



**MINUTES
CITY OF NORCO**

**CITY COUNCIL
REGULAR MEETING**

January 21, 2015

**City Council Chambers
2820 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 7:04 p.m.

ROLL CALL: Herb Higgins, Mayor, **Present**
Kevin Bash, Mayor Pro Tem, **Present**
Kathy Azevedo, Council Member, **Present**
Berwin Hanna, Council Member, **Present**
Greg Newton, Council Member, **Present**

PLEDGE OF ALLEGIANCE: Council Member Newton

INVOCATION: Mayor Herb Higgins

INTRODUCTION: Adriana P. Mendoza, Region Manager,
Southern California Edison

Outgoing SCE Region Manager Louis Davis thanked the Council for the opportunity to serve the City and introduced the new Region Manager Adriana Mendoza.

RECOGNITIONS: Elena DeNunzio, Certificate of Appreciation for
Community Service

Council Member Hanna presented a certificate of appreciation to 9-year-old Elena for her service of picking up trash on trails along with her donkey.

PRESENTATIONS: "A Year in Review" - City of Norco 50th Birthday
Celebrations

Director of Parks, Recreation and Community Services Brian Petree presented a photo presentation of the City's 50th birthday celebrations in 2014. Representatives from the offices of Congressman Calvert, Senator Roth, Assembly Member Linder, and Supervisor Tavaglione presented the City with certificates and proclamations.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. A. AD-HOC COMMITTEE ON INFRASTRUCTURE NEEDS AND FUNDING
OPTIONS UPDATE (Chair Webber)

Chair Jodie Webber presented a brief update on the Ad-Hoc Committee. Chair Webber indicated that the Committee has completed their study of all infrastructure needs and reviewed alternative funding solutions. The Committee is now working to complete the final report for the City Council. The report is anticipated to come before the Council in March.

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

Mayor Pro Tem Bash:

- Attended the Senior Advisory Council meeting. Suggested a “Rose Eldridge Day” in commemoration of her service.

Council Member Hanna:

- Attended the Riverside County Transportation Commission meeting. The meeting included discussion on the freeway expansions and construction.
- Attended the Riverside Transit Agency meeting. Ridership continues to increase.
- Attended the Vector Control meeting. Discussion included the construction of a new office.

Council Member Newton:

- Attended the Chino Basin Desalter Board meeting on January 8th. Discussion included project statuses, program statistics, and an update to the Santa Ana River boring project might be available by the end of the month.

Council Member Azevedo:

- Commented that the President of RURAL, Pat Overstreet, is preparing a time capsule to be opened on the City’s 100th birthday. A celebration for the time capsule will take place in the Spring.
- Met with Corona-Norco Unified School District on January 12th. Discussion included the joint use of the Norco High School pool, which is not likely this summer due to construction and other scheduling conflicts.
- Attended Western Regional Council of Governments meeting.
- Commented on the upcoming UNLOAD meeting on January 26th and encouraged the public to attend.

Mayor Higgins:

- Thanked the 50th Birthday Committee members, coordinators, and volunteers for their service and efforts in making the 2014 events successful.

2. CITY COUNCIL CONSENT ITEMS:

Mayor Higgins pulled Item 2.G. to allow for public comment. Council Member Newton pulled Items 2.E. and 2.F.

M/S AZEVEDO/BASH to 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 December 17, 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. Recap of Actions Taken by the Planning Commission at its Meeting Held on January 14, 2015. **Action: Received and Filed.** (Planning Director)
- D. Quarterly Investment Report for Quarter Ended December 31, 2014.
Action: Received and filed. (City Manager)
- E. Report on Fiscal Year 2014 Audited Financial Reports. (City Manager)
Pulled for discussion.
- F. Award of Annual Service Maintenance Agreements for As-Needed Potable Water, Reclaimed Water and Wastewater System Repairs and Rehabilitations. (Water and Sewer Manager). **Pulled for discussion.**
- G. Acceptance of Bids and Award of Contract for the 2014/15 Equestrian Trail Fencing Project at Various Locations. (Director of Public Works)
Pulled for discussion.

3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR

- 2.E. Report on Fiscal Year 2014 Audited Financial Reports. (City Manager)

Council Member Newton pulled item to thank City Manager Okoro and staff for the financial wisdom they bring to the City. In response to Council Member Newton, City Manager Okoro stated that it is difficult to project the City's financial health in 1-2 years. Mr. Okoro added that last fiscal year ended very well and the reports indicate that the financial condition of the City has improved. At this time, the City is meeting the budget adopted and the City is not expected to be worse off next fiscal year.

M/S NEWTON/BASH to receive and file the report on Fiscal Year 2014 Audited Financial Reports. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- 2.F. Award of Annual Service Maintenance Agreements for As-Needed Potable Water, Reclaimed Water and Wastewater System Repairs and Rehabilitations. (Water and Sewer Manager)

Council Member Newton commented on previous Council discussion about piggybacking on the City of Corona's bid and the Council's direction was to send this project out to bid. Council Member Newton inquired if the action to go out to bid saved the City money. In response, Water and Sewer Manager Bill Thompson indicated that by going out to bid, the process saved the City 7-8%.

M/S NEWTON/BASH to award the Maintenance Service Agreement to Trautwein Construction, Inc., TK Construction, and T.E. Roberts, Inc., and adopt Resolution No. 2015-01 appropriating additional funds in the total amount of \$200,000. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- 2.G. Acceptance of Bids and Award of Contract for the 2014/15 Equestrian Trail Fencing Project at Various Locations. **Action: Accept bids and award contract to Valley Cities/Gonzales Fence, Inc. in the amount of \$126,000 and authorize the City Manager to approve contract change orders up to 10 percent of the total bid contract amounts.** (Director of Public Works)

This item was pulled to allow for public comment.

Glenn Hedges commented on the \$126,000 amount for trail fencing maintenance. Mr. Hedges noted the unit cost for fencing maintenance and calculated it with the total linear feet of fencing. Mr. Hedges asked for clarification on the list of streets noted in the staff report since it indicated "various locations." Mayor Higgins read the list of streets that are part of the project.

Linda Dixon, as a member of the Ad-Hoc Committee on Infrastructure, commented that the Committee has received a significant amount of information on trails. Ms. Dixon noted that Public Works Director Askew presented a matrix of the City's trail system and fencing. Ms. Dixon commented that she was shocked at the cost of wooden fencing in comparison to its life span. Ms. Dixon asked the City Council to consider longer-lasting options.

Council Member Azevedo commented that she supports vinyl fencing since it lasts longer and is more visible to motorists. Mayor Pro Tem Bash concurred with Ms. Dixon.

Mayor Higgins indicated that the Ad-Hoc Committee compared various types of fencing and discussed what has been talked about over the years by the Commissions. Mayor Higgins commented on the costs compared to the life span of the various types of trail fencing.

Council Member Newton inquired about the cost break-down in the staff report and asked what the plans and specifications are for the trail material. In response, Director Askew indicated that the plans and specifications are per City standard, which is the wood fencing. Council Member Newton also asked if staff has already started the process of removing trail fencing. Ms. Askew noted that some removal has taken place. Only minor parts have been removed so as to not significantly impact neighborhoods.

Council Member Newton suggested continuing this item if there is a possibility of the City considering a different material.

Mayor Pro Tem Bash cautioned to not postpone this item too long.

Director Askew suggested having the Streets, Trails, and Utilities Commission review this subject. Mayor Higgins added that the Commission discuss the price comparison with the wood inside the PVC that will sustain weight on the top rail. City Manager Okoro added that the trail replacement fund in the Capital Improvement Program is running out of funds. It is not likely that the City will be doing a lot of trail replacement over the next couple of years. Mr. Okoro cautioned spending funds on trail fencing that would be different from the current standard.

Director Askew noted that the bid documents do allow the City to hold the bids for up to 45 days.

Council Member Azevedo commented that the City could start saving money now and install alternative fencing material on isolated trail sections.

M/S NEWTON/BASH to continue this item to the February 4, 2015 Council meeting to allow the Streets, Trails, and Utilities Commission the opportunity to discuss and provide recommendations regarding alternative fencing materials at their February 2, 2015 meeting.

Substitute motion: HIGGINS/HANNA to accept bids and award contract to Valley Cities/Gonzales Fence, Inc. in the amount of \$126,000 and authorize the City Manager to approve contract change orders up to 10 percent of the total bid contract amounts. The substitute motion failed by the following roll call vote:

AYES: HANNA, HIGGINS

NOES: AZEVEDO, BASH, NEWTON

ABSENT: NONE

ABSTAIN: NONE

The original motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HIGGINS, NEWTON

NOES: HANNA

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC COMMENTS:

Linda Dixon commented on the Lake Norconian Club Foundation Speakeasy event on February 14, 2015.

Ted Hoffman thanked Lt. Briddick and Sgt. Dekker for their work on solving the case of the stolen lion statue at the Norco Bird and Animal Hospital. Mr. Hoffman also thanked the Parks and Recreation Department for their work with the horse show this past weekend.

Kevin Button, President of NEST (Norco Educational Support Team), commented on several events including the Norco Festival of Films on February 28 and the Corona/Riverside Navy League event on January 23rd.

Pat Overstreet thanked staff for the improvements of the Horsetown USA wall. Ms. Overstreet also commented that the Norco Regional Conservancy fundraising project is the creation and production of a commemorative throw honoring the George A. Ingalls Veterans Memorial Plaza.

James Carey thanked the Council for the prompt attention to flooding issues on Crestview Drive.

Melissa Roskos thanked Director Askew and Associate Engineer Nelson for taking the time to look at her property regarding drainage issues. Ms. Roskos noted that she has asked for the copy of the letter the City sent to her neighbor, but has not yet received it.

Gail Gibbons commented on the new noise ordinance and thanked the Sheriff's Department for their assistance with an issue she is having with a neighbor who has hauled in dirt and created a dirt bike track on his property.

Reyna Zavala commented on the letter she received from the City informing her of an encroachment that needs to be removed. The encroachment is a fence that was unknowingly built in the City's right-of-way. Ms. Zavala asked the Council for options to taking down the fence.

Daniel Foster commented on the same issue as Ms. Zavala. Removal of his fence would create a financial hardship and is requesting an alternative.

Gib Tipton also commented that he received a letter from the City because his fence is in the City's right-of-way. Mr. Tipton asked if the City would consider a hold harmless agreement. He also asked for an encroachment permit or more time to relocate his fence.

Geoff Kahan reminded the public of the 21 Seconds Now program and asked that the Council adjourn the meeting with 21 seconds of silence to honor our veterans.

5. LEGISLATIVE MATTER:

- A. **Ordinance No. 984, Second Reading.** Code Amendment 2014-11. A City-Initiated Code Amendment Amending Chapter 2.26, Section 2.26.040 of the Norco Municipal Code Pertaining to Qualifications for the Historic Preservation Commission. (City Clerk)

M/S HIGGINS/NEWTON to adopt Ordinance No. 984 for second reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. DISCUSSION/ACTION ITEMS:

- A. Approval of the First Amendment to the Ground Lease for the Silverlakes Equestrian and Sports Park Project. (City Attorney)

City Attorney Harper reported that the attached First Amendment to Ground Lease reflect modifications necessary as a result of both the passage of time and the finalization of the project financing by the Balboa Management Group, LLC. The Amendment provides clarification to the existing Exhibit G related to the initial list of tenant improvements, and is consistent with the existing Ground Lease. The additional amendments to Section 7.2(d) clarify the rights and obligations of the City, Balboa and the Leasehold Mortgagee in the event of default by Balboa as to its obligations to either the City or the Leasehold Mortgagee.

In response to Council Member Newton, Mr. Harper stated that this amendment is a clarification to the initial list of tenant improvements. Council Member Newton referenced Page 2 of Section 1.02 and asked if that is to include the \$5.7 million. Mr. Harper stated that it is not included. The loan obligation is defined as the obligation to the leasehold mortgagee. This loan obligation takes the first leasehold mortgage position, which would not be affected by the \$5.7 million infrastructure funding.

Council Member Newton expressed his concerns with the language in Exhibit G with the "shall include" and the "up to" wording for the facility amenities and asked why the City cannot be more specific. Council Member Newton stated that he cannot accept this language as clarification because it is too open-ended. Mayor Pro Tem Bash and Council Member Azevedo commented that the venue is flexible. The property and field sizes change depending on the event.

M/S AZEVEDO/BASH to approve the First Amendment to the Ground Lease between the City of Norco and Balboa Management Group, LLC for the Silverlakes Equestrian and Sports Park project. The motion was carried by the following roll call vote:

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

- B. Approval of a Memorandum of Understanding Regarding Revision of Performance Schedule for the Silverlakes Equestrian and Sports Park Project.(City Attorney)

City Attorney Harper reported that based upon the passage of time, the performance schedule and initial improvements are required to be revised to reflect the current proposed schedule for the development of Silverlakes Equestrian and Sports Park.

M/S HANNA/BASH to approve the Memorandum of Understanding between the City of Norco and Balboa Management Group, LLC for the Silverlakes Equestrian and Sports Park project. The motion was carried by the following roll call vote:

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

7. PUBLIC HEARINGS:

- A. **Ordinance No. 985, First Reading.** Code Change 2014-09 (City of Norco): A City-Initiated Request for Recommendation of Approval on a Proposed Code Change to Amend the City's Grading Permit Process.
(Planning Director)

Planning Director Steve King presented information as stated in the staff report. Director King indicated that the proposed Code Change will amend the City's grading permit process and regulations to prevent excessive grading operations and to provide an enforcement penalty for projects that exceed their stated termination date on the permit approval.

Mayor Pro Tem Bash commented on various grading operations throughout the City and asked if this code amendment will protect the City from these types of grading operations. Director King stated that this code amendment will protect the City because the bond that is posted with the City for grading operations requires re-establishment of the condition of the land if the grading operation is abandoned.

In response to Council Member Newton, Director King indicated that this code amendment pertains to residential and commercial. Council Member Newton commented on a commercial grading operation on Hamner Avenue which is not

adhering to best management practices and asked why the City is not enforcing. Director Askew indicated that the State Water Resources Control Board issues the permits and handles the inspections. Once the contractor encroaches in the City's right-of-way, then the City can inspect and monitor.

In response to Council Member Azevedo's question about grandfathering in current grading operations, Director King indicated that the one control the City has is when the existing permit reaches its termination date, then the new guidelines apply. Council Member Azevedo expressed her concerns with fees. Director King commented that the Planning Commission will recommend a fee structure for the City Council to review and approve.

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

Johan Joseph asked if the City would pursue enforcing violations for illegal grading that occurred in the past. If the City will enforce retroactively, Mr. Joseph asked if the City would notify neighbors of the enforcement. City Attorney Harper stated that the City cannot pass an ex post facto law.

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

M/S BASH/NEWTON to adopt Ordinance No. 985 for first reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- B. Code Change 2015-01 (City of Norco): Consideration for Approval of a Proposed Code Change to Amend the Regulations and the Issuance of Business Licenses for the Operation of Massage Establishments. (Planning Director)

Code Change 2015-01 and the public hearing were cancelled.

8. APPEAL HEARING:

- A. Appeal 2014-02 Reconsideration (City of Norco): A Reconsideration of the City Council Decision to Uphold the Planning Commission's Denial of Conditional Use Permit 2011-28, Modification 1: A Request for Approval to Allow a 528 Square-Foot Patio Cover Addition to an Existing Detached Accessory Building at 3067 Pacer Drive Located Within the A-1-20 Zone. (Planning Director)

Planning Director Steve King presented a brief report as stated in the staff report. On October 29, 2014, the Planning Commission denied Conditional Use Permit 2011-28,

Modification No. 1 and the applicant appealed the decision to the City Council. On November 19, 2014 the City Council upheld the Planning Commission action. On December 3, 2014 the City Council did not establish the maximum amount of concrete that can be installed without a permit which asserted that concrete coverage would not be included in lot coverage analysis for accessory building permit requests. The amount of concrete (later determined to be pavers) was one of the issues that the Planning Commission based its denial on. Subsequently, on December 17, 2014, the City Council voted to reconsider Appeal 2014-02.

M/S BASH/HIGGINS to approve Conditional Use Permit 2011-28, Modification No. 1, allowing a 528 square foot patio cover addition to an existing detached accessory building at 3067 Pacer Drive located within the A-1-20 zone. The motion was carried by the following roll call vote:

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

9. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Mayor Pro Tem Bash requested to implement "Rose Eldridge Day" to honor her for her service to the community. Director Petree stated he would work with Mayor Pro Tem Bash on this.

Council Member Azevedo commented on a letter she received from Kris Brooks regarding tumbleweeds in the City and Mr. Brooks asking the City to be proactive with weed abatement. Council Member Azevedo requested that City Clerk Cheryl Link provide the Council and Cal Fire Division Chief Lanzas with copies of the letter.

Council Member Azevedo requested an update with regards to the flooding issues on Corona Avenue at Frontier. Director Askew stated that the project has been surveyed and is under design. Ms. Askew suggested that residents call in for updates.

Council Member Newton reminded the public of Flag Day on June 14th, which is also the day of the Founder's Day Ride.

Council Member Newton requested to agendaize discussion of the Caballeros Road encroachments.

M/S NEWTON/BASH to agendaize discussion of the Caballeros Road encroachments. The motion was carried by the following roll call vote:

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

Council Member Hanna requested to agendaize discussion of the encroachments on Crestview Drive between Sixth Street and North Drive.

