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July 10, 2017

Via Email followed by U.S. Mail
sabsher@sycr.com

Sean B. Absher, Esq.
STRADLING YOCCA CARLSON & RAUTH
44 Montgomery Street, Suite 4200
San Francisco, CA 94104

Re: *Demand to Cease and Desist Approval of Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126) at the July 12, 2017 Meeting of the Board of Trustees for Mt. San Antonio Community College and all related contract approvals thereof*

United Walnut Taxpayers v. Mt. San Antonio Community College et al.
Case No. BC 576587 (Master File/Consolidated)

Dear Mr. Absher:

United Walnut Taxpayers (“United Walnut”) hereby communicates this written demand that your client Mt. San Antonio Community College (“Mt. Sac”) immediately cease and desist from any consideration of **approval of Athletics Complex East Project (“ACE”)** at the July 12, 2017 Meeting of the Board of Trustees for Mt. Sac, or at any time thereafter, **until Mt. Sac has completed an initial study for the proposed ACE project.** This includes Consent Item No. 9 (fundamental commissioning services contract with Ecotype Consulting for the Athletics Complex East Project); and Action Item No. 2 (Award of the Athletics Complex East Project – Phase 2, Bid Packages 3103-3126).

This demand comes on the heels of the recent Judgment and Writ of Mandate (“Judgment”) of Judge James C. Chalfant of the Los Angeles Superior Court.

The Judgment specifically states:

UWT is entitled to judgment for declaratory and injunctive relief that the District must prepare and circulate initial studies for its identified master plan projects as such projects come up for actual decisions for design and/or implementation . . .

(Judgment at ¶ 2(e).)

Despite the unequivocal language in the Judgment – that an initial study is to be prepared and circulated *before* when master plan projects come up for approval – your client has determined to approve the ACE project without an initial study. This is precisely the same pattern and practice

July 10, 2017
Demand to Cease and Desist
Page 2

CEQA violations that were recently litigated. (See attached relevant pages of the July 12, 2017 Agenda of the Mt. Sac Board of Trustees, attached as Exhibit A, 17 pp. total.)

If Mt. Sac Does Not Immediately Refrain from Consideration of Consent Item No. 9, and Action Item No. 2, and/or if it Approves Any Contract for the ACE Project Without Completing an Initial Study to Determine the Level of Necessary Environmental Review, United Walnut Will Take Legal Action to Enforce the Judgment

The Court found that United Walnut was entitled to declaratory and injunctive relief that Mt. Sac is required to prepare an initial study for project approvals such as ACE. (Judgment at ¶2(e).) United Walnut will seek to enforce said judgment if necessary.

Pursuant to California Code of Civil Procedure § 1209(a)(5), United Walnut may request the Court enforce the Judgment against Mt. Sac for contempt of the Judgment for failing to do an initial study for the ACE project. (Id.)

Particularly compelling will be the fact that Sidney Lindmark, Mt Sac's environmental consultant submitted a declaration in this case in which Mr. Lindmark stated that the ACE project was "abandoned". (See Declaration of Sidney Lindmark ¶ 26, a copy of which is attached hereto as Exhibit B, 18 pp. total.) This statement was relied upon by the Court in issuing its *Statement of Decision* whereby the Court accepted Mt. Sac's testimony that the ACE Project was abandoned. (Decision. p. 12)

Please respond in writing to this demand prior to July 11, 2017 at 2:00 p.m. so that my office and client can appropriately prepare and respond in advance of whatever action Mt. Sac intends to take.

Sincerely,



Craig A. Sherman

cc: Barbara Leibold, Esq., and John McClendon, LEIBOLD, McCLENDON & MANN
(via email: barbara@ceqa.com, john@ceqa.com)



MT. SAN ANTONIO COLLEGE

REGULAR MEETING OF THE BOARD OF TRUSTEES

Wednesday, July 12, 2017

**5:00 p.m. – Open and Adjourn to Closed Session
6:30 p.m. – Public Session**

Founders Hall, 1100 North Grand Avenue, Walnut, CA 91789

Welcome to a meeting of the Mt. San Antonio College Board of Trustees. If you wish to address the Board for any reason, please fill out one of the cards available on the table and give it to the Board Secretary. Those requesting to speak on an agenda item will be called upon at the time the item is under consideration. Anyone wishing to speak to items not on the agenda will be called upon under the "Communication" section.
Comments are limited to no more than three minutes per person.

AGENDA

From time-to-time, writings that are public records which are related to open session items on an agenda for a regular meeting may be distributed to Trustees after the posting of the agenda. Whenever this occurs, such writings will be available for public inspection in the Office of the President, located in Founders Hall, between the hours of 7:30 a.m. and 4:30 p.m.

CALL TO ORDER (5:00 p.m.)

PUBLIC COMMUNICATION

At this time, the Board of Trustees will listen to communication from the public on any Closed Session agenda item. Comments are limited to no more than three minutes per person.

The Board reserves the right to modify the order of business in the manner it deems appropriate.

Closed session shall not extend past the designated time, but should the business considered in closed session require additional time, the Board shall reserve time after the public meeting to continue discussion.

**BOARD OF TRUSTEES
MT. SAN ANTONIO COLLEGE**

DATE: July 12, 2017

CONSENT

SUBJECT: Fundamental Commissioning Services for the Athletics Complex East
Project – Ecotype Consulting

BACKGROUND

The College has made a commitment to construct new facilities which are energy efficient and meet Leadership in Energy and Environmental Design (LEED) criteria. Fundamental commissioning is a mandatory requirement of the LEED rating system.

ANALYSIS AND FISCAL IMPACT

Ecotype Consulting has presented a proposal to provide fundamental commissioning services which will include development of a commissioning plan, review of contractor submittals for the commissioned systems, development and review of checklists with contractors, coordination of energy code acceptance testing, compilation of a final Commissioning Report, and documentation of the commissioning effort for LEED approval.

	Consultant:	Ecotype Consulting	
	Project:	Business and Computer Technology	
Item	Description:	Amount	
	Provide fundamental commissioning services for the Athletics Complex East project.	\$27,900.00	
	Contract Amount:	\$27,900.00	

Funding Source

Measure RR Bond (Series A) funds.

RECOMMENDATION

It is recommended that the Board of Trustees authorizes the approval of the contract with Ecotype Consulting for fundamental commissioning services for the Athletics Complex East Project.

Prepared by: Gary L. Nellesen

Reviewed by: Michael D. Gregoryk

Recommended by: Bill Scroggins

Agenda Item: Consent #9

**BOARD OF TRUSTEES
MT. SAN ANTONIO COLLEGE**

DATE: July 12, 2017

ACTION

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

BACKGROUND

The Athletics Complex East Project – Phase 2 will occupy the 32.2-acre site surrounding the Hilmer Lodge Stadium and consists of the construction of a new stadium with 10,912 permanent seats; a 9-lane, 400-meter track; a scoreboard; lighting standards; two pedestrian bridges; five athletic fields; 6.9 acres of landscaping; and support facilities such as concessions, restrooms, etc.

ANALYSIS AND FISCAL IMPACT

In an effort to realize a cost savings, this project was broken up into individual multi-prime bid packages, each bid separately. Bids were advertised in accordance with Education Code Section 81641. Bids were publicly opened on April 11, 2017, and April 18, 2017. Per the bid documents, bid prices are to remain valid for a period of 90 days from the date bids are received. The Board's approval to award all packages, except for the Miscellaneous Specialties package, Bid No. 3121, opened on April 18, 2017, will occur after the 90-day period has expired. All firms have agreed to hold their original bid prices through July 2017, with the exception of W.M. Klorman Construction Corporation for the Structural Concrete package, Bid No. 3107, and Continental Plumbing for the Plumbing package, Bid No. 3124. The second lowest responsible, responsive bidders, Guy Yocom Construction, for the structural concrete package, and J.M. Farnan & Company, Inc., for the plumbing package, were contacted and have agreed to hold their pricing through July 2017. Details of the bid results are provided under Bid Summaries below.

Recommendations for contract award of the Athletics Complex East Project – Phase 2 are as follows:

Bid No.	Project Description	Company Name and Location	Bid Amount
3103	Asphalt Paving	Terra Pave, Inc., Whitter, CA	\$743,000
3104	Landscape	BrightView Landscape Development, Inc., Fountain Valley, CA	\$2,096,000
3105	Track & Field	Los Angeles Engineering, Inc., Covina, CA	\$3,147,000
3106	Fencing	Econo Fence, Inc., Riverside, CA	\$175,520

Prepared by: Teresa Patterson/Gary L. Nellesen

Reviewed by: Michael D. Gregoryk

Recommended by: Bill Scroggins

Agenda Item: Action #2

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

3107	Structural Concrete	Guy Yocom Construction, Norco, CA	\$15,955,730
3108	Site Concrete	K.A.R. Construction, Inc., Ontario, CA	\$4,983,000
3109	Masonry	Winegardner Masonry, Inc., Yucaipa, CA	\$1,449,000
3110	Structural & Misc. Steel	McMahon Steel Company, Inc., Chula Vista, CA	\$6,705,337
3111	Casework	Stolo Cabinets, Inc., Brea, CA	\$262,800
3112	Roofing	Exbon Development, Inc., Garden Grove, CA	\$593,610
3113	Waterproofing	Pacific Waterproofing & Restoration, Inc., Pomona, CA	\$858,585
3114	Sheet Metal	Best Contracting Services, Inc., Gardena, CA	\$4,322,900
3115	Doors, Frames & Hardware	Montgomery Hardware Co., Rancho Cucamonga, CA	\$415,100
3116	Glazing	Huntington Glazing, Inc., Los Angeles, CA	\$945,400
3117	Framing, Drywall & Plaster	Sierra Lathing Co, Inc., Rialto, CA	\$4,077,745
3118	Tile	Inland Pacific Tile Inc., San Bernardino, CA	\$642,000
3119	Acoustical	Southcoast Acoustical Interiors, Inc., Fontana, CA	\$292,500
3120	Painting	Borbon, Inc., Buena Park, CA	\$429,670
3121	Miscellaneous/ Specialties	Inland Building Construction Companies, Inc., San Bernardino, CA	\$2,719,600
3122	Bleacher Seating	Southern Bleacher Company, Inc., Graham, TX	\$949,650
3123	Food Service Equipment	TriMark R. W. Smith, Costa Mesa, CA	\$232,000
3124	Plumbing	J.M. Farnan & Company, Inc., La Verne, CA	\$2,950,000
3125	Fire Sprinklers	J.G. Tate Fire Protection Systems, Inc., Poway, CA	\$465,432
3126	Mechanical (HVAC)	Scorpio Enterprises dba AireMasters Air Conditioning, Santa Fe Springs, CA	\$3,580,000
		Total Award Amount	\$58,991,579

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Funding Source

Measure RR (Series A) Bond funds.

RECOMMENDATION

It is recommended that the Board of Trustees authorizes the approval of the awards of the Athletics Complex East Project – Phase 2, Bid Packages 3103 – 3126.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

BID SUMMARIES

Public Contract Code 20103.8 allows public entities to include in its public works bids, alternate prices for items that may be added to, or deducted from, the scope of work in the contract for which the bid is being submitted. Whenever additive or deductive items are included in a bid, the bid solicitation must specify which of the following methods will be used to determine the lowest bid.

- (a) The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
- (b) The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.**
- (c) The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that when taken in order from a specifically identified list of those items in the solicitation, and added to, or subtracted from, the base contract, are less than, or equal to, a funding amount publicly disclosed by the local agency before the first bid is opened.
- (d) The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.

A responsible bidder who submitted the lowest bid as determined by this section shall be awarded the contract, if it is awarded. This section does not preclude the public agency from adding to or deducting from the contract any of the additive or deductive items after the lowest responsible bidder has been determined.

In order to provide the best value to the College in the event one or more alternates are added to or deducted from the contract, the College elected to choose item (b) above as the method of determining the lowest bid amount.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Asphalt Paving – Bid No. 3103

Company Name/Location	Total Bid
Terra Pave, Inc., Whittier, CA	\$743,000
Lee & Stires, Ontario, CA	\$842,000
Griffith Company, Santa Fe Springs, CA	\$871,400
Western Paving, Irwindale, CA	\$938,400
Asphalt, Fabric & Engineering, Inc., Signal Hill, CA	\$1,049,500

Landscape – Bid No. 3104

Company Name/Location	Base Bid Amount	Alt. 5 Amount	Total Bid
BrightView Landscape Development, Inc., Fountain Valley, CA	\$2,385,000	-\$289,000	\$2,096,000
American Landscape, Inc., Canoga Park, CA	\$2,347,000	-\$225,000	\$2,122,000
Park West Landscape, Corona, CA	\$2,520,000	-\$373,337	\$2,146,663
Environmental Construction, Woodland, CA	\$2,472,685	-\$264,659	\$2,208,026
Pierre Landscape, Inc., Irwindale, CA	\$2,576,693	-\$288,000	\$2,288,693
Southern California Landscape, Inc., Fontana, CA	\$2,818,700	-\$388,000	\$2,430,700
Griffith Company, Santa Fe Springs, CA	\$2,795,000	-\$320,100	\$2,474,900
Mariposa Landscapes, Inc., Irwindale, CA	\$2,795,376	-\$165,821	\$2,629,555
Los Angeles Engineering, Inc., Covina, CA	\$3,294,000	-\$397,000	\$2,897,000

This Bid package included alternate pricing as follows:

Deductive Alternate No. 5: Delete Landscape & Irrigation at future Gym Area.

The College has elected to award Deductive Alternate No. 5 for a total contract amount of \$2,096,000.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Track & Field – Bid No. 3105

Company Name/Location	Total Bid
Los Angeles Engineering, Inc., Covina, CA	\$3,147,000
Asphalt, Fabric & Engineering, Inc., Signal Hill, CA	\$3,360,000
Ohno Construction Company, Fontana, CA	\$3,660,000

Fencing – Bid No. 3106

Company Name/Location	Base Bid Amount	Alt. 6 Amount	Total Bid
Econo Fence Inc., Riverside, CA	\$175,520	\$58,515	\$234,035
Team West Contracting, Corona, CA	\$182,730	\$76,485	\$259,215
AZ Construction, Inc. dba Ace Fence Company, La Puente, CA	\$279,475	\$115,120	\$394,595

This Bid package included alternate pricing as follows:

Additive Alternate No. 6: Replace ornamental iron fence with chain link fencing at Flex field.

The College has elected not to award Additive Alternate No. 6 at this time.

Concrete (Structural) – Bid No. 3107

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
W.M. Klorman Construction Corporation, Woodland Hills, CA	\$14,187,986	-\$66,400	-\$101,800	\$14,019,786
Guy Yocom Construction, Norco, CA	\$15,955,730	-\$36,700	-\$22,000	\$15,897,030
Gonsalves & Santucci, Inc. dba Conco, Fontana, CA	\$17,852,000	-\$26,000	-\$36,000	\$17,790,000

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award deductive Alternate Nos. 3 and 4 at this time.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Concrete (Site) – Bid No. 3108

Company Name/Location	Base Bid Amount	Alt. 6 Amount	Total Bid
K.A.R. Construction, Inc., Ontario, CA	\$4,983,000	-\$207,000	\$4,776,000
W.D. Gott Construction Co., Upland, CA	\$5,144,000	-\$24,000	\$5,120,000
Bravo Concrete Construction Services, Inc. Riverside, CA	\$5,471,000	-\$58,160	\$5,412,840
McGuire Contracting, Inc., Fontana, CA	\$6,748,000	-\$75,000	\$6,673,000
Griffith Company, Santa Fe Springs, CA	\$7,498,762	-\$101,500	\$7,397,262

This Bid package included alternate pricing as follows:

Deductive Alternate No. 6: Replace ornamental iron fence with chain link fencing at Flex field.

The College has elected not to award Deductive Alternate No. 6 at this time.

Masonry – Bid No. 3109

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Winegardner Masonry, Inc., Yucaipa, CA	\$1,449,000	-\$117,674	-\$25,732	\$1,305,594
Masonry Concepts, Inc., Santa Fe Springs, CA	\$1,682,535	-\$150,235	-\$48,785	\$1,483,515
Kretschmar & Smith, Inc., Riverside, CA	\$1,779,830	-\$105,000	-\$26,000	\$1,648,830
GBC Concrete & Masonry Construction, Inc., Lake Elsinore, CA	\$1,939,300	-\$131,970	-\$28,542	\$1,778,788

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Structural & Misc. Steel – Bid No. 3110

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Alt. 6 Amount	Total Bid
RND Contractors, Inc., Fontana, CA	\$4,788,000	-\$22,300	-\$114,700	-\$225,000	\$4,426,000
McMahon Steel Company, Inc., Chula Vista, CA	\$6,705,337	-\$88,796	-\$483,343	-\$809,680	\$5,323,518
Anderson Charnesky Structural Steel, Beaumont, CA	\$8,172,000	-\$87,000	-\$97,000	-\$315,000	\$7,673,000
Kern Steel Fabrication, Inc., Bakersfield, CA	\$9,442,000	-\$136,000	-\$515,000	-\$283,800	\$8,507,200

RND Contractors, Inc., has requested withdrawal of their bid due to a clerical error in their bid calculations. California Public Contract Code 5103 allows grounds for relief if a mistake was made and if the mistake made the bid materially different than the bidder intended. RND Contractors, Inc. provided sufficient documentation showing that a mistake was made. Therefore, the College has granted the request and is recommending award of this package to the second lowest bidder, McMahon Steel Company, Inc.

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

Deductive Alternate No. 6: Replace ornamental iron fence with chain link fencing at Flex field.

The College has elected not to award Deductive Alternate Nos. 3, 4, and 6 at this time.

Casework – Bid No. 3111

Company Name/Location	Total Bid
Stolo Cabinets, Inc., Brea, CA	\$262,800
K & Z Cabinet Co., Inc., Ontario, CA	\$282,770
Dennis Reeves, Inc., La Verne, CA	\$322,382

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Roofing – Bid No. 3112

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Commercial Roofing Systems, Inc., Arcadia, CA	\$417,129	-\$27,342	-\$13,635	\$376,152
Exbon Development, Inc., Garden Grove, CA	\$593,610	-\$20,150	-\$8,864	\$564,596
Don Luginbill Roofing, Inc. dba J J Roofing, Riverside, CA	\$674,250	-\$40,308	-\$12,695	\$621,247
Pacific Builders & Roofing, Inc. dba WSP Roofing, Roseville, CA	\$672,173	-\$20,000	-\$6,000	\$646,173
Best Contracting Services, Inc., Gardena, CA	\$719,785	-\$21,600	-\$26,400	\$671,785

Commercial Roofing Systems, Inc. has requested withdrawal of their bid due to a clerical error in their bid calculations. California Public Contract Code 5103 allows grounds for relief if a mistake was made and if the mistake made the bid materially different than the bidder intended. Commercial Roofing Systems, Inc. provided sufficient documentation showing that a mistake was made. Therefore, the College has granted the request and is recommending award of this package to the second lowest bidder, Exbon Development, Inc.

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)
Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

Waterproofing– Bid No. 3113

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Total Bid
Pacific Waterproofing & Restoration, Inc., Pomona, CA	\$858,585	-\$3,810	\$854,775
Best Contracting Services, Inc., Gardena, CA	\$1,085,000	\$0	\$1,085,000

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

The College has elected not to award Deductive Alternate No. 3 at this time.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Sheet Metal – Bid No. 3114

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Best Contracting Services, Inc., Gardena, CA	\$4,322,900	-\$5,000	-\$290,000	\$4,027,900
Weiss Sheet Metal Co., Inc., Gardena, CA	\$5,447,772	-\$18,000	-\$390,000	\$5,039,772

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

Doors, Frames & Hardware – Bid No. 3115

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Montgomery Hardware Co., Rancho Cucamonga, CA	\$415,100	-\$8,370	-\$3,210	\$403,520
Inland Building Construction Companies, Inc., San Bernardino, CA	\$481,500	-\$10,400	-\$3,400	\$467,700

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

Glazing – Bid No. 3116

Company Name/Location	Total Bid
Huntington Glazing, Inc., Los Angeles, CA	\$945,400
Best Contracting Services, Inc., Gardena, CA	\$1,316,840

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Framing, Drywall & Plaster – Bid No. 3117

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Sierra Lathing Co., Inc., Rialto, CA	\$4,077,745	-\$58,833	-\$46,490	\$3,972,422
Brady Company/Los Angeles, Inc., Anaheim, Ca	\$4,334,879	-\$114,675	-\$60,992	\$4,159,212
Church & Larsen Inc., Irwindale, CA	\$4,729,930	-\$68,000	-\$62,400	\$4,599,530
Caston, Inc., San Bernardino, CA	\$5,385,585	-\$65,000	-\$50,000	\$5,270,585

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

Tile – Bid No. 3118

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Total Bid
Inland Pacific Tile, Inc., San Bernardino, CA	\$642,000	-\$55,000	\$587,000
Premier Tile & Marble, Gardena, CA	\$652,989	-\$59,974	\$593,015
Continental Marble & Tile Co, Corona, CA	\$661,909	-\$61,271	\$600,638

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

The College has elected not to award Deductive Alternate No. 3 at this time.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Acoustical – Bid No. 3119

Company Name/Location	Total Bid
Southcoast Acoustical Interiors, Inc., Fontana, CA	\$292,500
Preferred Ceilings, Inc., Brea, CA	\$309,000

Painting – Bid No. 3120

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Borbon, Inc., Buena Park, CA	\$429,670	-\$4,600	-\$1,800	\$423,270
Bithell, Inc., Covina, CA	\$449,628	-\$7,631	-\$9,000	\$432,997
Triumph Painting, Riverside, CA	\$689,580	-\$12,670	-\$40,508	\$636,402
CTG Construction, Inc. dba C.T. Georgiou Painting, Wilmington, CA	\$736,000	-\$23,000	-\$6,000	\$707,000
Fix Painting Company, Woodland Hills, CA	\$758,000	-\$5,500	-\$1,200	\$751,300
Painting & Décor, Inc., Orange, CA	\$797,300	-\$12,900	-\$7,300	\$777,100
Western Painting & Wallcovering, Monrovia, CA	\$786,000	-\$4,500	-\$3,500	\$778,000
A.J. Fistes Corporation, Long Beach, CA	\$830,700	-\$4,500	-\$3,500	\$822,700

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Miscellaneous/Specialties – Bid No. 3121

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Inland Building Construction Companies, Inc., San Bernardino, CA	\$2,719,600	-\$17,200	-\$455	\$2,701,945
W.D. Gott Construction Co., Upland, CA	\$2,841,000	-\$17,100	-\$100	\$2,823,800
Harik Construction, Inc., Glendora, CA	\$3,077,000	-\$35,000	-\$500	\$3,041,500
Dalke & Sons Construction, Inc., Riverside, CA	\$3,552,780	-\$30,000	-\$450	\$3,522,330

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

Bleacher Seating – Bid No. 3122

Company Name/Location	Total Bid
Southern Bleacher Company, Inc., Graham, TX	\$949,650
Schultz Industries, Inc. dba SturdiSteel Company, Waco, TX	\$1,335,000

Food Service Equipment – Bid No. 3123

Company Name/Location	Total Bid
TriMark R.W. Smith, Costa Mesa, CA	\$232,000
Kitcor Corporation, Sun Valley, CA	\$243,212

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Plumbing – Bid No. 3124

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Continental Plumbing, Inc., Jurupa Valley, CA	\$2,666,752	-\$142,662	-\$17,101	\$2,506,989
J.M. Farnan & Company, Inc., La Verne, CA	\$2,950,000	-\$165,000	-\$15,000	\$2,770,000
Vernes Plumbing, Inc., Buena Park, CA	\$2,869,000	-\$86,400	-\$8,640	\$2,773,960
Kincaid Industries, Inc., Thousand Palms, CA	\$3,139,480	-\$156,559	-\$18,539	\$2,964,382
JPI Development Group, Murrieta, CA	\$3,318,000	-\$140,000	-\$20,000	\$3,158,000
H.L. Moe Co., Inc., Glendale, CA	\$3,338,000	-\$92,200	-\$9,600	\$3,236,200
Empyrean Plumbing, Inc., Riverside, CA	\$3,316,485	\$0	-\$6,500	\$3,309,985

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

Fire Sprinklers – Bid No. 3125

Company Name/Location	Total Bid
J.G. Tate Fire Protection Systems, Poway, CA	\$465,432
Kincaid Industries, Inc., Thousand Palms, CA	\$528,000
Daart Engineering Company, Inc., San Bernardino, CA	\$726,525
JPI Development Group, Inc., Murrieta, CA	\$845,900

SUBJECT: Athletics Complex East Project - Phase 2 (Bid Nos. 3103-3126)

DATE: July 12, 2017

Mechanical (HVAC) – Bid No. 3126

Company Name/Location	Base Bid Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid
Scorpio Enterprises dba AireMasters Air Conditioning, Santa Fe Springs, CA	\$3,580,000	-\$27,000	-\$7,000	\$3,546,000
PPC Air Conditioning, Inc., Cypress, CA	\$3,655,000	-\$34,730	-\$23,895	\$3,596,375
ACH Mechanical Contractors, Inc., Redlands, CA	\$3,939,000	-\$20,000	-8,000	\$3,911,000
Circulating Air, Inc., North Hollywood, CA	\$4,030,000	-\$20,742	-\$12,284	\$3,996,974
Los Angeles Air Conditioning, Inc., La Verne, CA	\$4,134,300	-\$29,793	-\$35,805	\$4,068,702
Liberty Climate Control, El Monte, CA	\$4,550,000	-\$2,500	-\$2,500	\$4,545,000
AP Construction Group, Inc. dba Air Plus, Van Nuys, CA	\$4,576,000	-\$15,425	-\$9,840	\$4,550,735

This Bid package included alternate pricing as follows:

Deductive Alternate No. 3: Delete Building C (Restrooms)

Deductive Alternate No. 4: Delete Building E (Scoreboard)

The College has elected not to award Deductive Alternate Nos. 3 and 4 at this time.

1 SEAN B. ABSHER (Bar No. 121189)
2 PHILIP J. SCIRANKA (Bar No. 287932)
3 STRADLING YOCCA CARLSON & RAUTH
4 44 Montgomery Street, Suite 4200
5 San Francisco, CA 94104
6 Telephone: (415) 283-2240
7 Facsimile: (415) 283-2255

Exempt from Filing Fees
Per Government Code section 6103

8 Attorneys for Defendants, Respondents and Cross-Petitioner
9 MT. SAN ANTONIO COMMUNITY COLLEGE
10 DISTRICT and WILLIAM SCROGGINS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT

UNITED WALNUT TAXPAYERS, a
California Nonprofit Fictitious Business
Entity,

Plaintiff and Petitioner,

vs.

MOUNT SAN ANTONIO COMMUNITY
COLLEGE DISTRICT; WILLIAM
SCROGGINS, in his official capacity as
President and CEO of Mt. San Antonio
Community College, and DOES 1 through
10, inclusive,

Defendants and Respondents.

TILDEN-COIL CONSTRUCTORS, INC.
and DOES 11 through 20, inclusive,

Real Parties in Interest.

AND RELATED CONSOLIDATED
ACTIONS.

[Master File] CASE NO. BC576587
(Original Case No. BS159593)

UNLIMITED JURISDICTION

[Assigned to Hon. James C. Chalfant –
Dept. 85, Room 834]

**DECLARATION OF SIDNEY
LINDMARK IN SUPPORT OF
MT. SAN ANTONIO COMMUNITY
COLLEGE DISTRICT'S
OPPOSITION TO UNITED WALNUT
TAXPAYERS' PETITION FOR WRIT
OF MANDATE/COMPLAINT**

Date: March 7, 2017

Time: 1:30 p.m.

Dept.: 85

Judge: Hon. James C. Chalfant

STRADLING YOCCA
CARLSON & RAUTH
LAWYERS
SAN FRANCISCO

1 I, Sidney Lindmark, declare as follows:

2 1. I am a member in good standing with the American Institute of Certified Planners.
3 I have over thirty-five years of experience in urban planning and twenty-eight years of
4 experience in California Environmental Quality Act (“CEQA”) evaluation, documentation and
5 compliance. This Declaration is made in support of Mt. San Antonio Community College
6 District’s Opposition to Petitioner’s Motion for Preliminary Injunction. I have personal
7 knowledge of the facts set forth herein and if called and sworn as a witness, I could and would
8 testify competently thereto.

9 2. I was awarded a Master of Science Degree in Urban and Regional Planning from
10 the University of Wisconsin in Madison. During the past twenty-nine years, I have been retained
11 by numerous public and private sector clients to act as an environmental consultant for CEQA
12 evaluation, documentation and compliance for a wide variety of projects. Since 1994, I have
13 personally prepared over twenty environmental impact reports (“EIRs”) and eight negative
14 declarations, of which over ten involve projects by public educational institutions. A copy of my
15 resume is attached to this declaration as Exhibit A.

16 **OVERVIEW OF MT. SAC’S PROGRAM/PROJECT CEQA REVIEW PROCESS**

17 3. Mt. San Antonio Community College District (“Mt. SAC”) is the largest single
18 campus community college district in the State of California with over 421 acres and is located
19 in the City of Walnut, Los Angeles County. I was first hired by Mt. SAC in late 2001 to provide
20 planning and CEQA related environmental consulting services. As background, under CEQA,
21 Mt. SAC is an institution of “public higher education” and is required under Public Resources
22 Code section 21080.09 to develop long range development plans (“LRDPs”) that address
23 physical development and land use planning to meet the academic and institutional objectives of
24 Mt. SAC. CEQA requires that EIRs be prepared for LRDPs with sufficient detail to identify the
25 potential environmental impacts of the projects included in the LRDP. If specific projects
26 identified in the LRDP EIR have been substantially modified, a supplemental or subsequent EIR
27 may be required. The use of LRDPs and related EIRs is common to other institutions of public

1 higher education, the University of California and California State University systems being two
2 examples. Facility Master Plans serve a similar purpose as Master Plans, Specific Plans, and
3 Area Plans for public agencies.

4 4. Mt. SAC prepared LRDPs in the form of facility master plans (“FMPs”) in 2002,
5 2005, 2008 and 2012, which were evaluated in the Final Program EIR (SCH 2002041161) that
6 were certified in December 2002, with a Supplement to the Final EIR certified in January 2006, a
7 Subsequent Final EIR certified in September 2008, a Subsequent 2012 Final EIR certified in
8 December 2013, and 2016 Subsequent Final EIR (Program and Project) certified in October
9 2016 as necessary to address substantial changes in projects identified in the Final Program EIR.
10 I have acted as Mt. SAC’s environmental consultant in evaluating, documenting and preparing
11 the Final Program EIR and supplement and subsequent EIRs for CEQA compliance to support
12 Mt. SAC’s FMPs going back to the original 2002 Facility Master Plan and Final 2002 EIR
13 certified in December 2002. The use of program EIRs has several advantages for public higher
14 education institutions like Mt. SAC that are required to evaluate and coordinate long range
15 development projects. The program EIR can:

- 16 • Provide a more exhaustive consideration of effects and alternatives than
17 would be practical in a project specific EIR;
- 18 • Provide consideration of cumulative impacts that might be ignored in a
19 series of project specific EIRs;
- 20 • Avoid duplicative consideration of long range development policies; and
- 21 • Allow consideration of multiple projects, broad policy alternatives and
22 program wide; mitigation measures at a time when the lead agency has
23 greater flexibility to address cumulative impacts;
- 24 • Provide project-level review for individual projects where sufficient
25 details exists to reduce the need for subsequent environmental review; and
- 26 • Provides environmental review at the earliest stage possible.

27

1 2012 Mitigation Monitoring Program (“MMP”) limits the hauling of earth materials to outside of
2 peak-hour traffic periods, which will also avoid significant traffic impacts. (AR 14790.)

3 8. In Table 3.2.15, the 2012 Draft EIR analyzed the air quality impact of importing
4 far more than the 261,000 cubic yards for the West Parcel Solar Project, the 2012 Draft EIR
5 analyzed importing 383,000 cubic yards for the construction of four projects simultaneously
6 (Fire Training Academy, Athletic Education Building, Parking Structure, and West Parcel Solar).
7 (AR 219.) The Solar Project, as an individual project, was separately analyzed for importing
8 261,000 cubic yards in Table 3.2.12, based on the Preliminary Grading Plan in the 2012 Draft
9 EIR. (AR 214.)

10 9. The anticipated noise from the construction of the Solar Project was first analyzed
11 in Section 3.4 of the 2008 FMP EIR. (Augmented AR 6050-101-6050-106.) It evaluated the
12 City’s noise limitations and found that construction noise, in general, would not be significant
13 because the City had already determined that construction noise occurring during certain daytime
14 hours is acceptable. The Solar Project’s construction will adhere to those daytime hours. As will
15 be discussed in greater detail below, in Paragraph 14, an additional noise analysis was prepared
16 by Greve & Associates, LLC dated September 9, 2015, and is a part of the Environmental
17 Checklist Form referenced in Paragraph 14 below.

18 10. Section 3.9 of the 2012 Draft EIR provided additional impact analyses of the
19 Solar Project. Potential aesthetic, greenhouse gas, and biological impacts were identified and
20 appropriate mitigation measures were included and adopted. In the 2012 Draft EIR, in Table
21 2.2.2, the solar project is identified as, “ID number . . . G, West Parcel Solar.” (AR 183.)
22 Section 3.9, entitled, “WEST PARCEL SOLAR/RETAIL,” states:

23 The solar project will cover approximately 6.6 acres of the West
24 Parcel. Preliminary plans are for a 1.5 - 2.0 MW electrical output
25 system with ground-mounted tracking solar photovoltaic panels
26 and a small masonry structure to house equipment. The solar
27 tracking panels change their orientation to capture the most
sunlight. The steel support system may be 6-10 feet in height and
the panels would extend 3-6 feet above the support structure. The
solar system will interconnect to the main electrical 12 KW system
on campus. A typical solar panel is capable of generating 350

-4-

1 watts. Once the support structures and equipment building are
2 finished, the solar panels may be installed in 90 – 120 work-days.
3 The preliminary construction schedule for the solar project, once
4 USFWS permits are obtained for impacts on biological resources,
is six to twelve months. Grading of the West Parcel will result in
the removal of 9.45 acres of Non-Native Grassland (NNG) and
removal of 8.60 acres of Venturan Coastal Sage Scrub (CSS).

5 (AR 282.)

6 11. The 2012 Final EIR depicts the grading plan, showing the pad area, its resultant
7 elevation, and the slope modifications, the access roads, and storm drain. (AR 284.) The 2012
8 Final EIR clarifies that the solar project would be 2.0 MW on 10.6 acres. The 2012 Final EIR
9 notes that that: “Grading for the solar pad on the West Parcel will result in the removal of two
10 drainages classified as non-wetland waters of the United States by the U.S. Corps of Engineers.”
11 (See AR 330.)

12 12. In addition to authoring the 2012 Final EIR, I also authored the CEQA Statement
13 of Facts and Findings (AR 14816-14854), the Statement of Overriding Considerations (AR 76-
14 79 for the 2012 Final EIR and the Mitigation Monitoring Program (AR 14789-14815; AR 158-
15 158-176.) I also prepared the draft submittals for the filing of the Notice of Determination with
16 the County Clerk and the State Clearinghouse, which the Mt. SAC staff completed. The 2012
17 Final EIR was certified by the Mt. SAC Board of Trustees on December 11, 2013. (AR 14855-
18 14865, AR 14865.)

19 13. The award of the contract for the design and installation of the Solar Project
20 initially occurred at the July 8, 2015 Mt. SAC Board of Trustees meeting. The award was on the
21 agenda for the July 8th meeting as a consent item and I helped author the portion of the board
22 item related to CEQA compliance. (See AR 12223-12225.) I wrote in the Board item that the
23 Solar Project “was approved as part of the Mt. San Antonio College Facility Master Plan 2012
24 and received . . . CEQA lead agency clearance by the Board of Trustees’ certification of the
25 2012 Master Plan’s Subsequent EIR.” At the time of award, the Solar Project had not
26 significantly changed from the project as approved in the Subsequent 2012 Final EIR. The
27 project remains at the same location, the project’s characteristics are similar, and the magnitude

1 of the potential environmental impact of the Solar Project are equal or less than that initially
2 identified in Section 3.2 and Section 3.9 of the 2012 draft EIR. (See AR 214, 217, 218, 282-289.)
3 To support this finding, I prepared a CEQA memorandum with bibliography, titled *CEQA*
4 *Clearances for the West Parcel Solar (WPS) Project (Site-Specific Plans)* addressed to Gary
5 Nellesen, Director Facilities (AR 1817-1836.) Greve & Associates prepared air quality and
6 noise evaluations based on the most recent grading plan and construction schedules. (AR 12358-
7 12402 [Air Quality Construction Analysis]; AR 12403-12415-12415 [Construction Noise
8 Analysis].) In the CEQA memorandum, I concluded there was “no evidence that the [Solar]
9 Project will cause a new significant environmental effect or increase the severity of previously
10 identified significant effects identified in the Final EIR. Therefore, no additional CEQA
11 documentation is required and the Final EIR is adequate and sufficient for the Project.” (AR
12 1829.)

13 14. The Mt. SAC Board of Trustees re-noticed the award of the Solar Project for the
14 September 9, 2015 Board meeting. (AR 12416, 12417.) I was again involved in authoring the
15 portion of the Board item for the award related to CEQA compliance. (AR 12420-12422.) I
16 again concluded that no subsequent EIR was required for the Solar Project:

17 The project as currently designed could have significant effects on
18 the environment, however, all potentially significant effects have
19 been analyzed in the 2012 Master Plan EIR (SCH 2002041161)
20 pursuant to applicable standards and have been avoided or
21 mitigated pursuant to the 2012 Master Plan EIR, including
22 mitigation measures that were adopted in the 2012 Mitigation
23 Monitoring Program that are applicable to the project. For these
24 reasons, no additional environmental analysis is required under
25 CEQA.

26 (AR 12420.) To support this determination, I prepared an updated CEQA memorandum
27 addressed to Mr. Nellesen dated September 9, 2015 again titled *CEQA Clearances for the West*
Parcel Solar (WPS) Project (Site-Specific Plans). (AR 1837-1864.) The updated memorandum
contains an expanded discussion of in Section 5.0 explaining the adequacy of existing CEQA
documentation for the Project. (AR 1841-1856.) I concluded “no additional CEQA
documentation is required and the 2012 Final EIR is adequate and sufficient for the Project” (AR

-6-

1 1857) based on three reasons: (i) there are no new significant effects that were not analyzed in
2 the certified final EIR; (ii) there are no substantial increases in the severity of previously
3 identified significant effects identified in the certified Final EIR; and (iii) Mt. SAC has not
4 declined to adopt relevant effective mitigation measures or alternatives. (AR 1856-1857.) The
5 CEQA memorandum in the Bibliography lists the source materials I considered. (AR 1858-
6 1859.) To further support my CEQA analysis, I also prepared Appendix G, Environmental
7 Checklist Form, Revised 2009, with the notice of determination signed by Mt. SAC staff
8 Mikaela Klein. (AR 1865-1877.) I sent the Appendix G Checklist to Mr. Nellesen. The Solar
9 Project was subsequently awarded by action of the Mt. SAC Board of Trustees taken at a
10 September 16, 2015 special meeting. (AR 2689.)

11 15. The location of the Solar Project along Grand Avenue was an initial potential
12 aesthetic concern because of the high traffic volume on the street. However, the higher elevation
13 of the pad from the street and the Landscape Plan for the Solar Project assures that no significant
14 aesthetic impact will occur. In addition, views from offsite of the Solar Project are not legally
15 protected views because the City of Walnut has no view protection ordinance and Grand Avenue
16 is not a scenic highway. Therefore, no additional CEQA review and analysis is required for
17 aesthetic and view issues related to the Solar Project.

18 16. Subsequent analysis determined that only approximately 163,571 cubic yards of
19 import would be needed for the Solar Project. As part of its Mitigation Measure 2c requirement
20 (adopted with the 2012 Final EIR), Mt. SAC prepared a truck hauling plan that included an
21 analysis of hauling the 163,571 cubic yards at 20 trucks (14 cubic yards each) per hour during
22 non-peak-hour traffic periods and confirmed that there would not be any degradation of traffic
23 Levels Of Service (“LOS”) below C. This analysis is contained in Iteris’ West Parcel Solar
24 Truck Haul Congestion Analysis Technical Memorandum dated November 18, 2015. (See AR
25 13621-13677.) Thus, the soil import hauling would not cause a significant traffic impact and no
26 further environmental analysis was necessary at the time.

27

1 17. On November 18, 2015, the Board of Trustees awarded five individual multi-
2 prime bid packages for the South Campus Site Improvements project (Bid Nos. 3055-3059)
3 required to prepare the West Parcel site for the Solar Project. (AR 13689.) The five bid packages
4 are for fencing, solar array installation, civil engineering, landscaping and electrical work. Since
5 the CEQA evaluation included analysis of construction noise, construction air quality,
6 geology/soils, grading, truck hauling, drainage, water quality and aesthetics, the existing CEQA
7 evaluation is also adequate and sufficient for the bid packages. I helped author the Board item
8 for this award, and concluded no additional environmental analysis was required under CEQA as
9 the environmental impacts of the site and grading components of the Solar Project had been
10 addressed in the 2012 Final Master Plan Subsequent EIR. (AR 282-143.)

11 18. Beginning in December 2016, Mt. SAC considered extending construction truck
12 traffic for an additional two hours per day during non-peak hours for the Solar Project in addition
13 to making minor edits to four existing mitigation measures adopted in the 2012 MMP to: (1)
14 accommodate the extended construction truck traffic time (MM-2c); (2) require parking supply
15 studies on regular intervals to more precisely determine when the parking supply mitigation is
16 required to be implemented (MM-2k); (3) remove the requirement for grading permits, since the
17 District does not require them (MM-3a); and (4) align the paint VOC requirements with current
18 industry practices and California Emissions Estimator Model (CalEEMod) standards (MM-
19 3i). Additionally, four components of the Truck Haul Plan specific to the Solar Project were
20 proposed to reduce potential traffic congestion if other drivers make unsafe vehicular movements
21 near trucks along the haul route for soil import to the West Parcel. Separation of haul trucks
22 along the haul route minimizes traffic congestion and improves traffic flow. This evaluation is
23 included in a draft Addendum to Mt. San Antonio 2012 Facility Master Plan (“Addendum”),
24 dated December 22, 2015, which I authored. (See AR 1738-1816.)

25 19. The above Addendum required approval by the Mt. SAC Board of Trustees, and I
26 prepared the Board item for approval of the Addendum. (AR 2359-2364.) I explained in the
27 Board item the revised Solar Project and revised mitigation measures described in the Addendum

1 will result in similar or lesser effects than the original project and will not cause any new
2 significant environmental impacts or substantially exacerbate the significant and unavoidable
3 impacts disclosed in the 2012 Final EIR. (AR 2363.) For these reasons, I concluded the
4 Addendum was the appropriate environmental document rather than a subsequent EIR or
5 negative declaration. (AR 2363-2364.) The Board of Trustees approved the Addendum at the
6 January 13, 2016 meeting. (AR 2298, 14918-14921.,)

7 **Business and Computer Technology (“BCT”) Project CEQA Review**

8 20. The BCT project was first identified in the 2008 Updated Facilities Master Plan
9 and Final 2008 SEIR as an 87,000 gsf. (See, AR 1896.) The BCT project was also identified in
10 the 2005 Final EIR and 2002 Final EIR. (See, AR 1896.) The Final 2012 SEIR further identifies
11 the BCT Project (see AR 180). The award of the construction contracts for the BCT project was
12 on the agenda for the October 21, 2015 Board of Trustees meeting. (AR 14946-14953.) To
13 support the CEQA evaluation, I prepared Appendix G, Environmental Checklist Form, Revised
14 2009, with the notice of determination signed by Mt. SAC staff Mikaela Klein that no further
15 environmental review was required for the BCT Project. (AR 1878-1895.) I submitted
16 Appendix G to Mr. Nellesen. I also prepared a CEQA memorandum addressed to Mr. Nellesen
17 dated October 15, 2015 titled *Adequacy of Existing CEQA Documentation for the Business and*
18 *Computer Technology (BCT) and Language Center Lobby (LCL) Addition Project.* (AR 1896-
19 1917.) The memorandum contains an evaluation of the adequacy of existing CEQA
20 documentation (AR 1900-1909), and concludes “[b]ased on the written evidence provided herein
21 and the analysis of the Checklist, the existing CEQA documentation for the Projects in the Final
22 EIR is adequate and sufficient for the potential environmental impacts of the Projects.” (AR
23 1910.) My CEQA memorandum in the Bibliography lists the source materials I considered.
24 (AR 1911.)

25 21. The Board of Trustees awarded the BCT construction contracts at the October 21,
26 2015 meeting. (AR 14946-14953; AR 14949-14956.)

27 **Parking Garage Project CEQA Review**

1 same site proposed in 2008 but expands the project to 44,000 square feet and alters the building
2 footprint (Exhibit 4). (AR 256.) This required two additional issues related to the construction
3 of the project to be addressed in the 2012 Final EIR: (i) potential impacts of earth export to the
4 Fire Training Academy site and, (ii) potential additional impacts on California Walnut
5 Woodlands north and west of Hilmer Lodge Stadium. (AR 256.) Preliminary grading plans for
6 the Athletic Education Building were shown in the 2012 Final EIR. (AR 257.) **The Board of**
7 **Trustees never awarded a construction contract for this project.**

8 26. Based on subsequent scoping review of the Athletic Complex East Project, I
9 recommended the District prepare a project specific level EIR to address potential new
10 environmental effect. To avoid confusion, the new project was titled “Physical Education
11 Projects” (“PEP”) to distinguish the abandoned Athletic Complex East Project. To that end, I
12 assisted in the preparation of a Notice of Preparation of a Draft Subsequent Project and Program
13 EIR for the Mt. SAC 2015 Facilities Master Plan Update and Physical Education Projects
14 (“NOP”). (AR 14922-14929.) The NOP states:

15 Prior California Division of the State Architect (DSA) submittals
16 concerning what is identified in the 2012 Final Program EIR as the
17 Athletics Complex East project (i.e., the stadium area) will be identified
18 more comprehensively in this Draft SEIR as a component of the Physical
19 Education projects and Project-level CEQA documentation is being
20 prepared for the Physical Education Projects component in this Draft
21 SEIR.

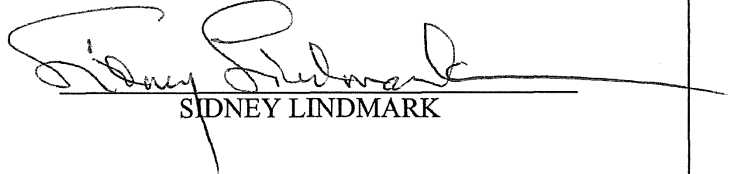
22 (AR 14922, ¶ 4.)

23 27. A Notice of Completion of the 2015 SEIR was published on June 6, 2015. (AR
24 14930-14931.) After an extensive comment period, a Notice of Determination was filed on
25 October 16, 2016. (AR 14932-14934.) Both the City of Walnut and United Walnut Taxpayers
26 have filed legal actions challenging the 2015 SEIR and PEP.

27 28. Another example of a project receiving post Final EIR environmental review is
the Thermal Energy System and Chiller Cooling Tower Projects. Due to scope changes, this
project, which had been identified in the 2012 Final EIR, required that I prepare a mitigated
negative declaration to address the impacts of new impacts and mitigation measures. (AR

1 14946-14954.) The Mt. SAC Board approved the MND for the Thermal Energy System and
2 Chiller Cooling Tower Projects at the October 21, 2015 Board meeting. (AR 14954-14955.)

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed on February 13, 2017 at Cajon Hills
5 California.

6 
7 SIDNEY LINDMARK

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EXHIBIT A

RESUME

Sidney Allan Lindmark, AICP
Summary of Professional Experience

Mr. Lindmark has thirty-five years of urban planning experience in Southern California. His professional experience includes a broad range of planning and policy involvements, including discretionary approvals, environmental evaluation, project feasibility, development standards, project reviews and implementation mechanisms. Mr. Lindmark uses comprehensive evaluation, issue integration, feasible alternatives, focused management and clear communication to achieve the goals of each project.

Mr. Lindmark has worked with public agencies, development firms and diverse technical consultant teams throughout Southern California to complete planning studies needed for project approvals. His professional experience includes projects for Rockefeller Realty Associates, Ogden Corporation, Kaufman & Broad Inc., Lomas USA, Forest City Development, The Irvine Company, Olen Properties, the cities of Anaheim, Brea, Beverly Hills, Costa Mesa, Glendale, Newport Beach, Orange, Perris, Placentia, Redondo Beach, San Gabriel, Whittier, the Mt. San Antonio Community College District, the El Camino Community College District, Cerritos Community College District, and the Manhattan Beach Unified School District.

Mr. Lindmark directed the environmental evaluation for the Honda Center in Anaheim, the 19,000-seat sports complex used by the Mighty Ducks hockey team, for the Galleria at South Bay expansion in Redondo Beach, for the \$54 million police headquarters in Glendale and for the Mt. San Antonio, Cerritos and El Camino College Master Plans. Mr. Lindmark has also prepared regulatory studies within the Irvine Spectrum development for the City of Irvine and the Irvine Industrial Company.

Before forming his own firm in 1993, he was Director with PBR, a private development consulting firm, and an Urban Planner with the Jack G. Raub Company, a former division of the Mission Viejo Company.

Mr. Lindmark has a Master of Science degree in Urban and Regional Planning from the University of Wisconsin in Madison. His studies included land use policy, market research, urban planning and real estate finance. He is a former chairman and five-year member of the Aliso Viejo Advisory Planning Committee that provided recommendations on proposed development to the County of Orange. Mr. Lindmark is a charter member of the American Planning Association and member of the American Institute of Certified Planners since 1982.

PROJECT EXPERIENCE

Educational²

Mt. San Antonio College 2012 Facilities Master Plan/Walnut
Cerritos College Master Plan Update 2008/Norwalk
Mt. San Antonio College Campus Master Plan 2008/Walnut
North Hollywood New Elementary School Number 3/ Los Angeles Unified
Los Angeles Primary Center Number 1/Los Angeles Unified
Manhattan Beach Unified Educational Center/Manhattan Beach
Mt. San Antonio College Campus Master Plan 2005/Walnut
El Camino College Facilities Master Plan/Torrance
Cerritos College Facilities Master Plan/Norwalk
Mt. San Antonio College Campus Master Plan 2002/Walnut

Mixed Use

Central Park Village Brea/Brea²
406-429 West Valley Boulevard/San Gabriel¹
Seaside Village/Redondo Beach¹
South Bay/Hawthorne¹
Ocean Avenue/Santa Monica¹
Stoneridge Centre/Moreno Valley¹

Public Facilities/Institutional¹

Los Angeles Stadium/City of Industry
University of La Verne Campus West Athletic Fields¹
Whittier Police Station/Whittier
Police Facility & Site Improvements/Glendale
Savage Canyon Landfill Composite Liner/Whittier
Church in Fullerton Specific Plan 2 Amendments/Placentia
CC & R Waste Transfer Station/Perris¹
Orange Avenue Bridge Crossing and Line Q Storm Drainage Line/Perris¹

Offices¹

Central Park Towers/Anaheim
Ameron/County of Los Angeles
Orangewood Corporate Center/Orange

Parks¹

University of La Verne Sports Center/La Verne²
Grijalva Park at Santiago Creek /Orange²

Cultural/Entertainment¹

Anaheim Arena/Anaheim
Nixon Library/Yorba Linda
Phoenix Club/Anaheim
Santa Ana Museum District/Santa Ana

Commercial

SouthBay South/Redondo Beach¹
Perris Venue/Perris²
The Galleria at South Bay Expansion/Redondo Beach²
Target Centre at Sierra Vista/Baldwin Park²
Laguna Hills Mall/Laguna Hills¹
Target-Ikea Center/Fontana¹
Smith's Superstore/Redondo Beach¹
K-Mart Center/Anaheim¹
Pico Supermarket/Santa Monica¹

Business Parks

Jordan Distribution Center/Perris²
Guthrie Lambert Business Park/Brea²
Burke Puente Business Park/Brea²
Dominquez Technology/Carson¹
PacifiCenter/Anaheim¹
Carlsberg Specific Plan/Moorpark¹

Residential²

Canyon Estate/Arcadia
Central Park Village/Brea
Trumark Communities (1000 Site Drive)/Brea
Olen Pointe Apartments/Brea
Tri-Stone Development/Perris
Scarlet Oaks/Perris
Belasario/Perris
Corman Leigh Communities/Perris
Angelina Estates/Placentia

Historic Resources²

Administration Building/El Camino College
Le Casa de Carrion/La Verne
Gilbert Kraemer House/Placentia
General Service Building/Glendale

Neville Estate-Mid-Wilshire District/Los Angeles
Lewis Lemke House/Placentia
Frederick Kennedy Buildings/Mt. San Antonio College
Humanities Buildings/El Camino College

Roadways

Victoria Street Widening/Costa Mesa¹
Auto Center Drive/Anaheim¹
Bastanchury Road Extension/Yorba Linda¹
Orange Avenue Crossing/Perris²

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- 1 Projects with others or while with other firms.
2 Projects completed by SID LINDMARK, AICP