



REVISED AGENDA
CITY OF NORCO
CITY COUNCIL

November 5, 2014

City Council Chambers
2820 Clark Avenue, Norco, CA 92860



Berwin Hanna, Mayor
Herb Higgins, Mayor Pro Tem
Kathy Azevedo, Council Member
Kevin Bash, Council Member
Greg Newton, Council Member

THIS AGENDA IS **REVISED** TO CORRECT INFORMATION LISTED UNDER CLOSED SESSION

CALL TO ORDER: 6:00 p.m.

ROLL CALL

The City Council will recess to Closed Session (Section 54954) to consider the following matter:

§54956.8 – Conference with Real Property Negotiators:

Property: 119-020-015, 119-020-022

City Negotiator: City Manager Andy Okoro, Planning Director Steve King

Negotiating Party: **Realty Bancorp Equities**

Under Negotiation: Price and conditions for acquisition of property

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1 - City Attorney)

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Kevin Bash

INVOCATION: Pastor Fred Griffin, *Corona Church of the Open Doors*

INTRODUCTIONS: County of Riverside/Cal Fire Personnel

PRESENTATION: Norco Horsemens Association Donation to the
George A. Ingalls Veterans Memorial

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS
2. CITY COUNCIL CONSENT ITEMS: *All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.3 of the Agenda.*
 - A. City Council Minutes:
Special Meeting Minutes of October 8, 2014
Regular Meeting of October 15, 2014
Special Joint Meeting Minutes of October 22, 2014
Recommended Action: Approve the City Council Minutes (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - C. Recap of Action Taken by the Planning Commission at its Meeting held on October 29, 2014. **Recommended Action: Receive and file.** (Planning Director)
 - D. Resolution Accepting a Grant in the Amount of \$5,390 from the Fiscal Year 2014 Home Security Grant Program (HSGP) to Continue the Citizen emergency Response Team (CERT) Program. **Recommended Action: Adopt Resolution No. 2014-64, accepting the HSGP funds the amount of \$5,390.** (Fire Chief)
 - E. Approval of Changes in the Contract Amounts in the Professional Services Agreement with RKA Consulting Group to Design the Bluff Street Reservoir Improvement Project. **Recommended Action: Approve the change in contract amounts not to exceed \$40,000 and approve the changes to the contract.** (Water and Sewer Manager)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
4. CITY COUNCIL CONTINUED PUBLIC HEARINGS:

- A. A Resolution Amending the City's Comprehensive Fee Resolution to Update and Adjust the Development Impact Fee Schedule.

On May 7, 2014, the City Council conducted a public hearing to consider proposed changes to the City's development impact fees. After the public hearing, City Council voted to defer action and directed staff to conduct additional review to ensure that the proposed fees are reasonable in comparison to fees charged by other neighboring jurisdictions. Staff has completed the City Council's requested review and made minor modifications as appropriate. It is to be noted that in determining the reasonableness of development impact fees, one has to take into consideration the schedule of master facilities to be constructed to meet the demands created by new development and the impact fees paid by existing residents to construct and acquire existing infrastructure. The schedule of master facilities to be acquired and the proposed impact fees were first reviewed by the City Council at a Special Meeting Workshop on January 27, 2014.

Recommended Action: Adopt Resolution No. 2014-60, amending the City's comprehensive fee Resolution to update and adjust the development impact fees. (City Manager)

- B. **Ordinance No. 981, First Reading.** Code Amendment 2014-06. A City-Initiated Proposal to Amend Chapter 6.42 "Municipal Refuse Collection Service" of the Norco Municipal Code by Amending Sections 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.107, and 6.42.110 to Ensure Proper Compliance with City Code, State, and Federal Waste Disposal and Recycling Laws.

Staff is recommending modification to Chapter 6.42 "Municipal Refuse Collection Service" Sections 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.107, and 6.42.110 of the Norco Municipal Code regarding Municipal Refuse Collection Service. The proposed changes will ensure proper compliance of city code, state and federal waste disposal and recycling laws while providing for the best interest of residents and city businesses.

Recommended Action: Adopt Ordinance No. 981 for first reading. (Water and Sewer Manager)

- C. **Ordinance No. 982, First Reading.** Code Amendment 2014-07. A City-initiated Code Change to Amend Chapter 15.09 "Swap Meets" and Other Related Cross-References in the Norco Municipal Code as Needed Regarding the Collection of Business License Fees for Special Events.

The definition of a "swap meet" in Chapter 5.28 of "Business Licenses and Regulations" in the Norco Municipal Code presents a scenario wherein a proposed event might have to pay both a special event business license and a swap meet business license which is not the intent. The proposed code amendment would correct the definition.

Recommended Action: Adopt Ordinance No. 982 for first reading. (Planning Director)

- D. Code Amendment 2014-08. A City-Initiated Code Change to Amend Chapter 15.09 "Fire Code" and Other Related Cross-References in the Norco Municipal Code as Needed Regarding the Maximum-Allowed Structure Size Including Material Types that Does Not Require Fire Sprinklers.

The City Council directed staff to bring a code amendment to change the maximum-allowed building square feet that does not need fire sprinklers to reflect what the Riverside County Code is since both agencies are served by Riverside County Fire Department. During efforts to draft the code amendment to match the Riverside County standard and to create an exemption for buildings constructed with non-flammable materials, it became clear that the code amendment is not needed because the Fire Chief already has the discretion to grant exemptions per the Fire Code.

Recommended Action: Cancel the requested code amendment. (Planning Director)

5. CITY COUNCIL PUBLIC HEARINGS:

- A. Public Hearing Confirming Costs for 2014 Tumbleweed Abatement.

The 2014 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2014. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

Recommended Action: Adopt Resolution No. 2014-65, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. (Fire Chief)

- B. Amending the Five-Year Capital Improvement Program (Fiscal Years 2015-2019) for Additional Measure A Street Projects.

Recommended Action: Continue the public hearing to November 19, 2014. (City Manager)

6. CITY COUNCIL DISCUSSION / ACTION ITEM:

- A. Permanent Closure of Corona Avenue between Sedona Lane and Hidden Valley Parkway. **Recommended Action: Provide direction to staff regarding the removal of the street improvements within Corona Avenue between Sedona Lane and Hidden Valley Parkway.** (Director of Public Works)

7. PUBLIC COMMENTS: *This is the time when persons in the audience wishing to address the City Council regarding matters not on the agenda may speak. Please complete the speaker card in the back of the room and present it to the City Clerk so that you may be recognized.*

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.

Please note that this meeting is being recorded. In accordance with Roberts Rules of Order, Norco City Council meeting minutes are a record of the actions taken, not what was said. The names of persons who spoke during the public comments section and their topics will be listed on the Minutes. Recordings of meetings may be purchased for a minimal cost by contacting the office of the City Clerk.



**MINUTES
CITY OF NORCO**

CITY COUNCIL SPECIAL MEETING

Wednesday, October 8, 2014

**Norco City Hall Conference Rooms A & B
2870 Clark Avenue, Norco, CA 92860**



CALL TO ORDER:	5:00 p.m.
ROLL CALL	Berwin Hanna, Mayor, Present Herb Higgins, Mayor Pro Tem, Present Kathy Azevedo, Council Member, Present Kevin Bash, Council Member, Present Greg Newton, Council Member, Present
PLEDGE OF ALLEGIANCE:	Mayor Pro Tem Herb Higgins

DISCUSSION ITEMS:

1. Law Enforcement Contract Presentation (Riverside County Sheriff)

Mayor Hanna introduced members of the Riverside County Sheriff's Department - Captain Jason Horton, Director of Finance Will Taylor, and Chief Deputy Patricia Knudson. City Manager Okoro expressed gratitude to the Sheriff's Department for giving this presentation.

Sheriff Stan Sniff presented a brief history of the Riverside County Sheriff's Department as well as the City of Norco's contract partnership since 1965.

Sheriff Sniff commented on the responsibilities of his department and the perception that contract rates are driven by the entire Sheriff's Department budget. In fact, the only portion that impacts contract cities is the part related to patrol. Sheriff Sniff addressed the need for elected officials to understand the workings of the Sheriff's Department and contract policing versus cities having their own police agencies. He briefly addressed the concern of local control and that most cities want the Police Chief and Sheriff staff to be responsive to local needs and opportunities. Sheriff Sniff commented on mutual aid and that Riverside County Sheriff's is a pure source of outsourcing with a flexible menu of services.

Director of Finance Will Taylor presented an overview of the Riverside County Sheriff budget and indicated that the model is based on Government Code Section 51350. General overhead costs are not billed and the rate is based on patrol station operations. Mr. Taylor stated that the Riverside County Board of Supervisors, not the Sheriff's Department, negotiates with the unions. Mr. Taylor presented various budget graphs and charts explaining the various moving parts of the Sheriff's budget. Mr. Taylor included information specific to the contract with the City of Norco. He also provided historic contract city rates in which the average rate increase is 5%. Riverside County Sheriff's Department does not charge the City for baseline services and it is the County's responsibility to fill service hours. Mr. Taylor noted that the total Fiscal Year 2013/2014 budget for the Norco contract was \$4.2 million, which has provided the City with a turn-key operation. The partnership has also enhanced the City's identity, provided indemnification from civil liability, flexibility and responsiveness, specialty bureaus, recruitment training and retention, and human resources.

Council Member Newton asked if the Norco substation helps the City in relation to the Jurupa station. Sheriff Sniff stated that any time there are personnel reporting to the City's substation, it helps with costs. Sheriff Sniff and Council Member Newton discussed the financial relationship and Sheriff Sniff indicated that rates are shared by the communities.

Council Member Azevedo asked how many contract cities have a public safety tax. Sheriff Sniff stated that most are in process or have it. In response to Council Member Azevedo, Sheriff Sniff indicated that he supports and endorses cities interest in a public safety tax.

Mayor Pro Tem Higgins commented on two factors relating to costs - increase in workers compensation claims payouts and departments paying their own liability claims. Mr. Taylor stated that the direction comes from the Board of Supervisors, not the Sheriff's Department.

Mayor Hanna recessed the meeting at 6:29 p.m. and reconvened the meeting at 6:37 p.m.

2. Proposed Traffic Enforcement Plan (Police Chief)

Lt. Briddick gave a presentation on the proposed traffic enforcement plan. Lt. Briddick discussed some of the key points such as, the objectives of the plan, the issue, current practice, research, and deployment. Lt. Briddick stated that the objectives are to increase public safety, reduce traffic collisions, and target offenders with consistency. He noted that the issue is that with the current City of Norco/Riverside County Sheriff's police services contract, there are no dedicated traffic enforcement positions and no exclusive traffic related enforcement.

Lt. Briddick indicated that the current traffic enforcement is conducted by Patrol Deputies who are assigned to other patrol related duties and must balance Calls for Service responsibilities with traffic enforcement. Lt. Briddick briefly discussed the research conducted for the enforcement plan. It was determined that the traffic collision and enforcement statistics indicate that the primary collision factor and the primary violation factor is speed. The primary collision locations are Second Street, Sixth Street, Hidden Valley Parkway, and near the I-15 freeway. Most collisions occur Monday through Friday and during early evening rush hour traffic.

The Traffic Enforcement Plan proposal calls for Sheriff personnel fully dedicated to traffic with marked Traffic Enforcement patrol cars. The hours, days, and locations will be based upon statistics and citizen concerns. The Traffic Enforcement Plan will be assessed every thirty days.

In response to Mayor Hanna, Lt. Briddick indicated that there could be as few as one Deputy working overtime or as many as four. Captain Horton added that this goes back to the original concept and depends on the strategy that Lt. Briddick and his staff feel is the most effective.

Mayor Pro Tem Higgins commented that the original request was for a motorcycle officer. However, statistics will be able to demonstrate the number of deputies needed at various locations. Mayor Pro Tem Higgins expressed that he encouraged by this plan proposal.

In response to Council Member Bash, Lt. Briddick stated that the \$75,000 requested is for the remainder of this fiscal year and will be added to the contract over time. The plan requires stringent auditing and equates to approximately 1,000 hours of enforcement.

In response to Mayor Pro Tem Higgins, Captain Horton stated that quotas are illegal. Personnel used for traffic enforcement will be the same personnel currently working in Norco for community buy-in. Mayor Pro Tem Higgins inquired about reports and updates to the City Council. Lt. Briddick indicated that he will provide reports as requested.

Council Member Newton thanked Mayor Hanna and Mayor Pro Tem Higgins for working on this plan. In response to Council Member Newton, Lt. Briddick confirmed that the City could have multiple deputies in town at one time and that would be part of his strategizing and deployment plan. Council Member Newton asked if 1,000 hours would be enough. Lt. Briddick stated that 1,000 hours is a good forecast but that the plan is a work in progress. It will take some statistics gathering and time to determine if more hours will be needed.

Council Member Azevedo commented on the key problem areas but asked if the 1,000 hours could be used during any time of the day or night. Lt. Briddick said that the hours are flexible and will be prioritized based upon critical need.

3. Auto Mall Sign Upgrade (Economic Development Consultant)

Economic Development Consultant Roger Grody introduced Rod Wilson of Electra-Media, Inc. (EMI) who presented the upgrade proposal. Mr. Wilson gave some highlights and history of his company as well as the Norco Auto Mall sign. Mr. Wilson stated that the life expectancy for LED signs is approximately ten years, at which time the sign dims down to 50% and the components become obsolete. An upgrade to the sign would now provide a 12-year life expectancy, brighter lighting, higher resolution, and more is efficient. Mr. Wilson presented the design concept for the upgraded sign. The upgrade will incorporate the existing structure and framework. The screen is larger for more readership and the Horsetown USA logo illuminates. Mr. Wilson provided some statistics such as the upgrade will result in increased sales of 8-12%.

Council Member Azevedo commented on the great design but expressed her concern regarding funding for the upgrade. City Manager Okoro indicated that the City's share of the cost is a one-time cost. The auto dealers in this partnership are responsible for the maintenance and electricity. Mr. Okoro expressed the fact that the City relies heavily on sales tax, which makes up one-third of the General Fund revenues. Mr. Okoro stated that any money spent on this project is an investment.

There was some discussion between Mayor Hanna and Mr. Wilson about the possibility of using the sign for Amber Alerts and other emergency notifications. Mayor Pro Tem Higgins also questioned if Caltrans could reimburse for use of displaying emergency alerts. Mr. Wilson also noted that the sign is controlled from EMI's office.

Council Members Azevedo and Newton commented on Hemborg Ford being the only contributor to-date and the need to meet with Browning Automotive Group for a commitment.

ADJOURNMENT

Mayor Hanna adjourned the meeting at 7:24 p.m.

CHERYL L. LINK, CITY CLERK



MINUTES
CITY OF NORCO
CITY COUNCIL

October 15, 2014

City Council Chambers
2820 Clark Avenue, Norco, CA 92860



Berwin Hanna, Mayor
Herb Higgins, Mayor Pro Tem
Kathy Azevedo, Council Member
Kevin Bash, Council Member
Greg Newton, Council Member

CALL TO ORDER:	7:02 p.m.
ROLL CALL	Berwin Hanna, Mayor, Present Herb Higgins, Mayor Pro Tem, Present Kathy Azevedo, Council Member, Present Kevin Bash, Council Member, Present Greg Newton, Council Member, Present
PLEDGE OF ALLEGIANCE:	Mayor Pro Tem Herb Higgins
INVOCATION:	Pastor Vernie Fletcher, <i>Grace Fellowship Church</i>
PROCLAMATION:	Red Ribbon Week, <i>October 23 – 31, 2014</i>

Mayor Hanna presented a proclamation to Corona-Norco Unified School District staff and students recognizing this year's theme *Love Yourself Be Drug Free*. The students commented on Red Ribbon Week activities at the schools.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS

Council Member Bash:

- RCA meeting cancelled.
- Commented on the Rolling Devils Wheelchair basketball event October 25-26 and that to-date approximately \$9,000 has been raised for the event. Tomark Sports is donating basketballs for each child.

- Attended the Veterans Memorial meeting today and commented on the progress. The dedication will be November 11, 2014 at 10:00 a.m.
- Commented on the pauper's cemetery at Corona Sunnyslope Cemetery, where at least 258 people are buried. The cemetery was recently leveled and graded.

Mayor Pro Tem Higgins:

No report given.

Council Member Newton:

- Attended the Chino Desalter meeting October 9, 2014. The regional board approved a \$2.5 million contract for the Chino 2 well fields. Commented that the Santa Ana River boring project is still disabled.

Council Member Azevedo:

- Attended three Western Regional Council of Governments (WRCOG) meetings. At the October 13, 2014 meeting, Air Quality Management District (AQMD) reported that the air toxics risk has been reduced since 2006. At the WRCOG Strategic Planning meeting on October 10, 2014, several key topics were discussed and a regional approach to waste to energy remained on the list of important issues to discuss further.
- Commented that the Parade of Lights Committee is meeting twice a week. The event will take place on December 13, 2014.
- Attended the Community Action Committee meeting on October 14, 2014 at the California Rehabilitation Center and noted that the prison population has declined - now at 2,673 prisoners.
- Participated in the Principal for a Day program at Norco High School and commented on the new Badge Program the school is offering.
- Commented on the upcoming U.N.L.O.A.D. meeting on October 27, 2014 and encouraged the public to attend.

Mayor Hanna:

- Attended the Riverside County Transportation Commission (RCTC) meeting and commented that the improvements on the 91 freeway are progressing. RCTC is still working on eminent domain issues on this project.
- Attended the Riverside Transit Agency (RTA) meeting and commented on a contest RTA is offering. Contestants are encouraged to create a video on how to ride a bus for the chance at winning the first place prize of \$1,250. Contest ends mid-November.
- Mayor Hanna thanked Public Works staff for their prompt response in repairs due to a truck running over a water meter. Service was quickly restored to the property owner.

2. CITY COUNCIL CONSENT ITEMS:

Consent Calendar Items 2.E. and 2.F. were pulled to allow for public comment.

M/S AZEVEDO/BASH to adopt the remaining items as recommended on the Consent Calendar. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- A. City Council Minutes: Regular Meeting of October 1, 2014
Action: Approved the City Council Minutes.
 - B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved.**
 - C. Quarterly Investment Report for Quarter Ended September 30, 2014. **Action: Received and filed.**
 - D. Resolution Increasing Revenue, Appropriation and Expenditure from the FY14 Emergency Management Performance Grant (EMPG) in the Amount of \$21,288 for Emergency Operations Center (EOC) Upgrades. **Action: Adopted Resolution No. 2014-61, accepting EMPG funds in the amount of \$10,644 and agreeing to match with a contribution of \$10,644 for upgrades and enhancement to the Emergency Operations Center.**
 - E. Approval for Funding of the City of Norco Traffic Enforcement Plan. **Pulled for discussion.**
 - F. Approval for Funding of Norco Auto Mall Sign Improvements. **Pulled for discussion.**
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
- 2.E. Approval for Funding of the City of Norco Traffic Enforcement Plan.

Ted Hoffman thanked the City Council for going the extra mile with the City Manager and the Sheriff Lieutenant in creating this plan.

Bill Schwab commented on the Resolution for the enforcement plan and asked about the return on investment after six months. Mr. Schwab asked how the plan will be evaluated.

Lt. Briddick reported on the concern about the amount of traffic collisions in the City. With the current contract, there are no dedicated deputies for traffic enforcement. The calls for service that deputies respond to range widely and are prioritized over traffic enforcement. Lt. Briddick commented on the reporting requirements of the enforcement plan, which will run like a grant and will be fiscally responsible.

City Manager Okoro addressed some of the comments made by Mr. Schwab and stated that many of the details were presented at the October 8, 2014 City Council Special meeting. Mr. Okoro indicated that future funding for the enforcement plan will depend on performance and budget availability.

Council Member Newton expressed his concerns with Sheriff Deputies working overtime and possible issues with fatigue. Lt. Briddick stated that working in public safety, it is common for deputies to work overtime. Deputies must follow work guidelines and the idea is to break the enforcement hours into small manageable hours so that they can perform optimally. Council Member Newton thanked Mayor Hanna, Mayor Pro Tem Higgins, and Lt. Briddick for their work in realizing this plan.

Mayor Pro Tem Higgins commented that the Council understands the possibility of losing trails because of speeding motorists. Discussions took place with Sheriff Sniff's office with the original intention of requesting a motorcycle officer. However, due to higher costs associated with a motorcycle officer, this alternative plan was created. Mayor Pro Tem Higgins indicated that statistically every citation will have a location and speed, which will be key for tracking purposes.

Mayor Hanna and Council Members Bash and Azevedo concurred and thanked their colleagues, staff, and Sheriff Sniff.

M/S HANNA/NEWTON to adopt Resolution No. 2014-62, appropriating \$75,000 for the City of Norco Sheriff staff plan for traffic enforcement. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

2.F. Approval for Funding of Norco Auto Mall Sign Improvements.

Lisa Campbell expressed her concern about the City's portion of the cost and said there are better ways the City could use the funds. Ms. Campbell indicated that the City will be paying half the costs but only receiving 15% of screen time on the sign.

Ted Hoffman commented that \$187,340 is not much out of the budget. Mr. Hoffman stated that the City could charge for commercial advertising on the sign to recoup the funds. Mr. Hoffman concurred with staff on upgrading the sign.

Bill Schwab commented on what is fair and equitable for the City and asked the Council to look at the numbers and statistics closely. Mr. Schwab noted that he served on the Economic Development Advisory Council (EDAC) when the Mitsubishi dealership requested an upgrade of the sign in 2003. That proposal came before EDAC but not this current upgrade proposal.

Economic Development Consultant Roger Grody presented a brief background on the Auto Mall sign. Mr. Grody also noted that over the course of the next ten years, the auto dealerships, not the City, will be paying \$130,000 for sign maintenance and programming. Mr. Grody expressed that the City cannot understate economic impact auto dealers have on the City. In regards to screen time, Mr. Grody indicated that the City has 15% of time for community event promotion or the time could be sold for commercial advertising. The 15% screen time equates to nine minutes of every hour, which is significant. Mr. Grody noted that the current components of the sign are obsolete and the minimum amount spent on the sign to keep it effective is \$115,000.

Council Member Newton thanked Mr. Grody and the Economic Development Advisory Council for their work on this issue. Council Member Newton noted some statistics, stating that second quarter sales tax reports an increase and that the City should see an 8% to 12% sales tax revenue increase as a result from the upgraded sign. Council Member Newton expressed his concerns with the sign contractor and the agreement. Mr. Grody indicated that Electra-Media, Inc. is bringing the parties together and that the arrangement is between the Norco Auto Merchants Association. The City was asked to contribute and the City sees the benefits. Council Member Newton asked if there is a possibility that if Browning contributes, that the City could commit to 25% the first year, 50% the second year, and 75% the third year. In response, Mr. Grody stated that the 50-50 arrangement is not locked in and it is negotiable.

City Manager Okoro stated that the City relies on sales tax for essential items and commented that this agreement represents the City's commitment to support the Auto Mall and keeping it viable. Mr. Okoro noted that the General Fund is the best way to fund the upgrade since Redevelopment Agency funds are subject to approval by the California Department of Finance. The sign is a reinvestment into the Auto Mall to help achieve results in the General Fund.

Council Member Newton asked if the sign were left alone, would sales tax decrease. In response, Mr. Grody stated that statistics demonstrate that a new or upgraded sign improves sales tax. There is nothing more critical to the vitality of the City's economy than the Auto Mall. The City is a partner with the business community and this is a perfect example of that commitment.

Council Member Azevedo expressed her support for the upgrade. The City is dependent on the Auto Mall; however, the City cannot commit until Browning commits and it is possible that Browning is waiting on the City to commit.

Mayor Pro Tem Higgins addressed the return on investment. Mr. Higgins reiterated EMI's statement that the City's contribution would be paid off in three years. The City does not pay maintenance costs and the upgraded sign will have seven years of good use.

Council Member Bash commented that the Auto Mall dealers were on the verge of leaving five years ago during the downturn in the economy. Council Member Bash concurred that the sign upgrade is a good investment. Council Member Bash also concurred with Council

Member Azevedo of the possibility that Browning is waiting to see the City's position in committing funds.

M/S HIGGINS/BASH to adopt Resolution No. 2014-63, approving an expenditure of \$187,340 for improvements to the Norco Auto Mall sign, and authorize the City Manager to execute an agreement with the Norco Automobile Merchants Association. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS

NOES: NEWTON

ABSENT: NONE

ABSTAIN: NONE

Mayor Hanna recessed the meeting at 8:41 p.m. and reconvened the meeting at 8:57 p.m.

4. CITY COUNCIL DISCUSSION / ACTION ITEMS:

- A. Acceptance of Bids and Award of Contract for the Norco MDP Line NB-2 and S-5A Project, Located on Temescal Avenue between Cole street and Wrangler Way and the end of Kingman Drive.

Director of Public Works Lori Askew presented a brief background of the project and summary as noted in the staff report. Ms. Askew stated that staff received one letter of protest from the Center for Contract Compliance citing several alleged contractor violations and requested the City consider that information when making the decision on awarding the contract to GRFCO, Inc.

Council Member Azevedo inquired about the possibility of starting the project at the opposite end at Norco High School. Ms. Askew stated that Riverside County Flood Control is designing, funding, and constructing the remaining portion of this project, which could occur sometime next year. If the City puts this project (MDP Line NB-2 and S-5A Project) behind the Riverside County Flood Control massive drainage project, it could be delayed as much as two years. Ms. Askew also noted that this project will be reimbursed by Riverside County Flood Control.

In response to Council Member Newton, Ms. Askew commented that the protest letter is a standard letter but that this is the first time a bid has been protested.

In response to Mayor Pro Tem Higgins, Ms. Askew stated that RKA Consulting Group looks at these types of projects. Mayor Pro Tem Higgins asked who prepared the contract and how priority of projects is determined. Director Askew stated that she prepared the contract for this project. Prior to releasing a Request for Proposal, the City submits a list of desired projects to Riverside County Flood Control for approval. Water and Sewer Manager Bill Thompson added that Riverside County Flood Control puts together the budget for the projects and submits it to the Riverside County Board of Supervisors for approval.

In response to Mayor Pro Tem Higgins, Mr. Thompson stated that Frontier Road is considered a minor drain project. Mayor Pro Tem Higgins asked if Frontier Road has ever been included on any submittal to the County or has any work been planned for Frontier Road. Mr. Thompson stated that Riverside County would not fund the minor drain projects two years ago but now have agreed to reimburse the City.

Council Member Bash thanked staff for the inclusion of Kingman on this project. In response to Council Member Bash, Director Askew stated that she will be in a preconstruction meeting next week and will get a timeline.

M/S BASH/AZEVEDO to accept bids submitted for the construction of various storm drains and related appurtenances and award a contract to GRFCO, INC. of Moreno Valley, CA in the amount of \$513,298.00 and authorize the City Manager to approve contract change orders up to 10 percent of the bid contract amount. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

B. Fiscal Year 2013-2014 Year-End Budget to Actual Report.

City Manager Okoro presented a brief report. Mr. Okoro indicated that the City has met its financial targets. The Fiscal Year 2013-2014 actual revenues and expenditures performed better than final year-end budget projections for the City's main Operating Funds - General Fund, Water Fund and Sewer Fund. This means that actual revenues exceeded budget amounts while actual expenditures came in below budgets. The combination of improving revenues and better expenditure control resulted in better than expected increase in fund balance for the General Fund and improved working capital for the Water and Sewer Enterprise Funds.

In response to Council Member Azevedo, Mr. Okoro indicated that funds to supplement the shortage for Landscape Maintenance District 2 comes from the General Fund.

Council Member Newton asked how the City can improve reducing debt service. City Manager Okoro stated that two years ago, Standard and Poor downgraded the City's outstanding bonds with respect to the water and sewer fund. The reason is that after the City paid all its operating expenditures, excluding debt service, the City did not have enough reserve to achieve a debt service coverage ratio that was acceptable for credit rating purposes. The only way to improve debt service coverage is to make sure that water service expenditures do not exceed revenue. Therefore, rate adjustments need to be done in a timely manner.

Council Member Newton stated that a Purchased Water Agreement is smart and progressive business compared to tiered rates. Council Member Newton asked why the City is increasing rates if we are selling water to Corona. Mr. Okoro stated that Norco is selling to

Corona to bring down expenditures.

In response to Council Member Bash, Water and Sewer Manager Bill Thompson stated that the petition for change to get the reclaimed recycled water from the WRCWA plant across the River Road bridge has been in the works for the past fourteen months. The court will be making a decision as to what the City, and the other members of the Joint Powers Authority, are expected to leave in the river as a discharge. Staff is completing a recycled water permit which will be reviewed by the Health Department in December and hopefully receive the approved permit in January.

M/S AZEVEDO/BASH to receive and file the Fiscal Year 2013-2014 Year-End Budget to Actual Report. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

5. CITY COUNCIL CONTINUED PUBLIC HEARING:

- A. **Ordinance No. 980, First Reading.** Code Change 2014-05 (City of Norco): A City-Initiated Code Amendment to Add Chapter 5.56 "Hookah and Smoking Lounges" Prohibiting Hookah and Smoking Lounges in All Zoning Districts within the City.

Planning Director Steve King presented brief information on the proposed ordinance.

In response to Mayor Pro Tem Higgins, Director King indicated that smoking cigarettes and cigars are permitted on a patio if the patio is an approved smoking area.

Mayor Hanna opened the public hearing at 9:48 p.m., indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Brittany Yamada expressed her opposition to the City micro-managing by discriminating a specific type of tobacco. Ms. Yamada commented on the possible impact for future businesses.

Sandy MacQuarrie expressed her opposition to the proposed ordinance. Ms. MacQuarrie commented on the right to choose to smoke tobacco products. Ms. MacQuarrie indicated that she visited the restaurant with hookah smoking and met with the owners. She commented that the patio at the restaurant is removed from the public and neighboring businesses are not opposed.

Ted Hoffman commented that smoking is a personal choice and does not want to see Norco become a nanny city. Mr. Hoffman suggested a moratorium to allow time to research this subject.

Mike Mayer expressed his opposition to the proposed ordinance. Mr. Mayer said that he does not smoke but believes it is a personal choice and the proposed ordinance seems to single out hookah smoking.

Michael Van Veghten presented a comparison of different tobacco products. Mr. Van Veghten stated that tobacco is an American grown product. He stated his opposition to the proposed ordinance.

Devin Roth expressed his opposition to the proposed ordinance and commented on service to the public versus control of the public.

Lisa Campbell expressed her opposition to the proposed ordinance. Ms. Campbell gave complimentary comments about the restaurant in question.

Lou Paltza read a statement prepared by Ms. Myrna Paltza on behalf of Concerned Citizens of Norco (CCON) regarding citizen's rights. Mr. Paltza commented that if the City continues to turn down potential businesses that are deemed not cohesive with the Norco lifestyle, the City will cease to exist.

Jana Alton expressed her opposition to the proposed ordinance. Ms. Alton stated that people are entitled to make their own choices. Ms. Alton said that the City should not be reactionary and should not appear to be isolating a culture.

Eddie Ammari, co-owner of Kaza Maza, stated that hookah is part of the Middle Eastern/Mediterranean culture. Mr. Ammari said that his business was booming until discussion of the proposed ordinance began. Mr. Ammari said that the proposed ordinance would infringe on his rights. He stated that other tenants in the shopping center are not bothered by the hookah.

Linda Dixon commented on the health concerns of hookah being above other forms of tobacco as well as the criminal activity associated with it. Ms. Dixon indicated that the proposed ordinance is city-wide, not just the restaurant that has been commented on. Ms. Dixon said that the patio is just a few feet from the parking lot and expressed how the patio would be monitored.

Harvey Sullivan expressed concerns with the proposed ordinance and the issue of personal rights.

Pamela Smith commented that hookah is a legal tobacco and the proposed ordinance is infringing on people's rights.

Fred Keith expressed his opposition to the proposed ordinance.

Mayor Hanna closed the public hearing at 10:24 p.m., bringing the discussion back to Council Members.

Council Member Bash commented that he assisted the owners of Kaza Maza open their business even with some serious issues that had to be overcome. Council Member Bash stated that the public hearing for the proposed ordinance has been continued twice at the owner's request.

Mayor Pro Tem Higgins expressed his concerns with the City dictating what should be personal choice. Mr. Higgins commented on other locations in the City that allow outdoor smoking.

There was some discussion between Council Member Newton and Director King regarding permitted uses. Mr. King stated that if a use is not listed, it is not permitted. Council Member Newton asked if a standalone smoking lounge could be opened. Director King indicated that a smoking lounge is permitted provided it is only selling tobacco products, only being manned by the owner of the business, and they do not have any employees. City Attorney John Harper added that what Mr. King stated is reflective of State of California laws.

Council Member Azevedo commented that she is viewing this as a city-initiated ordinance and not singling out a particular business. Council Member Azevedo suggested this type of ordinance should be reviewed by the Planning Commission first and provide recommendations. Council Member Azevedo stated that there is not enough information to make a decision and the only manner in which she would support this is if it is an ancillary use, not a standalone use.

Mayor Hanna concurred with Mayor Pro Tem Higgins.

Council Member Bash offered the suggestion of allowing smoking on the patio in the interim. City Attorney Harper stated that it is not a permitted use. The City Council could make a finding that smoking hookah, as an ancillary outdoor use, is permitted. Council Member Azevedo concurred and Mayor Pro Tem Higgins indicated that the finding allows hookah as long as it is in conjunction with a restaurant and not a standalone use.

Council Member Azevedo requested that the ordinance be brought back written differently. City Attorney Harper indicated that the Council could make a finding now to treat hookah smoking the same way as other outdoor smoking uses that are as an ancillary use to a restaurant.

M/S HIGGINS/BASH that the City Council make a finding that hookah smoking is similar to other tobacco uses and ancillary uses with outdoor smoking. The motion was carried by the following roll call vote:

AYES: BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: AZEVEDO

6. CITY COUNCIL PUBLIC HEARINGS:

- A. A Resolution Amending the City's Comprehensive Fee Resolution to Update and Adjust the Development Impact Fee Schedule.

M/S HIGGINS/HANNA to continue the public hearing to the November 5, 2014 City Council meeting. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- B. **Ordinance No. 981, First Reading.** Code Amendment 2014-06. A City-Initiated Proposal to Amend Chapter 6.42 "Municipal Refuse Collection Service" of the Norco Municipal Code by Amending Sections 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.107, and 6.42.110 to Ensure Proper Compliance with City Code, State, and Federal Waste Disposal and Recycling Laws.

M/S HANNA/HIGGINS to continue the public hearing to the November 5, 2014 City Council meeting. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- C. **Ordinance No. 982, First Reading.** Code Amendment 2014-07. A City-initiated Code Change to Amend Chapter 15.09 "Swap Meets" and Other Related Cross-References in the Norco Municipal Code as Needed Regarding the Collection of Business License Fees for Special Events.

M/S HANNA/HIGGINS to continue the public hearing to the November 5, 2014 City Council meeting. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- D. Code Amendment 2014-08. A City-Initiated Code Change to Amend Chapter 15.09 "Fire Code" and Other Related Cross-References in the Norco Municipal Code as Needed Regarding the Maximum-Allowed Structure Size Including Material Types that Does Not Require Fire Sprinklers.

M/S HANNA/HIGGINS to continue the public hearing to the November 5, 2014 City Council meeting. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON
NOES: NONE
ABSENT: NONE

ABSTAIN: NONE

7. PUBLIC COMMENTS:

Ted Hoffman commented on his recent vacation in which he visited various veterans memorials. Mr. Hoffman expressed how proud he is of the City of Norco's memorial. Mr. Hoffman also commented on a person he met while on vacation regarding waste compaction. Mr. Hoffman asked to give the idea to Waste Management.

Nathan Miller thanked the City Council and staff for the accommodation in continuing the development impact fees public hearing.

Dave Henderson indicated that he delivered a petition to City Hall last week. Understanding that staff is under no obligation to add an item to the City Council agenda, he requested that the Council agenda for the next meeting, discussion declaring Balboa under default for Silverlakes. The discussion merely causes notice to Balboa to perform and the notice of default starts the clock to get the work on Silverlakes started. Mr. Henderson said the notice does not stop the lease payments and asks the tenant to perform. Agendizing the topic would allow for discussion of options.

Richard Hallam commented on the Veterans Memorial and those opposed to it. Mr. Hallam stated that George Ingalls gave his life for this country hence the memorial named in his honor and for all those that sacrificed. Mr. Hallam suggested that those who are opposed to it to visit the memorial.

Harvey Sullivan commented that the City is not in default of the agreement with Balboa; however, Balboa is in default. Mr. Sullivan requested the matter be agendized.

Lisa Campbell concurred with Mr. Henderson and Mr. Sullivan. Ms. Campbell stated that the project began in 2007 and that there has been ample time to get started on it.

Linda Dixon commented on her vacation in which she visited the WWII memorial in New Orleans. Ms. Dixon discussed her involvement in the fundraising efforts for the George A. Ingalls Veterans Memorial. Ms. Dixon commented that the Lake Norconian Club Foundation is hosting a Pearl Harbor event on December 7, 2014 at the new George A. Ingalls Veterans Memorial. The event is open to the public.

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS

None

ADJOURNMENT

Mayor Hanna adjourned the meeting at 11:00 p.m.

CHERYL L. LINK, CITY CLERK



MINUTES
CITY OF NORCO
CITY COUNCIL / PLANNING COMMISSION / HISTORIC PRESERVATION COMMISSION / PARKS AND
RECREATION COMMISSION / STREETS, TRAILS AND UTILITIES COMMISSION

SPECIAL JOINT MEETING
October 22, 2014

City Hall Conference Rooms A and B
2870 Clark Avenue, Norco, CA 92860



-
1. **CALL TO ORDER:** 4:04 p.m.
 2. **PLEDGE OF ALLEGIANCE:** Commissioner Geoffrey Kahan
 3. **ROLL CALL:**
 - City Council:**
Mayor Berwin Hanna, **Present**
Mayor Pro Tem Herb Higgins, **Absent (online course)**
Council Member Kathy Azevedo, **Present**
Council Member Kevin Bash, **Present**
Council Member Greg Newton, **Absent (online course)**
 - Planning Commission:**
Chair Robert Leonard, **Present**
Vice Chair Ted Hoffman, **Present**
Commission Member Patricia Hedges, **Present**
Commission Member Philip Jaffarian, **Absent (online course)**
Commission Member John Rigler, **Absent (online course)**
 - Historic Preservation Commission:**
Chair Matthew Potter, **Present**
Vice Chair Diana Stiller, **Absent (online course)**
Commission Member Patricia Overstreet, **Absent (online course)**
Commission Member Mark Sawyer, **Present**
Commission Member Denise Sutherland, **Present**
 - Parks & Recreation Commission:**
Chair Corinne Holder, **Absent (online course)**
Vice Chair Geoffrey Kahan, **Present**
Commission Member Richard Boyle, **Absent (online course)**
Commission Member Jennifer Gable, **Absent (online course)**
Commission Member Richard Hallam, **Present**
 - Streets, Trails & Utilities Commission:**
Chair Vernon Showalter, **Absent (online course)**
Vice Chair Sherry Walker, **Present**
Commission Member Cathey Burt, **Absent (online course)**
Commission Member Lance Gregory, **Absent (online course)**
Commission Member James Turpin, **Absent (online course)**
 4. **PUBLIC COMMENTS:** None
 5. **AB 1234 ETHICS EDUCATION:** City Attorney John Harper presented ethics training to all attendees.
 6. **ADJOURNMENT:** The meeting was adjourned at 5:10 p.m.



**RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION**



**CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
ADJOURNED REGULAR MEETING
OCTOBER 29, 2014**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Chair Leonard, Vice Chair Hoffman, Commission Members Rigler, Hedges and Jaffarian

STAFF PRESENT: Planning Director King, Senior Planner Robles, Deputy City Clerk Germain

PLEDGE OF ALLEGIANCE: Chair Leonard

1. APPEAL NOTICE: Read by Planning Director King

2. PUBLIC COMMENTS: None

3. APPROVAL OF MINUTES:
❖ Minutes of Regular Meeting of August 13, 2014
❖ Minutes of Regular Meeting of September 10, 2014
Recommended Action: Approval (Deputy City Clerk)
Action: Approved 5-0

4. PUBLIC HEARINGS:

A. Conditional Use Permit 2014-26 (Nunez): A request for approval to allow six additional dogs at 3211/3209 Corona Avenue Road located within the A-1-20 (Agricultural Low Density) Zone. Recommended Action: Approval (Senior Planner)

Action: Approved 5-0; this action is final unless appealed to the City Council.

B. Conditional Use Permit 2014-23 (Inglis): A request for approval to allow a detached accessory building consisting of an 1,800 square-foot storage building at 1791 Western Avenue located within the A-1-20 (Agricultural Low Density) Zone. Recommended Action: Approval (Senior Planner)

Action: Approved 5-0; this action is final unless appealed to the City Council.

- C. **General Plan Amendment 2014-01a (City):** Update and Amendment to the Conservation Element – a proposed amendment to the Safety Element of the City of Norco General Plan. Recommended Action: Approval (Planning Director)
Action: Recommended approval to the City Council 4-1 (Hoffman)
 - D. **Conditional Use Permit 2011-28, Amendment No. 1 (McGreevey):** A request for approval to allow a 527 square-foot patio cover addition to an existing detached accessory building at 3067 Pacer Drive located within the A-1-20 (Agricultural Low Density) Zone. Recommended Action: Approval (Senior Planner)
Action: Denied 3-2 (Jaffarian and Leonard); this action is final unless appeal to the City Council.
5. CONTINUED PUBLIC HEARING:
- A. **Conditional Use Permit 2014-20 (Coots):** A request for approval to allow a detached accessory building consisting of a 1,680 square-foot garage/storage building at 2363 Hialeah Circle located within the A-1-20 (Agricultural Low Density) Zone. Continued from September 10, 2014; Recommended Action: Approval (Senior Planner)
Action: Approved 5-0; this action is final unless appealed to the City Council.
 - B. **Conditional Use Permit 2014-14 (Gougeon/Andresen):** A request for approval to allow an accessory building consisting of a 3,000 square-foot Recreational Vehicle (RV), personal vehicles and tool storage building at 1320 Hillkirk Avenue located within the A-1-20 Zone. Continued from August 13, 2014; Recommended Action: Approval at 2,000 square-foot, but consider at 3,000 square-foot (Senior Planner)
Action: Approved 5-0 for a 3,000 square-foot building; this action is final unless appealed to the City Council.
6. BUSINESS ITEMS:
- A. **Site Plan 2013-26, Modification 1 (Di Benedetto):** A Request for approval to allow an increase in the maximum height, from 14 feet to 16 feet, for an approved accessory building consisting of recreational vehicle garage located at 199 Wild Horse Lane located within the Norco Ridge Ranch Specific Plan (NRRSP). Recommended Action: Approval (Senior Planner)
Action: Approved 5-0; this action is final unless appealed to the City Council.
 - B. **Street Section Standard (City):** Review the recommendation of the Streets, Trails, and Utilities Commission to the City Council regarding wrap-around horse trails around cul-de-sacs. Recommended Action: Approval (Planning Director)

Action: Concurred with the recommended street section additions from the Streets, Trails and Utilities Commission (STUC) (5-0) for two new street sections with a wrap-around horse trail on cul-de-sacs, the first with a three-foot landscaped parkway, and the second with the standard six-foot parkway, with the trail and landscaped parkway entirely in the public right-of-way in both cases. However, the Planning Commission differed from the STUC and its recommendation that the new street sections be added to the menu of options as opposed to replacing those cul-de-sac street sections with the trail only on one side. The recommendation from the STUC and the Planning Commission is anticipated to come to the City Council in a report on November 19, 2014.

7. DISCUSSION ITEM:

- A. A request for direction on the removal of an existing accessory building located at 3231 Cutting Horse Road within the Norco Ridge Ranch Specific Plan (NRRSP) **Verbal Report** (Planning Director): **Direction was given that the existing non-permitted accessory building is removed before an application for a new accessory building is considered for approval.**

8. CITY COUNCIL MINUTES: **Received and Filed**

- City Council Regular Meeting of August 20, 2014
- City Council Regular Meeting of September 17, 2014
- City Council Regular Meeting of October 1, 2014

9. PLANNING COMMISSION:

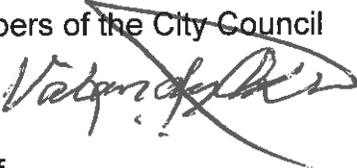
- A. Oral Reports from Various Committees: **Chair Hedges reported on the progress of the Infrastructure Funding Ad-Hoc Committee**
- B. Request for Items on Future Agenda (within the purview of the Commission); **Commission Member Jaffarian asked to agendize a discussion to make sure that goals of the General Plan, as they are updated, are similarly reflected in the City's conditions of approval applied to projects.**

The Commission has asked to agendize a reconsideration of lot coverage allowances for A-1 lots with regards to the size of accessory buildings that can be approved.

10. ADJOURNMENT: **8:50 p.m.**

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Geoff Pemberton, Fire Chief

DATE: November 5, 2014

SUBJECT: Resolution Accepting a Grant in the Amount of \$5,390 from the FY14 Home Security Grant Program (HSGP) to Continue the Citizen Emergency Response Team (CERT) Program

RECOMMENDATION: Adopt **Resolution No. 2014-64**, accepting HSGP funds in the amount of \$5,390.

SUMMARY: Upon approval from the Council, the City of Norco will accept the California Office of Emergency Services (CalOES) \$5,390 grant to continue the Citizen Emergency Response Team (CERT) program. This grant does not require a local match.

BACKGROUND/ANALYSIS: Staff submitted an application to receive grant funds from CalOES for participation in the FY14 Homeland Security Grant Program (HSGP). In October 2014, the City of Norco was awarded \$5,390 for continuation of the city's CERT program. The overall performance period of this grant is October 10, 2014 through February 28, 2016.

CalOES FY14 HSGP grant will fund the equipment purchases and training to continue the volunteer CERT program in the City of Norco, which was established in 2013. This program will provide continued training and emergency response equipment to citizen volunteers who will respond in the event of a City-wide declared emergency disaster.

Staff recommends that the Council accept the \$5,390 grant and increase revenues by \$5,390 to fund equipment purchases and training for CERT. Staff has already received confirmation of authorization to begin spending the grant funds pending approval and signing the FY14 Grant Assurances.

FINANCIAL IMPACT: None

Attachments: Resolution No. 2014-64
Grant Approval Letter
FY14 Grant Assurances

Agenda Item: 2.D.

RESOLUTION NO. 2014-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA ACCEPTING A GRANT OF \$5,390 FROM THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (CalOES) AND INCREASING REVENUE, APPROPRIATION AND EXPENDITURE

WHEREAS, the City of Norco desires to work with the California Office of Emergency Services (CalOES) to continue the volunteer Citizen Emergency Response Team (CERT) program in the City of Norco; and

WHEREAS, the City has received a FY2014 Homeland Security Grant from CalOES in the sum of \$5,390 for training and equipment purchases for a volunteer CERT program; and

WHEREAS, CalOES has granted \$5,390 for equipment and training costs in FY2014; and

WHEREAS, Chief Pemberton has been designated as the authorized agent for the City of Norco for this grant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco does hereby increase revenue by \$5,390, and increase appropriation and expenditure by \$5,390 to fund CERT equipment and training purchases.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 5, 2014.

Mayor of the City of Norco, California

ATTEST:

Cheryl L. Link, City Clerk
City of Norco, California

November 5, 2014

I, Cheryl L. Link, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on November 5, 2014 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on November 5, 2014.

Cheryl L. Link, City Clerk
City of Norco, California



RIVERSIDE COUNTY FIRE DEPARTMENT
 IN COOPERATION WITH
 THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

John R. Hawkins ~ Fire Chief
 210 West San Jacinto Avenue ~ Perris, CA 92570
 (951) 940-6900 ~ www.rvcfire.org

PROUDLY SERVING THE
 UNINCORPORATED AREAS
 OF RIVERSIDE COUNTY
 AND THE CITIES OF:

BANNING

BEAUMONT

CALIMESA

CANYON LAKE

COACHELLA

DESERT HOT SPRINGS

EASTVALE

INDIAN WELLS

INDIO

JURUPA VALLEY

LAKE ELSINORE

LA QUINTA

MENIFEE

MORENO VALLEY

PALM DESERT

PERRIS

RANCHO MIRAGE

RUBIDOUX CSD

SAN JACINTO

TEMECULA

WILDOMAR

**BOARD OF
 SUPERVISORS:**

BOB BUSTER
 DISTRICT 1

JOHN TAVAGLIONE
 DISTRICT 2

JEFF STONE
 DISTRICT 3

JOHN BENOIT
 DISTRICT 4

MARION ASHLEY
 DISTRICT 5

October 10, 2014

Geoff Pemberton
 Rich Chvilicek
 City of Norco

RE: FY14 State Homeland Security Program (SHSP) Award – CERT- \$5,390
 Grant #: 2014-SS-00093 CFDA#: 97.067

The California Office of Emergency Services (CalOES) has approved Riverside County's FY14 Homeland Security Grant Program (HSGP) application and has authorized the commencement of expenditures and reimbursement requests. The overall performance period of this grant is October 10, 2014 – February 28, 2016. The following milestones have been set by the state for your projects:

<u>Project</u>	<u>Amount</u>	<u>Completion Date</u>
CERT	\$2,695	8/01/2015

Subject to pending paperwork this letter serves as authorization to begin spending and requesting reimbursement of your Anti-Terrorism Approval Authority (ATAA) approved projects. Riverside County OES does require you to provide a signed FY14 Grant Assurance and completed and signed Workbook Face-Sheet within 15 days of date of this letter. Please remember that changes to your grant will require the approval of the OA prior to incurring any costs. All modifications, EHP's, sole source procurement, EOC and construction requests require additional approvals from CalOES through the OA prior to incurring any costs. Your Agency's Financial Workbook outlining your approved spending is included on the CD provided to you at the Post Award Workshop.

By accepting this award it will be understood that you are agreeing to conform to the requirements of the grant as put forth in the FY14 Grant Assurances, the Federal Single Audit Act of 1984 and amendment of 1996. Performance Bonds are required for any equipment item over \$250,000 or any vehicle aviation, or watercraft regardless of cost that is being paid for with any portion of grant funds. Any funds found owed as a result of a final review or audit must be refunded to the County within 15 days upon receipt of an invoice from Riverside County Fire/OES.

As always, please feel free to contact us with any questions you may have. I look forward to working with you and appreciate your cooperation and support.

Regards,

Kim Dana

Kim Dana and Laronte Groom
 Administrative Services Analyst II
 Riverside County Fire/OES
 951-955-0419, 951-955-8517

Riverside County Operational Area
FY 2014 Grant Assurances
(All HSGP Applicants)

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Will assure that the Funding Opportunity Announcement for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the FY2014 Homeland Security Grant Program Funding Opportunity Announcement, the California Supplement to the FY2014 Homeland Security Grant Program Funding Opportunity Announcement, and all applicable laws and regulations.
2. All allocations and use of funds under this grant will be in accordance with the Allocations, and use of grant funding must support the goals and objectives included in the State and/or Urban Area Homeland Security Strategies as well as the investments identified in the Investment Justifications which were submitted as part of the California FY2014 Homeland Security Grant Program application. Further, use of FY2014 funds is limited to those investments included in the California FY2014 Investment Justifications submitted to DHS/FEMA, Cal OES and Riverside Co. OA and evaluated through the peer review process and ATAA.
3. Understands that in the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.
4. Has the legal authority to apply for Federal assistance and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) and sub-granted through the State of California, California Governor's Office of Emergency Services (Cal OES) and Riverside County OA.
5. Will assure that grant funds are used for allowable, fair, and reasonable costs only and will not be transferred between grant programs (for example: State Homeland Security Program and Urban Area Security Initiative) or fiscal years.
6. Will comply with any cost sharing commitments included in the FY2014 Investment Justifications submitted to DHS/FEMA/Cal OES/Riverside County OA, where applicable.
7. Will establish a proper accounting system in accordance with generally accepted accounting standards and awarding agency directives.

8. Will give the DHS/FEMA, the General Accounting Office, the Comptroller General of the United States, the Cal OES, the Office of Inspector General, and Riverside County OA, through any authorized representatives, access to, and the right to examine, all paper or electronic records, books, and documents related to the award, and will permit access to its facilities, personnel and other individuals and information as may be necessary, as required by DHS/FEMA, Cal OES or Riverside County OA, through any authorized representative, with regard to examination of grant related records, accounts, documents, information and staff.
9. Agrees, and will require any subrecipient, contractor, successor, transferee, and assignee to acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
 - a. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS, Cal OES or Riverside County OA.
 - b. Recipients must give DHS, Cal OES and Riverside County OA access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS and Cal OES program guidance and Riverside County OA, requirements, and applicable laws.
 - c. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance, and recipients must submit timely, complete, and accurate reports to the appropriate officials and maintain appropriate backup documentation to support the reports.
 - d. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS/Cal OES, Riverside County OA awarding office and the DHS Office of Civil Rights and Civil Liberties.
 - e. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

10. Will comply with any other special reporting, assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement, or detailed in the program guidance.
11. Agrees that funds utilized to establish or enhance State and Local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines, follow the Federal and State approved privacy policies, and achieve (at a minimum) the baseline level of capability as defined by the Fusion Capability Planning Tool.
12. Understands that a hold is in place on Fusion Center activities and the applicant is prohibited from obligating, expending, or drawing down HSGP – UASI funds in support of their State and/or Major Urban Area Fusion Center. Riverside County OA will notify the subgrantee in writing when DHS/FEMA has lifted the hold.
13. Will initiate and complete the work within the applicable timeframe (subgrantee performance period), in accordance with grant award terms and requirements, after receipt of approval from Riverside County OA and will maintain procedures to minimize the amount of time elapsing between the award of funds and the disbursement of funds.

14. Will provide timely, complete and accurate progress reports, and maintain appropriate support documentation to support the reports, and other such information as may be required by the awarding agency, each quarter.
15. Will provide timely notifications to Riverside County OA of any developments that have a significant impact on award- supported activities, including changes to key program staff.
16. Agrees to be non-delinquent in the repayment of any Federal debt. Examples of relevant debt , include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.
17. Will comply with the requirements of 31 U.S.C. § 3729, which set forth that no subgrantee, recipient or subrecipient of federal payments, shall submit a false claim for payment, reimbursement, or advance. Administrative remedies may be found in 38 U.S.C. §§ 3801-3812, addressing false claims and statements made.
18. Will comply with all applicable provisions of DHS/FEMA's regulations, including Title 44 of the Code of Federal Regulations, Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including the payment of interest earned on advances.
19. Will comply with the Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the "A-102 Common Rule"), which are also located found within DHS regulations at Title 44, Code of Federal Regulations (CFR) Part 13, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"; will comply with OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated to 2 CFR Part 215.
20. Will comply with the financial and administrative requirements set forth in the current edition of the DHS Financial Management Guide; OMB Circular A-21, Cost Principles for Educational Institutions, relocated to 2 CFR Part 220; OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, relocated to 2 CFR Part 225; OMB Circular A-122, Cost Principles for Non-Profit Organizations, relocated to 2 CFR Part 230; and OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, as applicable.
21. Will comply with all provisions of the Federal Acquisition Regulations, including but not limited to Title 48 CFR Part 31.2, part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations.
22. Will comply with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
23. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of, personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business, or other connections.
24. Understands and agrees that Federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express prior written approval from DHS/FEMA, Cal OES and Riverside County OA.
25. Will comply with all applicable lobbying prohibitions and laws, including those found 31 U.S.C. § 1352., and agrees that none of the funds provided under this award may be expended by the recipient to pay any

person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, or cooperative agreement.

26. Agrees that, to the extent contractors or subcontractors are utilized, will use small, minority-owned, women-owned, or disadvantaged businesses, to the extent practicable.
27. Will comply with Title 2 of the Code of Federal Regulations Part 225, Appendix A, paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.
28. Will ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Subgrantees and subrecipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.
29. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of structures.
30. Will comply with all federal and state laws and regulations relating to civil rights protections and nondiscrimination. These include, but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964, Public Law 88-352, (42 U.S.C. § 2000d et seq.), codified at 6 CFR Part 21 and 44 CFR Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681 et seq.), which prohibits discrimination on the basis of gender in educational programs and activities. These regulations are codified at 6 CFR Part 17 and 44 CFR Part 19.
 - c. The Americans with Disabilities Act, as amended, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. § 12101 et seq.).
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse.
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism.
 - g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. § 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records.
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq., as implemented by 24 CFR Part 100), as amended, relating to nondiscrimination in the sale, rental and financing of housing.
 - i. Title 44 of the Code of Federal Regulations (CFR) Parts 7, 16, and 19 relating to nondiscrimination.
 - j. The requirements of any other nondiscrimination provisions in the specific statute(s) under which the application for Federal assistance is being made and any other applicable statutes.
 - k. The requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified individual with a disability in the United States will, solely by reason of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.
 - l. Will, in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national

- origin, gender, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
- m. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
 - n. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements and all other provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1.
31. Will comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq. [P.L. 91-646]), which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of Federal participation in purchases. Will also comply with Title 44 CFR, Part 25, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-assisted programs.
32. Will comply with all provisions of DHS/FEMA's regulation 44 CFR Part 10, Environmental Considerations.
33. Will comply with all applicable Federal, State, and Local environmental and historical preservation (EHP) requirements. Failure to meet Federal, State, and Local EHP requirements and obtain applicable permits may jeopardize Federal funding. Agrees not to undertake any project having the potential to impact EHP resources without the prior written approval of DHS/FEMA, Cal OES and Riverside County OA, including, but not limited to, ground disturbance, construction, modification to any structure, physical security enhancements, communications towers, any structure over 50 years old, and purchase and/or use of any sonar equipment.
The subgrantee must comply with all conditions and restrictions placed on the project as a result of the EHP review. Any construction-related activities initiated without the necessary EHP review and approval will result in a noncompliance finding, and may not be eligible for reimbursement with DHS/FEMA and Cal OES funding. Any change to the scope of work will require re-evaluation of compliance with the EHP. If ground-disturbing activities occur during the project implementation, the subgrantee must ensure monitoring of the disturbance. If any potential archeological resources are discovered, the subgrantee will immediately cease activity in that area and notify DHS/FEMA, Cal OES and Riverside County OA and the appropriate State Historic Preservation Office.
34. Any construction activities that have been initiated prior to the full environmental and historic preservation review could result in a non-compliance finding. Subgrantees must complete the DHS/FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-01) and submit it, with all supporting documentation, to their Riverside County OA program representative, for processing by the DHS/FEMA, Cal OES GPD EHP.
35. Grantees should submit the FEMA EHP Screening Form for each project as soon as possible upon receiving their grant award. The Screening Form for these types of projects is available at: www.fema.gov/doc/government/grant/bulletins/info329_final_screening_memo.doc.
36. Will ensure that the facilities under its ownership, lease or supervision, which shall be utilized in the accomplishment of this project, are not on the Environmental Protection Agency's (EPAs) List of Violating Facilities, and will notify Riverside County OA, Cal OES and the DHS/FEMA of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating if a facility to be used in the project is under consideration for listing by the EPA.
37. Will provide any information requested by DHS/FEMA, Cal OES and Riverside County OA to ensure compliance with applicable laws including, but not limited to, the following:
- a. Institution of environmental quality control measures under the Archaeological and Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), and Environmental Justice (EO12898) and Environmental Quality (EO11514).

- b. Notification of violating facilities pursuant to EO 11738.
 - c. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.).
 - d. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523).
 - e. California Environmental Quality Act (CEQA), California Public Resources Code Sections 21080-21098, and California Code of Regulations, Title 14, Chapter 3 §§ 15000-15007.
 - f. Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 - g. Applicable provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC § 3501 et seq.), which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
38. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, § 8607.1(e) and CCR Title 19, §§ 2445, 2446, 2447, and 2448.
39. Agrees that subgrantees and subrecipients collecting Personally Identifiable Information (PII) must have a publically-available privacy policy that describes what PII they collect, how they plan to use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Subgrantees and subrecipients may also find DHS Privacy Impact Assessments, guidance and templates online at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf, respectively.
40. Agrees that all DHS/FEMA-funded project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, and approvals are obtained.
41. Will comply with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225(a), whereby all subgrantees, recipients, and subrecipients must ensure that all conference, meeting, convention, or training space, funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. § 2225.
42. Will comply with the Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 amendment to Comptroller General Decision B138942.
43. Agrees that all publications created or published with funding under this grant shall prominently contain the following statement: *"This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."* The recipient also agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: *"Purchased with funds provided by the U.S. Department of Homeland Security."*
44. Acknowledges that DHS/FEMA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: a) the copyright in any work developed under an award or sub-award; and b) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The recipient must affix the applicable copyright notices of 17 U.S.C. section 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work

includes any information that is otherwise controlled by the Government (e.g. classified information or other information subject to national security or export control laws or regulations). The recipient agrees to consult with Riverside County OA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

45. Recipients receiving Federal financial assistance to be used to perform eligible work approved in the submitted application for Federal assistance and after the receipt of Federal financial assistance, through the State of California, agrees to the following:
 - a. Promptly return to the State of California all funds received which exceed the approved, actual expenditures as determined by the Federal or State government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Property and equipment purchased under the HSGP reverts to Riverside County OA if the grant funds are deobligated or disallowed and not promptly repaid.
 - d. HSGP funds used for the improvement of real property must be promptly repaid following deobligation or disallowment of costs, and Riverside County OA reserves the right to place a lien on the property for the amount owed.
 - e. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per Federal Fiscal Year.
46. Understands that recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
47. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. § 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
48. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. § 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
49. Agrees that "Classified national security information," as defined in Executive Order (EO) 12958, as amended or updated via later executive order(s), means information that has been determined pursuant to EO 12958 to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form. No funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information if the award recipient has not been approved for and granted access to such information by appropriate authorities.
50. Agrees that where an award recipient has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information by the contractor, subrecipient, or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the Federal department or agency with whom the classified effort will be performed. Such contracts, subawards, or other agreements shall be processed and administered in accordance with the DHS "Standard Operating Procedures, Classified Contracting by States and Local Entities," dated July 7, 2008; EOs 12829, 12958, 12968, and other applicable executive orders; the National Industrial Security Program Operating Manual (NISPOM); and other applicable implementing directives or instructions. Security requirement documents may be located at: <http://www.dhs.gov/xopnbiz/grants/index.shtm>

51. Immediately upon determination by the award recipient that funding under this award may be used to support a contract, subaward, or other agreement involving access to classified national security information pursuant to paragraph 47, and prior to execution of any actions to facilitate the acquisition of such a contract, subaward, or other agreement, the award recipient shall contact ISPB, and the applicable Federal department or agency, for approval and processing instructions.

DHS Office of Security ISPB contact information:
Telephone: 202-447-5346
Email: DD254AdministrativeSecurity@dhs.gov
Mail: Department of Homeland Security
Office of the Chief Security Officer
ATTN: ASD/Industrial Security Program Branch
Washington, D.C. 20528

52. Will comply with the requirements regarding Data Universal Numbering System (DUNS) numbers. If recipients are authorized to make subawards under this award, they must first notify potential subrecipients that no entity may receive or make a subaward to any entity unless the entity has provided a DUNS number.

For purposes of this award term, the following definitions will apply:

- a. "Data Universal Numbering System (DUNS)" number means the nine digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet, currently at <http://fedgov.dnb.com/webform>.
 - b. "Entity", as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C, as a Governmental organization, which is a State, local government, or Indian Tribe; or a foreign public entity; or a domestic or foreign nonprofit organization; or a domestic or foreign for-profit organization; or a Federal agency, but only as a sub recipient under an award or subaward to a non-Federal entity.
 - c. "Subaward" means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient. It does not include your procurement of property and services needed to carry out the project or program (for further explanation, see section 210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations") and may be provided through any legal agreement, including an agreement that you consider a contract.
 - d. "Subrecipient" means an entity that receives a subaward from you under this award, and is accountable to you for the use of the Federal funds provided by the subaward.
53. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for Federally-assisted construction sub-agreements.
54. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement, in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.
55. Will comply with Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents. The adoption of the National Incident Management System (NIMS) is a requirement to receive Federal preparedness assistance, through grants, contracts, and other activities. The NIMS provides a consistent

nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

56. Will comply with OMB Standard Form 424B Assurances – Non construction Programs, whereby the awarding agency may require subgrantees and sub recipients to certify to additional assurances.
57. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, “Debarment and Suspension.” As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 17, for prospective participants in primary covered transactions, the applicant will provide protection against waste, fraud and abuse, by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government. Applicant certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency.
 - b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
 - d. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
58. Will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
59. Will obtain, via Riverside County OA, the prior approval from DHS on any use of the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
60. Will comply with the requirements of the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 2 CFR 3001.
61. Will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. In accordance with Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient engages in severe forms of trafficking in persons during the period of time that the award is in effect, procures a commercial sex act during the period of time that the award is

in effect, or uses forced labor in the performance of the award or subawards under the award. Full text of the award term is provided at 2 CFR § 175.15.

62. Will comply with Title VI of the Civil Rights Act of 1964 prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to their programs and services. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. Recipient shall comply with DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768 (April 18, 2011), resulting from Executive Order 13166. For assistance and information regarding LEP obligations, refer to DHS Recipient Guidance at <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.
63. Will comply with the requirements of 42 U.S.C. § 7401 et seq. and Executive Order 11738, which provides for the protection and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.
64. Will comply with the requirements of the Federal regulations at 45 CFR Part 46 and the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.
65. Will comply with the requirements of the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. § 4331 et seq., which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the Component and awarding office) to be reviewed and evaluated before final action on the application.
66. Will comply with the requirements of section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part 63.
67. Will comply with the requirements of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.
68. Will comply with the requirements of Executive Order 11990, which provides that federally-funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction,

and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part 9.

69. Will comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The act also establishes restrictions on access to specified materials. "Restricted persons," as defined by the act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.
70. Understands the reporting of subawards and executive compensation rules, including first tier subawards to Cal OES via Riverside County OA.
 - a. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009,
 - b. Where and when to report: you must report on each obligating action described in the following paragraphs to Cal OES via Riverside County OA . For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2013, the obligation must be reported by no later than December 31, 2013.)
 - c. What to report: You must report the information about each obligating action that the submission instructions posted in Information Bulletin 350, to Cal OES via Riverside County OA. To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>. Subgrantees must report subrecipient executive total compensation to Cal OES via Riverside County OA by the end of the month following the month during which you make the subaward. Exemptions include: If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report on subawards, and the total compensation of the five most highly compensated executives of any subrecipient.
 - d. Reporting Total Compensation of Recipient Executives: You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if
 - i. the total Federal funding authorized to date under this award is \$25,000 or more;
 - ii. in the preceding fiscal year, you received 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards); and \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or § 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 - iv. Subrecipient Executives. Unless you are exempt as provided above, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if in the subrecipient's preceding fiscal year, the subrecipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards); and \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal

financial assistance subject to the Transparency Act (and subawards); and the public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or § 6104 of the Internal Revenue Code of 1986.

- 71. Understands that failure to comply with any of these assurances may result in suspension, termination, or reduction of grant funds.
- 72. The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: William R. Thompson, Water & Sewer Manager 

DATE: November 5, 2014

SUBJECT: Approval of Changes in the Contract Amounts in the Professional Services Agreement with RKA Consulting Group to Design the Bluff Street Reservoir Improvement Project

RECOMMENDATION: Approve the Change in the Contract Amounts for the Professional Services Agreement with RKA Consulting Group to Design the Bluff Street Reservoir Improvement Project, in the not-to-exceed amount of an additional \$40,000 and approve changes to the contract.

SUMMARY: The Professional Services Agreement of the Bluff Street Reservoir Project consists of designing three (3) potable water storage reservoirs of four (4) million gallons, including a booster pump station, chlorine disinfection facility, chemical storage, treatment plant enhancements, pipelines, survey, and specifications. In order to complete the project design, additional funds in the amount of \$40,000 is required.

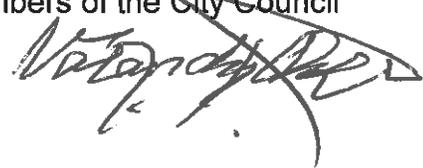
BACKGROUND/ANALYSIS: On February 5, 2013, the Council awarded a Professional Services contract to RKA Consulting Group in the amount of \$271,000 to design and prepare plans and specifications to construct the Bluff Street Reservoir Improvement Project. The project design scope consists of four (4) million gallons of storage, a booster pump station, pipelines, connections to local groundwater wells 12, 14, and 15, chlorine disinfection, a chemical feed facility, and an instrumentation upgrade for the iron, manganese, and arsenic removal plant.

Initially, staff intentionally removed the design of the electrical and instrumentation scope from the RKA agreement, with the intent of including this scope with the Supervisory Control and Data Acquisition (SCADA) portion of the project. Staff recently met with the SCADA system integrators to discuss the scope of the electrical and instrumentation design. A determination to remove the electrical and instrumentation design from the proposed integrators contract and include the electrical and instrumentation in the RKA project design scope. Prior to awarding the contract to RKA, the SCADA integrator originally estimated a cost of \$55,000 for this design. Staff is requesting that City Council increase the RKA Consulting Group contract in an amount not to exceed \$40,000 to include the electrical and instrumentation design in the RKA contract.

FINANCIAL IMPACT: The approved 2014/15 Water Capital Improvement Program Fund has \$275,000 approved for SCADA, treatment, chlorination, and instrumentation for system-wide improvements. The electrical and instrumentation described above was included in these funds.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

DATE: November 5, 2014

SUBJECT: **Public Hearing: A Resolution Amending the City's Comprehensive Fee Resolution to Update and Adjust the Development Impact Fees**

RECOMMENDATION: Adopt **Resolution No. 2014-60**, amending the City's Comprehensive Fee Resolution to update and adjust the Development Impact Fees.

SUMMARY: On May 7, 2014, City Council conducted a public hearing to consider proposed changes to the City's development impact fees. After the public hearing, City Council voted to defer action and directed staff to conduct additional review to ensure that the proposed fees are reasonable in comparison to fees charged by other neighboring jurisdictions. Staff completed the City Council's requested review made some modifications which consisted of across the board elimination of open space impact fee.

On September 17, 2014, the revised impact fee was brought back to City Council for approval but the Public Hearing was deferred to October 2, 2014 at the request of Building Industry Association (BIA) representative Nathan Miller. Staff then deferred the Public Hearing to October 15, 2014 to provide more time to the BIA representative to provide written comments. The written comments provided by the BIA are attached for City Council's information. Staff has further reviewed the proposed fee based on the comments provided by the BIA and City Council's desire to be competitive in attracting compatible economic development to the City. Staff is now recommending that several fees as highlighted on "Attachment A" be left unchanged from the current fee schedule. The recommended fees have addressed the concerns expressed by the BIA with respect to setting impact fee that can attract affordable new residential development. The proposed fees have also addressed City Council concerns by setting commercial development impact fee that makes Norco competitive and attractive for needed commercial development.

It is to be noted that in determining the reasonableness of development impact fees, one has to take into consideration the schedule of master facilities to be constructed to meet the demands created by new development and the impact fees paid by existing residents to construct and acquire existing infrastructure. The schedule of master facilities to be acquired and the proposed impact fees were first reviewed by the City Council at a Special Meeting Workshop on January 27, 2014.

BACKGROUND/ANALYSIS: On October 17, 2012, the City Council approved a Professional Services Agreement with Revenue Cost Specialists, LLC (RCS) to complete a Development Impact Fee Calculation and Nexus Report. RCS specializes in cost of services studies including impact fee calculation for local governments. They have assisted the City in developing general user fee schedules over the last ten years, and, in 2004 they completed the first Comprehensive Impact Fee calculation for the City. RCS has performed similar services for many cities in the state.

The first step in the calculation of Development Impact Fees (DIF) is the identification of capital assets additions (Master Facilities Plan) that are necessary to serve new residential and business development at the same levels of service currently offered and enjoyed by the existing community. Based on the estimated cost of the Master Facilities Plan (MFP) through "build out," DIF is calculated for different land uses. The purpose of this calculation is to determine the cost impact of new development on City infrastructure. This cost impact is then spread among anticipated development through "build out" to determine the amount of impact fee to be charged for each land use. Development impact fees do not apply to existing development but is a fee paid on new development to fund the impact of such developments on City capital infrastructure. As a measure of how reasonable the proposed fees are, the attached schedule includes a column showing the amount attributable to existing residents for the various land uses. A separate schedule is also attached comparing the City's proposed fees to the fees charged by neighboring jurisdictions. It is to be noted that except for parks impact fees, the City's proposed fees are within the range charged by other agencies in the area. The high park impact fee is due to high community standards.

The fees collected will be used to fund projects related to the following broad infrastructures:

- Animal Control Facilities, Vehicles and Equipment
- Fire Suppression/Medic Facilities, Vehicles and Equipment
- Circulation (Streets, Signals, and Bridges) System
- Local Storm Drainage Collection Facilities
- General Facilities (City Hall, City Fleet, and Fleet)
- Water Distribution Systems
- Wastewater Collection and Treatment Systems
- Equestrian Trail Acquisition and Development Systems
- Community Use Facilities
- Parks and Open Space

History:

On May 5, 2004, the City Council approved the City's Development Impact Fee and Nexus Report prepared by RCS as supported by the Master Facilities Plan. The 2004 study by RCS did not include utility systems infrastructure. Impact fee calculation for water and sewer infrastructure facilities was last performed in 2003 by Reiter Lowry Consultants.

Following the approval of general City infrastructure Development Impact Fees in 2004, the City Council in 2005, approved a reduction to the surface transportation improvements component (streets, bridges and traffic signals) after it was determined that the Hamner Avenue Bridge improvement project will be funded from sources other than development impact fee. Since then, no additional changes have been made to the fees adopted in 2004. With respect to water and sewer systems infrastructure, no changes have been made to the fees that were approved in 2003. Staff is not recommending any reduction to the Sewer and Water calculated impact fees. These fees are comparable to fees charged by other jurisdiction.

Therefore, the City Council is recommended to complete the public hearing process and approve the recommended Development Impact Fees.

Attachment: Letter from Nathan Miller, BIA Riverside County Chapter, October 9, 2014
Development Impact Fee Comparison Chart
Resolution No. 2014-60 with Exhibit A (Development Impact Fee Schedule)

The completed 2013-14 Development Impact Fee Calculation and Nexus Report and the Master Facilities Plan for the City of Norco are available at the City Clerk's Office.

October 9, 2014



*Riverside
County Chapter*

Building Industry Association
of Southern California

3891 11th Street
Riverside, California 92501
(951) 781-7310
Fax 9951) 781-0509

Andy Okoro, City Manager
City of Norco
2870 Clark Avenue
Norco, CA 92860

City of Norco 2014 DIF Calculation Report

RE: Comments on RCS, LLC, Scott Thorpe's, response to BIA Comments about the 2014 DIF Calculation Report

The following is a summation of immediate concerns regarding the necessity of the proposed DIF study, specifically in relation to the **Single Family Residential** component.

The BIA Riverside County would first like to thank the accommodations of the City of Norco, City Manager Andy Okoro, City Staff and Mr. Scott Thorpe. This has allowed the BIA the opportunity to clear up any misconceptions and engage in a reasonable dialogue as a significantly impacted stakeholder by the determination of this proposal. Mr. Okoro and Mr. Thorpe are consummate professionals and the dialogue was both informative and appreciated.

The Development Impact Fees (DIF) proposed by the study is a recommendation based on the supposition that should large scale development occur, the recommended fees are what would be necessary to mitigate the impact on the City of Norco and its future residents. One of the most crucial elements in considering a DIF is the actual pace of development including past development and current trends. In the last 5 years the City of Norco has pulled 4 permits for the purpose of building individual Single Family Residential homes. This is a pace of development that has a negligent impact on the city's resources and as such an increase in the DIF would be inconsequential in mitigating impact. The increase will however increase the unaffordability for private citizens to occasionally build a home. Considering that the likelihood of large scale development in the City of Norco is virtually nonexistent it calls into question the justification of increasing a fee that currently accommodates both the affordability of extremely infrequent building and the City's needs based on its negligent impact.

In summation, the proposed DIF suggests a legally justifiable fee based on the mitigation of impacts in the case of large scale development to the tune of hundreds of homes, yet by its nature is blind to the

reality that the pace of development of Single Family Residential building in Norco is infrequent at than 1 home per year. The City of Norco is benefitted from its embracing of its rural lifestyle and heritage. This has allowed its residents to appreciate the joy an equine specific way of life in addition to the benefits of a modernized society without sacrificing its pristine history. Enacting a DIF that makes Single Family Residential building unaffordable at all levels in fact undermines the values of Norco. Development design guidelines are ultimately a protection against large scale development and a product of the planning commission and the City Council's approval. Decreasing land value by increasing Development Impact Fees given the incredibly slow pace of building from year to year (4 permits in the last 5 years) is not in the best interest of the City, much less the residents it serves. Because of these reasons and other legal justification concerns (See Appendix A), the BIA recommends that the Single Family Residential portion of the proposed DIF remain at its current rate.

Sincerely,



Nathan A. Miller, Director of Government Affairs

Building Industry Association of Southern California
Riverside County Chapter

Appendix A

1. Use of the 2000 Census and the Prison Population

The solution to the issues on which RCS' provides comments refer the use of the 2000 Census and the reliance on the inclusion or exclusion of the prison populations. The issue concerning the 2000 Census and the prison population is a factual matter that the City Council and Public Officials need awareness of during their evaluating the two impact fees that Scott Thorpe states are affected by the shift of population numbers.

By memo dated September 30, 2014, Scott Thorpe informed Andy Okoro, City Manager of the City of Norco, that the recommended funding of the Public Use Facilities listed in Schedule 10.1 by DIF for SFR and MFR would increase 14.2% if the City Council reduced the population provided in the RCS DIF study by deducting the prison population. The prison population will constantly fluctuate whereas the current housing will not change much without a major building spurt of dwellings. Without a major increase in residents, how much more money does the City need to accumulate to serve the current population? After all, the purpose of the DIF is to mitigate the increased impact upon existing infrastructure created by the new residents, not addressing the deficiencies in existing infrastructure affecting the current residents.

If the City leaders want to improve the existing Public Use Facilities that serve the existing residents, raising the DIF for dwellings will not produce much money for these improvements. The City should consider other funding source available under their police powers to mitigate any deficiencies in existing infrastructure affecting the current residents.

Are the construction projects contemplated by the increase in the DIF for Public Use Facilities subject to the 5-Year Capital Improvement statutes? The City leaders, including the City Attorney, should consider the constraints place upon the expenditures per the statutes concerning the 5-Year Capital Improvement Plan the City should have in place.

2. Quimby Park Land Acquisition Fees

Gov Code 66477 (a) (2), The Quimby Act, provides the controlling language concerning the number of acres that a local agency may procure from a dedication or payment of park land fees, or both from a developer:

"However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section."

The City Council has the choice to set their public policy threshold on how many acres per 1,000 persons that they want the new residential population to fund within the limits imposed in the Quimby Act language provided above. If the City accepts RCS' calculations concerning the non-prison population, the City currently has 11.706 acres per 1,000 residents. The City's governing body may elect not to increase the number of acres from the current levels by imposing Quimby fees on new development.

If the City of Norco elects to impose Quimby Fees, the norm is 3.0 acres per 1,000 population; not 5.00 acres per 1,000 as RCD states. The maximum limit per the Quimby Act is 5.0 acres per 1,000. The Quimby Act only applies to neighborhood and community parks, and precludes regional park acreage. Apparently, the assumption prevails that the City qualifies for the maximum even though the Silver Lakes Park is not yet constructed. A true accounting of qualifying parkland acreage may reduce the applicability of using the 11.706 existing acres if some judicial authority determines that some of the existing parks are regional parks.

Schedule 12.1 of the RCS' calculations contain fees for park construction and maintenance requirements along with acquiring park land acreage. Laura Westrup, Planning Division, California Department of Parks and Recreation, released a "bulletin" in 2002, titled *Quimby Act 101: An Abbreviated Overview*. In this bulletin she addressed the use of Quimby fees for the operation and maintenance of park facilities

<http://www.parks.ca.gov/pages/795/files/quimby101.pdf>

"Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities."

RCS's Schedule 12.1 also includes a fee for park construction. California's State Attorney General John K. Van De Kamp released an opinion, concerning funding recreation improvements through Quimby fees, 73 Op. Atty Gen. Cal. 152, on May 22, 1990. The Attorney General concluded that:

"A city or county, as a condition of regulating and approving the creation of a subdivision, may not lawfully require the dedication of land improved for park and recreational purposes without credit being given to the subdivider for the value of the recreational improvements."

This AG opinion conclusion stated above should be referred to the City of Hemet's City Attorney for review and a legal opinion considering the time lapse since its publication.

Many cities actually use their police powers outside of the Quimby Act to impose a DIF for parkland recreational improvements that are subject to the Mitigation Fee Act. Again, the City Attorney should provide a legal opinion concerning this option.

DEVELOPMENT IMPACT FEE COMPARISON										
	Norco	Norco	Chino	Corona	Jurupa CSD	Fontana	Lake Elsinore	Yucaipa	Highland	Ontario
	Current	Proposed 11/5/2014								
COMMERCIAL / OFFICE				Retail/Office		Retail/Office	Office/Retail			Retail/Office
Parks	\$.598 sq ft	\$.463 sq ft	\$.11 pr sq ft	\$.07/.07 sq ft		No Fee	\$.10 sq ft		No Fee	No Fee
Fire	\$.544 sq ft	\$.544 sq ft	\$ 1.13 pr sq ft	\$.23/.23 sq ft		\$.25 sq ft	\$337.00/489.00 pr 1000 sq ft	\$.4837 sq ft	\$.203 sq ft	\$.476/1.937 sq ft
General Government Facilities	\$.118 sq ft	\$.118 sq ft	\$.09 pr sq ft			\$398.13 per 1000 sq ft	\$180.00/108.00 pr 1000 sq ft	\$9,394.29 per acre	\$.245 sq ft	\$.099/.078 sq ft
Streets	\$3.683 sq ft	\$3.683 sq ft	\$ 3.99 pr sq ft	\$ 1.58/.76 sq ft		\$8,605/6,962	\$ 3.84/1.45 sq ft	\$14,490.72 per acre	\$ 10.66 sq ft	\$ 7.795/4.455 sq ft
Storm Drains	\$.293 sq ft	\$.293 sq ft	\$.69 pr sq ft	\$.35/.35 sq ft		\$4,998.00 - \$27,684/acre		\$10,542.99 per acre	\$.160 sq ft	\$2.363/1.240 sq ft
Animal control	\$.009 sq ft	\$.031 sq ft								No Fee
Sewer	\$2,120 EDU	\$1.653 sq ft	\$.16 sq ft + \$5007.00	\$ 1.69 sq ft	\$3.27 sq ft	\$ 876.61 EDU				\$.151/.264 sq ft
Water	\$2,400.00 / 1"meter	\$2.586 sq ft	\$3.46 pr sq ft	\$8.36 sq ft	\$7.50 sq ft					\$2.951/1.591 sq ft
COMMERCIAL LODGING			Per Unit	Per Room	Per Room				Per Room	
Parks	\$116.00 Guest Unit	\$116.00 Guest Unit	\$137.00	\$128.00					No Fee	No Fee
Fire	\$374.00 Guest Unit	\$358.00 Guest Unit	\$819.00	\$ 251.20/450.40					\$1,329.83	\$226.00 Guest Unit
General Government Facilities	\$28.00 Guest Unit	\$28.00 Guest Unit	\$115.00						\$177.56	\$87.00 Guest Unit
Streets	\$1,070.00 Guest Unit	\$1,070.00 Guest Unit	\$1,658.00	\$1,942.40					\$5,970.16	\$2,035.00 Guest Unit
Storm Drains	\$59.00 Guest Unit	\$59.00 Guest Unit	\$700.00	\$108.80					\$118.86	\$936.00 Guest Unit
Animal control	\$2.08 Guest Unit	\$8.00 Guest Unit								No Fee
Sewer	\$2,120 EDU	\$5,864.00 Guest Unit	\$5,402.00	\$2,716.00	\$2,482.20					\$410.00 Guest Unit
Water	\$2,400.00 / 1"meter	\$1,959.00 Guest Unit	\$2,624.16	\$6,330.24	\$5,560.19					\$3,201.00 Guest Unit
INDUSTRIAL										
Parks	\$.358 sq ft	\$0.329 sq. ft.		\$.30 sq ft		No Fee	\$.10 sq ft		No Fee	No Fee
Fire	\$.011 sq ft	\$.116 sq. ft.	\$.05 pr sq ft	\$.02 sq ft		\$.10 sq ft	\$ 159.00 pr 1000 sq ft	\$.4837 sq ft	\$.06 sq ft	\$.022 sq ft
General Government Facilities	\$.118 sq ft	\$.139 sq. ft.	\$.09 pr sq ft			398.13 per 1000 sq ft	\$ 36.00 pr 1000 sq ft	\$9,404.37 per acre	\$.245 sq ft	\$.080 sq ft
Streets	\$1.177 sq ft	\$2.516 sq. ft.	\$ 1.45 pr sq ft	\$.34 sq ft		\$6,962.00	\$.81 pr sq ft	\$14,518.00 per acre	\$7.415 sq ft	\$ 2.389 sq ft
Storm Drains	\$.190 sq ft	\$.277 sq. ft.	\$.55 pr sq ft	\$.30 sq ft		\$4,998.00 *		\$10,579.23 per acre	\$.191 sq ft	\$ 1.579 sq ft
Animal control	\$.0052 sq ft	\$.022 sq. ft.								No Fee
Sewer	\$2,120 EDU	\$ 1.955 sq ft.	\$.07 sq ft + \$5,007.00	\$.566 pr sq ft	\$ 2.29 pr sq ft	\$ 876.61 EDU				\$.170 sq ft
Water	\$2,400.00 / 1"meter	\$1.810 sq ft.	\$2.43 pr sq ft	\$5.85 pr sq ft	\$5.25 pr sq ft					\$ 1.853 sq ft
SINGLE FAMILY DWELLING/SUBDIVISION			Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
Parks	\$ 11,742.00 Res. Unit	\$ 11,742.00 Res. Unit	\$6,218.00	\$10,166.40		\$6,500.00	\$1,600.00	\$2,047.34	\$3,900.12	\$ 7,039.00 Res. Unit
Fire	\$1,036.00 Res. Unit	\$ 1,010.00 Res. Unit	\$1,167.00	\$ 279.20/501.60		\$164.00	\$751.00	\$824.41	\$836.66	\$541.00 Res. Unit
General Government Facilities	\$515.00 Res. Unit	\$ 515.00 Res. Unit	\$160.00			\$796.26	\$809.00		\$1,044.37	\$572.00 Res. Unit
Trails	\$729.00 Res. Unit	Combined w/ street								No Fee
Sewer	\$2,120 EDU	\$ 6,134.00 Res. Unit	\$5,881.00	\$3,396.00	\$5,910.00	\$876.61				\$703.00 Res. Unit
Water	\$2,400.00 / 1"meter only	\$ 4,662.00 Res. Unit	\$6,248.00	\$15,072.00	\$13,524.26					\$7,618.00 Res. Unit
Streets	\$2,084.00 Res. Unit	\$ 2,813.00 Res. Unit	\$3,234.00	\$3,237.60		\$5,749.00	\$1,369.00	\$8,951.65	\$11,349.40	\$3,858.00 Res. Unit
St. Drain	\$1,560.00 Res. Unit	\$1,560.00 Res. Unit	\$1,778.00	\$940.80		\$ 4,998.00 - \$27,684 /acre		\$ 10,564.00 per acre	\$725.21	\$5,807.00 Res. Unit
Animal Control	\$146.00 Res. Unit	\$251.00/Res. Unit					\$348.00			No Fee
Public Library	\$471.00 Res. Unit	Included w/ Public Meeting Facilities	\$129.00	\$383.20		\$533.30	\$150.00		\$960.81	\$1,045.00 Res. Unit
Public Meeting Facilities	\$1,312.00 Res. Unit	\$1,783.00 Res. Unit	\$672.00	\$248.80		\$796.26	\$545.00	\$1,740.29	\$1,197.56	\$1,108.00 Res. Unit
Aquatics Center	\$251.00 Res. Unit	No Fee - Eliminated		\$153.60						\$77.00 Res. Unit
MULTI FAMILY			Per Unit	Per Unit			Per Unit	Per Unit	Per Unit	
Parks	\$6,192.00 Res. Unit	\$6,192.00 Res. Unit	\$4,755.00	\$7,139.20		\$5,139.37	\$1,500.00	\$2,047.34	\$3,752.75	\$ 4,936.00 Res. Unit
Fire	\$1,683.00 Res. Unit	\$1,009.00 Res. Unit	\$1,062.00	\$ 372.80/\$668.80		\$164.00	\$612.00	\$824.41	\$271.54	\$454.00 Res. Unit
General Government Facilities	\$515.00 Res. Unit	\$106.00 Res. Unit	\$160.00			\$358.32	\$ 696.00/404.00 5+		\$1,044.37	\$87.00 Res. Unit
Sewer	\$2,120 EDU	\$5,727.00 Res. Unit	\$5,511.00	\$2,716.80	\$3,244.59	\$876.61				\$322.00 Res. Unit
Water	\$2,400.00 / 1"meter only	\$2,559.00 Res. Unit	\$3,988.00	\$6,699.00	\$8,550.76					\$2,219.00 Res. Unit
Streets	\$1,373.00 Res. Unit	\$1,373.00 Res. Unit	\$ 1,998/2,138	\$2,590.40		\$3,509.00	\$959.00	\$8,951.65	\$7,576.76	\$1,594.00 Res. Unit
St. Drain	\$162.00 Res. Unit	\$162.00 Res. Unit	\$743.00	\$242.40		\$4,998.00 per acre		\$ 10,564.00 per acre	\$310.33	\$1,075.00 Res. Unit
Animal Control	\$146.00 Res. Unit	\$251.00 Res. Unit					\$ 299.00/174.00 5+			No Fee
Public Library	\$248.00 Res. Unit	No Fee	\$ 110/93	\$276.80		\$239.99			\$924.84	\$733.00 Res. Unit
Public Meeting Facilities	\$691.00 Res. Unit	\$939.00 Res. Unit	\$ 571/485	\$174.40		\$ 358.32	\$ 469.00/272.00 5+	1740.29	\$1,152.29	\$777.00 Res. Unit
Aquatics Center	\$132.00 Res. Unit	No Fee		\$108.00						\$55.00 Res. Unit
						* Storm drain fees vary from \$4,998.00 to \$27,684 per acre based on benefit area				

RESOLUTION NO. 2014-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING THE CITY'S COMPREHENSIVE FEE RESOLUTION TO UPDATE AND ADJUST THE DEVELOPMENT IMPACT FEE SCHEDULE

WHEREAS, in 2014, Revenue & Cost Specialists, LLC conducted an extensive analysis through its technical expertise to identify the capital needs of the City and completed a Development Impact Fee (DIF) calculation and Nexus Report; and

WHEREAS, the Development Impact Fees were adopted in 2004 and were amended to reflect changes in the Consumer Price Index in 2007; and

WHEREAS, the schedule of amended Development Impact Fees needs to be adopted so that the City can identify the capital projects and acquisitions necessary to finance the proportional share of development-generated capital needs; and

WHEREAS, a notice of public hearing has been provided in accordance with Government Code Section 6062a, oral and written presentations were made and received, and the required public notice was held; and

WHEREAS, all requirements of California Government Code Section 54994.1 are hereby found to have been complied with.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORCO, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Development Impact Fees contained in Resolution Nos. 2007-24 and 2012-43 are hereby updated.

SECTION 2. The Development Impact Fees are hereby approved as listed in Exhibit "A".

SECTION 3. The fees set forth in this Resolution shall become effective immediately.

Resolution No. 2014-60
Page 2
November 5, 2014

PASSED AND ADOPTED by the City Council of the City of Norco as a regular meeting held on November 5, 2014,

Berwin Hanna
Mayor of the City of Norco, California

ATTEST:

Cheryl L. Link, City Clerk
City of Norco, California

I, Cheryl L. Link, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a meeting held on November 5, 2014 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on November 5, 2014.

Cheryl L. Link, City Clerk
City of Norco, California

Attachment: Exhibit "A"

**City of Norco
Development Impact Fee**

Land Use Category	Current Fee	Calculated Fee	Recommended Fee November 5, 2014
COMMERCIAL / OFFICE			
Parks	\$0.598 / sq. ft.	\$0.463 / sq. ft.	\$0.463 / sq. ft.
Fire	\$0.544 / sq. ft.	\$0.561 / sq. ft.	\$0.544 / sq. ft.
General Government Facilities	\$0.118 / sq. ft.	\$0.195 / sq. ft.	\$0.118 / sq. ft.
Streets	\$3.683 / sq. ft.	\$7.342 / sq. ft.	\$3.683 / sq. ft.
Storm Drains	\$0.293 / sq. ft.	\$0.404 / sq. ft.	\$0.293 / sq. ft.
Animal Control	\$0.009 / sq. ft.	\$0.031 / sq. ft.	\$0.031 / sq. ft.
Sewer	\$2,120 / EDU	\$1.653 / sq. ft.	\$1.653 / sq. ft.
Water	\$2,400.00 / 1"meter	\$2.586 / sq. ft.	\$2.586 / sq. ft.
COMMERCIAL LODGING			
Parks	\$116.00 / Guest Unit	\$118.00 / Guest Unit	\$116.00 / Guest Unit
Fire	\$374.00 / Guest Unit	\$358.00 / Guest Unit	\$358.00 / Guest Unit
General Government Facilities	\$28.00 / Guest Unit	\$50.00 / Guest Unit	\$28.00 / Guest Unit
Streets	\$1,070.00 / Guest Unit	\$2,142.00 / Guest Unit	\$1,070.00 / Guest Unit
Storm Drains	\$59.00 / Guest Unit	\$98.00 / Guest Unit	\$59.00 / Guest Unit
Animal Control	\$2.08 / Guest Unit	\$8.00 / Guest Unit	\$8.00 / Guest Unit
Sewer	\$2,120 / EDU	\$5,864.00 / Guest Unit	\$5,864.00 / Guest Unit
Water	\$2,400.00 / 1"meter	\$1,959.00 / Guest Unit	\$1,959.00 / Guest Unit
INDUSTRIAL			
Parks	\$0.358 / sq. ft.	\$0.329 / sq. ft.	\$0.329 / sq. ft.
Fire	\$0.011 / sq. ft.	\$0.116 / sq. ft.	\$0.116 / sq. ft.
General Government Facilities	\$0.118 / sq. ft.	\$0.139 / sq. ft.	\$0.139 / sq. ft.
Streets	\$1.177 / sq. ft.	\$2.516 / sq. ft.	\$2.516 / sq. ft.
Storm Drains	\$0.190 / sq. ft.	\$0.277 / sq. ft.	\$0.277 / sq. ft.
Animal Control	\$0.0052 / sq. ft.	\$0.022 / sq. ft.	\$0.022 / sq. ft.
Sewer	\$2,120 / EDU	\$1.955 / sq. ft.	\$1.955 / sq. ft.
Water	\$2,400.00 / 1"meter	\$1.810 / sq. ft.	\$1.810 / sq. ft.

**City of Norco
Development Impact Fee**

Land Use Category	Current Fee	Calculated Fee	Recommended Fee November 5, 2014
SINGLE FAMILY DWELLING/SUBDIVISION			
Parks	\$11,742.00 / Res. Unit	\$11,821.00 / Res. Unit	\$11,742.00 / Res. Unit
Fire	\$1,036.00 / Res. Unit	\$1,010.00 / Res. Unit	\$1,010.00 / Res. Unit
General Government Facilities	\$515.00 / Res. Unit	\$1,199 / Res. Unit	\$515.00 / Res. Unit
Trails	\$729.00 / Res. Unit	Combined with street	Combined with street
Sewer	\$2,120 / EDU	\$6,134.00 / Res. Unit	\$6,134.00 / Res. Unit
Water	\$2,400.00 / 1"meter only	\$4,662.00 / Res. Unit	\$4,662.00 / Res. Unit
Streets	\$2,084.00 / Res. Unit	\$4,062.00 / Res. Unit	\$2,813.00 / Res. Unit
Storm Drains	\$1,560.00 / Res. Unit	\$2,545.00 / Res. Unit	\$1,560.00 / Res. Unit
Animal Control	\$146.00 / Res. Unit	\$251.00 / Res. Unit	\$251.00 / Res. Unit
Public Library	\$471.00 / Res. Unit	Included with Public Meeting Facilities	Included with Public Meeting Facilities
Public Meeting Facilities	\$1,312.00 / Res. Unit	\$3,318.00 / Res. Unit	\$1,783 / Res. Unit
Aquatics Center	\$251.00 / Res. Unit	No Fee - Eliminated	No Fee - Eliminated
MULTI FAMILY			
Parks	\$6,192.00 / Res. Unit	\$9,639.00 / Res. Unit	\$6,192.00 / Res. Unit
Fire	\$1,683.00 / Res. Unit	\$1,009.00 / Res. Unit	\$1,009.00 / Res. Unit
General Government Facilities	\$515.00 / Res. Unit	\$106.00 / Res. Unit	\$106.00 / Res. Unit
Sewer	\$2,120 / EDU	\$5,727.00 / Res. Unit	\$5,727.00 / Res. Unit
Water	\$2,400.00 / 1"meter only	\$2,559.00 / Res. Unit	\$2,559.00 / Res. Unit
Streets	\$1,373.00 / Res. Unit	\$2,712.00 / Res. Unit	\$1,373.00 / Res. Unit
Storm Drains	\$162.00 / Res. Unit	\$210.00 / Res. Unit	\$162.00 / Res. Unit
Animal Control	\$146.00 / Res. Unit	\$251.00 / Res. Unit	\$251.00 / Res. Unit
Public Library	\$248.00 / Res. Unit	Included with Public Meeting Facilities	Included with Public Meeting Facilities
Public Meeting Facilities	\$691.00 / Res. Unit	\$2,706.00 / Res. Unit	\$939.00 / Residential Unit
Aquatics Center	\$132.00 / Res. Unit	No Fee	No Fee

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: William R. Thompson, Water & Sewer Manager 

DATE: November 5, 2014

SUBJECT: **Ordinance No. 981, First Reading.** Code Amendment 2014-06. A City-Initiated Proposal to Amend Chapter 6.42 "Municipal Refuse Collection Service" of the Norco Municipal Code by Amending Sections 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.101, 6.42.106, 6.42.107, 6.42.108, and 6.42.110.

RECOMMENDATION: Adopt **Ordinance No. 981** for first reading.

SUMMARY: Staff is recommending modification to Chapter 6.42, Sections 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.101, 6.42.106, 6.42.107, 6.42.108, and 6.42.110 of the Norco Municipal Code regarding Municipal Refuse Collection Service. The proposed ordinance language has been updated to address non-franchise haulers franchise fee rates; address business license and reporting requirements; and billing conform provisions to Chapter 14.04.

BACKGROUND/ ANALYSIS: The City of Norco recently executed an exclusive solid waste franchise agreement with USA Waste of California, Inc. The final agreement contained modifications to specific fees and services creating a need to update Chapter 6.42 of the City's Municipal Code. After careful review staff has recommended the following changes to Chapter 6.42, Section 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.101, 6.42.106, 6.42.107, 6.42.108 and 6.42.110 of the Norco Municipal Code (Municipal Refuse Collection Service). A summary of the proposed changes are outlined below.

Franchise Fee

To defray the costs of maintaining and repairing City-owned rights-of-way affected by heavy equipment used by the franchisee, the franchise fee will increase from 10% to 17.9%. Said increase will be phased in over three (3) years for commercial accounts and five (5) years for residential accounts.

Agenda Item: 4.B.

Business License

To ensure consistency with the updated Municipal Code Chapter 5 (Business License and Regulations), all waste haulers doing business within the boundaries of Norco are required to have a current business license.

Refuse Containers and Quantity

Waste containers shall be provided by the City's Franchise waste hauler and shall consist of container sizes approved in the current franchise agreement. Customers may schedule three (3) bulky waste pick-ups per year at no additional cost.

Payments, Penalties, Nonpayment

The Finance Department has provided language modifications for specific dates relating to payments, penalties, and discontinuance of service.

Compliance

To meet regulations and avoid penalties, any person, firm, or corporation that provides waste services and/or transports refuse or recyclables within the incorporated area of the City shall provide monthly, quarterly, and annual tonnage reports in compliance with AB 839.

Billing Provisions:

Currently residential and most commercial refuse billing is combined with water and sewer charges as outlined in Chapter 14.04 of the Norco Municipal Code. These revisions to Chapter 6.42 include amendments necessary to conform it to Chapter 14.04.

FINANCIAL IMPACT: The recommended changes to Norco Municipal Code, Chapter 6.42 regarding franchise fees is anticipated to add about \$500 in revenues to the FY 2014-2015 General Fund revenue budget.

Attachment: Ordinance No. 981

ORDINANCE NO. 981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO AMENDING CHAPTER 6.42 "MUNICIPAL REFUSE COLLECTION", SECTIONS 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.101, 6.42.106, 6.42.107, 6.42.108, AND 6.42.110 UPDATING REQUIREMENTS FOR REFUSE COLLECTION AND WASTE DISPOSAL

WHEREAS, Title 6, Chapter 6.42 of the Norco Municipal Code establishes the requirements of municipal collection services; and

WHEREAS, a code amendment is needed in order to be in compliance with state laws and regulations regarding refuse collection and to be consistent with the City's new franchise fee rates.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

Chapter 6.42, Sections 6.42.020, 6.42.030, 6.42.070, 6.42.080, 6.42.101, 6.42.106, 6.42.107, 6.42.108 and 6.42.110 of the Norco Municipal Code shall be amended to read as follows:

SECTION 1:

6.42.020 License—Required Exceptions.

It shall be unlawful for any person to collect or transport refuse or recyclable materials in the incorporated area of the City without an unrevoked current license issued by the City. Applications for a license shall be made to the City upon an approved form. Persons hauling refuse or garbage from their residences or refuse or garbage produced in the course of their own business or occasional hauling for others where there is no charge for such service shall not be required to comply with the equipment standards set forth in this chapter. In the event that the City determines pursuant to Public Resources Code, Section 40059, to award an exclusive franchise to provide for refuse collection, recycling and disposal in residential and/or commercial/industrial areas of the City, it shall be unlawful for any person or entity other than the franchisee to collect, recycle or dispose of refuse, including recyclable materials generated within the City.

In the event that the City, pursuant to Public Resources Code, Section 40059, awards an exclusive franchise to provide for refuse collection, recycling and disposal services, a franchise fee equivalent to ~~10~~ based on a percent of franchisee's gross revenues from all services shall be imposed by the City to defray the costs of maintaining and repairing City rights-of-way affected by heavy equipment used by the franchisee. **The franchise fee shall be charged as follows:**

Dates	Commercial	Residential
July 1, 2014	12.63%	11.58%
July 1, 2015	15.27%	13.16%
July 1, 2016	17.90%	14.74%
July 1, 2017	17.90%	16.32%
July 1, 2018	17.90%	17.90%

To the extent that any provision of the franchise agreement is inconsistent with this chapter, the provision of the franchise agreement shall prevail. Notwithstanding the above, this provision shall specifically not preclude individual residential property owners from recycling personally any of their own refuse; nevertheless, all persons and entities shall be required to participate in any franchise program enacted by the City pursuant to the California Integrated Waste Management Act of 1989. In the event that an eligible property owner, such as a government entity, lawfully contracts with a waste hauler other than the exclusive franchisee for refuse collection, recycling and disposal services, a franchise fee equivalent to ~~10 percent~~ **as listed above** of hauler's gross revenues from all services ~~may~~ **shall** be imposed by the City to defray the costs of maintaining and repairing City rights-of-way affected by heavy equipment used by the private contractors. Any waste hauler not bound to an exclusive franchise agreement shall provide detailed quarterly reports on its activities in a form approved by the City. (Ord. 918 Sec. 1, 2010; Ord. 633, 1993; Ord. 433 Sec. 2, 1979)

6.42.030 License—Issuance—Fees—Tags.

All licenses shall be issued to expire at the end of the fiscal year. The fees therefor shall be \$50.00 per year for the first truck, and \$25.00 per year for each additional truck operated by the permittee. The fee for a fraction of a year shall be prorated on a monthly basis. No fees shall be refunded, but the City Manager may authorize transfer of the license for one vehicle to another upon surrender of the license for appropriate amendment, and payment of a transfer fee of \$5.00. A license may be revoked by the City Manager upon 10 days' notice to the permittee for failure to conform to the provisions of this chapter. Notice may be served personally or by registered or certified mail addressed to the last place of business or residence by the permittee as shown in the City records.

(1) The City shall provide for each truck operated by the permittee a distinctive and durable tag which shall be securely fastened and maintained by the permittee on each vehicle so as to be clearly visible from the rear.

(2) The City Manager may revoke the tag of any truck that fails to meet the requirements of this chapter and such truck shall not be used for the collection or transportation of garbage or refuse until a tag is reissued.

(3) Exceptions for Outside Collectors. This chapter shall not prohibit collectors of refuse from outside of the City from hauling such refuse over City streets; provided,

such collectors comply with the provisions of this chapter and with any other governing law or ordinances. (Ord. 433 Sec. 3, 1979)

(4) All persons, firms, partnerships, associations, companies, and organizations doing business within the City of Norco corporate boundaries are required to obtain a City Business License.

6.42.070 Refuse containers.

(a) Duty to Provide and Maintain in Sanitary Condition. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises waste hauler. Refuse containers shall be maintained in good and sanitary condition at all times by residents. Any container that may become damaged shall be replaced by the waste hauler pursuant to the terms of their agreement. Any container that does not conform to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced. The city shall have the authority to refuse collection services for failure to comply herewith.

(b) Garbage. Garbage containers shall be of metal, plastic or otherwise impervious material, equipped with suitable handles and tight-fitting covers, and shall be water tight.

(1) Capacity. ~~Garbage containers shall have a capacity of not more than twenty gallons .~~ All containers shall be sized pursuant to the approved agreement and supplied by the waste hauler.

~~(2) Sanitation. Garbage containers shall be of a type approved by the city and shall be kept in a clean, neat and sanitary condition at all times.~~

(c) Refuse and Rubbish. Refuse and rubbish containers shall be made of metal, plastic, or otherwise impervious material, and have a capacity of ~~not more than 36 gallons~~ as provided by the waste hauler.

~~(d) Ash Containers. Ashes shall be deposited only in metal containers of a capacity not in excess of twenty gallons. (Ord. 525 Sec. 1 (part), 1984; Ord. 433 Sec. 7, 1979)~~

6.42.080 Collection practices.

(a) Frequency of Collection. All refuse accumulated from all single-family and multi-family units, ~~duplexes and triplexes~~ shall be collected at least once each week. All refuse accumulated from apartments shall be collected at least twice a week.

(b) Limitation on Time Containers May Remain Out Before and After Collection. In no event shall refuse and garbage containers remain in the vicinity of any right-of-way either before or after collection for a total time period of over twenty-four hours.

(c) Limitation on Quantity. A reasonable accumulation of refuse shall be collected from each household and the refuse containers shall have a capacity ~~of not to exceed thirty-six gallons or not to exceed twenty gallons, for garbage and ash containers, and when filled not to exceed sixty-five pounds in gross weight~~ and sized, as supplied by the waste hauler per the approved agreement. Loose materials must be securely tied in bundles and not weigh in excess of sixty pounds each, and shall not exceed the size of eighteen inches in diameter and three feet in length. ~~Each collection shall not exceed seven containers and/or bundles of loose materials.~~

(d) Dumping Trash on Street. No person shall dispose of or dump upon any public property, street, or alley of the City, or upon any property of another, except such property as may be provided and set apart for such use by the City, any tin cans, bottles, junk, trash or rubbish or any waste matter of any kind or composition. The city council may enter into a contract for the collection and disposal of said material and rubbish, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

(e) Dumping Trash on Private Property. No person shall dispose of or dump upon any private property within the city any tin cans, bottles, junk, trash or rubbish or any waste material or any kind or composition.

(f) Collection.

(1) Requirements for Vehicles. Collectors of refuse and/or garbage who desire to haul over the streets of the City of Norco shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom, and refuse from being blown, dropped or spilled.

(2) Disposal. Disposal of refuse or garbage by persons so permitted under subsection (a) above shall be made outside the city limits, unless otherwise specifically authorized by the City. (Ord. 433 Sec. 8, 1979)

6.42.101 Charges-Billing and collection

Every occupant or owner of residential property or premises in the city of Norco shall be billed as provided for in the Section 14.04.300 of the City of Norco Municipal Code. ~~in advance either bimonthly or quarterly as may be established by the city of Norco. Services provided other than residential services shall be billed in advance either monthly or bimonthly. In accordance with the refuse service agreement, the city may handle contractor's billings, collections and payments due contractor from persons served.~~

6.42.106 Payment of Bills

The billing for refuse collection charges shall appear on the same bill as that for water services. The total amount for all refuse shall be payable as provided for in Section

14.04.310 of the City of Norco Municipal Code. Refuse collection charges billed by the City are due and payable upon deposit by the City in the United States mail. On each bill the following language shall be printed thereon: "If payment **in full** of this bill is not received by the City's ~~Water~~ **Finance** Department at 2870 Clark Avenue, Norco, California on or before the ~~fortieth~~ **forty-fifth** day after said bill was deposited **by the City** in the United States mail, water service may be discontinued. If service is discontinued for nonpayment, a reconnection charge, collection fee and penalties pursuant to Section 14.04.325 of the City's Municipal Code shall be paid to the City prior to City restoring said services (Ord. 887, Sec. 2; 2008; Ord. 574 Sec. 2 (part), 1987)

6.42.107 Penalty

Any refuse collection billing that is not paid on the due date is subject to penalties as provided for in Section 14.04.355 of the City of Norco Municipal Code. Any refuse collection billing which is unpaid in whole or in part ~~thirty days~~ **after the twenty-fifth day** after the bill is deposited in the United States mail pursuant to Section 6.42.106 is declared delinquent. A penalty in the amount of ten percent of the unpaid balance of such bill, including any charges stated therein shall be imposed thereon. The City Manager or Finance Director shall have the authority to waive or remove penalty charges for reasonable causes. (Ord. 574 Sec. 2 (part), 1987)

6.42.108 Disconnection of water service for nonpayment of refuse collection charges

The city may discontinue water service to any person who has not paid in full any bill for refuse collection service including all penalties and late charges thereon on or before the ~~tenth~~ **fifteenth** day after the date of delinquency as provided in Section 6.42.107. At least ten days prior to such discontinuance the delinquent debtor shall be sent a final notice informing him that his water service will be discontinued if payment is not made within the time specified in the notice. The final notice shall include notice to the customer of his right to a hearing as provided by Section 14.04.321 of the Norco Municipal Code. **The 10-day period does not commence until five days after the final notice is mailed.** A customer's water service may be discontinued if charges for services furnished at a previous location within the city are not paid within the time herein fixed for the payment of bills. If a customer received refuse collection service or benefit at more than one location and a bill at any one location is not paid within the time provided for payment, water service at all locations may be turned off. The customer will be charged for both water and refuse collection service during the period in which water service is shut off. (Ord. 574 Sec. 2 (part), 1987)

6.42.110 Violation—Penalty.

Any person, firm or corporation who shall violate any provision of this chapter shall be deemed guilty of an infraction. (Ord. 527 Sec. 4 (part), 1984; Ord. 525 Sec. 1 (part),

1984: Ord. 433 Sec. 11, 1979) Any person, firm or corporation that provides waste services and/or transports refuse or recyclables within the incorporated area of the City shall provide monthly, quarterly, and annual tonnage reports in compliance with AB 839 (California Public Resources Code Section 41000, et. seq., as amended).

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held November 19, 2014.

Mayor of the City of Norco, California

ATTEST:

Cheryl L. Link, City Clerk
City of Norco, California

I, CHERYL L. LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of

Ordinance No. 981

Page 7

November 5, 2014

the City of Norco, California, duly held on November 5, 2014 and thereafter at a regular meeting of said City Council duly held on, November 19, 2014, it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

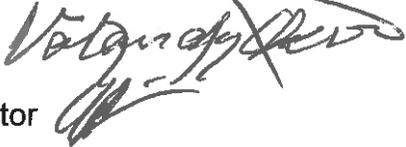
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on November 19, 2014.

Cheryl L. Link, City Clerk
City of Norco, California

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: November 5, 2014

SUBJECT: **Ordinance No. 982, First Reading.** Code Amendment 2014-07. A City-Initiated Code Change to amend Chapter 5.28 "Swap Meets" and other related cross-references in the Norco Municipal Code as needed regarding the collection of business license fees for special events.

RECOMMENDATION: Adopt **Ordinance No. 982** for first reading.

SUMMARY: The definition of a "swap meet" in Chapter 5.28 of "Business Licenses and Regulations" in the Norco Municipal Code presents a scenario wherein a proposed event might have to pay both a special event business license and a swap meet business license which is not the intent. This proposed Code Amendment would correct the definition.

BACKGROUND: In 2012 the City Council approved a new format for determining Swap Meet Permit and business license fees for swap meets that are re-occurring events. This was needed because the Norco Municipal Code fees that were established at the time were based on one-time events only and the extrapolation of those fees over the number of events per year in re-occurring events was costly and cumbersome for the applicant:

SWAP MEET FEES ASSUMPTION: 12 EVENTS PER YEAR (ONE PER MONTH)		
	OLD FEES	CURRENT FEES
	12 days/year (1/mo.)	12 days/year (1/mo.)
SWAP MEET PERMIT (paid by operator)	\$480 (\$40.00 per day) \$40.00 fee paid monthly	N/A (already paid)
BUSINESS LICENSE: (annual fees)		
Tax (paid by operator) (out of town operator)	\$60	\$60+ \$30 (for exhibitors)*
Tax (paid by exhibitor)	\$60	none*
Processing Fee (operator)	\$28 (1 st), \$15 (renewal)	\$28 (1 st), \$15 (renewal)
Processing Fee (exhibitor)	\$28 (1 st), \$15 (renewal)	none*
State License Fee (all)	\$1	\$1

* Operator pays one annual fee to cover exhibitors

The way a "Swap Meet" is defined in Chapter Five of the NMC presents a scenario wherein an event already covered by a Special Event Permit and the related business license fee, would also have to pay a swap meet business license fee even though a Swap Meet Permit was not required:

*NMC Title 5: BUSINESS LICENSES AND REGULATIONS
Chapter 5.28: SWAP MEETS
Section 5.28.010: Definitions*

- (2) "Swap meet" means any event which meets all of the following requirements:
- (A) *The place or location at which the event is held has been advertised by any means whatsoever as a place or location to which members of the public, during a specified period of time, may bring identifiable, tangible personal property and exhibit it for sale or exchange, barter or trade,*
 - (B) *A fee is charged, payable to the operator of the event, either in the form of a charge for general admission to the place or location where the event is held or a charge for the privilege of exhibiting identifiable, tangible personal property at such event. The charge for exhibiting identifiable, tangible personal property may be a fixed amount or a percentage of all sales made or of the value of all property exchanged.*

The problem arises when an event that is approved with a Special Event Permit also meets the definition of a swap meet and is thereby subject to the payment of two business license fees. To avoid a duplication of business license fees the following change is proposed to the definition section shown above:

- (2) "Swap meet" means any event which meets all of the following requirements:
- (A) *The proposed event is not an event that is otherwise approved with a Special Event Permit.*
 - (B) *The place or location at which the event is held has been advertised by any means whatsoever as a place or location to which members of the public, during a specified period of time, may bring identifiable, tangible personal property and exhibit it for sale or exchange, barter or trade,*
 - (C) *A fee is charged, payable to the operator of the event, either in the form of a charge for general admission to the place or location where the event is held or a charge for the privilege of exhibiting identifiable, tangible personal property at such event. The charge for exhibiting identifiable, tangible personal property may be a fixed amount or a percentage of all sales made or of the value of all property exchanged.*

The proposed Ordinance to change Section 5.28.010 comes straight to the City Council since it is a Code Change to NMC Title 5 which does not require a recommendation from Commissions.

FINANCIAL IMPACT: None.

Attachment: Ordinance No. 982

ORDINANCE NO. 982

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING CODE AMENDMENT 2014-07 AMENDING CHAPTER 5.28 “SWAP MEETS” AND OTHER CROSS-REFERENCES AS NEEDED OF THE NORCO MUNICIPAL CODE REGARDING THE COLLECTION OF BUSINESS LICENSE FEES FOR SPECIAL EVENTS. CODE AMENDMENT 2014-07.

WHEREAS, the CITY OF NORCO initiated Code Amendment 2014-07 to Norco Municipal Code Title 5, Chapter 5.28 regarding the definition of swap meets; and

WHEREAS, the Code Amendment was duly submitted to said City’s City Council for decision at a public meeting for which proper notice was given; and

WHEREAS, the Code Amendment was scheduled on October 15, 2014 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the City Council received both oral and written testimony pertaining to the Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines as a ministerial project.

NOW, THEREFORE, the City Council of the City of Norco does hereby find as follows:

- A. The proposed Code Amendment proposes to eliminate a double business license fee for an event that already has an approved Special Event Permit and the related business license for that event.
- B. The project has been determined to exempt from the California Environmental Quality Act and the City of Norco Environmental as a ministerial project.

NOW, THEREFORE, the City Council of the City of Norco does hereby approve as follows:

SECTION 1:

Section 5.28.10 Definitions.

- (2) “Swap meet” means any event which meets all of the following requirements:

(A) The proposed event is not an event that is otherwise approved with a Special Event Permit.

(B) The place or location at which the event is held has been advertised by any means whatsoever as a place or location to which members of the public, during a specified period of time, may bring identifiable, tangible personal property and exhibit it for sale or exchange, barter or trade.

(C) A fee is charged, payable to the operator of the event, either in the form of a charge for general admission to the place or location where the event is held or a charge for the privilege of exhibiting identifiable, tangible personal property at such event. The charge for exhibiting identifiable, tangible personal property may be a fixed amount or a percentage of all sales made or of the value of all property exchanged.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 19, 2014.

Mayor of the City of Norco, California

ATTEST:

Cheryl Link, City Clerk
City of Norco, California

I, CHERYL LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on November 5, 2014 and thereafter at a regular meeting of said City Council duly held on November 19, 2014, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on November 19, 2014.

Cheryl Link, City Clerk
City of Norco, California

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Geoff Pemberton, Fire Chief
Steve King, Planning Director 

DATE: November 5, 2014

SUBJECT: Code Amendment 2014- 08. A City-Initiated Code Change to amend Chapter 15.09 "Fire Code" and other related cross-references in the Norco Municipal Code as needed regarding the maximum-allowed structure size, and building material types, that do not require fire sprinklers.

RECOMMENDATION: Cancel the requested code amendment.

SUMMARY: During efforts to draft a code amendment based on City Council direction to change the threshold for the need for fire sprinklers in accessory buildings to match what the standard is in Riverside County, and to create an exemption for buildings constructed with non-flammable materials, it became clear that the code amendment is not needed because the Fire Chief already has discretion to grant exemptions per the Fire Code.

BACKGROUND: The City Council directed staff to bring a code change to the maximum-allowed building square-footage that does not require fire sprinklers similar to what the Riverside County Code is, since both agencies are served by Riverside County Fire Department. While it is the same agency that provides fire service, each jurisdiction has different Codes that govern the enforcement of building and fire standards. The City of Norco requirement for fire sprinklers in an accessory building is for any building that exceeds 2,500 square feet:

*NMC Title 15: BUILDINGS AND CONSTRUCTION
Chapter 15.09: FIRE CODE
15.09.010 Adoption of the fire code:*

- A. Subject to the particular additions, amendments and deletions set forth in this chapter, all the rules, regulations, provisions and conditions set forth in that certain document being marked and designated as the 2013 California Fire Code, and that certain document being marked and designated as the 2012 International Fire Code, with errata, and including the following appendices, are hereby adopted as the fire code for the City of Norco:*
- 1. Appendices B and C.*

*Section 15.09.220 Amendment and addition—
Section 903, Automatic sprinkler systems.*

Section 903.2 of the California Fire Code is hereby deleted in its entirety and replaced with the following:

903.2 Where required. In all new buildings and structures which are 2,500 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. In existing buildings, an automatic sprinkler system shall be required if the addition of floor area creates a total square footage exceeding 2,500 square feet. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11, 903.2.16, 903.2.18, the more restrictive requirement shall take precedence.

In Riverside County the threshold for the fire sprinkler requirement is 3,600 square feet:

ORDINANCE NO. 787
AN ORDINANCE OF THE COUNTY OF RIVERSIDE ADOPTING THE
2013 CALIFORNIA FIRE CODE AS AMENDED
Section 5. AMENDMENTS TO CALIFORNIA FIRE CODE.

L. AUTOMATIC SPRINKLER SYSTEMS.

1. Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

903.2 Where required. In all new buildings and structures which are 3,600 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11.6, 903.2.16, 903.2.18, the more restrictive requirement shall take precedence.

There was also direction from the City Council to look at whether or not there could be an exemption from fire sprinklers if the building materials met certain non-flammable requirements. Currently there are no exemptions to fire sprinkler standards based on building material type in either jurisdiction, or anywhere in the state.

ANALYSIS: The concern from the Fire Department over increasing the threshold where fire sprinklers are required is the number of flag lots that exist in the City of Norco as opposed to areas in County jurisdiction. With a flag lot if the access portion of the "flag" to the street is too narrow it hinders the ability to fight accessory structure fires in the rear. And many of the lots in Norco are so deep that the two engine companies do not have adequate hose length to get all the way to the rear on many of them. Also, in order to adopt the 3,600 square-foot threshold, the county had to also include maximum distancing requirements from the street and general access requirements that are not a part of the Norco Municipal Code.

The 2013 California Building Code categorizes construction into five different category types depending on the building materials used and their respective fire-resistance ratings. Types I and II Construction are those in which the primary building elements are of non-combustive materials. The primary building elements that are required to be fire-resistant are the structural frame, the bearing walls, floor construction, and roof construction. The issue of concern with the Fire Department, however, is that building material is only one facet of the determination as to what level of fire protection is needed for a building. The Fire Department also needs to take into consideration building use and interior storage. As an example, an exemption from fire sprinkler requirements based solely on building materials does not account for the flammability of materials inside. Nowhere in the Fire Code does the construction type dictate the use, or negate fire protection, and this is true in the Fire Code as adopted by Riverside County, and the State Fire Code regardless of building size.

The Fire Code already grants authority to the Fire Chief to allow exemptions to Fire Code requirements provided that adequate fire safety standards are still achieved. Any changes to the Fire Code would require approval by the California Building Standards Commission and if the same affiliated requirements such as maximum distance from the street are not included as they were in the County Code, there is a good chance that the changes would not be allowed.

FINANCIAL IMPACT: None.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Geoff Pemberton, Fire Chief

DATE: November 5, 2014

SUBJECT: Public Hearing Confirming Costs for 2014 Tumbleweed Abatement

RECOMMENDATION: Staff recommends adoption of **Resolution No. 2014-65**, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City.

SUMMARY: The 2014 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2014. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

BACKGROUND/ANALYSIS: The City's weed abatement contractor has completed the removal of tumbleweeds from vacant properties whose owners failed to abate. The Notices to Abate Tumbleweeds were mailed on July 31, 2014, pursuant to Council's declaration on March 5, 2014 that seasonal, recurring tumbleweeds and hazardous vegetation constitute a public nuisance. The deadline to comply with the abatement notice was September 1, 2014.

Exhibit "A" – 2014 Tumbleweed Abatement Report of Costs shows both the contractor's cost and the Fire Department's administrative fee. Property owners will be invoiced for these costs; and if not paid, property liens will be assessed through the Riverside County Auditor-Controller's Office.

FINANCIAL IMPACT: Costs to abate weeds on vacant property are paid by the property owner or special assessment property tax liens.

Attachments: Resolution No. 2014-65
Exhibit "A" – 2014 Tumbleweed Abatement Report of Costs

RESOLUTION NO. 2014-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, CONFIRMING THE REPORT OF COSTS FOR ABATEMENT OF WEEDS AND HAZARDOUS VEGETATION AS A PUBLIC NUISANCE AND IMPOSING SPECIAL ASSESSMENT LIENS ON VACANT PARCELS WITHIN THE CITY

WHEREAS, the City Council declared that seasonal and recurring weeds and hazardous vegetation, growing upon and in front of vacant property in the City of Norco, constitute a public nuisance and also declared its intent to provide for abatement by adopting Resolution No. 2014-09 on March 5, 2014; and

WHEREAS, the Notice to Destroy Weeds and Hazardous Vegetation was given to property owners of vacant property in accordance with Chapter 13, Article 2, Section 39567.1 of the State of California Government Code and Resolution No. 2014-09; and

WHEREAS, the City Council held a Public Hearing on May 7, 2014, and all objections to the proposed abatement of weeds and hazardous vegetation on vacant parcels were heard and considered in accordance with the State of California Government Code and Resolution No. 2014-19; and

WHEREAS, the City Council ordered the Fire Chief to have such nuisances abated by adopting Resolution No. 2014-19 on May 7, 2014; and

WHEREAS, an itemized report showing the cost to abate the nuisances that were on or in front of vacant parcels has been prepared and submitted to the City Council for confirmation; and

WHEREAS, a copy of the report of costs was posted near the door of the Council Chamber at least three days prior to the Public Hearing; and

WHEREAS, the Public Hearing being held by City Council is for the purpose of receiving and considering the report of costs showing abatement costs and hearing objections from property owners liable to be assessed for such costs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does hereby find and declare that the 2014 Tumbleweed Abatement Report of Costs, Exhibit "A" on nuisance abatement for vacant parcels is confirmed, and that the costs are also confirmed as special assessment property liens against the vacant parcels whose property owners do not pay the invoiced amount.

November 5, 2014

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 5, 2014.

Mayor of the City of Norco, California

ATTEST:

Cheryl L. Link, City Clerk
City of Norco, California

I, Cheryl L. Link, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on November 5, 2014 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on November 5, 2014.

Cheryl L. Link, City Clerk
City of Norco, California

NORCO FIRE DEPARTMENT

2014 TUMBLEWEED ABATEMENT REPORT OF COSTS
Exhibit "A"

PARCEL NO.	OWNER OF RECORD	PARCEL ACREAGE	CONTRACTOR'S FEE	ADMIN FEE	TOTAL CHARGE
119-020-023	RBE Norco JFH 1 21800 Burbank Blvd # 330 Woodland Hills, CA, 91367	5.16	459.60	459.60	919.20
121-074-014-6	Amir & Fadia Ibrahim 3070 Shadow Canyon Cir Norco, CA, 92860	0.50	110.00	110.00	220.00
121-092-016-4	Lot 65 Trust 2337 Norco Dr Norco, CA, 92860	0.46	110.00	110.00	220.00
122-030-011-4	H & H Property 4740 Green River Rd #118 Corona, CA, 92880	1.81	408.60	408.60	817.20
125-210-026-5	Bill & Joe Barreto 590 Mondale Street Corona, CA, 92880	0.99	220.00	220.00	440.00
126-060-001-6	Bernard & Helen Swart 432 Magnolia Brea, CA, 92621	1.90	200.00	200.00	400.00
126-200-013-9	H & H Property 4740 Green River Rd #118 Corona, CA, 92880	2.56	320.00	320.00	640.00
126-200-021-6	H & H Property 4740 Green River Rd #118 Corona, CA, 92880	5.08	654.80	654.80	1,309.60
126-240-001-2	H & H Property 4740 Green River Rd #118 Corona, CA, 92880	2.00	220.00	220.00	440.00
126-240-002-3	H & H Property 4740 Green River Rd #118 Corona, CA, 92880	1.00	80.00	80.00	160.00
127-331-012-0	Pat & Emma Alvarado C/O Rollie Alvarado 6072 Candle Light Ln. Yorba Linda, CA, 92886	0.20	120.00	120.00	240.00
129-380-009-4	Rexco 2518 N. Santiago Blvd Orange, CA, 92867	1.63	297.80	297.80	595.6

NORCO FIRE DEPARTMENT

2014 TUMBLEWEED ABATEMENT REPORT OF COSTS
Exhibit "A"

PARCEL NO.	OWNER OF RECORD	PARCEL ACREAGE	CONTRACTOR'S FEE	ADMIN FEE	TOTAL CHARGE
129-380-010-4	Rexco 2518 N. Santiago Blvd Orange, CA, 92867	2.26	185.60	185.60	371.20
129-230-033-1	Cooperfield Inv & Dev Co 600 St Paul Ave #250 Los Angeles, CA, 90017	5.38	422.80	422.80	845.60
129-230-034-2	Cooperfield Inv & Dev Co 600 St Paul Ave #250 Los Angeles, CA, 90017	4.43	590.80	590.80	1181.60
129-230-036-4	Cooperfield Inv & Dev Co 600 St Paul Ave #250 Los Angeles, CA, 90017	6.38	382.80	382.80	765.60
131-101-010-8	Samir B & Manisha B Patel 701 S Brookhurst St Anaheim, CA, 92804	3.40	544.00	544.00	1088.00
130-240-045-3	Norco Beacon Hill Assembly of God PO BOX 336 Norco, CA, 92860	4.75	370.00	0.00	370.00
130250004-7	Norco Equestrian 17510 Pioneer Blvd #224 Artesia, CA, 90701	1.40	325.00	325.00	650.00
Total Charges			\$6,021.80	\$5,651.80	\$11,673.60

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

DATE: November 5, 2014

SUBJECT: Amending the Five-Year Capital Improvement Program (Fiscal Years 2015-2019) for Additional Measure A Street Projects

RECOMMENDATION: Continue the public hearing to November 19, 2014.

SUMMARY: Staff is requesting that the City Council continue the public hearing to the November 19, 2014 meeting in order to provide staff more time to compile information.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: November 5, 2014

SUBJECT: Permanent Closure of Corona Avenue between Sedona Lane and Hidden Valley Parkway

RECOMMENDATION: Provide direction to staff regarding the removal of the street improvements within Corona Avenue between Sedona Lane and Hidden Valley Parkway.

SUMMARY: At the August 20, 2014 City Council meeting, Councilman Higgins requested agendaizing the permanent closure of Corona Avenue from Sedona Lane to Hidden Valley Parkway. Approval of this request was unanimous.

BACKGROUND/ANALYSIS: On March 23, 1987, a 60-foot easement was granted to the City of Norco "for public street and utility purposes including sewer, water, storm drain and other municipal purposes, over, under and across" a piece of land. This piece of land eventually became Lot 1 of Tract Map 25779. Tract Map 25779 was recorded in September of 1999. Upon the map was the dedication of Lot 1 to the City of Norco, in fee simple. Past Council reports indicate a condition of approval of the Norco Hills Specific Plan for this tract was dedication of a parcel of land to the City, suitable for a future fire station site. After the land was dedicated to the City, the Norco Fire Chief determined that the site was inappropriate for a fire station. In February, 2000, the City Council declared the parcel was excess property and authorized funding for appraisal and advertisement of the parcel for sale. On March 3, 2004, City Council accepted a bid offer of \$115,000 from a private citizen to purchase the property.

Within this time period, on March 15, 2000, the City Council adopted the Updated Circulation Element which included a connection of Corona Avenue with Hidden Valley Parkway. On July 19, 2000, City Council adopted a Negative Declaration and authorized staff to bid the construction of the Corona Avenue extension to Hidden Valley Parkway.

On April 3, 2002, Council certified the completion of an Environmental Impact Report for the Corona Avenue/Valley View Avenue Street Extensions and approved the project to extend both streets to Hidden Valley Parkway. The extension of Corona Avenue was completed in early 2004 for a cost of approximately \$158,000 and the traffic signal was completed late that year for a cost of approximately \$125,000.

Permanent Closure of Corona Avenue between Sedona Lane and Hidden Valley Parkway

Page 2

November 5, 2014

On August 20, 2014 City Council voted 4-1 (Mayor Hanna voted no) to have the traffic signal at Corona Avenue and Hidden Valley Parkway removed. The signal is currently in operation pending the completion of design and construction of a traffic signal at the intersection of Via Blairo and Hidden Valley Parkway, by the City of Corona. Estimated time of completion is June of 2015.

At the August 20, 2014 City Council meeting staff was instructed to prepare a report for the permanent closure of Corona Avenue. The street, as constructed, contains curb, gutter, asphalt pavement, trail with fencing, catch basins, irrigation controllers, back flow preventors, and meters. Below grade exists a gas line, telephone conduit, and an 18" reinforced concrete storm drain pipe. Since the street is constructed within an easement that has multiple purposes, quit claim of the easement is not recommended by staff. Staff is looking for direction on whether Council:

- a.) Recommends to have the above ground improvements removed, and if so, which ones;
- b.) Recommends removal of the raised median at the intersection of Corona Avenue and Sedona Lane;
- c.) Recommends installation of street improvements to be constructed at the new south terminus of Corona Avenue;
- d.) Recommends completion of street improvements on Hidden Valley Parkway due to the removal of Corona Avenue.

FINANCIAL IMPACT: \$60,000 from Measure "A" Project Fund 137.

Attachment: Exhibit of current street improvements

7+00

8+00

9+00

10+00

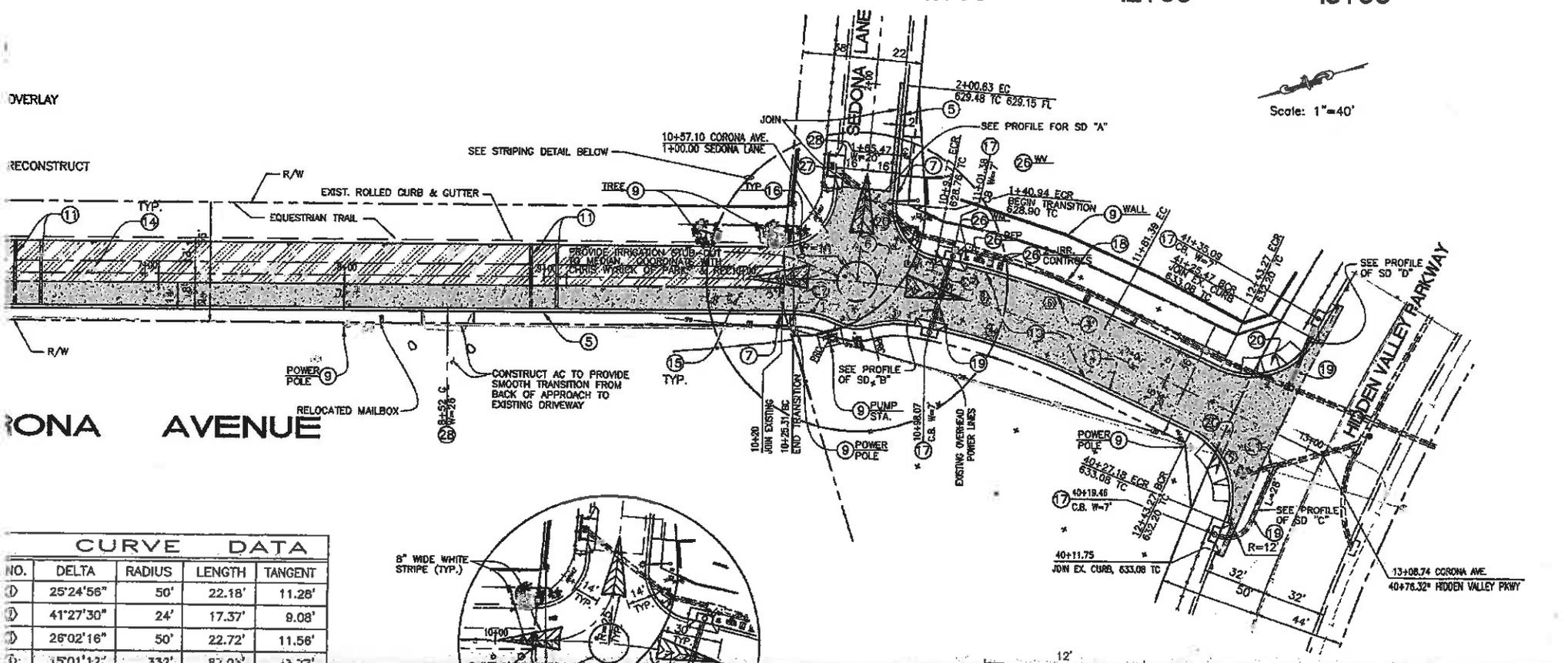
11+00

12+00

13+00

OVERLAY

RECONSTRUCT

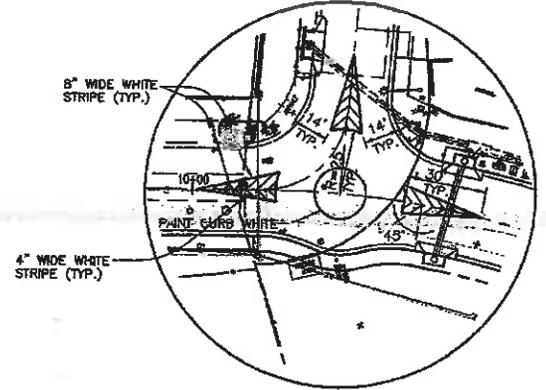


CORONA AVENUE

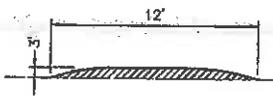
SEDONA LANE

HIDDEN VALLEY PARKWAY

CURVE DATA				
NO.	DELTA	RADIUS	LENGTH	TANGENT
1	25°24'56"	50'	22.18'	11.28'
2	41°27'30"	24'	17.37'	9.08'
3	26°02'16"	50'	22.72'	11.56'
4	15°01'12"	332'	87.03'	43.77'
5	86°41'12"	35'	52.95'	33.03'
6	14°20'34"	368'	92.12'	46.30'
7	84°07'52"	25'	36.71'	22.56'
8	25°00'53"	350'	152.81'	77.64'



STRIPING DETAIL



SPEED BUMP DETAIL
SCALE: NONE

*NOTE: STATIONING ALONG HIDDEN VALLEY PARKWAY PER CALTRANS.

EXHIBIT: CURRENT STREET IMPROVEMENTS