



MINUTES
CITY OF NORCO
CITY COUNCIL

December 3, 2014

City Council Chambers
2820 Clark Avenue, Norco, CA 92860



CALL TO ORDER: 6:05 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**

City Attorney John Harper requested to add two existing litigation items by urgency to Closed Session.

**M/S BASH/NEWTON to add two existing litigation items by urgency to Closed Session.
The motion was carried by the following roll call vote:**

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

CLOSED SESSION:

§54956.9(d) – Conference with Legal Counsel – Existing Litigation:

The Lake Norconian Club Foundation v. California Department of Corrections and Rehabilitation (City of Norco, Real Party in Interest)
County of Alameda, Case Number to be Assigned

The City of Norco v. Cash for Gold
County of Riverside, Case Number 00743859

The City of Norco v. Sedrack
County of Riverside, Case Number ROC10022513

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1):

City Attorney Harper indicated that there was no reportable action from Closed Session. Mr. Harper stated that the City of Norco is not a plaintiff to the Lake Norconian Club Foundation suit; therefore, there are no costs involved. Naming the City as a Real Party in Interest allows the City to participate in discussion, discoveries, and hearings. Mr. Harper noted that two existing litigation items were added by urgency to Closed Session. In the case of the City of Norco v. Sedrack, the Court of Appeals found in favor of the City, dismissed the case, and the City will recover costs.

PLEDGE OF ALLEGIANCE: Mayor Hanna

INVOCATION: Grace Fellowship Church, *Pastor Vernie Fletcher*

INTRODUCTION: County of Riverside/Cal Fire Personnel

Chief Pemberton introduced fire personnel of the Corydon station and gave a brief description of work history.

PRESENTATION: Norco Horseweek Donation to Senior Citizens and Pet Relief Fund

Mayor Hanna called Tony Barreto of Norco Horseweek to the podium. Mr. Barreto, on behalf of all the Norco Horseweek volunteers, presented the City Council with a \$3,140 donation for the Senior Citizens and Pet Relief Fund.

REORGANIZATION OF CITY COUNCIL:

A. Election of Mayor

M/S HANNA/BASH to elect Mayor Pro Tem Higgins as Mayor. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: HIGGINS

B. Election of Mayor Pro Tem

M/S HIGGINS/AZEVEDO to elect Council Member Bash as Mayor Pro Tem. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: BASH

Mayor Higgins commented that he will keep the Council Members appointed to their current regional committees and commissions unless they notify him in advance of the next City Council meeting.

C. Presentation/Comments to Outgoing Mayor Berwin Hanna

Ed Dixon presented outgoing Mayor Berwin Hanna with a token of Texas dirt from a trip that he and his wife recently took.

Mayor Higgins commented on outgoing Mayor Berwin Hanna's qualities and his responsiveness and dedication to the residents of Norco. Mayor Pro Tem Bash commented on outgoing Mayor Hanna's major accomplishments during his tenure. Outgoing Mayor Hanna commented on his experiences during his tenure. Mr. Hanna thanked his colleagues and staff and credited them for the accomplishments noted by Mayor Pro Tem Bash.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Mayor Pro Tem Bash:

- Attended Riverside Conservation Authority meeting in which reorganization of the governing board took place. Commented that RCA is at 30% of mitigating land.
- Thanked Public Works staff for handling the many rain issues. Commented that Public Works staff is collecting toys for foster children.

Council Member Hanna:

- Attended Vector Control meeting and discussed Yellow Fever.
- Attended the Riverside Transit Agency meeting to discuss the forty new buses ordered and the delivery of them over the next few months.

Council Member Newton:

- Attended the Chino Basin Desalter Board meeting with no new news to report on the unknown obstructions under the Santa Ana River.

Council Member Azevedo:

- Commented on volunteers needed for the Corona-Norco Settlement House food basket packaging taking place in Norco.
- Attended Western Riverside Council of Governments meeting in which a future consideration of street lamp projects and costs was discussed.
- Thanked Lt. Briddick for his participation with U.N.L.O.A.D.
- Commented on the Parade of Lights and Winter Festival on Saturday, December 13th.
- Commented on the City's 50th Birthday Party event at the Community Center on December 28th. Norco College Choir will be performing.

Mayor Higgins:

- Announced that he was appointed to a one-year term on the League of California Cities Employee Relations Policy Committee. The first meeting will be January 15, 2015

Update on the Ad-Hoc Committee on Infrastructure Needs and Funding Options (Chair Jodie Webber)

Chair Webber noted that the Committee has held eleven meetings since June. The Committee has conducted comprehensive assessments of the current infrastructure conditions and is assessing the costs for the needs. Chair Webber reported that the Committee is looking at long-term necessity and has approved 20-year plans for streets, parks, and facilities. Chair Webber indicated that the next meeting of the Ad-Hoc Committee will be December 8th at 6:30 p.m. to discuss the trail maintenance and repair plan. The next phase will be funding options. The Committee has given much consideration to primary funding sources, alternative funding sources, and taxation. Chair Webber noted that the Committee hoped to have a report to the City Council by the end of the year. However, the Committee has delved deeper into the issues presented. The Committee now hopes to have a report by early Spring.

Mayor Higgins, as a member of the Committee, stated that the Committee is coming to some resolutions. The Committee is looking at taxes and other funding sources and proposals. Mayor Higgins encouraged the public to attend and participate in the discussions.

2. CITY COUNCIL CONSENT ITEMS:

Mayor Higgins indicated the removal of Consent Calendar Item 2.C. from the agenda.

M/S HANNA/BASH to approve the removal of Item 2.C. and approve the remaining items as recommended. 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 November 19, 2014
Action: Approved the City Council Minutes (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved** (City Clerk)
- C. Approval of the Federal General Services Administration (GSA) Surplus Property Program Application and Resolution Enrolling the City of Norco in the GSA Program and Authorizing the Purchase of a Navy Marine Flute Anchor in the Amount of \$1,346.94. **Removed from the agenda.** (Director of Parks, Recreation, and Community Services)
- D. Approval of a Professional Services Agreement with Bruno Anderson, DBA ProCompNet, for Information Technology Consulting Services. **Action:**

Approved the agreement between the City of Norco and Bruno Anderson, DBA ProCompNet, for information technology consulting services. (City Manager)

- E. Approval of a Professional Services Agreement between the City of Norco and Ricardo Breceda, Sculptor and Designer, to Design and Build Five (5) Public Art Projects for the George Ingalls Equestrian Event Center. **Action: Approved the Professional Services Agreement with Ricardo Breceda, Sculptor and Designer, in an amount not to exceed \$130,000 for Public Art Projects.** (Director of Parks, Recreation and Community Services)

3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR: None.

4. CITY COUNCIL DISCUSSION / ACTION ITEMS:

- A. Addition of New Street Standards for a Pedestrian/Equestrian Trail Around Both Sides of a Cul-de-Sac. (Director of Public Works)

Director of Public Works Lori Askew presented information as noted in the staff report. The City Council requested input on the addition of the City street section standard to include a pedestrian-equestrian trail on both sides of a cul-de-sac street. The Streets, Trails, and Utilities Commission and the Planning Commission have both reviewed the matter and have made recommendations. The recommended new standards include a full twelve-foot trail and six-foot parkway around the entire cul-de-sac for a public right-of-way width of 72 feet; and a full twelve-foot trail and three-foot parkway around the entire cul-de-sac for public right-of-way width of 66 feet.

In response to Council Member Newton, Director Askew indicated that the Planning Commission concurred with the Streets, Trails, and Utilities Commission on the new street standards. However, the Planning Commission recommended removing the existing standard of trail on one side of the cul-de-sac street, which staff is not in support of. Council Member Newton suggested keeping the existing street standard and requested that the legends for the new street standard be corrected to reflect accurate curb data information.

In response to Council Member Azevedo, Fire Chief Pemberton stated that the new street standards meet the requirements for emergency/fire vehicle access.

M/S BASH/NEWTON to concur with the recommendations of the Streets, Trails, and Utilities Commission and the Planning Commission for new street standards for a pedestrian/equestrian trail around both sides of a cul-de-sac, to keep the existing standards for current streets, and to correct the legends for the new street standards to reflect accurate curb data information. The motion was carried by the following roll call vote:

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

B. Grading at Second Street and the Northbound Interstate 15 Off-Ramp. (Director of Public Works)

Director of Public Works Lori Askew presented information as noted in the staff report. Residents have brought up the safety issue of school children crossing the off-ramp from the northbound I-15 freeway at Second Street. Staff has been requested by City Council to have the berm at this location graded out. Staff has contacted Caltrans, as the berm is in Caltrans right-of-way, to obtain the appropriate permissions to remove the mound of dirt. Caltrans provided a check list of items required to obtain a permit. Based on the checklist, Director Askew noted the approximate cost of the project would be \$100,000. If Caltrans requires full upgrades to traffic signals, the costs increase to \$250,000 per intersection. Measure A funds would be used for the project.

In response to Mayor Pro Tem Bash, Director Askew stated that there is no crosswalk at that location. There is a crossing across the street on the north side, but there is no sidewalk. Staff considered putting pedestrian traffic on that side; however, it is too narrow with only a six-foot parkway and not enough right-of-way for ADA compliance.

Council Members Hanna and Newton commented on the expansions of Interstate 15 and Highway 91 freeway. Council Member Newton asked that with the expansions, if there is any proposed work for the bridge at Second Street. He inquired if there is a way to proceed with the necessary paperwork with Caltrans until the City can get a clearer picture of any proposed expansion work in the area that way the burden of the costs falls on Caltrans. Director Askew said she would look into whether or not there is a proposal to expand the Second Street bridge. The current information is that the work being completed on Interstate 15 is all within Caltrans right-of-way.

Council Member Azevedo concurred with residents that this is an issue of public safety since many children use that area and suggested moving forward to get the issue taken care of.

There was some discussion between Mayor Higgins and Planning Director King regarding the horse trail in the area. Director King indicated that there is no horse trail under the freeway but that there is one on the southwest corner of Valley View and Second Street. The trail stops there and does not continue west under the freeway. Mayor Higgins expressed his concerns of spending money on Caltrans right-of-way.

A motion was made by Council Member Azevedo to remove the berm, install a pathway, and pursue the long term process with Caltrans. The motion failed to due to a lack of a second.

M/S BASH/AZEVEDO to remove the berm located at Second Street and the northbound Interstate 15 off-ramp with the finding that there is an immediate threat to public safety, to notify Caltrans of the finding, and to continue the permitting process with Caltrans.

Under discussion:

City Attorney Harper indicated that Caltrans may challenge the action and file a lawsuit, in which case the City does not have a strong defense. Mr. Harper suggested that the City

contact state legislators of this action.

Council Member Bash expressed his concern of public safety.

The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS

NOES: NEWTON

ABSENT: NONE

ABSTAIN: NONE

5. CITY COUNCIL CONTINUED PUBLIC HEARING:

- A. **Entertainment Permit 2012-01, Modification No. 1 (Craig/Jensen):** A Request to Modify Approved Entertainment Permit 2012-01 to Expand the List of Activities Allowed with the Permit. (Planning Director)

Planning Director Steve King presented information as noted in the staff report. The owners of Water Wheel Saloon and Restaurant are requesting an expansion of an existing Entertainment Permit to encompass more activities within a greater range of allowable hours.

In response to Council Member Newton, Director King stated that staff received a letter from the property manager who indicated support of the Entertainment Permit modification, but did not address parking. Council Member Newton referred to this request being encompassing and other restaurants/bars having the ability to obtain the same type of permit. Director King said that the request of the modification is a blanket permit for all profit and non-profit events. Staff will need to monitor the events to ensure that the events are reported properly. In response to Council Member Newton, Lt. Briddick indicated that Sheriff staff compared the Water Wheel with three other similar businesses in the City and the Water Wheel had the least amount of calls for service for same time frame. Council Member Newton asked if by extending the operating hours to 2:00 a.m., and other similar restaurants/bars request the same, would there be an impact on calls for service. Lt. Briddick indicated that the businesses will still need to comply with the Alcohol Beverage Control licensing process and allowed hours of operation.

Council Member Bash and Director King discussed costs associated with Entertainment Permits and the renewal fees proposed. Council Member Bash suggested if the business is in compliance during the first year, to allow subsequent renewals be extended to two or three years, versus having to renew annually.

Council Member Azevedo expressed her concerns regarding parking during business hours and requested that the applicant be cognizant of other business owners in the shopping center.

Mayor Higgins opened the public hearing indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Monique Crain, applicant, commented that other businesses in the shopping center have grown due to events held at the Water Wheel. Ms. Crain also stated that she notifies the neighboring businesses every time she has an event and describes how much parking will be used. Ms. Crane indicated that her biggest issue is having to obtain permits for every event taking place indoors.

In response to Council Member Hanna, Ms. Crain stated that her business closes at 2:00 a.m. and ABC dictates that alcohol cannot be served after 1:45 a.m. Ms. Crain indicated that the Kids Rock Stars event is for youth ages 5-15 and are allowed to be in the restaurant while alcohol is being served as long as food is served as well, which is permitted with the ABC type 47 license.

In response to Mayor Higgins, Ms. Crain stated that she does not want to pay the permit fee of \$92 every time she has an indoor event. Mayor Higgins also asked about parking for outdoor events. Mayor Higgins expressed his initial concerns with security but complimented Ms. Crain on her business.

Mayor Higgins closed the public hearing, bringing the discussion back to Council Members.

M/S HANNA/BASH to adopt Resolution No. 2014-68, approving Entertainment Permit 2012-01, Modification 1. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL PUBLIC HEARING:

- A. **Ordinance No. 983, First Reading. Code Change 2014-10 (City):** A request for a Code Change to establish the maximum amount of concrete or other impervious surface material that can be installed before having to obtain a building permit. (Planning Director)

Planning Director Steve King presented information as noted in the staff report. Director King stated that the City Council directed the Planning Commission to make a recommendation for the establishment of a maximum amount of concrete, or other impervious surface material, that can be installed without a building permit. At its meeting on November 12, 2014, the Planning Commission recommended that the threshold, after which a building permit would be needed for concrete, or other impervious surface material, be 120 square feet. The recommended threshold is the same for structures. In the Planning Commission discussion, an issue that was brought up was if there should be a limit to how much concrete can be within an animal-keeping area for it to still be designated an "animal-keeping" area for approvals of accessory structures. Since that is a lot coverage issue as opposed to the direction from City Council to start requiring building permits for concrete, this Code Change does not address that issue. The Planning Commission has directed staff to bring back the lot coverage parameters for determining approval for accessory buildings and it is anticipated that the discussions for that

will begin early in 2015. This proposed Code Amendment will require that any proposed flatwork whether it be concrete or other impervious surface material over 120 square feet not be allowed until after a building permit has been issued.

Mayor Higgins opened the public hearing indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Chris Johnson indicated that he does not support the ordinance as it is an overreach of homeowner rights. Mr. Johnson said that 120 square feet is a small threshold amount.

Mike Thompson spoke in opposition of the code amendment as written as it is vague and open to interpretation. Mr. Thompson expressed his concerns that the code amendment would infringe on property owner rights. He suggested sending the issue back to the Planning Commission for further discussion.

Sunday Barreto spoke in opposition of the ordinance and said she does not want to see the Planning Commission giving their vision for resident's back yards. Mr. Barreto cautioned the City Council on imposing restrictions and limitations on residents.

Lance Gregory stated that he is opposed to the code amendment. Mr. Gregory commented on that hardscape can easily be removed. He suggested that the City initiate a fair and reasonable approach.

Lou Paltza expressed his opposition to the ordinance as it is an encroachment of property rights. Mr. Paltza asked if a barn or pipe corral is part of an animal keeping area or if property owners have to keep 40% of their lots unrestricted for animal movement. In response, Director King stated that what cannot be in an animal keeping area are storage, buildings, hobby shops, garages, and other structures that are not animal keeping.

Myrna Paltza presented photos to the Council of properties within a three-mile radius of her home with code violations. Ms. Paltza suggested sending this back to the Planning Commission for further discussion.

Trina Daniels commented on her opposition of the code amendment. Ms. Daniels said, that in her real estate experience, concrete has benefits for home value. She expressed her thoughts that the 120 square foot minimum amount required for a building permit is too small. Ms. Daniels suggested the ordinance be rewritten with more clarity.

Jodie Webber expressed that the code amendment is an infringement on property rights. Ms. Webber said she is opposed to imposing further conditions on residents.

A resident from Shadow Canyon Circle spoke briefly in opposition of the ordinance and asked the City Council to reconsider.

Mayor Higgins closed the public hearing, bringing the discussion back to Council Members.

Mayor Pro Tem Bash expressed his concerns about property owners that concrete the majority of their properties and how that affects neighboring properties. Mayor Pro Tem Bash indicated that he cannot support the ordinance as it is written.

Council Member Hanna commented on property rights. He noted, however, that he is an advocate of putting limits on accessory buildings.

Council Member Newton indicated that he has an issue with current codes not being enforced. He said he understands the intent, which is the need to protect animal keeping. Council Member Newton also commented on the issue of discretion. Council Member Newton suggested the City be proactive by providing an informational sheet for residents. The informational sheet would, for example, recommend to property owners the points to consider when pouring concrete, such as runoff and the impacts on neighbors.

Council Member Azevedo expressed her concerns with the code amendment and that it needs to be rewritten. She also commented that the way the Code is currently written, property owners can cover their entire lots with concrete.

Mayor Higgins thanked staff for the good report and noted his support for property owner rights.

A motion was made by Council Member Azevedo to send the proposed Code Amendment back to the Planning Commission to discuss alternatives to protect animal keeping. The motion failed due to a lack of a second.

M/S HIGGINS/HANNA to deny Ordinance No. 983, Code Change 2014-10. 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:

Bob Frosheiser commented on the proposed flood control storm drain project at Corona Avenue and Frontier Road and asked when the project would begin.

Julie Kosinski commented on the dangerous conditions at intersections on the east side of Hamner. Ms. Kosinski said that the stop sign markings on the streets are faded and have caused a safety issue. She commented on a second concern regarding flooding on Crestview Drive. She said that the ten allotted sandbags per resident is not enough. Ms. Kosinski also suggested having sandbags delivered to those residents that cannot get out of their homes.

Linda Dixon commented on the Pearl Harbor Rememberance event Sunday, December 7th at 10:00 a.m. at the George A. Ingalls Veterans Memorial Plaza, hosted by the Lake Norconian Club Foundation. Ms. Dixon invited all to attend.

Jody Tyler commented on the flood control project at Corona Avenue and Frontier Road and asked how the priority of projects are determined. Ms. Tyler said that the area always needs to be sandbagged.

Lisa Campbell spoke regarding the water main break on River Road and Trail Street. Ms. Campbell suggested that the City have a portable water tank for residents and animals when water main repairs are being made.

Diane Collins of the Norco Area Chamber of Commerce noted that NACC recently received an email from Best of American by Horseback producers. The television show producers have selected Norco for the Grand Tour of American Showcase show and are interested in returning to film.

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS

Mayor Pro Tem Bash requested to agendize discussion of options for Crestview Drive.

M/S BASH/HIGGINS to agendize the discussion of options for Crestview Drive. The motion was carried by the following roll call vote:

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

Mayor Pro Tem Bash also requested an update on Frontier Road as well as the costs involved in painting street markings, stop signs, as noted in Public Comment. He requested that staff make the information available to seniors that sandbag delivery is available to them.

Council Hanna requested to agendize discussion of city-wide Primary Animal Keeping Areas.

M/S HANNA/HIGGINS to agendize the discussion of Primary Animal Keeping Areas for all properties in Norco. The motion was carried by the following roll call vote:

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

ADJOURNMENT

Mayor Higgins adjourned the meeting at 9:54p.m.