



**CITY OF NORCO  
CITY COUNCIL REGULAR MEETING MINUTES**

**Wednesday, April 15, 2015**

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

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**CALL TO ORDER:** 7:00 p.m.

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

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Kevin Bash

**INVOCATION:** Pastor Rene Parish, Beacon Hill Assembly of God

**INTRODUCTIONS:** Battalion Chiefs Scott Lane and Richard Owens

City Manager Okoro introduced Battalion Chiefs Scott Lane and Richard Owens and they both gave the Council brief biographies.

**RECOGNITIONS:** Tractor Supply Tool Donation

Mayor Higgins and Council Member Azevedo presented a Certificate of Appreciation to Shawn Gilliam of Tractor Supply for their generous donation of tools to the Public Works and Parks, Recreation, and Community Services Departments.

**PRESENTATION:** Lake Norconian Club Foundation – George A. Ingalls Veterans Memorial Donation

Lake Norconian Club Foundation Board of Directors Diane Collins and Diane Markham presented the City with a donation of \$1,000 for the George A. Ingalls Veterans Memorial.

**Every 15 Minutes Program**

Corona-Norco Unified School District Board Member John Zickefoose and Assistant Superintendent of Instructional Services Michael Cobarrubias presented a short video on the Every 15 Minutes Program. Mr. Zickefoose reported that the Every 15 Minutes Program took place on March 26-27, 2015 at Norco High School. The program highlighted the consequences of drinking and driving and included a mock accident and funeral at the school. Lieutenant Briddick noted the need to educate youth and urged parents to talk with their children about this very important issue.

**CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:**

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

Mayor Pro Tem Bash:

- Attended Norco Future Farmers of America meeting.
- Commented on the George Ingalls Day event on April 16, 2015 at the Veterans Memorial.
- Commented on the Horseweek Events beginning April 17, 2015

Council Member Newton:

- Attended a Chino Basin Desalter Authority Board meeting on April 2, 2015 in which the board reviewed current project statistics.

Council Member Azevedo:

- Attended two WRCOG meetings, one of which Riverside County of Schools Superintendent Kenneth Young presented updates on college attendance and test scores.
- UNLOAD is collaborating with Corona-Norco Unified School District and UNITY regarding vapes and e-cigarettes for an public education event on May 7, 2015.

Mayor Higgins:

- Attended a League of California Cities Policy Committee meeting. The meeting included discussion of debt, unfunded liabilities, healthcare, and more. The unfunded liability for the extended healthcare for the State of California is \$12 billion. The counties have only paid in 4%, schools and universities have paid in 2%, and state government has paid in less than 1%. City Manager Okoro indicated that Norco has made more progress than other entities. The City of Norco has contributed \$6 million to our unfunded health liability account. The City's total unfunded liability contribution is \$13 million, which is close to 50%.
- Commented on the State Water Board water restrictions as they relate to the City.
- Commented on Rose Eldridge Day and the event in her honor on April 16, 2015 at 2:00 p.m. at the Senior Center

**2. CITY COUNCIL CONSENT ITEMS:**

Mayor Higgins commented on the appeal process and pulling items from the Consent Calendar. City Attorney Harper explained the public's right to due process and that the Council can only have discussion and consider public comments on an item that is properly noticed as a hearing, as stated in the Brown Act.

Mayor Pro Tem Bash pulled Items 2.B. and 2.C. and Council Member Newton also requested to speak on Item 2.C.

**M/S NEWTON/BASH to approve the remaining Consent Calendar items as recommended. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

- A. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved** (City Clerk)
  - B. Recap of Actions Taken by the Planning Commission at its Meeting Held on April 8, 2015. **Pulled for discussion.** (Planning Director)
  - C. Acceptance of Bids and Award of Contract for the 2014-2015 Equestrian Trail Fencing Project, LMD #4 and Various Locations. **Pulled for discussion.** (Director of Public Works)
  - D. Quarterly Investment Report for Quarter Ended December 31, 2014. **Action: Received and filed.** (City Manager)
  - E. Accept List of Engineering Firms to Provide On-Call Engineering Services. **Action: Accepted the list of engineering firms to provide on-call engineering services.** (Director of Public Works)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
- 2.B. Recap of Actions Taken by the Planning Commission at its Meeting Held on April 8, 2015. (Planning Director)

Mayor Pro Tem Bash pulled Item 4.B. (Rivera) from the Planning Commission Agenda Recap to appeal the Planning Commission decision for that item. After consultation with staff, it was determined that the appeal hearing for Item 4.B. will be scheduled for the May 6, 2015 City Council meeting.

**M/S BASH/AZEVEDO to appeal the Planning Commission decision for Conditional Use Permit 2015-03 (Rivera). The motion was carried by the following roll call vote:**

**AYES: BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

- 2.C. Acceptance of Bids and Award of Contract for the 2014-2015 Equestrian Trail Fencing Project, LMD #4 and Various Locations. (Director of Public Works)

Mayor Pro Tem Bash and Council Member Newton pulled this item for discussion.

Director of Public Works Lori Askew reported that bid the project and the apparent low bidder was Green Giant Landscape. Within the appeal period, staff received a protest

letter from another bidder citing missing signatures. The City Attorney opined that the reason noted in the protest was not substantive to reject bids as non-responsive.

Council Member Greg Newton asked what the bid document stated regarding signatures. In response, City Attorney Harper indicated that there was nothing stated in the documents; instead a form was included for signatures from the President and Secretary. The Secretary serves as an attest or notary to the President's signature. In the bid documents, Green Giant Landscape provided a corporate resolution which indicated that the Secretary's signature was not necessary as the President has the authority to sign off on bid documents. Council Member Newton also asked if the other bids had two signatures. Director Askew was unsure and City Attorney Harper indicated that it was a non-issue. Council Member Newton stated that he considered it non-responsive.

Council Member Newton noted that the original bid with the wood fencing included costs for fence removal. With this current bid, he asked for the costs for fence removal. Director Askew indicated that the bid did not include removals and noted that Public Works staff, court workers, and/or CalFire remove the fencing. Council Member Newton noted that the residents of LMD 4 should know all the costs. Director Petree indicated that the cost for CalFire to remove the fencing is \$200 per day and calculate removals should take two days versus \$4.50/lf through the bid process. Council Member Newton said that the fencing in LMD 4 to be removed is reusable and asked if LMD 4 would receive credit. Director Petree indicated that the removed fencing will be placed in storage and used in other areas within LMD 4.

Council Member Azevedo commented on local preference. City Attorney Harper stated that California law requires the City to award to the lowest responsible bidder.

In response to Mayor Pro Tem Bash, City Attorney Harper indicated that the City Council may reject all bids and re-bid the project. Director Askew noted that if re-bid, the project would come back to Council in June.

Ted Hoffman, a resident of LMD 4, commented that the residents of LMD 4 have paid over \$75,000 for the past two years for fence replacement. Mr. Hoffman stated that the bid does not reflect true costs. If staff removes the fencing in LMD 4, the rest of the residents throughout the City pay for it. He also noted that he does not want prisoners working in his neighborhood. Mr. Hoffman suggested that the project be re-bid.

Jodie Webber commented that residents of LMD 4 have been paying for services that they haven't been receiving. Ms. Webber stated she would like to see the project started.

Diane Collins, resident of Roundup Road, commented that two-thirds of the fencing has been removed. The entire neighborhood needs replacement. Ms. Collins stated that she would like to see the fencing replaced but would also like to see local preference.

**M/S NEWTON/BASH to reject all bids and rebid the project to include all removals and all associated costs. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, NEWTON**

**NOES: HIGGINS**

**ABSENT: HANNA**

**ABSTAIN: NONE**

4. PUBLIC COMMENTS:

Joy Olea said that she has concerns about specific streets near schools. Mayor Higgins referred Ms. Olea to Director Askew.

Mazen Bahu commented on Dick White Radiator regarding code enforcement issues. Mr. Bahu said that he requested records and doesn't believe he has received all records.

Sparky Panzer commented on local preference and said the City should give consideration to local contractors.

Harvey Sullivan commented that Mr. Mazen's comments about Dick White's Radiator are unfounded.

5. DISCUSSION/ACTION ITEMS:

A. Sheriff's Department Annual Report Presentation for 2014 (Sheriff Lieutenant)

Lieutenant Briddick and Sergeant Dekker presented the 2014 Annual report. The report noted a comparative overview of the Norco sheriff's Office, which included statistical information on Part 1 crimes based on the Uniform Crime Reporting Program (UCR). In addition, the presentation included a review of the response and performance of patrol operations, traffic enforcement and community oriented policing and problem solving deputies.

Council Member Azevedo thanked Lt. Briddick, Sgt. Dekker, and the Department for their phenomenal work.

In response to Council Member Newton, Lt. Briddick discussed mail theft and that education is a powerful tool. The department created a brochure for residents to help prevent mail theft crimes.

Mayor Pro Tem Bash said that Norco's Sheriff's Department is first class and thanked the department.

Mayor Higgins thanked Captain Horton for providing an excellent Lieutenant and staff for Norco residents. Mayor Higgins said that Lt. Briddick's direction has improved statistics and increased citations.

**M/S HIGGINS/BASH to receive and file the 2014 Sheriff's Department Annual Report. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

- B. Right-of-Way Contract – State Highway Caltrans Land Transfer (Director of Public Works)

Director of Public Works Lori Askew stated that on May 22, 1985, the City of Norco granted the State of California, Department of Transportation (Caltrans) a Right of Entry to enter upon City-owned land for the purposes of constructing the I-15 freeway. With the current widening of the I-15 freeway project, it was discovered that Caltrans did not own the property the south abutment was constructed on nor own the property over the Santa Ana River, which the freeway was constructed. This property remains owned by the City of Norco. Instead of acquiring the property over the Santa Ana River, Caltrans wishes to acquire a highway easement from the City.

In response to Council Member Newton, Director Askew indicated that the City does not assume any liability or costs if it approves the contract and there are no restrictions on what the City can do with the property at a later date. In response to Council Member Azevedo, Director Askew indicated that the property could be incorporated into the trails.

Mike Thompson commented that the property is located in a floodplain and asked Council to make the Second Street Caltrans issue a priority.

Karen Leonard asked if the City has addressed Second Street with Caltrans.

Ted Hoffman commented that Caltrans, in exchange for the easement, can give the City \$3.5 million for the Hamner Avenue Bridge project, or \$500,000 for work on the Second Street offramp, or clean up the intersection of Sixth Street and I-15. Mr. Hoffman questioned why the City would want property under a bridge.

Harvey Sullivan encouraged the City Council to accept the property.

There was some discussion between Council Members and staff regarding Second Street. In response to Council Member Newton, Director Askew indicated that staff did not consider negotiating work on Second Street as part of this contract. Water and Sewer Manager Thompson noted that an agreement with Caltrans for Second Street was denied by the City Council in March.

**M/S BASH/HIGGINS to approve the Right-of-Way Contract with Caltrans. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS**

**NOES: NEWTON**

**ABSENT: HANNA**

**ABSTAIN: NONE**

6. PUBLIC HEARINGS:

- A. Rate Adjustments Proposed by Waste Management of the Inland Empire.  
(City Manager)

**This item was taken off calendar.**

- B. **Ordinance No. 987, First Reading. Zone Code Amendment 2015-03:**  
Amend Norco Municipal Code Chapter 18.15 (R-1 zone) to establish animal-keeping standards. (Planning Director)

Planning Director Steve King stated that Zone Code Amendment 2015-03 is proposed to add animal-keeping as a permitted use in the R-1 (Residential-Single Family) zone to the same standards and regulations as exist in the A-1 (Agricultural-Low Density) zone. The Planning Commission reviewed this recommendation over two meetings and adopted Resolution 2015-11 on March 11, 2015 recommending approval.

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

Mike Thompson expressed his concerns with the language of the proposed Ordinance.

Harvey Sullivan commented that there are few or no trails in this area. He also indicated that it is best for the community to leave it as R-1.

**With no one else wishing to speak, Mayor Higgins closed the public hearing bringing the discussion back to Council Members.**

Council Member Azevedo said that any half-acre should have the ability to have horses as it keeps the town congruent. Council Member Azevedo said she is in full support of the proposed Ordinance and thanked the Planning Commission for their work on this matter.

Council Member Newton expressed his concern that this allows staff the ability to approve accessory buildings in R-1 without Planning Commission review. Director King clarified that this has always been the case. Council Member Newton commented on the section of the proposed Ordinance regarding animal abuse as a result of insufficient room to keep and exercise a horse. Director King indicated that in order to prevent a code case from happening, staff would require a permit to keep an animal so that Animal Control can inspect the lot first. Council Member Newton commented there are residents in the R-1 zone that support living in Norco but do not want to be in an animal-keeping neighborhood and asked why this could not be a conditionally approved use to allow neighbor input. Council Member Newton stated that the overlay in the R-1 on Seventh Street and Corona resulted in no residents maintaining animals; instead the overlay was requested to increase property values.

**Motion made by Council Member Newton to send this proposed Ordinance back to the Planning Commission for further discussion as a conditionally permitted use.**

Under discussion:

In response to Council Member Azevedo, Director King indicated that a Conditional Use Permit fee is \$2,800. Council Member Azevedo suggested having the language in the Ordinance apply but attach a minimum lot size.

Director Petree added that some of the 10,000 sq.ft. lots have 20-30 foot slopes which is unusable space.

In response to Council Member Newton, Director King stated that an application for a second animal unit is a minimal fee, approximately \$84.

**Council Member Newton withdrew his motion.**

**M/S AZEVEDO/HIGGINS to send the proposed Ordinance back to the Planning Commission for further discussion on Conditional Use Permit costs and a potential minimum lot size. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

- C. **Ordinance No. 988, First Reading. Zone Code Amendment 2015-02; Ordinance No. 989, First Reading. Norco Ridge Ranch Specific Plan Amendment 6:** Amend Norco Municipal Code Chapter 18.13 (A-1 zone) and the Norco Ridge Ranch Specific Plan (SP 99-01) Residential District to amend the maximum allowed lot coverage regulations for structures. (Planning Director)

Planning Director Steve King stated that the Planning Commission has requested a review of current building coverage standards on animal-keeping lots to determine if adjustments are needed to better protect the ability for animal-keeping on these lots into the future. A first review occurred in January 14, 2015 with direction and suggestions.

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

Mike Thompson expressed his concern that this proposed Ordinance is another attempt to apply PAKAs. Mr. Thompson commented that this is too restrictive and infringes on property owner rights. He requested clarification of language in the Norco Municipal Code.

Harvey Sullivan commented that the more restrictive it is for property owners, the less animal-keeping people will move here.

**With no one else wishing to speak, Mayor Higgins closed the public hearing bringing the discussion back to Council Members.**

Council Member Newton commented on the accessory building Ordinance and the Planning Commission discussed in-ground swimming pools, spas, and patio covers as they relate to lot coverage. Council Member Newton said the Planning Commission

recommended a fluid Ordinance and noted he supports their recommendations. The proposed Ordinance benefits animal-keeping and does not take away property rights.

**M/S AZEVEDO/BASH to adopt Ordinance No. 988 for first reading. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

**M/S AZEVEDO/BASH to adopt Ordinance No. 989 for first reading. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

- D. **Ordinance No. 990, First Reading. Zone Code Amendment 2015-04:**  
Amend Norco Municipal Code Chapter 18.24 (M-1 zone) to add auto-related services and limited sales, as permitted or conditionally-permitted uses.  
(Planning Director)

Planning Director Steve King stated that Zone Code Amendment 2015-04 is proposed to add auto-related services and limited auto sales as permitted uses to that portion of the M-1 zone located only along Industrial Avenue. They would not be permitted uses in any of the other M-1 zone locations. Because of a previous allowance of these types of uses there is a core of them that exist along Industrial Avenue which has continued to present day. The Zone Code Amendment would remove the non-conforming status from these uses and allow similar businesses to locate there without a conditional use permit.

**Mayor Higgins opened the public hearing indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Mayor Higgins closed the public hearing bringing the discussion back to Council Members.**

**M/S AZEVEDO/BASH to adopt Ordinance No. 990 for first reading. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

7. APPEAL HEARING:

- A. **Conditional Use Permit 2014-36** (Anderson): A request for approval to allow a detached accessory building consisting of a 2,997 square-foot covered pole corral at 4444 Hillside Avenue located within the A-1-20 (Agricultural Low Density) Zone. (Planning Director)

**M/S BASH/AZEVEDO to continue the appeal hearing to May 6, 2015. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Mayor Pro Tem Bash requested to bring back the Second Street Caltrans agreement.

**M/S BASH/HIGGINS to re-agendize the Second Street at I-15 Cooperative Agreement with Caltrans. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

Mayor Pro Tem Bash requested to agendize and discuss local preference.

**M/S BASH/HIGGINS to agendize the issue of local preference. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

Mayor Pro Tem Bash requested to agendize the City's trail code, specifically how to make the property owner responsible for trail maintenance. Mayor Higgins suggested having this request go before the Street, Trails, and Utilities Commission first.

**M/S BASH/HIGGINS to have the Street, Trails, and Utilities Commission discuss the Norco Municipal Code relating to property owner responsibility for trail maintenance. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HIGGINS, NEWTON**

**NOES: NONE**

**ABSENT: HANNA**

**ABSTAIN: NONE**

Mayor Pro Tem Bash requested an update on the tripping hazards at Wayne Makin. Director Petree indicated he would contact him with an update.

Council Member Newton commented on the Founders Day ride on Saturday, June 13, 2015.

Council Member Azevedo commented on the possibility of a HorseTown U.S.A. logo at Clark Arena and requested staff to look into costs.

Water and Sewer Manager Bill Thompson provided the City Council with an update on Governor Brown's recent Executive Order for water conservation. The statewide mandate is 25% of 2014 usage. The state has used a gallons per capita per day calculation. Mr. Thompson also discussed the reduction of imported surface water and the City moving to a recycled water system in June. Mayor Higgins requested that this information be placed on the City's website.

## **ADJOURNMENT**

Mayor Higgins adjourned the meeting at 10:29 p.m.

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Cheryl L. Link, CMC, City Clerk