

CITY OF LOMA LINDA

CITY COUNCIL AGENDA

REGULAR MEETING OF OCTOBER 14, 2014

A regular meeting of the City Council of the City of Loma Linda is scheduled to be held Tuesday, October 14, 2014 in the City Council Chamber, 25541 Barton Road, Loma Linda, California. *Pursuant to Municipal Code Section 2.08.010, study session or closed session items may begin at 5:30 p.m. or as soon thereafter as possible. The public meeting begins at 7:00 p.m.*

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.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 25541 Barton Road, Loma Linda, CA during normal business hours. Such documents are also available on the City's website at www.lomalinda-ca.gov subject to staff's ability to post the documents before the meeting.

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.

Agenda item requests for the OCTOBER 28, 2014 meeting must be submitted in writing to the City Clerk no later than NOON, MONDAY, OCTOBER 13, 2014

EVENTS: *October 14, 2014, 10:30 a.m., Ribbon Cutting Ceremony, Loma Linda Terrace, 10846 Poplar Street*

October 14, 2014, 6:00-7:00 p.m. Retirement Reception for Chamber of Commerce CEO Phil Carlisle, Civic Center Foyer

A. Call To Order

B. Roll Call

C. Invocation and Pledge of Allegiance – Mayor Rigsby (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. Items To Be Added Or Deleted

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

F. Conflict of Interest Disclosure - Note agenda item that may require member abstentions due to possible conflicts of interest

G. Scheduled And Related Items

1. Recognition of Division Chief Jeff Roddy, Captain Dino Ortega, and Captain Larry Nachtmann on their retirement from the Fire Department and their service to the community **[Mayor and Fire Chief]**
2. Recognition of Phil Carlisle, Loma Linda Chamber of Commerce CEO on his retirement **[Mayor]**
3. Presentation by Loma Linda University regarding way-finding
4. **Joint Public Hearing** of the City Council and Housing Authority pertaining to the sale of 25613 Prospect Avenue and approving a Housing Disposition Agreement (Continued from August 26 & to be continued to November 12, 2014) **[City Clerk/Authority Secretary]**
 - a. LLHA Bill #R-2014-02 - Authorizing the sale of 25613 Prospect Avenue to Michelle Anderson and approving the Housing Disposition Agreement
 - b. Council Bill #R-2014-30 - Consenting to the sale of 25613 Prospect Avenue to Michelle Anderson

I. Consent Calendar

5. Demands Register
6. Council Bill #R-2014- 39 - declaring certain items a public nuisance for properties APN 0281-091-22 (24800 Redlands Blvd), APN 0281-091-32 (24816 Redlands Blvd), and APN 0281-091-40 (24818 Redlands Blvd.) **[Community Development]**
7. Request for Approval of an Agreement for Professional Services between the City and Kunzman Associates, Inc. for preparation of a Traffic Impact Analysis and Air Quality/Greenhouse Gas Study for the University Church Master Plan **[Community Development]**
8. Request for a supplemental appropriation for a Focused Update of the Development Code

J. Old Business

K. **New Business**

L. **Reports of Councilmen** (This portion of the agenda provides City Council Members an opportunity to provide information relating to other boards/commissions/committees to which City Council Members have been appointed).

9. Closing pedestrian bridge across San Timoteo Channel at Bryn Mawr Veterans Memorial Park

M. **Reports Of Officers** (This portion of the agenda provides Staff the opportunity to provide informational items that are of general interest as well as information that has been requested by the City Council).

N. **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: October 14, 2014

TO: City Council

FROM: Pamela Byrnes-O'Camb, Secretary

VIA: T. Jarb Thaipejr, Executive Director

SUBJECT: **Joint Public Hearing** of the City Council and Housing Authority pertaining to the sale of 25613 Prospect Avenue and approving a Housing Disposition Agreement (Continued from August 26 & to be continued to November 12, 2014) [City Clerk/Authority Secretary]

- a. LLHA Bill #R-2014-02 - Authorizing the sale of 25613 Prospect Avenue to Michelle Anderson and approving the Housing Disposition Agreement
- b. Council Bill #R-2014-30 - Consenting to the sale of 25613 Prospect Avenue to Michelle Anderson

RECOMMENDATION

It is recommended that the Housing Authority Board and City Council continue the public hearing to November 12.

Approved/Continued/Denied
By City Council
Date _____



City of Loma Linda Official Report

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

Approved/Continued/Denied
By City Council
Date _____

COUNCIL AGENDA: October 14, 2014

TO: City Council

FROM: Konrad Bolowich, Assistant City Manager

SUBJECT: **Appeal of Findings of Nuisance and Notice to Abate At: APN 0281-091-22 (24800 REDLANDS BLVD), APN 0281-091-32 (24816 REDLANDS BLVD), APN 0281-091-40 (REDLANDS BLVD.)**

ITEM

Staff is forwarding a request by the property owner to appeal a finding of nuisance and notice to abate at the above revered property.

BACKGROUND

The above referenced properties are contiguous parcels located within the EVC General Commercial Zone. There is one existing non-conforming residence, one building in use as a commercial book store, and two buildings not in current use or occupancy.

Between September 22, 1992 and September 28, 1993 a hearing was held and continued multiple times to declare the subject property a nuisance. The continuances allowed the property owner and the City to develop a cooperation agreement resulting in a two phased plan to remediate the issues. Phase I of the agreement was completed. However, it appears that phase II was not completed as the property owner never obtained a Redevelopment Agency grant for repairs, and did not complete replacement of the fencing on the south side of the property. On-site inspections were not allowed by the property owner as required by the agreement. The prior agreement does not give the property owner any right to maintain the violations that currently exist.

In 2012, annual city wide spring weed abatement inspections identified the property as having numerous fire code and vegetation related violations. A follow up inspection on or about August 22, 2012 identified the property as having multiple Fire Code, Health and Safety Code, Zoning, and nuisance violations.

Between August 22, 2012 and April 03, 2013, City Staff attempted to develop an action plan with the property owner to remediate the issues; however the property owner has not been able to agree on an action plan to remediate the violations found upon the premises.

On April 1, 2013, the Fire Department sent a Notice to Clean Property, and on April 3, 2013, A Notice of Violation was sent to the property owner delineating the known violations and requesting compliance with the Municipal Code.

The property owner contacted the City on April 14, 2013, and informed Staff that he would be contracting a vendor to begin remediation of the tree and vegetation related issues on April 22, 2013. In light of remediation attempts by the property owner, all enforcement efforts were suspended pending a re-inspection of the property to determine which issues remained and to develop an action plan to complete remediation. The re-inspection was scheduled for May 29, 2013.

City Staff attempted to re-inspect the property on the morning of May 29, 2013 and was denied entry to the premises or access to any of the buildings. It was however observed that unpermitted electrical work had been completed in the book store and unpermitted roof repairs were made to one of the vacant buildings. In light of the inability or refusal of the property owner to show that remediation had properly occurred, Staff resumed enforcement efforts and violations were sent to the owners of record.

On July 2, 2013 Staff scheduled a re-inspection of the property with the owner. Representatives from Building, Fire, Code, and Community Development were present. Staff was led around the perimeter of the property, but not allowed to enter the property or buildings to confirm what, if any, remediation had occurred. Staff attempted to develop a remediation plan with the owner relative to the violations that were still visible, and were unable to come to an agreement as to actions to be taken.

On July 17, 2013 a public hearing was held in front of the Planning Commission to determine if a public nuisance exists at APN# 0281-091-22 (24800 Redlands Blvd), APN# 0281-091-32 (24816 Redlands Blvd), and APN# 0281-091-40 (24818 Redlands Blvd) and to find that there is sufficient cause to abate the nuisance. The Planning Commission heard a presentation from City Staff as well as from the property owner, and found that a public nuisance did exist at the above location. A finding of nuisance and notice to abate was issued by the Planning Commission with specific findings, remediations, and dates to accomplish such remediations as follows;

- That the abatement of all violations be commenced by **July 22, 2013**.
- That all dead, and overgrown vegetation, trash and debris, and inoperative vehicles be removed or remediated and that all necessary permits be obtained and inspections relating to this activity be completed by **August 26, 2013**.
- That all necessary building permits be obtained, and inspections be completed for unpermitted roofing and electrical work, and that all unsafe, exposed wiring and open junction boxes be remediated, or shown to be disconnected from power sources and are marked accordingly, and that all necessary permits be obtained and inspections relating to this activity be completed by **September 30, 2013**.
- That all outdoor storage of building materials, broken and damaged tools, and industrial and commercial goods be removed from the property and that all necessary permits be obtained and inspections relating to this activity be completed by **November 4, 2013**.
- That dilapidated and damaged structures are repaired or removed, and that all remaining violations be remediated, and that all necessary permits be obtained and inspections relating to this activity be completed by **February 3, 2014**.

On August 20, 2013 the property owner requested an appeal of the finding of public nuisance as allowed in LLMC 9.12.080 and to be conducted as per LLMC 02.08.030. The property owner requested that the appeal be delayed until the November City Council meeting as he would be out of the state and unable to attend any meeting prior to the November meeting.

Between August 20, 2013 and November 6, 2013 the Property owner has made efforts to remediate some of the violations. Permits were obtained and inspections occurred to resolve the unpermitted electrical work on the Book Store, the vehicle damage to the west building, the suspected inoperative vehicles, and the termite damage.

On October 28, 2013 the property owner provided information that allowed the City to locate the cooperation agreement. All items covered by the cooperation agreement were considered remediated.

During the week of December 2, 2013, Staff was permitted access to the property and is in the process of determining and action plan to remediate the outstanding issues.

In the week of January 6, 2013, staff and the property owner are completing a schedule for remediation.

The property owner was to complete remediation of vegetation related issues on January 19, 2014. There was some work performed on that date, however, the work was incomplete and did not remediate any of the outstanding issues to completion. The lack of compliance was addressed with the counsel for the owner. On February 3, counsel for the property owner filed an appeal of the nuisance findings based upon California Fire Code section 108.2, claiming:

- That the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted
- That the provisions of the code do not fully apply, or
- That an equivalent method of protection or safety is proposed.

The Fire Code Appeals Board met on April 9 2014 and delivered findings determining that if certain actions are implemented, there would not be a fire hazard.

Other than the requirement that a steel roof be installed on the Upholstery Building, the actions required by the Fire Appeals Board have been implemented. The property owner has obtained the necessary building permits, but has not remediated the condition.

On June 24, 2014 a hearing was held to determine the status of a cooperation agreement between the City and the property owner regarding outside storage. At that hearing, there was discussion regarding the status of the cooperation agreement. A motion by Councilman Dailey and seconded by Councilman Dupper and unanimously carried to accept the staff report and recommendations; Staff was to work with appellant over 60-70 day time period to address remaining issues, including removal of outdoor storage; and to continue the public hearing to September 9 for future action if necessary.

Subsequent to the meeting, staff met with the property owner to discuss remediation plans and to determine the suitability to place storage containers on the site to manage the outside storage. On July 17th, a site walk was scheduled and as part of the walk discussions were held with the property owner as to the disposition of outside storage items, location of any remaining items for sale or salvage, and the opportunity to have City provided refuse removal and recycle services available. On August 6th, a copy of the proposed site map was delivered to the property owner via e-mail.

As of September 4, 2014, while some items have been relocated or removed, there continues to be an extensive amount of outside storage on the site, and no provisions for storage containers have been made. In addition the permit to reroof the Upholstery Building as required by the Fire

Appeals Board is due to expire on September 24, 2014, and it does not appear the work has commenced.

There was an appeal hearing at the September 9, 2014 City Council meeting where information was presented by staff and the property owner. Council was unable to make a majority decision, and the issue was continued to the September 23, 2014 meeting.

At the September 23, 2014 meeting, council discussed the existing conditions on the site, and heard a report from the City Fire Marshal detailing the fire risks associated with the site. Council directed staff to prepare a resolution that encompassed the findings of the Council for the October 14, 2014 meeting. The issue was continued to the September 23, 2014 meeting.

ENVIRONMENTAL

There is no environmental impact

FINANCIAL IMPACT

There are unknown financial impacts to the City. Forced remediation and abatement will incur an unknown direct cost to the City and such cost will be liened against the property. Such a lien could remain on the property until it is sold at some future date. There are currently fines related to code enforcement citations which are pending.

CONCLUSION

The Fire Code Appeal Board recommended that certain action be taken to eliminate the fire risk. The findings of the Fire Appeals board that require a steel roof on the Upholstery Building to be installed have not been met. Staff has agreed to accept any type of fire resistant roofing that meets current building code standards. The City Council rescinded the cooperation agreement regarding outside storage and directed the owner to remove the outside storage or to store such items in a storage container. This has not been accomplished. The property is out of compliance and should be declared a nuisance since the lack of adequate roof constitutes a life safety risk to the community, and the outside storage is in violation of current Municipal Code.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, DECLARING THAT A PUBLIC NUISANCE EXISTS AT APN# 0281-091-22 (24800 REDLANDS BLVD), APN# 0281-091-32 (24816 REDLANDS BLVD), AND APN# 0281-091-40 (24818 REDLANDS BLVD). THE CITY COUNCIL, ACTING AS THE NUISANCE APPEALS BOARD, FINDS AS FOLLOWS:

WHEREAS, the properties located at APN# 0281-091-22 (24800 Redlands Blvd), APN# 0281-091-32 (24816 Redlands Blvd), and APN# 0281-091-40 (24818 Redlands Blvd) are located within the City of Loma Linda, and are subject to Loma Linda Municipal Code.

WHEREAS, the staff of the City of Loam Linda has confirmed the existence of multiple Municipal Code violations as set forth herein; and

WHEREAS, the property owner was served with multiple notices of violations and citations describing the conditions constituting the violations and ordering abatement; and

WHEREAS, the property owner has had significant and reasonable time to correct all violations but has refused and/or failed to meet the deadlines prescribed by these notices; and

WHEREAS, the property owner received proper notice of this meeting and this meeting has been properly noticed to the public; and

WHEREAS, the property owner has the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the City; and

WHEREAS, the City Council has directed further review of current ordinances regulating palm fronds and maintenance of palm trees, including those located on the subject property and reserves the right to pursue code enforcement actions related thereto; and

WHEREAS, the City Council has determined that any prior agreements that may or may not have been in effect with the property owner have run their course, have been sunseted, have been terminated or are not relevant to current conditions; and

WHEREAS, roofing on certain structures located on the subject property does not meet the conditions required by the Fire Appeals board; and

WHEREAS, the City Council has directed further review of current ordinances regulating outdoor storage, including outdoor storage on the subject property and reserves the right to pursue code enforcement actions related thereto; and

WHEREAS, there continue to be “slash piles” and piles of dead vegetation on the property; and

WHEREAS, the violations set forth herein still exist on the property and the property remains in violation of the Loma Linda Municipal Code; and

WHEREAS, the existence of conditions on the property are inconsistent with the Loma Linda Municipal Code, and detrimental to the health, safety, comfort, and general welfare of the public and persons residing in the City; and

WHEREAS, this body has considered the evidence concerning public nuisances on the property, including relevant documents, writings, codes, ordinances, as well as oral testimony and argument at the public hearing; and

WHEREAS, this body finds that a public nuisance does exist on the subject property and that there is sufficient cause to abate the nuisance,

NOW, THEREFORE, IT IS HEREBY:

Ordered:

That the property owner and/or other persons having charge or control of the premises abate all violations of Loma Linda Municipal Code as described herein by removal, rehabilitation, repair, demolition or such other abatement as is reasonable and appropriate in the manner and by the means specifically set forth herein. The property owner shall remediate the following conditions:

<u>LLMC or other Code Section</u>	<u>Nuisance Violations:</u>	<u>Method of Remediation</u>
9.12.030(B)(17)	Nuisance--Dilapidated structures	Remove, or repair dilapidated structures. Obtain all necessary permits and inspections.
9.12.030(B)(1)	Nuisance--Dead, Overgrown Vegetation	Remove dead, overgrown vegetation.

<u>LLMC or other Code Section</u>	<u>Health & Safety Code (Building Code) Violations:</u>	<u>Method of Remediation</u>
17920.3(g)(1,2,3,4)	Dilapidated roofs on bookstore and all accessory structures	Repair or replace dilapidated roofs on bookstore and all accessory structures. Obtain all necessary permits and inspections.

<u>LLMC or other Code Section</u>	<u>California Fire Code:</u>	<u>Method of Remediation</u>
2010 CFC 304.1.2	Numerous Dead bushes on property	Remove dead vegetation.

That all necessary permits and inspections be obtained as part of the remediation effort; and

That the abatement of all violations be commenced by **October 28, 2014**; and

That all dead, and overgrown vegetation, and slash piles be removed or remediated and that all necessary permits be obtained and inspections relating to this activity be completed by **November 18, 2014**; and

That all necessary building permits be obtained, roof installed, and inspections be completed by **December 01, 2014**; and

That City Staff is directed to take all necessary steps to assure the abatement is completed as ordered; and

That if the property owner fails to comply with this order that City Staff approach City Council for authorization for a transfer of funds to abate such nuisance and that the costs of abatement shall become a lien on the subject property.

PASSED AND ADOPTED this 14th day of October 2014, by the following vote:

AYES:

NOES:

ABSENT:

Rhodes Rigsby, Mayor

Attest:

Barbara Nicholson, Deputy City Clerk



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: October 14, 2014

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 Kunzman Associates, Inc. for preparation of a Traffic Impact Analysis and Air Quality/Greenhouse Gas Study for the University Church Master Plan.

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION

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

1. Approve the Agreement for preparation of a Traffic Impact Analysis and an Air Quality/Greenhouse Gas Study for the University Church Master Plan; and,
2. Approve the use of funds to be deposited in the amount of \$14,600.00 as a pass through fee paid for by the applicant to cover the costs of the preparation of a Traffic Impact Analysis and an Air Quality/Greenhouse Gas study for the University Church Master Plan.

BACKGROUND

On July 30, 2014, planning staff sent out a Request for Proposal (RFP) to Kunzman Associates, Inc. to prepare a Traffic Impact Analysis and Air Quality/ Greenhouse Gas Study for the University Church Master Plan. Kunzman Associates, Inc. was selected from the annual list of qualified firms based upon their qualifications, previous experience and response to the request for proposal to provide professional support services, and to perform the environmental analysis and associated technical studies for the proposed project.

FINANCIAL IMPACT

The proposed Agreement for preparation of the Traffic Impact Analysis and Air Quality/Greenhouse Gas Study with Kunzman Associates, Inc. for the University Church Master Plan will not result in any financial impacts to the City. The associated costs will be borne by the project applicant, as indicated by the request to use funds deposited by the applicant as a pass through fee.



City of Loma Linda Official Report

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

COUNCIL AGENDA: September 9, 2014

TO: City Council

VIA: T. Jarb Thaipejr, City Manager

FROM: Konrad Bolowich, Assistant City Manager

SUBJECT: Request for supplemental appropriation for a Focused Update of the Development Code.

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION

It is recommended that the City Council approve a supplemental appropriation in the amount of \$20,000 for a Focused Update of the Development Code.

BACKGROUND

On August 14, 2014, planning staff circulated a Request for Proposal (RFP) to provide a Focused Update of the Development Code, specifically, the Land Use and Sign sections.

ANALYSIS

The project was originally intended to be implemented over the course of two budget years. Monies for the first half of the project were appropriated as part of the 2014-2015 budget. It is possible to complete this project within the 2014-2015 fiscal year, however, additional funds will be required to complete the entire phase of the project.

FINANCIAL IMPACT

Appropriate \$20,000 from General Fund fund balance into expenditure account 01-1600-1820 (General Fund/Planning/Professional Services).