATTACHMENT

1. Scope of Services and Cost Estimate

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Approach and Scope of Work

Our methodology for preparation of the technical studies, CEQA Initial Study, staff report and presentations, and assistance in annexation processing as requested in the City's RFP is described herein. Our scope of work will lead to the City's adoption of a CEQA document that allow for approval of the Orchard Heights TTM and GPA; and the Pre-Zone and Annexation of the Project Site as well as additional properties to the north and south. The City currently expects that the proposed project would comply with CEQA with preparation of technical studies and an Initial Study/Mitigated Negative Declaration.

Our overall approach is summarized below. Following this summary, the tasks required are described in detail.

- Meet with City and Applicant to Review Proposed Project
- Meet with City, Applicant, and LAFCO to Confirm LAFCO Requirements
- Prepare a Comprehensive Project Description for use in the Initial Study
- Manage Preparation of Technical Studies by Subconsultants:
 - Cultural Resources Investigation (including SB 18 Notification for GPA)
 - Noise Analysis
 - Traffic Impact Analysis (in compliance with Measure V)
 - Plan for Services and Fiscal Impact Analysis
 - *(Note: a Light/Photometric Study as listed in RFP is not included as the only lighting associated with a TTM would be street lights which would be maintained through a City street lighting maintenance district).*
- Prepare Air Quality/Greenhouse Gas Assessment Section of Initial Study (in-house)
- Develop a Draft Initial Study and Notice of Intent (NOI)
- Meet with City and Applicant to Discuss Changes to Initial Study
- File the NOI and Submit Initial Study to Responsible and Interested Parties for 30-day Public Review Period
- Mail a Notice of Availability to surrounding Property Owners
- Review and Discuss Comments Received on Document; Determine Need for Responses
- Prepare Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for City adoption
- Prepare Final Negative or Mitigated Negative Declaration
- Prepare Staff Report(s), Exhibits, and Power Point Presentations— *assumes 3*
- Attend Historic Commission, Planning Commission, and City Council Hearings
- Attend LAFCO Meeting/Hearing

TASK 1: MEET WITH PROJECT APPLICANT, CITY AND LAFCO; REVIEW PROPOSED PROJECT AND APPROVAL REQUIREMENTS

The purpose of this task is to discuss the project approach with City staff, and to collect and review all pertinent background data necessary to conduct the focused studies and environmental analysis. It is preferable that this meeting be scheduled following the City's issuance and an Application Completeness Letter. Lilburn Corporation will then obtain design detail and site

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disturbance information in order to conduct an adequate environmental evaluation. We will obtain the design team's utility research, geotechnical investigation, hydrology study, Storm Water Pollution Prevention Plan, grading plan, and landscape design. We will also obtain any other available focused technical studies that will be incorporated into the Initial Study.

Subsequent to the meeting with the City, we will coordinate a second meeting among City staff, Applicant representatives, Lilburn Corporation's project team, and LAFCO. We will confirm all LFCO requirements for processing the Annexation Application. The project schedule can be refined following this meeting with action items assigned to each deliverable date.

TASK 2: DEVELOP PROJECT DESCRIPTION

In this task we will prepare a Project Description for use in the Initial Study and for initiating the technical reports. This task will also include a site visit to assess and document surrounding land uses as well as current site conditions. The Project Description will be developed in cooperation with City staff and the Applicant. The Project Description will include a summary of the project as proposed, a discussion of the project site and surrounding land uses. Work will begin on the technical studies upon approval of the Project Description and in particular the TTM legal description, parcel numbers associated with the total annexation area, General Plan Amendment and Pre-zone description for each parcels, and demolition of any existing land uses.

We will prepare graphics for use in the Initial Study, based in part on exhibits prepared to date by the project designers and engineers. Final approval of the project description will be provided by the City.

TASK 3: MANAGE PREPARATION OF TECHNICAL STUDIES

A total of three technical studies will be prepared by firms working under subcontract to Lilburn Corporation, for inclusion in the Initial Study. A Plan for Services/Fiscal Impact Analysis will be prepared by Stanley R. Hoffman Associates for submittal to LAFCO as part of the Annexation Application process. Lilburn will manage the subcontracts and provide a quality assurance review of each report prepared by others. Lilburn Corporation will also run the air quality emissions modeling and prepared an Air Quality and Greenhouse Gas Assessment for inclusion in the Initial Study.

Cultural Resources Investigation/SB 18 Compliance

The Cultural Resources Investigation will be completed by Jeanette McKenna of McKenna et al. The Investigation will focus on the 30.27-acre property proposed for the Orchard Heights TTM and directly east of the Citrus Lane project site.

Research conducted for the Citrus Lane project resulted in identifying past use of the property for citrus orchards; there are no structures within the 30.27-acre property. The area is associated with the Barton Ranch and is crossed by the Morey Arroyo ditch. The Morey Arroyo, located approximately 400 feet north of the project area, has yielded thousands of Chinese artifacts and similar artifacts may be uncovered near or within the project area. McKenna et al's proposed

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scope of work is based on the relative sensitivity for the project area to yield historic period archaeological resources. McKenna et al. will supplement the existing archaeological records search recently conducted for the Citrus Lane project. Standard archaeological research will be compiled from records at the CSUF South Central Coastal Information Center, the regional repository for previously completed cultural resources studies.

McKenna et al. will use the initial consultation completed for Citrus Lane and supplement the data to address this specific project area. The local Native American representative will be contacted with a request for any information available for the area, inform them of the SB-18 consultation, and document the extent of the consultation. Upon receipt of the City's letter designating McKenna as authorized to conduct the SB-18 consultation, that process will be initiated.

Historic background research will emphasize the historic landownership, assessed values, and land uses. The research will include previously developed historic background data, supplemented to address those areas not previously researched (e.g. east of New Jersey Street). The field survey will be completed on foot as required for CEQA compliance, but will emphasize those areas along the Morey Arroyo ditch and the railroad alignment along Citrus Avenue. The project area is dominated by citrus groves, and therefore the tree rows will be used for control of the survey alignments. All cultural resources identified within the project area will be recorded in accordance with current guidelines and on the appropriate Department of Recreation forms (DPR-523), as required. All resources will be adequately marked for future identification and recommendations for the treatment of these resources will be presented in the Phase I report.

McKenna et al. will prepare a technical report consistent with the data requirements for San Bernardino County and the Office of Historic Preservation, Sacramento. Actual analysis will be dependent upon the nature of the identified resources, but will be conducted on a level that will permit a determination of eligibility of the resources to be considered significant on the local, regional, state, or federal levels as required by the State Office of Historic Preservation. All pertinent data will be included in the analysis and should some level of specialized analysis be needed, McKenna will inform the Project Team before proceeding.

Traffic Analysis

A focused traffic analysis will be prepared by Kunzman Associates, Inc. to determine the potential for traffic associated with completion of the project to impact the local roadway system. The focused traffic analysis will consist of (1) conducting a field survey; (2) documenting existing traffic conditions at up to five study area intersections; (3) determining project trip generation; (4) distributing the project trip generation to the street system; (5) determining trip generation and distribution for other development projects (up to 20 cumulative development projects as necessary); (6) determining the project's traffic impacts in relation to Measure V; (7) analyzing site access locations; (8) examining internal circulation including emergency vehicle access; and (9) mitigating the impacts. Mitigation measures will include roadway sizing

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recommendations, intersection controls, and special treatments such as left turn pockets and right turn lanes as might be required by the project.

Kunzman Associates, Inc. will provide a detailed written report that documents the existing environment, predicts the future traffic generation; discusses project impacts to the affected circulation system in light of the applicable local and state thresholds; and list mitigation measures as necessary. The document will comply with CEQA, as well as the City of Loma Linda's Measure V for incorporation into the Initial Study.

Noise Study

The noise study will be prepared by Kunzman Associates, Inc. The study will consist of (1) reviewing relative project and site background information; (2) preparing a noise setting by identifying sensitive receptors in the project and visiting the site to take up to five 15-minute representative noise measurements; (3) estimating noise impacts from construction and groundborne vibration to determine if the project would exceed applicable County or City standards at nearby sensitive receptors (*provides baseline for annexation assessment*); (4) modeling future traffic noise (if acoustically significant) utilizing FHWA-RD-108 spreadsheets and calculate future noise levels on the project site associated with buildout traffic volumes; (5) determining if the noise associated with the addition of project traffic on area road segments will result in substantial increases in ambient noise levels; (6) modeling noise levels associated with future buildout of acoustically significant adjacent road segments and determine if future noise levels have the potential to negatively impact the proposed sensitive receptors; and (7) recommending mitigation measures to reduce noise and vibration impacts sensitive receptors, if necessary.

We will provide a detailed written report that documents the existing noise environment, predicts the future noise environment; and discusses project noise impacts in light of the applicable local, state and federal thresholds and list mitigation measures as necessary. The document will comply with CEQA for incorporation into the Initial Study.

Plan for Services and a Fiscal Impact Analysis

Completion of an Annexation package to the Local Agency Formation Commission (LAFCO) of the County of San Bernardino being submitted by the Project Applicant will require additional documentation prepared under the direction of the City. Under this task, a Plan for Services and Fiscal Impact Analysis will be prepared under subcontract to Lilburn Corporation by Stanley R. Hoffman, Inc. LAFCO requires a jurisdiction to submit a Plan for Service and Fiscal Analysis when the jurisdiction is affected by a proposed change in boundaries, formations or organization.

The Orchard Heights Development project is proposed for annexation into the City of Loma Linda, and therefore the City must demonstrate that the appropriate infrastructure improvements and services can be provided commensurate with demand from the project. In addition to the Orchard Heights Development, LAFCO requires the adjacent 14 Assessor Parcels in the City's SOI be included in the proposed annexation application.

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The Plan for Services is developed to demonstrate how public services and infrastructure will be implemented and presents the related ongoing responsibility for these improvements. In addition to the Plan for Services, we will show the fiscal impacts of annexation on the City's General Fund and Transportation Fund and includes:

- Plan for Services upon annexation into the City of Loma Linda
- Fiscal Impacts upon annexation into the City of Loma Linda
- Meetings/Coordination

Plan for Services

A Plan for Services report will be developed that will cover public infrastructure and public service requirements for the total area upon annexation to the City of Loma Linda. The Plan for Services will identify the proposed public facility improvements related to roads, public safety, drainage, water, wastewater, parks, utilities, general facilities and schools. The preparation of the Plan for Services will involve the analysis of public infrastructure and service requirements of the respective jurisdictions and agencies that have lead responsibility. Information will be obtained from the City and from the respective service providers as to their ability to serve the project; that information will be incorporated into the report, as appropriate.

Fiscal Impact Analysis of Annexation

The project description for the Fiscal Impact Analysis will include acreage, land use, housing unit information, assessor parcel and valuation information. The project description will also include public infrastructure that will require maintenance, including roads, signalization, drainage, open space or other infrastructure, as identified from the project team and City staff. The latest City budget information will be used to develop revenue and cost fiscal factors.

The report will also include an analysis of the fiscal impacts of the annexation of the project site and the adjacent 14 parcels into the City of Loma Linda on the City's General Fund operating budget and their Transportation Fund. The fiscal methodology would also include preparing a fiscal analysis based on the City's most recent fiscal year annual operating budget. The fiscal analysis will present the annual recurring General Fund revenues and costs, including any projected surplus or deficit, as appropriate. Other districts or agencies, independent of the City, will be discussed qualitatively, such as the school district or the County Library. The fiscal analysis will be prepared at buildout and summarized over a five-year period per LAFCO's requirement and mutually agreed upon phasing assumptions.

General Fund revenues include: property tax, sales and use taxes, franchise fees, licenses and permits, fines and forfeitures, motor vehicle in-lieu fees, service charges, State gasoline taxes, and other revenues as identified. Taxable sales would be projected based on expected off-site taxable purchases within the City of Loma Linda for new residents. General Fund costs include: general government, community development, community services, police, fire, animal control, engineering, planning, building and safety, code compliance, public works and water and sewer services. Other categories identified by City staff would also be included, as appropriate.

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Review of Focused Studies Prepared by Others

Lilburn Corporation will review the technical studies described above to assess current compliance/validity under CEQA based on the developed Project Description. In the case of the Plan for Services/Fiscal Impact Analysis, we will review the document to ascertain consistency with the Public Utilities/Public Services analysis presented in the Initial Study and determine the document's adequacy for submittal with the LAFCO Application package. Subconsultants will provide any necessary document revisions in order for Lilburn Corporation to utilize the studies in preparation of a legally-defensible Initial Study.

Air Quality/Greenhouse Gas Emissions Modeling

An emissions inventory for criteria pollutants and an assessment of the estimated emissions as compared to existing South Coast Air Quality Management District (SCAQMD) CEQA significance thresholds will be prepared for the proposed project upon completion of the Traffic Impact Study. The inventory will be based on a short-term construction phase, the number of vehicle miles driven generated by the project (using default model data), and the construction of residential uses. The Traffic Impact Analysis will be completed prior to the air quality modeling being initiated, in order to utilize the trip generation data provided. The inventory is typically divided into the following categories:

Construction Activities:

- Grading activities (dust and exhaust emissions)
- General construction activities
- Architectural coating and painting

Operations:

- Operational use (natural gas and/or electricity)
- Automobile traffic attributed to the project; emissions inventoried based on average daily trips and mileage.

The estimated emissions will be calculated using the SCAQMD computer model CalEEMod. The model results are totaled on a daily and annual basis and compared to significance thresholds recommended by the SCAQMD. Depending on the degree of the potential impacts, mitigation measures will be recommended for implementation. These measures will reduce potential emissions. These would mainly be complying with standard measures required to control construction dust and reduce exhaust emissions. The potential project and cumulative emissions will also be analyzed for consistency with the 2012 Air Quality Management Plan and the City's General Plan. These Plans have allotted or allowed for a specific increase in air quality emissions based on acceptable land uses and future development.

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Greenhouse Gas Inventory

The CalEEMod model generates emissions from construction activities, vehicular usage, and from operational activities. Electrical generation and natural gas combustion emissions are included in the operational emissions. If specific usage rates are provided by the Engineer or Architect, they will be used for the projections; otherwise general estimates from the CalEEMod will be used to estimate natural gas and electricity consumption.

We will use the most appropriate guidance available to develop mitigation measures as appropriate. The California EPA Climate Action Team has developed a report that outlines strategies for meeting California's targets for GHG emission reductions. Compliance with GHG voluntary reduction strategies will be determined to allow project operations to be in compliance by reducing (to the extent feasible) global climate change. Potential conditions of approval that could be required to reduce project GHG emissions suggested by the California Air Resources Board would be reviewed for their applicability to the proposed project and any applicable measures would be presented for the City's consideration.

TASK 4: PREPARE INITIAL STUDY AND NOTICES

Based on the findings of the technical studies prepared and reviewed, and the information contained in the Project Description, we will prepare a screen check Draft Initial Study to evaluate all potential environmental impacts associated with the proposed project. We will utilize the City's format for an Initial Study. In order to be used by LAFCO in processing the application for annexation, the Initial Study should focus on the Pre-Zone and proposed General Plan Amendment with a project-specific analysis. The analysis should evaluate what impacts would occur with development under the County General Plan versus what is being proposed as part of the annexation to the City of Loma Linda.

CEQA-required topics will be addressed in the Initial Study. We will calculate the project's demand on public utilities with input from the Applicant's Engineer, discuss any impacts on surrounding land uses, determine the geology/soils setting, discuss the presence/absence of any biological resources, and incorporate the Engineer's studies into the discussion of Hydrology and Water Quality. Specifics of the air quality and greenhouse gas emissions modeling are presented below.

We will submit five copies (and one CD) of the screen check Initial Study/Environmental Checklist to the City for review. The City will then make the determination as to whether the Negative Declaration/Mitigated Negative Declaration is ready for public review. Following completion of the review by staff, we will revise the document.

Notices and Public Review

Following the City and Applicant's review of the Initial Study we will prepare a version of the Initial Study for circulation to the public. Lilburn Corporation will compile a distribution list of responsible and trustee agencies that should receive a copy of the Initial Study along with a Notice of Intent (NOI) to Adopt a Negative Declaration. We will also prepare a Notice of

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Availability (NOA) for distribution to any additional agencies and interested parties, as well surrounding property owners.

Following the City's final review of the package, we will prepare copies and will distribute the Initial Study and NOI according to CEQA and the City's specifications for the public review period. Proof of filing and distribution will be submitted to the City. The City will be responsible for publishing a legal notice in the newspaper of local circulation.

At completion of the public review period, we will review any comments received and discuss the need for any changes to the project or the Initial Study with City staff. Once the document is finalized, we will provide final documents including the staff report.

TASK 5: PREPARE FINAL DOCUMENTS

Upon completion of the environmental analysis we will prepare a Mitigation Monitoring and Reporting Program (MMRP) to include mitigation measures identified in the Draft Initial Study and as a result of public input. Mitigation Measures may be amended or supplemented as a result of public comments received and City responses to comments. Five copies (and one CD copy) of the Draft MMRP will be provided for staff's internal review and comment.

Once the MMRP is approved, we will provide one copy on CD and master copy to the City. The MMRP will be considered along with the Negative Declaration for adoption by the City Planning Commission or City Council.

TASK 7: STAFF REPORTS, PRESENTATION, AND ASSISTANCE AS DIRECTED

Lilburn Corporation will be responsible for preparing staff reports and presentations for the City Planning Commission and the City Council. In accordance with the RFP, there may be one additional public meeting with a Commission or City Council. A total of three public hearings are budgeted.

We will provide the necessary project summaries, CEQA findings and the staff reports for inclusion in the agenda packets of each hearing body. Lilburn Corporation will provide a draft staff report to City staff for review and make any required changes. A Power Point presentation will be prepared for each public meeting and Lilburn Corporation will provide the presentation.

TASK 8: PUBLIC HEARINGS

As requested in the RFP, we will attend a total of three public hearings with the City of Loma Linda. We have also included the attendance at one meeting/hearing of the LAFCO Commission to respond to questions.

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Information, Materials, or Assistance Required from City or Others

We will require information including at a minimum the Tentative Tract Map, Preliminary Grading Plan, and Conceptual Landscape Plan from the Project Applicant. If details are known prior to completion of the Project Description regarding the residential unit square-footage, building height, and exterior design, that information should also be made available.

The complete Project Application should also be provided by the City. We would also request any information related to the annexation submitted to the City from LAFCO.

Project Schedule

The schedule we propose is based on an assumed contract approval date of July 28, 2015. This provides for adoption of a Mitigated Negative Declaration in February 2016. This assumes that changes to the project proposal are not made after we begin work. The schedule for the completion is however flexible and can be shortened or lengthened depending on a number of factors including the amount of time the various departments will need to review the technical studies and provide input, the duration of the public review period for the Notice of Intent, and the number of comments received on the Draft Initial Study.

Milestones for each of the major tasks identified in our Scope of Work are shown on the following schedule (Table 3). We are committed to meeting these milestone dates assuming no constraints to the schedule occur that are outside of our control. Key personnel listed in this proposal will be assigned to the project. All personnel have the capabilities to perform the work and their present workload has been accounted for in the schedule provided herein.

**Table 3
Project Schedule for Initial Study
Orchard Heights Development, Loma Linda**

Tasks	Duration	Estimated Finish Date
Site Visit, Kickoff Meeting	1 day	July 30, 2015
Prepare Project Description (<i>duration following receipt of Application Package & all information requested</i>)	1 week	August 6, 2015
Focused Technical Studies	8 weeks	October 1, 2015
Review/Revise Focused Studies (<i>City & LC</i>)	1 week	October 8, 2015
Prepare Initial Study ¹	4 weeks	October 15, 2015
City Review of Initial Study	1 week	October 22, 2015
Revise per City Comments and Print copies of the IS for City Noticing and Circulation	1 week	October 29, 2015

¹ Work on Initial Study begins following completion of Project Description and ends 2 weeks following receipt of all studies.

**PROPOSAL FOR CONSULTANT SERVICES
ORCHARD HEIGHTS DEVELOPMENT, LOMA LINDA**

Tasks	Duration	Estimated Finish Date
Public Review Period (<i>start 11/2/15</i>)	30 days	December 2, 2015
Prepare MMRP, Notices, and Staff Report	2 weeks	December 16, 2015
1 st PC Public Hearing		January 13, 2016
Complete City and LAFCO Hearings		February 2016

Availability of Personnel/Work Plan

Lilburn Corporation staff size currently totals ten employees. We have historically maintained a backlog of project work equivalent to 12 – 18 months of revenue; our current backlog of project work is equivalent to 8 months. We are therefore able to commit to project schedules that are on a fast track.

Availability of Proposed Project Team Personnel:

Cheryl A. Tubbs	48% of time available for new assignments
Natalie P. Patty	23% of time available for new assignments
Frank Amendola	24% of time available for new assignments
Lorraine Bueno	55% of time available for new assignments

All Lilburn Corporation project personnel are involved in the preparation and production of environmental analyses and land use permitting documents. Most staff members have expertise in several different areas and are able to serve as key staff or project managers. Each CEQA or NEPA document requires specific staffing plans that may range from two to five staff. The majority of CEQA Initial Studies we prepare are completed by a Senior Environmental Analyst with oversight and QA/QC provided by a Project Director. For this project, the organization chart shown as Figure 1 indicates the resources that will be made available to this project.

For all work products associated with the project, Lilburn Corporation will be the key point of contact for City staff and will be responsible for the quality and timeliness of all subconsultants' work products. Following the initial kick-off meeting, confirmation of the project description, and discussions with City staff, Lilburn Corporation's Key Project Team Members will confirm the scope of the project to minimize future logistical problem that may lead to Change Orders.

Lilburn Corporation assigns a Principal of the firm to all projects to provide quality control/quality assurance. All documents are reviewed for technical accuracy and completeness before submittal to the client for review. The principals of the firm each have over 36 years of professional experience and each have over 30 years of experience working on environmental compliance projects in southern California.

**PROPOSAL FOR CONSULTANT SERVICES
ORCHARD HEIGHTS DEVELOPMENT, LOMA LINDA**

Project Cost

The estimated costs to complete the tasks described above are shown in the following Table 4. The total fee is estimated from the number of hours estimated for each employee classification and subconsultant costs per task. The total estimated cost for completion of the project is Seventy-two Thousand Four Hundred Sixty-four Dollars (\$72,464.00). This cost estimate provides for meeting attendance and document reproduction, as noted in the Scope of Work. Hourly fees by labor classification include salary plus 167% overhead which covers benefits, payroll taxes, indirect labor/expenses, other direct costs, plus an average 10% profit margin.

We propose to initiate a meeting with City staff to discuss the various assumptions included in our proposed Scope of Work in order to determine a negotiated contract price. The purpose of this meeting would be to finalize the terms and conditions of the contract.

The hourly billing rates included on the cost Table 4 and on Lilburn Corporation's Rate Schedule (Table 5) become effective at the initiation of this project and will be valid through the estimated duration of the project or for a period of 18 months, whichever is shorter.

Contract Management

Lilburn Corporation will comply with the standard provisions of the City's Professional Services Agreement. The RFP is incorporated in its entirety as part of this proposal and we agree to its use in development of a Professional Services Agreement between the City and Lilburn Corporation. We take no exception to any existing City contract terms.

**PROPOSAL FOR CONSULTANT SERVICES
ORCHARD HEIGHTS DEVELOPMENT, LOMA LINDA**

**Table 4: Cost Estimate for Environmental Consulting Services & Annexation Processing
Proposed Orchard Heights Development
City of Loma Linda**

TASKS	COST CATEGORY ¹	LABOR										TOTAL ESTIMATED COSTS
		Project No. 41234	Project Manager 41234	Site Supervisor 41234	Env. Asst. 41234	Site Prep. 41234	Other 41234	Labor Rate		Other Direct Costs		
								Hour	Cost			
Task 1: Kick-off Meeting/Site Review/LPCC Meeting		7	7		7			21	\$2,622		\$2,622	
Task 2: Project Description		3	12		4			17	\$1,975		\$1,975	
Task 3: Review & Prepare Technical Studies		6		24				30	\$4,050	\$7,879	\$43,929	
Task 4: Initial Study, Notices, & Public Review		4	69		10	10		34	\$9,840	\$423	\$10,228	
Task 5: MMRP & Find ID		4	14		4			22	\$2,750		\$2,750	
Task 6: Staff Report, Presentations & Assistance as Directed		6	62			6		74	\$9,210		\$9,210	
Task 7: Public Meetings with City (1) & LAFCO (1)		3	9					12	\$1,650		\$1,650	
TOTAL TASKS		31	164	34	23	16		268	\$32,166	\$40,304	\$72,494	

¹ Subconsultants for Cultural, Traffic, and Noise (incl. 5% administrative mark-up)

Cultural \$5,700

Traffic \$8,000

Noise \$4,300

Plan for Services/Fiscal \$19,990

² No 30 Notice of Intent

**PROPOSAL FOR CONSULTANT SERVICES
ORCHARD HEIGHTS DEVELOPMENT, LOMA LINDA**

**Table 5
LILBURN CORPORATION
1905 Business Center Drive
San Bernardino, California 92408**

**STANDARD SCHEDULE OF CHARGES
(Effective January 1, 2015)**

<u>PROFESSIONAL SERVICES</u>	<u>HOURLY RATE</u>
Principal	\$170 - \$190
Project Director	\$165
Program Manager	\$150 - \$160
Project Manager	\$140 - \$150
Assistant Project Manager	\$135
Senior Analyst/Planner	\$115 - \$130
Environmental Analyst/Planner	\$90 - \$110
Environmental Analyst/Planner I	\$70 - \$85
Regulatory Compliance Manager	\$125
Senior Biologist	\$110
Biologist	\$75 - 95
Senior Designer	\$95 - \$105
CAD Operator	\$70
Word Processor/Office Administrator	\$75 - \$80
Office Technician	\$70
Clerical/Student Intern	\$55

Expert witness testimony billed two times normal billing rates with a two hour minimum, plus expenses.

EXPENSES AT COST PLUS 10%:

- Travel (non-automobile)
- Lodging
- Auto and Truck Rentals
- Specialty Equipment and Rentals
- Delivery Services
- Printing (Blueprints, Photo Services, Color Copies, Specialty Supplies)

OTHER DIRECT COSTS

Auto Mileage (per current IRS or government rate)	\$0.56 mile
Agency Permits/Fees	At Cost
Consultants and Subcontractors	Cost Plus 10 - 15%



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ronald Dailey, Councilman
Ovidiu Popescu, Councilman
John Lenart, Councilman

COUNCIL AGENDA: July 14, 2015

TO: City Council

FROM: T. Jarb Thaipejr, City Manager/Public Works Director

SUBJECT: Approve an Appropriation of \$20,000 from Facilities Fund Reserves for the EOC Expansion Design Project (CIP 14-727).

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION:

It is recommended that the City Council approve an appropriation of \$20,000 from Facilities fund balance into Account No. 16-2350-8500 for design services for the EOC Expansion.

BACKGROUND:

On March 10, 2015, City Council approved a contract with Miller Architecture Corporation for the EOC expansion design services in an amount not to exceed of \$30,000. City Council also approved an appropriation of \$20,000 from Facilities Fund Reserves for this project. At the time, it was noted that the work for this project would not be completed in Fiscal Year 2014-15 and would carry over into fiscal year 2015-16. Therefore, the City only appropriated the funds estimated to be expended in fiscal year 2014-15.

ANALYSIS:

With the acceptance by City Council, the appropriation of \$20,000 from Facilities Fund Balance will cover the balance of the contract to Miller Architecture Corp., the contract, yet to be awarded, for the soils investigation and the project contingency of \$5,000.

FINANCIAL IMPACT:

Appropriate \$20,000 from Facilities Fund Balance into Account No. 16-2350-8500 from General Facilities fund balance.



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ronald Dailey, Councilman
Ovidiu Popescu, Councilman
John Lenart, Councilman

COUNCIL AGENDA: July 14, 2015

TO: City Council

FROM: Konrad Bolowich, Assistant City Manager

SUBJECT: Re-appropriate \$86,100 from Fiscal Year 2014-15 to Fiscal Year 2015-16, Appropriate \$119,600 and Budget \$205,700 in Grant Revenue for the Extension of Fiber Optic Infrastructure to Grand Terrace Project in the Miscellaneous Grant Fund.

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION:

It is recommended that the City Council re-appropriate \$86,100 (Account No. 37-5360-8500) from fiscal year 2014-15 to fiscal year 2015-16, approve an appropriation of \$119,600 (Account No. 37-5360-8500) and budget federal grant revenues of \$205,700 (Account No. 37-9334) in the Miscellaneous Grant Fund for fiber optic infrastructure to Grand Terrace project.

BACKGROUND:

The City was awarded a grant from the Small Business Administration (SBA) in the amount of \$900,000 for the extension of the fiber optic infrastructure from Loma Linda to Grand Terrace.

On July 22, 2015, City Council approved a contract with HHS Construction, Inc. of Ontario for \$792,531 for the design and installation of the infrastructure. The City elected to appropriate \$673,000 of the \$792,531 for fiscal year 2014-15. That was the amount estimated to be expended. The balance of the contract would then be appropriated in fiscal year 2015-16. However, the funds actually spent last fiscal year was less than what was estimated; therefore, the unspent encumbered balance must be carried over into the new fiscal year.

ANALYSIS:

These appropriations and funding recognition requests will allow the City to continue and complete the project in accordance with the terms of the SBA grant.

FINANCIAL IMPACT:

Increase expenditure appropriations in Account No. 37-5360-8500 by \$205,700 (\$86,100 re-appropriation and \$119,600 new appropriation) and increase budgeted federal grant revenues in Account No. 37-9334 by \$205,700 for grant funding reimbursements.

CC AGENDA ITEM 9



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ovidiu Popescu, Councilman
Ronald Dailey, Councilman
John Lenart, Councilman

Approved/Continued/Denied By City Council Date _____
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COUNCIL AGENDA: July 14, 2015
TO: City Council
VIA: T. Jarb Thaipejr, City Manager
FROM: Diana De Anda, Finance Director/Treasurer 
SUBJECT: Request General Fund Increases to Fiscal Year 2014-2015 Revenues and Expenditure Appropriations related to the Economic Incentive Agreement between Mansfield Oil Company and the City of Loma Linda.

RECOMMENDATION

It is recommended City Council approve increases to sales tax revenue by \$620,800 and business license revenue by \$20,500 and increase appropriations by \$486,600 in the economic development programs expenditure account.

BACKGROUND

On April 8th, 2014, City Council approved an Economic Incentive Agreement between Mansfield Oil Company and the City of Loma Linda. The incentives call for 1) payment of 75% of all taxable sales of energy products sold in the State of California and 2) subsidy of business license taxes in an equal amount paid to the City.

ANALYSIS

Due to the misallocation of sales taxes reported for 2nd quarter of 2014, and higher than anticipated revenues for both sales and business license taxes for the 2014-2015 fiscal year, it is necessary to adjust the budgeted revenues and expenditure appropriations for the increases as illustrated in the table below.

	Revenue	Incentive %	Incentive Expenditures
Sales Taxes	\$ 620,800	75%	\$ 465,600
Business License Taxes	20,500	100%	20,500
Economic Development Incentive			\$ 486,100

ENVIRONMENTAL

None

FINANCIAL IMPACT

Increase Sales Taxes (01-9161) - \$620,800, Business License Taxes (01-9201) - \$20,500 and increase Economic Development Programs expenditure account (01-1940-1980) \$486,100.



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phillip Dupper, Mayor pro tempore
Ovidiu Popescu, Councilman
Ron Dailey, Councilman
John Lenart, Councilman

COUNCIL AGENDA: June 14, 2015

TO: City Council

VIA: T. Jarb Thaipejr, City Manager

FROM: Konrad Bolowich, Assistant City Manager

SUBJECT: COUNCIL BILL #O-2015-02 (SECOND READING/ROLL CALL VOTE) PRE-ZONE NO. ZMA 14-076 TO ESTABLISH THE SINGLE FAMILY RESIDENCE (R-1) ZONE FOR THE BELL PROPERTY (APNS 0292-161-01, AND 11) AND THE GENERAL BUSINESS (C-2) ZONE FOR THE RAMIREZ PROPERTY (APNS 0292-161-08, AND 12) IN ASSOCIATION WITH THE CITRUS LANE DEVELOPMENT LOCATED ON THE EAST SIDE OF CALIFORNIA STREET, BETWEEN ORANGE AVENUE AND CITRUS AVENUE.

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION

It is recommended that the City Council waive reading of Council Bill #O-2015-02 in its entirety, direct the Clerk to read by title only and call the roll.

BACKGROUND

The City Council introduced Council Bill #O-2015-02 on the First Reading on June 23, 2015 and set the second reading for the next meeting. If adopted, the Ordinance would become effective 30 days after adoption.

ATTACHMENT

- Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA MODIFYING THE OFFICIAL ZONING MAP OF THE CITY OF LOMA LINDA TO PREZONE THE EAST SIDE OF CALIFORNIA STREET BETWEEN ORANGE AVENUE AND CITRUS AVENUE TO SINGLE-FAMILY RESIDENCE (R-1) FOR APNS 0292-161-01 AND 11, AND TO THE GENERAL BUSINESS (C-2) ZONE FOR APNS 0292-161-08 AND 12, FOR THE PURPOSE OF FUTURE ANNEXATION OF THE UNINCORPORATED AREA IN TO THE CITY OF LOMA LINDA CITY LIMITS.

Section 1. Adoption of Ordinance: The City Council of the City of Loma Linda does hereby ordain as follows:

Section 2. Findings, Purpose, and Intent:

A. This Ordinance is adopted by the City Council pursuant to the City's police powers to protect the health, safety, and welfare of the public.

B. The County zoning is Multiple Residential. The recently adopted Loma Linda General Plan (May 26, 2009) designates the subject area as Business Park. Because it is in the Sphere of Influence and therefore, part of the City's planning area, the City proposes to pre-zone APNs 0292-161-01, 11 as R-1 Single-Family Residential and APNs 0292-161-08, 12 as (C-2) General Business. The City's General Plan land use designation and proposed zoning are generally commensurate with those of the County.

C. The proposed amendment and any future development projects would not be detrimental to the public in that the new General Plan land use designation and proposed zoning are appropriate and compatible with the existing single-family and commercial uses in the neighborhood. Approximately 20 acres of vacant land is available for development within the area, and any other improvements to the existing area are to meet the City's minimum development standards. As such, the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

D. Due to the size and nature of the of the approximately 20-acre project site, vacant parcels, and the limited development opportunities, the balance of land uses in the City will not be adversely affected by the proposed amendment and annexation into the City of Loma Linda and the residents of the area will benefit from additional and enhanced services.

Section 3. Amendment of Zoning Designations: The Official Zoning Map of the City of Loma Linda is hereby amended to change the following described property in the City's Sphere of Influence and also known as the San Bernardino County unincorporated area per Exhibit "A" (Site/Pre-Zoning Map) and Exhibit "B" (Legal Description) attached hereto and made a part hereof.

Section 4. Validity. If any person shall violate any of the provisions of this ordinance, he shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a City Ordinance shall be punishable by (1) a fine of not more than one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Ordinance within one year; and, (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same Ordinance within one year. Each such person shall be deemed guilty of a separate offense for every day during such portion of which any violation of this Ordinance is committed, continued or permitted by such person, and shall be punishable therefore as provided by this Ordinance.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unlawful.

Section 6. Posting. Prior to the expiration of fifteen (15) days from its passage, the City Clerk shall cause this Ordinance to be posted pursuant to law in three (3) public places designated for such purpose by the City Council.

This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the 23RD day of June 2015 and was adopted on the _____ day of _____ 2015 by the following vote to wit:

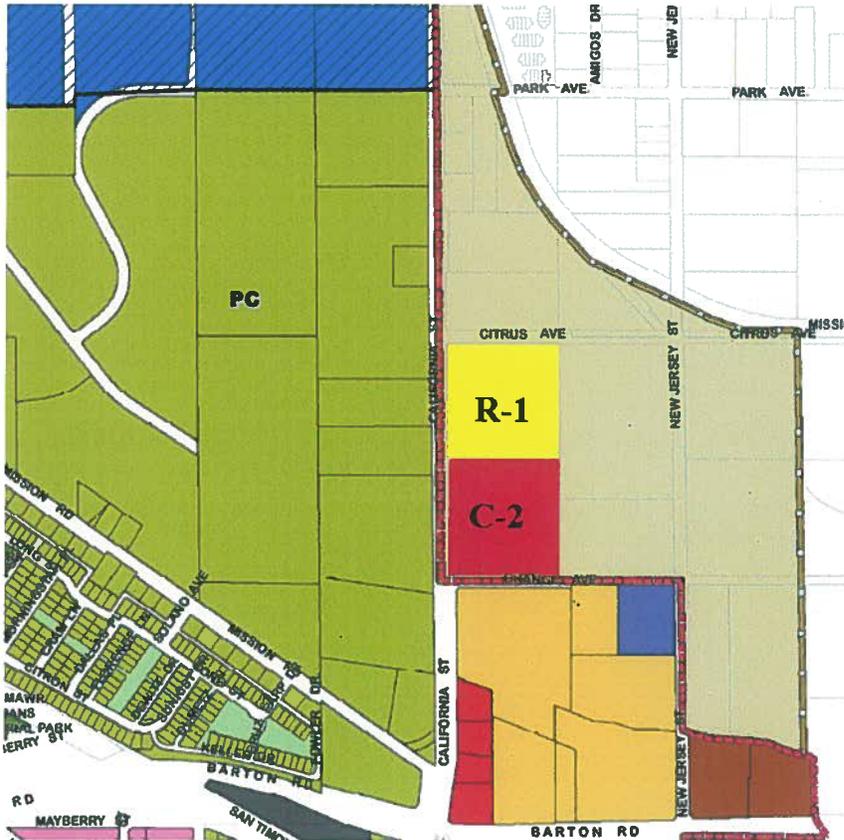
Ayes:
Noes:
Abstain:
Absent:

Rhodes Rigsby, Mayor

Attest:

Pamela Byrnes-O'Camb, City Clerk

EXHIBIT – A PROPOSED PRE-ZONE



Zoning Legend

- CITY HALL / CORP YARD
- INSTITUTIONAL (I)
- ADMIN. PROFESSIONAL OFFICES (AP)
- NEIGHBORHOOD BUSINESS (C1)
- GENERAL BUSINESS (C2)
- COMMERCIAL MANUFACTURING (CM)
- COMMERCIAL INDUSTRIAL
- RESTRICTED MANUFACTURING (MR)
- SINGLE RESIDENCE (R1)
- DUPLEX (R2)
- MULTI FAMILY RESIDENCE (R3)
- MOBILEHOME PARK (R4)
- AGRICULTURAL (A1)
- PLANNED COMMUNITY (PC)
- PARK
- PARK - OPEN SPACE
- HILLSIDE
- City Sphere of Influence

- RS _____ SINGLE FAMILY RESIDENTIAL
- 2500-RM _____ MULTI-FAMILY RES. 15 DU MAX.
- IC _____ COMMERCIAL INDUST.
- CG _____ GENERAL COMMERCIAL
- SD _____ SPECIAL DEVELOPMENT
- PI _____ PUBLIC INSTITUTIONAL

East Valley Corridor Legend

- EAST VALLEY CORRIDOR
- EVC-INSTITUTIONAL
- EVC-GENERAL BUSINESS
- EVC-GENERAL COMMERCIAL
- EVC-COMMERCIAL INDUSTRIAL
- EVC- SINGLE FAMILY RESIDENTIAL
- EVC-MULTI FAMILY RESIDENCE
- EVC-SPECIAL DEVELOPMENT
- FAULT LINES
- CITY LIMITS

Amendments

① Ordinance No. 10000 (Ordinance No. 10000) Adopted 12/15/2014

0 345 690 1,380 2,760 Feet

City of Loma Linda

Zoning Map

EXHIBIT – B

LAFCO _____
CITY OF LOMA LINDA ANNEXATION NO. _____

ALL THAT CERTAIN REAL PROPERTY LOCATED IN THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE WEST ONE-HALF (1/2) OF BLOCK TWO OF BARTON RANCH AS PER MAP RECORDED IN BOOK 6 OF MAPS, PAGE 19, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING THE NORTHWEST CORNER OF SAID BLOCK TWO, SAID POINT BEING THE CENTERLINE INTERSECTION OF CITRUS AVENUE AND CALIFORNIA STREET, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF THE CITY OF LOMA LINDA;

COURSE 1. SOUTH 89°38'50" EAST A DISTANCE OF 657.15 FEET ALONG THE CENTERLINE OF SAID CITRUS AVENUE AND THE NORTH LINE OF SAID BLOCK TWO TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID BLOCK TWO;

COURSE 2. SOUTH 00°22'22" EAST A DISTANCE OF 1338.52 FEET ALONG THE EAST LINE OF THE WEST ONE-HALF (1/2) OF SAID BLOCK TWO TO A POINT BEING THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID BLOCK TWO, SAID POINT BEING IN THE CENTERLINE OF ORANGE AVENUE, THE SOUTH LINE OF SAID BLOCK TWO, AND BEING ON THE BOUNDARY LINE OF THE CITY OF LOMA LINDA;

COURSE 3. NORTH 89°49'46" WEST A DISTANCE OF 657.60 FEET ALONG THE CENTERLINE OF SAID ORANGE AVENUE, THE SOUTH LINE OF SAID BLOCK TWO, AND THE BOUNDARY LINE OF THE CITY OF LOMA LINDA TO A POINT BEING THE SOUTHWEST CORNER OF SAID BLOCK 2; SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF SAID ORANGE AVENUE AND SAID CALIFORNIA STREET;

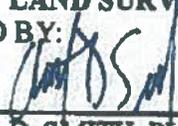
COURSE 4. NORTH 00°21'09" WEST A DISTANCE OF 1340.60 FEET ALONG THE CENTERLINE OF SAID CALIFORNIA STREET, THE WEST LINE OF SAID BLOCK 2, AND THE BOUNDARY LINE OF THE CITY OF LOMA LINDA TO THE POINT OF BEGINNING;

(DESCRIPTION CONTINUES ON PAGE 2)

SAID LEGAL DESCRIPTION CONTAINS 20.2 ACRES. MORE OR LESS.

ON POINT LAND SURVEYING, INC.

PREPARED BY:



ANTHONY D. SMITH, PLS 8133

DATE: 2/10/14

