



**AGENDA
CITY OF NORCO**

**CITY COUNCIL
REGULAR MEETING**

May 20, 2015

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

CALL TO ORDER: 6:00 p.m.

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

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

CLOSED SESSION:

§54956.9(c) – Conference with Legal Counsel – Anticipated Litigation:
Four Potential Cases

§54957.6 – Conference with Labor Negotiator
Negotiating Parties: City Manager Okoro, Human Resources Analyst Paakkonen
Employee Organizations: Norco General Employees Association; Norco Public Works & Parks Maintenance Workers Association

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Greg Newton

INVOCATION: Pastor Sam Tuihalamaka, Beacon Hill Church/Tongan Faith Community

RECOGNITIONS: Compare Carpets & Hardfloors, Inc and Give a Buck Foundation

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. A. WASTE MANAGEMENT SERVICES UPDATE (Carolyn Corrao, Public Sector Solutions Manager)
- B. 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: Regular Meeting Minutes of May 6, 2015. **Recommended Action:** Approve the City Council regular meeting minutes. (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only. **Recommended Action: Approval** (City Clerk)
 - C. Recap of Actions Taken by the Planning Commission at its Meeting Held on May 13, 2015. **Recommended Action: Receive and File.** (Planning Director)
 - D. Approval and Adoption of the Annual Appropriation Limit for Fiscal Year 2015-2016. **Recommended Action: Adopt Resolution No. 2015-14, approving the annual appropriation limit for Fiscal Year 2015-2016.** (City Manager)
 - E. Order of Procedure and Resolutions Necessary for Initiating Proceedings for a Proposition 218 Majority Protest Vote to Increase the Assessment, Preliminary Approval of the Engineer's Report, and the Resolution of Intent Ordering the Continuation of Landscape Maintenance District No. 2 (Western Pacific, Tract No. 25779). **Recommended Action: Adopt Resolution No. 2015-15, approving the Engineer's "Preliminary Report" for the increase in the annual levy of assessments for the fiscal year 2015-2016 in said district; and adopt Resolution No. 2015-16, declaring the City's intention to provide for an increase in the annual levy and collection of assessments for certain maintenance in an existing district, and setting a time and place for the public hearing to receive protest or objection.** (City Engineer)
 - F. City Council Appointments to the California Rehabilitation Center's Citizens' Advisory Committee. **Recommended Action: Appoint Mayor Herb Higgins as the designee and Council Member Kathy Azevedo as the alternate of the California Rehabilitation Center's Citizens' Advisory Committee.** (City Clerk)

- G. Military Land and National Defense Act (H.R. 135). **Recommended Action: Adopt Resolution No. 2015-17, opposing the Military Land and National Defense Act (H.R. 135).** (Economic Development Consultant)

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

4. 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.*

5. DISCUSSION/ACTION ITEMS:

- A. Cooperative Agreement with Caltrans for Second Street and Interstate 15. (Director of Public Works)

Caltrans has agreed to partially fund the improvements at Second Street and Interstate 15 in the form of a lump sum contribution of \$250,000. Approval of a Cooperative Agreement with Caltrans is required in order to receive the funds.

Recommended Action: Approve and enter into a Cooperative Agreement with Caltrans.

- B. Consideration to Establish Purchased Water "Pass-Through Rate" Adjustment Component (Water and Sewer Manager)

The City of Norco owns and operates a potable water system designed to provide reliable high quality drinking water to its customers. In recent years the City has purchased 69% of its annual domestic water demands from the Arlington Desalter (Arlington), the Chino Desalter Authority (CDA) and Western Municipal Water District's (WMWD) Mills Treatment Plant.

Recommended Action: Authorize staff to prepare Purchased Water "Pass-Through Rate" Adjustment Component for Purchased Water Rate Increases.

- C. Discussion of Material Placed in the Parkway. (Director of Public Works)

With the water restrictions being passed onto the City from the State, residents are being proactive and removing landscaping from the parkway fronting their property. Various treatments are being installed. Staff is looking for direction from Council to place this item before the Streets, Trails and Utilities Commission regarding if any restrictions to materials is warranted.

Recommended Action: Make a recommendation to staff to discuss with the Streets, Trails and Utilities Commission regarding the use of materials in the parkway.

- D. Entity Name Reservation and Domain Names Donation (Deputy City Manager/Director of Parks, Recreation and Community Services)

Norco resident Bob Hicks purchased Domain Names, Fictitious Business Names or DBA's and Entity Name Reservations which he in turn donated to the City of Norco for use if we choose to do so. At the request of Council Member Azevedo, these names are being presented to City Council for discussion and further direction to staff on the future status of these items. City Attorney John Harper can provide legal assistance in understanding the dynamics of what these items mean, how they operate and what their intended uses are.

Recommended Action: Provide staff with direction on Entity Name Reservations and Domain Names donation.

6. PUBLIC HEARING:

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

The existing ten-year Franchise Agreement provides that Waste Management is entitled to receive rate adjustments for inflation (based on the Consumer Price Index) and "pass through" disposal cost increases. The rate adjustments include a Consumer Price Index (CPI) increase of 1.3 percent from March 2013 to March 2014. The Agreement also includes an increase in Franchise Fees beginning July 1, 2014. The franchise fee increase was approved to be spread out over five years for residential service and three years for commercial service. Beginning July 1, 2015 the franchise fee rate shall be 13.16% for residential service and 15.27% for commercial service. The Agreement further provides that such rate adjustments shall not be unreasonably withheld. Any disputes, including the withholding of rate adjustments, are to be resolved before a third party neutral hearing officer.

Recommended Action: Adopt Resolution No. 2015-19, approving Cost of Living Adjustments for FY 2015-2016.

7. CONTINUED 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)

The request for Conditional Use Permit (CUP) 2014-36 was denied by the Planning Commission on March 11, 2015, but that decision was appealed to the City Council by Council Member Berwin Hanna on March 18, 2015.

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

ADJOURNMENT

In compliance with the Americans with Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in this meeting, please contact the City Clerk's office, (951) 270-5623, at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility.

Staff reports are on file in the City Clerk's Office. 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 during normal business hours.



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

**Wednesday, May 6, 2015
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 6:15 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**

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

CLOSED SESSION:

§54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Okoro, Human Resources Analyst Paakkonen
Employee Organizations: Norco General Employees Association; Norco Public Works & Parks Maintenance Workers Association

§54956.8 – Conference with Real Property Negotiators:

Property: 119-020-015, 119-020-022
City Negotiator: City Manager Okoro, City Attorney Harper
Negotiating Party: Realty Bancorp Equities
Under Negotiation: Price and conditions for acquisition of property

RECONVENE PUBLIC SESSION: 7:07 p.m.

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

City Attorney John Harper stated that there is no reportable action from Closed Session.

PLEDGE OF ALLEGIANCE: Council Member Kathy Azevedo

INVOCATION: Pastor Vernie Fletcher, Grace Fellowship Church

PROCLAMATION: Mental Health Month, May 2015

Representatives from Mental Health Month were unable to attend. Mayor Higgins indicated that the Proclamation would be sent to the organization.

Women's Lung Health Week, May 11-15, 2015

Mayor Higgins presented a proclamation to the Women's Lung Health organization.

PRESENTATIONS: Waste Management "Recycling Stars" Awards

Mayor Higgins and Waste Management Public Sector Representatives Carolyn Corrao and Glenda Chavez presented certificates to recycling stars recipients. The residential winners, Diana Douglass and Gene Van De Walker were unable to attend. However, the commercial winner, Cowgirl Café, was present to accept the award.

Norco Horseweek Donation

Tony Baretto of Norco Horseweek presented the City Council with a check in the amount of \$5,835.51 for a donation to the Animal Control Division.

Southern California Edison – Joint Emergency Planning

Southern California Edison Public Affairs Region Manager Adriana Mendoza-Ramos shared key information on Edison's Corporate Emergency Plan. The presentation focused on numerous SCE emergency communication programs and tools especially designed for local governments, emergency professionals, and community groups supporting emergency preparedness and response.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Mayor Pro Tem Bash:

- Attended a Riverside Conservation Authority meeting.
- Attended the Senior Advisory meeting on May 6 and complimented staff on their work with this group.

Council Member Newton:

- Attended a meeting with Sustainable Generations, a company specializing in manure to compost.

Council Member Azevedo:

- Commented on the upcoming U.N.L.O.A.D meeting on May 7 at the Corona-Norco School District learning center regarding E-Vapes and E-Cigarettes.
- Attended the Riverside County Transportation Commission meeting regarding free towing service to persons traveling in the area of Highway 91 and Interstate 15.
- Attended the Western Riverside Council of Governments meeting regarding increasing TUMF fees.

- Attended CarChamps ribbon cutting on May 2, 2015 and encouraged residents to visit and shop local businesses.

Mayor Higgins:

- No report given

2. CITY COUNCIL CONSENT ITEMS:

Council Member Azevedo abstained from voting on the approval of the April 1, 2015 minutes as she was absent at that meeting.*

M/S AZEVEDO/BASH to approve the 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: AZEVEDO (*Item 2.A. – April 1, 2015 meeting minutes only)

- A. City Council Minutes: Regular Meeting Minutes of April 1, 2015 and April 15, 2015. **Action: Approved the City Council regular meetings minutes.** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved** (City Clerk)
- C. Continuation of Annual Special Tax for Community Facilities District No. 93-1 for the Fiscal Year 2015-2016. **Action: Adopted Resolution No. 2015-11.** (City Manager)
- D. Annual Adoption of the City Investment Policy. **Action: Approved and adopted the annual City Investment Policy.** (City Manager)

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

None.

4. PUBLIC COMMENTS:

Geoff Kahan commented on the upcoming Concerts in the Park, which will start in June. The first concert will be June 5, 2015 at 6:30 p.m. He encouraged residents to attend and to check the City's website for more information.

Pat Overstreet commented on the Ranch Tour on Saturday, May 9, 2015 which benefits open space such as horse trails.

Ted Hoffman commented on the Norco Horsemen's Association Obstacle Challenge this past weekend. The competitors were impressed with the horse sculptures/artwork at Ingalls Park. Mr. Hoffman thanked the Church of Jesus Christ of Latter Day Saints for clearing the hillside in order to see the sculptures better.

Mike Thompson commented on accessory buildings and suggested to the Council that they give the Planning Commission direction on this issue.

5. LEGISLATIVE MATTERS: *No new evidence will be heard from the public as the public hearing has been closed regarding the items listed.*

- A. **Ordinance No. 988, Second Reading, Zone Code Amendment 2015-02; Ordinance No. 989, Second 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. (City Clerk)

Council Member Azevedo stated that Ordinance No. 988 needs to come back for reconsideration to include swimming pools as part of lot coverage, and noted concern about the 35-foot setback requirement. She also noted that she was not in favor of Ordinance No. 989.

Council Member Newton concurred with Council Member Azevedo regarding Ordinance No. 989 as protection of animal-keeping is already in place with the PAKAs. He referenced 988 and the lots in the A-1-20 zone with deed restrictions. He suggested the deed restrictions be eliminated. Council Member Newton commented that every lot is different and the 35-foot setback needs to be reconsidered. He noted that he supports including swimming pools as part of lot coverage.

Mayor Pro Tem Bash commented that he prefers to focus on code enforcement and concurs with Council Members Azevedo and Newton.

M/S NEWTON/BASH to deny the second readings of Ordinance 988 and Ordinance 989. The motion was carried by the following roll call vote:

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

- B. **Ordinance No. 990, Second 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. (City Clerk)

M/S AZEVEDO/HIGGINS to adopt Ordinance 990 for second reading. The motion was carried by the following roll call vote:

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

6. DISCUSSION/ACTION ITEMS:

- A. Cooperative Agreement with Caltrans for Second Street and Interstate 15.
(Director of Public Works)

Public Works Director Lori Askew indicated that Caltrans has agreed to partially fund the improvements at Second Street and Interstate 15 in the form of a lump sum contribution of \$250,000. Approval of a Cooperative Agreement with Caltrans is required in order to receive the funds.

Mayor Pro Tem Bash indicated his support for the agreement since the agreement is not an absolute commitment. The City can choose not to proceed with the work if it becomes too cost prohibitive. He noted the need to proceed for the safety of the public.

Council Member Newton indicated that he understands life safety but there have been missed opportunities to negotiate. He also expressed concern of using Measure A funds when the City only receives \$500,000 annually.

Council Member Azevedo expressed her support for the agreement.

Ted Hoffman commented that he agrees using Caltrans' money but does not support using half of Measure A funds for the project. He suggested setting a spending cap.

M/S BASH/AZEVEDO to approve and enter into a Cooperative Agreement with Caltrans. The motion failed as a result of the following roll call vote:

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

M/S HIGGINS/BASH to continue the item to May 20, 2015 to allow all Council Members to be present to vote on the item. The motion was carried by the following roll call vote:

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

- B. Local Preference in the Award of Public Works Contracts and the Purchase of Supplies and Equipment. (City Attorney)

City Attorney John Harper addressed the issues related to the City's authority to enact a percentage bidder's preference to businesses located within the City.

Lou Paltza commented that bidders must include all costs in order to bid competitively.

Jodie Webber commented on the recent bid relating to a Landscape Maintenance District (LMD) and the failure to award a contract is exposing residents in the LMD to potentially increased costs.

There was some discussion between Council Member Azevedo and City Attorney Harper regarding change orders and that there must be a legitimate reason to approve change orders.

M/S BASH/AZEVEDO to receive and file the report. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HIGGINS, NEWTON

NOES: NONE

ABSENT: HANNA

ABSTAIN: NONE

7. PUBLIC HEARING:

A. Ordering Abatement of Weeds on Vacant Lots. (Battalion Chief)

Battalion Chief Richard Owens reported that the proposed resolution orders the abatement of weeds and authorizes the Fire Department's weed abatement contractor to begin abating weeds on vacant properties whose owners did not comply with the Notice to Abate Spring weeds.

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 Resolution No. 2015-12, declaring that weeds and hazardous vegetation, upon or in front of vacant property in the City of Norco, constitute a public nuisance and ordering the abatement. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HIGGINS, NEWTON

NOES: NONE

ABSENT: HANNA

ABSTAIN: NONE

8. APPEAL HEARINGS:

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 AZEVEDO/BASH to continue the Appeal Hearing to May 20, 2015. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HIGGINS, NEWTON

NOES: NONE

ABSENT: HANNA

ABSTAIN: NONE

- B. **Conditional Use Permit 2015-03 (Rivera):** A request for approval to allow a batting cage facility for private lessons at 2800 Reservoir Drive located within the A-1-20 (Agricultural Low Density) Zone. (Planning Director)

Director Steve King reported that the subject site is located in an A-1-20 zone and consists of a single-family home, animal-keeping structures, and an outdoor batting cage facility. A research of City records indicates that the applicant has been operating without the required approvals. The request for Conditional Use Permit (CUP) 2015-03 was denied by the Planning Commission on April 8, 2015 but that decision has been appealed to the City Council.

In response to Council Member Newton, Director King indicated that Exhibit E will be included in the conditions of approval.

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

The following residents spoke in favor of granting Conditional Use Permit 2015-03:

Bernard Ousley
Gary Schonke
Russell Williams
Michelle Cuadra
Jeanine Johnsen
Daria Sullivan
Lou Paltza
Conner Krentzer
Donovan Monterrosa
Arianna Nunez
Sandy MacQuarrie
Mike Thompson
Bill Stubbs
Cara McCray

Karen Leonard expressed concern with how the situation was handled by residents. Ms. Leonard commented that the neighbor had a right to file a complaint and urged all to work out a compromise.

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

Lou Rivera, the applicant, indicated that there are seven lights and each are 20 feet high. Mr. Rivera invited the City Council and staff to his property to view first hand and get a better perspective.

Council Member Newton asked Mr. Rivera if he had the opportunity to review the conditions of approval and if he agrees to abide by them. Mr. Rivera indicated he had and agrees to follow the conditions. Mr. Rivera added that he does not run a business. The

schedule presented is based on the kids' schedule. After some discussion with Council Member Newton, Mr. Rivera agreed to the following schedule: M-Th 12:00 p.m.- 7:30 p.m. with lights out no later than 8:00 p.m.; No Friday coaching; Saturday 11:00 a.m. – 3:00 p.m.; No Sunday.

Council Member Azevedo indicated that she supports Mr. Rivera but he does require a Conditional Use Permit.

Mayor Pro Tem Bash commented that the conditions are somewhat strict and that he would like to see the approval process expedited for the sake of the youth.

Mayor Higgins commented that he was personally helped as a youth by a coach. He added that coaching is not just about the sport but the interaction.

Council Member Newton suggested striking Condition #8, striking #10, revising Condition #11 to state that an engineer shall certify the lighting and electrical, and add Condition #15 noting the schedule of operation.

In response to Mayor Pro Tem Bash, Mr. Rivera stated that his insurance has reviewed his property and approved.

M/S BASH/AZEVEDO to Adopt Resolution No. 2015-13, with changes to the conditions as stated. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HIGGINS, NEWTON

NOES: NONE

ABSENT: HANNA

ABSTAIN: NONE

9. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Azevedo requested to agendize a new first reading of Ordinance No. 988 to only include swimming pools as part of the lot coverage.

M/S AZEVEDO/NEWTON to agendize and re-notice Ordinance No. 988 for a new first reading to exclude Primary Animal Keeping Area and the 35-foot setback requirements; and to include swimming pools as part of the lot coverage. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HIGGINS, NEWTON

NOES: NONE

ABSENT: HANNA

ABSTAIN: NONE

Council Member Newton commented on the proposed SCE Riverside Transmission Reliability Project from Riverside to Jurupa Valley, with a portion running through Norco at the California Avenue and North Drive area. Council Member Newton requested to write a letter of opposition regarding the proposed route within the city limits of Norco. Mayor Pro Tem Bash noted that a letter of opposition has already been written by a previous City Manager.

Mayor Pro Tem Bash requested that Director of Public Works Lori Askew and Superintendent Terry Piorkowski could meet with Norco Horsemen's Association representatives to discuss trail improvements and establish a plan to present to the City Council.

Mayor Higgins commented on the Third Street Improvements Project. Director Askew noted that a community meeting has been scheduled on Tuesday, May 12 at 6:30 p.m. at City Hall to provide residents with information on the project.

Mayor Higgins requested to agendaize discussion of the Sixth Street Revitalization Program for discussion for the first meeting in June to allow staff time to review. Planning Director Steve King indicated that he would forward copies of the Specific Plan to Council and staff for review.

Council Member Newton commented on the flashing beacon on Valley View Avenue and Fourth Street. City Manager Okoro indicated that the raised markers and thermoplastic striping has been installed and he will be recommending to the City Council for removal of the light.

Mayor Higgins requested a status report on the complete street closure improvements of Corona Avenue at Hidden Valley Parkway. City Manager Okoro noted that Mayor Pro Tem Bash and Economic Development Consultant Grody are talking with the property owner about potential options.

ADJOURNMENT

Mayor Higgins adjourned the meeting at 9:55 p.m.

Cheryl L. Link, CMC, City Clerk



**RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
MAY 13, 2015**

CALL TO ORDER: 7:00 p.m.

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

STAFF PRESENT: Planning Director King, Senior Planner Robles and City Clerk Link

PLEDGE OF ALLEGIANCE: Vice Chair Hoffman

1. **APPEAL NOTICE: Read by Planning Director King**
2. **PUBLIC COMMENTS: Received and Filed**
3. **APPROVAL OF MINUTES:**
 - ❖ Minutes of Regular Meeting of March 11, 2015.
 - ❖ Minutes of Regular Meeting of April 8, 2015**Recommended Action: Approval (Deputy City Clerk) Action: Minutes for March 11, 2015 approved 5-0, and Minutes for April 8, 2015 approved 4-0-1 (Jaffarian abstained)**
4. **PUBLIC HEARINGS:**
 - A. **Conditional Use Permit 2014-32 (Core/Verizon Wireless):** A request for approval to allow the installation of an unmanned wireless telecommunication facility at 1101 Hidden Valley Parkway within the Norco Hills Specific Plan. Recommended Action: Approval (Senior Planner). **Action: Approved 5-0; this action is final unless appealed to the City Council**
 - B. **CUP 2015-07 (KJ Triangle):** A request for approval to allow a kid's indoor playground at 1721 Third Street located within the C-G Zone. Recommended Action: Approval (Senior Planner): **Action: Approved 5-0; this action is final unless appealed to the City Council**
 - C. **CUP 2015-08 (Kay):** A request for approval to allow a detached accessory building consisting of a 2,407 square-foot barn at 2757 Shadow Canyon Circle located within the A-E (Agricultural Estate) Zone. Recommended

Action: Approval (Senior Planner). **Action: Approved 5-0; this action is final unless appealed to the City Council**

D. **CUP 2015-09** (Glaser): A request for approval to allow a detached accessory building consisting of a 1,920 square-foot storage and barn building at 2065 Pacific 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**

E. **Zone Code Amendment 2015-03**: An amendment to Chapter 18.15 – R-1 (Residential-Single Family) Zone of the Norco Municipal Code, to establish animal-keeping standards. Recommended Action: Approval (Planning Director). **Action: Continued 5-0 to the Planning Commission meeting of June 10, 2015**

5. BUSINESS ITEM:

A. **Site Plan 2015-06** (Garner): A request for approval to allow two accessory buildings consisting of a 560 square-foot covered horse stall and a 289 square-foot shed at 3309 Dapplegray Lane located within the A-1-20 (Agricultural Low-Density) Zone. Recommended Action: Approval (Senior Planner). **Action: Approved 4-1 (Hedges); this action is final unless appealed to the City Council**

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

- City Council Regular Meeting of April 1, 2015
- City Council Regular Meeting of April 15, 2015

7. PLANNING COMMISSION:

A. Oral Reports from Various Committees: **Commission Member 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):
None

9. ADJOURNMENT: **9:05 p.m.**

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

DATE: May 20, 2015

SUBJECT: Approval and Adoption of the Annual Appropriation Limit for the Fiscal Year 2015-2016

RECOMMENDATION: **Adopt Resolution No. 2015-14**, approving the annual appropriation limit for Fiscal Year 2015-2016.

SUMMARY: The City is required by Article XIII of the State Constitution to adopt an annual appropriations limit which sets the maximum appropriation for the General Fund. Staff is recommending that Council adopt the attached resolution approving \$37,213,113. as the appropriation limit for Fiscal Year 2015-2016.

BACKGROUND/ANALYSIS: Attached is a resolution, as required by state law to approve the appropriation limit for the Fiscal Year 2015-2016 in the amount of \$37,213,113. Staff is still going through the budget process in order to establish General Fund's final appropriation for Fiscal Year 2015-2016. However, it is important to note that the FY 2015-2016 General Fund appropriations will be significantly less than the appropriations limit calculated under state law. The calculated appropriation amount is the maximum amount that the City Council can appropriate for the General Fund for FY 2015-2016

The appropriations limit for FY 2015-2016 has been calculated using the change in City population of 0.53% and the state change in per capita personal income of 3.82% as provided by the State of California Department of Finance.

FINANCIAL IMPACT: None

Attachment: Resolution No. 2015-14
Dept. of Finance – Price and Population Information

RESOLUTION NO. 2015-14

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATION LIMIT FOR THE FISCAL YEAR 2015-2016

WHEREAS, the voters of California, on November 6, 1979, added Article XIII-B to the State Constitution placing various limitations on the appropriation of the state and local governments; and

WHEREAS, Article XIII-B provides that the appropriation limit for the Fiscal Year 2015-2016 is calculated by adjusting the base year appropriation of the Fiscal Year 1978-1979 for changes in state per capita personal income statistics and population (see Exhibit "A"); and

WHEREAS, the City has selected the change in state per capita personal income and the annual percentage change in population for the City of Norco supplied by the State Department of Finance to set the appropriation limit; and

WHEREAS, the City of Norco has complied with all the provisions of Article XIII-B in determining the appropriation limit for Fiscal Year 2015-2016.

NOW, THEREFORE, BE IT RESOLVED that the appropriations limit in Fiscal Year 2015-2016 shall be \$37,213,113 for the City of Norco.

APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 2015.

Herb Higgins, Mayor
City of Norco, California

ATTEST:

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

Resolution No. 2015-14

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May 20, 2015

I, Cheryl L. Link, CMC, 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 May 20, 2015, 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 May 20, 2015.

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

Attachment: Exhibit "A"

City of Norco, California
FY 2015 - 2016 Appropriations Limit Calculation

FY 2014-2015 Appropriations Limit (Per Resolution 2014-22)	\$ 35,654,990
Change in Per Capita Personal Income	3.82%
Change in City Population	0.53%
Calculation Factor (1.0382 x 1.0053)	1.04370
FY 2015-2016 Appropriations Limit	<u>\$ 37,213,113</u>



May 2015

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit

The California Revenue and Taxation Code, section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2015, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2015-16. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2015-16 appropriations limit. Attachment B provides city and unincorporated county population percentage change. Attachment C provides population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code section 2228 for further information regarding the appropriations limit. Article XIII B, section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. The Code and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2015.**

Please Note: Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

MICHAEL COHEN
Director
By:

KEELY M. BOSLER
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2015-16 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2015-16	3.82

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2015-16 appropriation limit.

2015-16:

Per Capita Cost of Living Change = 3.82 percent
 Population Change = 0.93 percent

Per Capita Cost of Living converted to a ratio: $\frac{3.82 + 100}{100} = 1.0382$

Population converted to a ratio: $\frac{0.93 + 100}{100} = 1.0093$

Calculation of factor for FY 2015-16: $1.0382 \times 1.0093 = 1.0479$

Fiscal Year 2015-16

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2014 to January 1, 2015 and Total Population, January 1, 2015

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2014-2015	1-1-14	1-1-15	1-1-2015
Riverside				
Banning	0.61	30,306	30,491	30,491
Beaumont	3.99	40,853	42,481	42,481
Blythe	0.52	13,522	13,592	18,909
Calimesa	1.56	8,225	8,353	8,353
Canyon Lake	0.78	10,817	10,901	10,901
Cathedral City	0.64	52,519	52,854	52,903
Coachella	0.72	43,601	43,917	43,917
Corona	0.74	159,109	160,287	160,287
Desert Hot Springs	0.53	27,986	28,134	28,134
Eastvale	2.51	59,151	60,633	60,633
Hemet	0.90	81,520	82,253	82,253
Indian Wells	1.19	5,133	5,194	5,194
Indio	2.22	82,375	84,201	84,201
Jurupa Valley	1.17	97,738	98,885	98,885
Lake Elsinore	3.07	56,543	58,281	58,426
La Quinta	1.72	39,023	39,694	39,694
Menifee	2.03	83,686	85,385	85,385
Moreno Valley	0.71	199,257	200,670	200,670
Murrieta	0.83	106,393	107,279	107,279
Norco	0.53	23,295	23,418	25,891
Palm Desert	1.25	50,424	51,053	51,053
Palm Springs	1.03	46,135	46,611	46,611
Perris	1.17	72,063	72,908	72,908
Rancho Mirage	0.85	17,739	17,889	17,889
Riverside	0.98	314,162	317,248	317,307
San Jacinto	0.79	45,537	45,895	45,895
Temecula	2.51	106,256	108,920	108,920
Wildomar	1.34	33,696	34,148	34,148
Unincorporated	1.29	363,736	368,441	368,823
County Total	1.29	2,270,800	2,300,016	2,308,441

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Dominic Milano, City Engineer
Brian Petree, Deputy City Manager/Director of Parks and Recreation and Community Services

DATE: May 20, 2015

SUBJECT: Order of Procedure and Resolutions Necessary for Initiating Proceedings for a Proposition 218 Majority Protest Vote to Increase the Assessment, Preliminary Approving the Engineer's Report and the Resolution of Intent Ordering the Continuation of Landscape Maintenance District No. 2 (LMD No. 2)-Western Pacific, Tract No. 25779.

RECOMMENDATION: Adopt **Resolution No. 2015-15** approving the Engineer's "Preliminary Report" for the increase in the annual levy of assessments for the fiscal year 2015-2016 in said district.

Adopt **Resolution No. 2015-16** declaring City's intention to provide for an increase in the annual levy and collection of assessments for certain maintenance in an existing district, and setting a time and place for the public hearing to receive protests or objections.

SUMMARY: The "Landscaping and Lighting Act of 1972" requires that an Engineer's Report for existing landscape maintenance districts (LMDs) must be reviewed and approved annually to continue assessments for the districts. The formation of the district only allowed for an annual increase not to exceed the Consumer Price Index (CPI). The CPI increases in District No.2 have not kept up with the maintenance needs of this District. In addition, there has not been an allocation of funds in the District set aside for trail fence replacement or drainage structure repairs.

Proposition 218 passed by the California voters in 1996 requires that prior to any increase in an assessment, other than CPI increases included in the initial formation of a district, be voter approved. It is therefore required that a ballot describing the proposed increase in assessment be mailed to the affected property owners per Section 53753 of the Government Code at least 45 days prior to the Public Hearing, where the ballots will be opened and tabulated.

BACKGROUND/ANALYSIS: On January 27, 2000, the City Council adopted Landscape Maintenance District No. 2 for Tract No. 25799 (Western Pacific) comprised of 219 assessable lots. The District was formed to maintain landscaping along the Norco Hills Road and Hidden Valley Parkway frontages of the development as well as selected interior slopes, wetlands, equestrian trails, and parkway maintenance. In fiscal year 2014-15 the cost to maintain the District was \$131,453.00. The maintenance level for the equestrian trails was funded at a level necessary to only maintain them to a safe standard. In the early years, after the formation of the District, a surplus of Developer funds were used to balance the budget with the assessment collected. This surplus was exhausted a number of years ago with the City loaning the District a total of \$50,900.00 to meet expenses. This City General Fund loan has been reduced to a balance of \$11,582.00 but at the expense of trail maintenance. In addition, there has never been funds set aside to replace the trail fencing, replace drainage structures across the trail that are deteriorating to an unsafe condition (Exhibit "A" Photograph) or to install new drainage devices to reduce trail erosion during rain events.

Staff invited all of the property owners within the district to two informal public meetings. The meetings were held on April 8th and April 22nd. The purpose of the meetings was to inform the property owners within the district of the proposed Proposition 218 vote to increase the assessment to fund the maintenance level to the standards that were established when their development was completed. The first meeting was attended by the owners of 11 of the 219 properties and the second meeting was attended by the owners of only one property. No one at those meetings expressed outward opposition to an increase in the assessment that would increase the maintenance level to current City standards.

FINANCIAL IMPACT: Part B, Estimate of Cost, from the 2014-15 Engineer's Report is attached as Exhibit "B". The total annual budget for 2014-15 fiscal year was \$131,453.00 with an additional general fund loan payment of \$2,468.00 for a total levy of \$133,921.00. At this level, the per parcel assessment is \$611.51. If the City Council does not move forward with a Proposition 218 vote, the proposed 2015-16 fiscal year budget would be \$132,091.00 with a general fund loan payment of \$2,500.00 for a total levy of \$134,591.00. This would be a per parcel assessment of \$614.57 which includes a CPI of 0.5%.

With a favorable Proposition 218 vote, Part B, Estimate of Costs, from the Preliminary (Prop. 218) 2015-16 Engineer's Report is attached as Exhibit "C". The full Preliminary (Prop. 218) 2015-16 Engineer's Report is attached as Exhibit "D". This budget includes the full cost of all line items to return the maintenance to the level anticipated with the original development of the Western Pacific subdivisions. The budget also includes a line item for annual trail fence replacement (\$25,830.00) and trail/drainage enhancements (\$20,000.00). At the proposed Proposition 218 levy, the assessment per parcel would be \$1,049.93. For reference purposes, the trail fence replacement budget of \$25,830.00 accounts for \$117.95 per year per parcel and the trail/ drainage enhancement budget of \$20,000.00 accounts for \$91.32 per year per parcel of the Proposition 218 assessment. Comparing a Proposition 218 passage budget with a failed Proposition 218 budget is reflected in the side by side comparison of the estimate of costs, which is provided in Exhibit "E".

Staff recommends that City Council adopt the attached resolutions. The resolutions preliminarily approve an Engineer's Report which contains a budget that funds the maintenance to a level anticipated with the original development within the district and sets the Public Hearing to hear the protests against an increased assessment and to tabulate the votes.

Attachments:

Exhibit "A"-	Photograph of Failed Drainage Structure
Exhibit "B"-	Part B, Estimated Cost of 2014-15 Engineer's Report
Exhibit "C"-	Part B, Estimated Cost with Favorable Prop. 218 Vote 2015-2016 Engineer's Report
Exhibit "D"-	Preliminary Prop. 218 2015-2016 Engineer's Report
Exhibit "E"-	2015-2016 Side by Side Comparison of Passed Prop. 218 and Failed Prop. 218 Budgets

Resolution 2015-15

Resolution 2015-16

Exhibit "A"-
Photograph of Failed Drainage Structure



Exhibit "B"-
Part B, Estimated Cost of 2014-15 Engineer's Report

PART B
ESTIMATE OF COST
LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
NORCO, CALIFORNIA (FUND NO. 53105)

The estimated costs for the operation, maintenance and servicing of the facilities, shown below, are the estimated costs of maintenance if the facilities were fully maintained for Fiscal Year 2014-2015. The 1972 Act provides that the total cost of the maintenance and services, together with incidental expenses, may be financed from the assessment proceeds. The incidental expenses may include engineering fees, legal fees, printing, mailing, postage, publishing, and all other related costs identified with district proceedings.

<i>Direct Cost</i>			
Contractual Maintenance (34100)			
1	Landscape Maintenance: includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, water cost, electrical cost for controllers, tree trimming up to 15 feet, tree staking, backflow testing, rodent control and plant replacement.	\$ 39,037.00	
2	Slope Maintenance: includes same activities as Item 1 for exterior slopes along Hidden Valley Parkway and Norco Hills Road as well as private slopes adjacent to wetlands area at Lots 77, 78, 89, 90, 91. (Cost included in Item No. 1)	\$ -	
3	Parkway Maintenance: includes all pruning, weed and pest control, fertilization, ground cover, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control and plant replacement. (Cost included in Item No. 1)	\$ -	
4	Equestrian Trails: includes minor grading, replacement of wooden posts and rails, and addition of decomposed granite for trail surface.	\$ 5,000.00	
5	Maintenance of Wetland (Lot 71): trash and debris cleanup, plant replacement, pest and rodent control.	\$ 500.00	
6	Park Maintenance (Lot 2): trash and debris cleanup, mowing, fertilization, turf care, pest and rodent control, and observation.	\$ 8,760.00	
Utilities (33100)			
	Water	\$ 53,104.00	
	Electrical	\$ 5,760.00	
	Phone	\$ 232.00	
Annual Tree Replacement (32405)		\$ -	
Subtotal Direct Cost		\$ 112,393.00	\$ 112,393.00
Operating Contingency (1.5 percent max)			\$ 1,124.00
Replacement Reserve (2.0 percent) (Not funded)			\$ -
Administrative Costs			
	Observation: City Staff to Manage District (30100)	\$ 7,420.00	
	Engineer's Report (34110)	\$ 2,500.00	
	City Overhead/Administration (34135)	\$ 7,786.00	
	Riverside County Admin. Fees (35210)	\$ 230.00	
	Incidentals (30405)	\$ -	
Subtotal Administrative Costs		\$ 17,936.00	\$ 17,936.00
Operating Reserve			\$ -
Annual Capital Project			\$ -
TOTAL ANNUAL BUDGET			\$ 131,453.00

Exhibit "C"-

Part B, Estimated Cost w/ Favorable Prop. 218 Vote 2015-16 Engineer's Report

PART B

ESTIMATE OF COST

LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)

NORCO, CALIFORNIA (FUND NO. 53105)

The estimated costs for the operation, maintenance and servicing of the facilities, included in this Part, are the estimated costs of maintenance if the facilities were fully maintained for Fiscal Year 2015-2016. The 1972 Act provides that the total cost of the maintenance and services, together with incidental expenses, may be financed from the assessment proceeds. The incidental expenses may include engineering fees, legal fees, printing, mailing, postage, publishing, and all other related costs identified with district proceedings.

<i>Direct Cost</i>		
Contractual Maintenance (34100)		
	Landscape Maintenance: Generally includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, water cost, electrical cost for controllers, tree trimming up to 15 feet, tree staking, backflow testing, rodent control and plant replacement.	
1	Slope Maintenance: includes same activities as Item 1 for exterior slopes along Hidden Valley Parkway and Norco Hills Road as well as private slopes adjacent to wetlands area at Lots 77, 78, 89, 90, 91.	\$ 18,818.00
2	Parkway Maintenance: includes all pruning, weed and pest control, fertilization, ground cover, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control and plant replacement.	\$ 32,082.00
3	Equestrian Trails: includes minor grading, replacement of wooden posts and rails, and addition of decomposed granite for trail surface.	\$ 33,600.00
4	Maintenance of Wetland (Lot 71): trash and debris cleanup, plant replacement, pest and rodent control.	\$ 1,664.00
5	Park Maintenance (Lot 2): trash and debris cleanup, mowing, fertilization, turf care, pest and rodent control, and observation.	\$ 11,826.00
Utilities (33100)		
	Water	\$ 48,930.00
	Electrical	\$ 5,985.00
	Phone	\$ 227.00
	Annual Tree Replacement (32405)	\$ -
Subtotal Direct Cost		\$ 153,132.00
Operating Contingency (1.5 percent max)		\$ 2,297.00
Replacement Reserve (2.0 percent) (Not funded)		\$ 3,063.00
Administrative Costs		
	Observation: City Staff to Manage District (30100)	\$ 10,428.00
	Engineer's Report (34110)	\$ 2,500.00
	City Overhead/Administration (34135)	\$ 7,942.00
	Riverside County Admin. Fees (35210)	\$ 242.00
	Incidentals (30405)	\$ -
Subtotal Administrative Costs		\$ 21,112.00
Operating Reserve		\$ -
Annual Capital Project - Trail Fence Replacement		\$ 25,830.00
Capital Project - Trail & Drainage Enhancements		\$ 20,000.00
TOTAL ANNUAL BUDGET		\$ 225,434.00
Prop 218 Vote (One Time City Reimbursement)		\$ 4,500.00
2015/16 ASSESSMENT		\$ 229,934.00

**Exhibit "D"-
Preliminary Prop. 218 2015-16 Engineer's Report**

**ENGINEER'S REPORT
(PROPOSED BUDGET WITH PASSAGE OF PROP 218 VOTE)**

FOR

**LANDSCAPE MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)**

FISCAL YEAR 2015-2016

PREPARED FOR THE

**CITY OF NORCO
RIVERSIDE COUNTY, CALIFORNIA**

PREPARED BY:

**DOMINIC C. MILANO, P.E.
CITY ENGINEER**

**ENGINEER'S REPORT
CITY OF NORCO**

**LANDSCAPE MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)
FISCAL YEAR 2015-2016**

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: _____, 2015

By: _____

Dominic C. Milano, P.E.
R.C.E. No. 27172
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on _____, 2015.

City Clerk, City of Norco
Riverside County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Norco, California, on _____, 2015.

City Clerk, City of Norco
Riverside County, California

By: _____

**FISCAL YEAR 2015-2016
CITY OF NORCO**

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH
22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation, being Resolution No. 98-97, adopted by the Council of the City of Norco, State of California, in connection with the proceedings for:

**CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)**

Hereinafter referred to as the "Assessment District," I, Dominic C. Milano, P.E. authorized representative of the City of Norco, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of four parts as follows:

PART A

Plans and specifications for the improvements are as set forth herein and are on file in the Office of the Clerk of the City.

PART B

An estimate of cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth herein.

PART C

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report. The legal description of the Assessment District is attached hereto.

PART D

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District.

PART A

PLANS AND SPECIFICATIONS

**DESCRIPTION OF IMPROVEMENTS
FOR THE CITY OF NORCO
LANDSCAPE MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)
FISCAL YEAR 2015-2016**

The improvements are the operation, maintenance, and servicing of landscaping, wetlands, horse trails, hardscaping, and masonry, and appurtenant facilities including but not limited to personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services, described as follows:

LANDSCAPING

Landscaping, planting, shrubbery, trees, irrigation, hardscapes, masonry wall surfaces, fixtures, and appurtenant facilities located within public right-of-way (parkways), easements (slope and trail) and publicly owned parcels within the boundary of the Assessment District except as specifically excluded.

PART B
ESTIMATE OF COST
LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
NORCO, CALIFORNIA (FUND NO. 53105)

The estimated costs for the operation, maintenance and servicing of the facilities, included in this Part, are the estimated costs of maintenance if the facilities were fully maintained for Fiscal Year 2015-2016. The 1972 Act provides that the total cost of the maintenance and services, together with incidental expenses, may be financed from the assessment proceeds. The incidental expenses may include engineering fees, legal fees, printing, mailing, postage, publishing, and all other related costs identified with district proceedings.

Direct Cost

<i>Contractual Maintenance (34100)</i>		
Landscape Maintenance: Generally includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, water cost, electrical cost for controllers, tree trimming up to 15 feet, tree staking, backflow testing, rodent control and plant replacement.		
1 Slope Maintenance: includes same activities as Item 1 for exterior slopes along Hidden Valley Parkway and Norco Hills Road as well as private slopes adjacent to wetlands area at Lots 77, 78, 89, 90, 91.	\$	18,818.00
2 Parkway Maintenance: includes all pruning, weed and pest control, fertilization, ground cover, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control and plant replacement.	\$	32,082.00
3 Equestrian Trails: includes minor grading, replacement of wooden posts and rails, and addition of decomposed granite for trail surface.	\$	33,600.00
4 Maintenance of Wetland (Lot 71): trash and debris cleanup, plant replacement, pest and rodent control.	\$	1,664.00
5 Park Maintenance (Lot 2): trash and debris cleanup, mowing, fertilization, turf care, pest and rodent control, and observation.	\$	11,826.00
<i>Utilities (33100)</i>		
Water	\$	48,930.00
Electrical	\$	5,985.00
Phone	\$	227.00
Annual Tree Replacement (32405)	\$	-
Subtotal Direct Cost	\$	153,132.00
Operating Contingency (1.5 percent max)	\$	2,297.00
Replacement Reserve (2.0 percent) (Not funded)	\$	3,063.00
<i>Administrative Costs</i>		
Observation: City Staff to Manage District (30100)	\$	10,428.00
Engineer's Report (34110)	\$	2,500.00
City Overhead/Administration (34135)	\$	7,942.00
Riverside County Admin. Fees (35210)	\$	242.00
Incidentals (30405)	\$	-
Subtotal Administrative Costs	\$	21,112.00
Operating Reserve	\$	-
Annual Capital Project - Trail Fence Replacement	\$	25,830.00
Capital Project - Trail & Drainage Enhancements	\$	20,000.00
TOTAL ANNUAL BUDGET	\$	225,434.00
Prop 218 Vote (One Time City Reimbursement)	\$	4,500.00
2015/16 ASSESSMENT	\$	229,934.00

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. The City may advance funds to the District, if needed, to ensure adequate cash flow, and will be reimbursed for any such advances upon receipt of assessments. Any surplus or deficit remaining on July 1 must be carried over to the next fiscal year. The estimated fund balance for fiscal year ending June 30, 2015 and cash flow funding needs are as follows:

Fund Balance	
Estimated Beginning Fund Balance July 1, 2015	\$ (11,582.00)
Add Back Budgeted Assessment for Future Trail Fence Replacement	\$ 0.00
Estimated Current Year Revenue Surplus/(Deficit)	\$ 0.00
Estimated Fund Balance June 30, 2016	\$ (11,582.00)
Estimated Fund Balance Needs:	
Needed for Future Trail Fence Replacement - 10 Years of 15 Year Useful Life	\$ 258,300.00
Less Unspent 2013-2015 Budgeted Trail Fence Replacement Capital Project	\$ 0.00
6 Months Operating Cash Flow	\$ 114,967.00
Estimated Needs	\$ 373,267.00
Estimated Surplus (Unfunded Needs):	<u>\$(384,849.00)</u>

Total Replacement Cost for Trail Fence (29,800 Lineal Ft @ \$13.00/LF)	\$ 387,400.00
Annual Set-Aside for Budgeted Trail Fence Replacement (15 YR Replacement Cycle for existing wood fencing)*	\$ 25,830.00

*Replacement cycle for vinyl fencing will be 25 years (\$15,496/yr) as wood fencing is replaced.

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the consumer price index applicable to the City of Norco. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District.

PART C

ASSESSMENT DIAGRAM

An Assessment Diagram for the Assessment District is on file in the office of the City Clerk. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made a part of this Report. A reduced scale map depicting the assessment diagram is attached hereto. Also attached as Exhibit "A" is the Legal Description of Assessment District.

EXHIBIT A

**LEGAL DESCRIPTION
LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)**

That certain real property situated in the City of Norco, County of Riverside, State of California, more particularly described as follows:

Lots 3 through 70 inclusive, and Lots 72 through 221, exclusive of Lot 219, of Tract No. 25779 in the City of Norco, County of Riverside, State of California, as per map recorded in Book 284, Pages 20 through 30, inclusive, of Maps in the Office of the County Recorder of Said County.

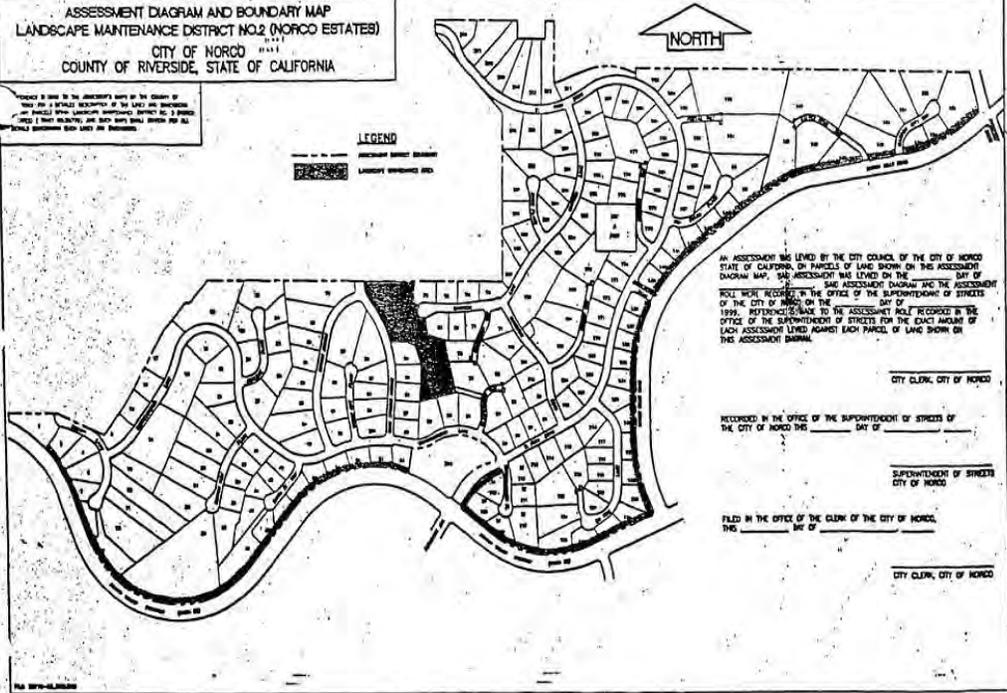
ASSESSMENT DIAGRAM AND BOUNDARY MAP
 LANDSCAPE MAINTENANCE DISTRICT NO.2 (NORCO ESTATES)
 CITY OF NORCO
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL MAP AS FILED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY OF NORCO, CALIFORNIA, ON THE _____ DAY OF _____, 1999. REFERENCED TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EACH ANNUAL OF EACH ASSESSMENT LINED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT MAP.

LEGEND

- BOUNDARY OF DISTRICT
- LANDSCAPE MAINTENANCE DISTRICT

NORTH



AN ASSESSMENT WAS LINED BY THE CITY COUNCIL OF THE CITY OF NORCO STATE OF CALIFORNIA, ON PARCELS OF LAND SHOWN ON THE ASSESSMENT DIAGRAM MAP, SAID ASSESSMENT WAS LINED ON THE _____ DAY OF _____, 1999. REFERENCED TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EACH ANNUAL OF EACH ASSESSMENT LINED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT MAP.

CITY CLERK, CITY OF NORCO

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY OF NORCO THIS _____ DAY OF _____, 1999.

SUPERINTENDENT OF STREETS
 CITY OF NORCO

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF NORCO, THIS _____ DAY OF _____, 1999.

CITY CLERK, CITY OF NORCO

PART D

ASSESSMENT

WHEREAS, on October 20, 1999, the City Council of the City of Norco, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (the "Act") adopted its Resolution of the City Council of the City of Norco Initiating Proceedings for the Formation for a Maintenance Assessment District and thereafter formed Landscape Maintenance District No. 2 (Western Pacific) (the "District") as more particularly described in said proceedings; and

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565, et seq., of said Act;

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City, hereby makes the following assessment to cover the portion of the estimated cost of the maintenance of said improvements and the costs and expenses incidental thereto to be paid by said District.

The amount to be paid for the maintenance of said improvement, and the expenses incidental thereto, are as follows:

	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	\$ 153,132.00	\$	\$
Capital Projects	\$ 45,830.00		
Incidental Expenses	<u>\$ 26,472.00</u>	<u>\$</u>	<u>\$</u>
Total Cost	\$ 225,434.00	\$	\$
Prop 218 Vote/ Payment of G.F. Loan	<u>\$ 4,500.00</u>	<u>\$</u>	<u>\$</u>
NET TO BE ASSESSED	\$ 229,934.00	\$	\$

FOR FISCAL YEAR
2015-2016

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the consumer price index (CPI) applicable to the City of Norco. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District. The Annual CPI ending March 31, 2015 was 0.5%. With the passage of the Prop 218 vote, the 2015-2016 Assessment will be set at \$1,049.93 per parcel.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purposes as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year. The estimated fund balance for fiscal year ending June 30, 2015 is a deficit of \$11,582 .00.

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said District. The lines and dimensions of each lot or parcel of land within the said District as the same existed at the time of the passage of said resolution are as shown on the maps of the County Assessor of the County of Riverside. Reference is hereby made to said maps and said maps shall govern for all details concerning the lines and dimensions of such lots and parcels.

I do hereby assess the net amount to be assessed upon all assessable lots or parcels of land within said District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of said improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof.

Said assessment is made upon the several lots or parcels of land within the District in proportion to the estimated benefits to be received by said lots or parcels, respectively, from the maintenance of said improvements. The diagram and the assessor's map are the documents to which reference is hereby made for a more particular description of said property.

Each lot or parcel of land assessed is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Riverside for the Fiscal Year 2014-2015 and includes all of such parcel. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

City of Norco

Dated: _____, 2015

Dominic C. Milano, P.E.
City Engineer

EXHIBIT B

METHOD AND FORMULA OF ASSESSMENT SPREAD

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the "Landscaping and Lighting Act of 1972," must be based on the benefit that the properties receive from the works of improvement. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The Assessment Engineer is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation. For these proceedings, the City has based its determination on standard assessment practices utilized by consulting civil engineers with a background of experience in the design of such works of improvement and experience in the completion of assessment district formation projects.

IDENTIFYING THE BENEFIT

First of all, it is necessary to identify the benefit that the public improvement will render to the properties within the Assessment District. The landscaping, irrigation, and equestrian trails have been designed and will be constructed for the benefit of enhanced aesthetics and neighborhood identity for all properties within the Assessment District.

APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, several factors are being used in the final method and spread and assessment.

The individual parcels of land within the Assessment District are currently developed or have the potential for development to single family residential units. The proposed improvements are designed to enhance the appearance and appeal of the District and all of the parcels within. The improvements will provide a sense of neighborhood identity for the District. As such, each parcel will benefit equally from the proposed improvements.

In conclusion, it is my opinion that the assessments for the referenced Assessment District have been spread in direct accordance with the benefits that each parcel receives from the works of improvements.

**LIST OF ASSESSMENTS
 LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
 FISCAL YEAR 2015-2016**

<u>Lot No.</u>	<u>As Preliminarily Approved</u>	<u>As Finally Confirmed and Recorded</u>	<u>Lot No.</u>	<u>As Preliminarily Approved</u>	<u>As Finally Confirmed and Recorded</u>
3	\$1,049.93		46	\$1,049.93	
4	\$1,049.93		47	\$1,049.93	
5	\$1,049.93		48	\$1,049.93	
6	\$1,049.93		49	\$1,049.93	
7	\$1,049.93		50	\$1,049.93	
8	\$1,049.93		51	\$1,049.93	
9	\$1,049.93		52	\$1,049.93	
10	\$1,049.93		53	\$1,049.93	
11	\$1,049.93		54	\$1,049.93	
12	\$1,049.93		55	\$1,049.93	
13	\$1,049.93		56	\$1,049.93	
14	\$1,049.93		57	\$1,049.93	
15	\$1,049.93		58	\$1,049.93	
16	\$1,049.93		59	\$1,049.93	
17	\$1,049.93		60	\$1,049.93	
18	\$1,049.93		61	\$1,049.93	
19	\$1,049.93		62	\$1,049.93	
20	\$1,049.93		63	\$1,049.93	
21	\$1,049.93		64	\$1,049.93	
22	\$1,049.93		65	\$1,049.93	
23	\$1,049.93		66	\$1,049.93	
24	\$1,049.93		67	\$1,049.93	
25	\$1,049.93		68	\$1,049.93	
26	\$1,049.93		69	\$1,049.93	
27	\$1,049.93		70	\$1,049.93	
28	\$1,049.93		71	\$1,049.93	
29	\$1,049.93		72	\$1,049.93	
30	\$1,049.93		73	\$1,049.93	
31	\$1,049.93		74	\$1,049.93	
32	\$1,049.93		75	\$1,049.93	
33	\$1,049.93		76	\$1,049.93	
34	\$1,049.93		77	\$1,049.93	
35	\$1,049.93		78	\$1,049.93	
36	\$1,049.93		79	\$1,049.93	
37	\$1,049.93		80	\$1,049.93	
38	\$1,049.93		81	\$1,049.93	
39	\$1,049.93		82	\$1,049.93	
40	\$1,049.93		83	\$1,049.93	
41	\$1,049.93		84	\$1,049.93	
42	\$1,049.93		85	\$1,049.93	
43	\$1,049.93		86	\$1,049.93	
44	\$1,049.93		87	\$1,049.93	
45	\$1,049.93				

**LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
FISCAL YEAR 2015-2016**

<u>Lot No.</u>	<u>As Preliminarily Approved</u>	<u>As Finally Confirmed and Recorded</u>	<u>Lot No.</u>	<u>As Preliminarily Approved</u>	<u>As Finally Confirmed and Recorded</u>
88	\$1,049.93		132	\$1,049.93	
89	\$1,049.93		133	\$1,049.93	
90	\$1,049.93		134	\$1,049.93	
91	\$1,049.93		135	\$1,049.93	
92	\$1,049.93		136	\$1,049.93	
93	\$1,049.93		137	\$1,049.93	
94	\$1,049.93		138	\$1,049.93	
95	\$1,049.93		139	\$1,049.93	
96	\$1,049.93		140	\$1,049.93	
97	\$1,049.93		141	\$1,049.93	
98	\$1,049.93		142	\$1,049.93	
99	\$1,049.93		143	\$1,049.93	
100	\$1,049.93		144	\$1,049.93	
101	\$1,049.93		145	\$1,049.93	
102	\$1,049.93		146	\$1,049.93	
103	\$1,049.93		147	\$1,049.93	
104	\$1,049.93		148	\$1,049.93	
105	\$1,049.93		149	\$1,049.93	
106	\$1,049.93		150	\$1,049.93	
107	\$1,049.93		151	\$1,049.93	
108	\$1,049.93		152	\$1,049.93	
109	\$1,049.93		153	\$1,049.93	
110	\$1,049.93		154	\$1,049.93	
111	\$1,049.93		155	\$1,049.93	
112	\$1,049.93		156	\$1,049.93	
113	\$1,049.93		157	\$1,049.93	
114	\$1,049.93		158	\$1,049.93	
115	\$1,049.93		159	\$1,049.93	
116	\$1,049.93		160	\$1,049.93	
117	\$1,049.93		161	\$1,049.93	
119	\$1,049.93		163	\$1,049.93	
120	\$1,049.93		164	\$1,049.93	
121	\$1,049.93		165	\$1,049.93	
122	\$1,049.93		166	\$1,049.93	
123	\$1,049.93		167	\$1,049.93	
124	\$1,049.93		168	\$1,049.93	
125	\$1,049.93		169	\$1,049.93	
126	\$1,049.93		170	\$1,049.93	
127	\$1,049.93		171	\$1,049.93	
128	\$1,049.93				
129	\$1,049.93				
130	\$1,049.93				
131	\$1,049.93				

**LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
FISCAL YEAR 2015-2016**

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
172	\$1,049.93		216	\$1,049.93	
173	\$1,049.93		217	\$1,049.93	
174	\$1,049.93		218	\$1,049.93	
175	\$1,049.93		219	\$1,049.93	
176	\$1,049.93		220	\$1,049.93	
177	\$1,049.93		221	\$1,049.93	
178	\$1,049.93				
179	\$1,049.93				
180	\$1,049.93				
181	\$1,049.93				
182	\$1,049.93				
183	\$1,049.93				
184	\$1,049.93				
185	\$1,049.93				
186	\$1,049.93				
187	\$1,049.93				
188	\$1,049.93				
189	\$1,049.93				
190	\$1,049.93				
191	\$1,049.93				
192	\$1,049.93				
193	\$1,049.93				
194	\$1,049.93				
195	\$1,049.93				
196	\$1,049.93				
197	\$1,049.93				
198	\$1,049.93				
199	\$1,049.93				
200	\$1,049.93				
201	\$1,049.93				
202	\$1,049.93				
203	\$1,049.93				
204	\$1,049.93				
206	\$1,049.93				
207	\$1,049.93				
208	\$1,049.93				
209	\$1,049.93				
210	\$1,049.93				
211	\$1,049.93				
212	\$1,049.93				
213	\$1,049.93				
214	\$1,049.93				
215	\$1,049.93				

**TOTAL NUMBER OF ASSESSED PARCELS: 219
TOTAL TO BE ASSESSED IS \$229,934.67**

Exhibit "E"
2015-16 Side by Side Comparison of
Passed Prop. 218 and Failed Prop. 218 Budgets

ESTIMATE OF COSTS
SIDE BY SIDE COMPARISON
LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
NORCO, CALIFORNIA (FUND NO. 53105)

<i>Direct Cost</i>		Budget With Passage of Prop 218	Budget Without Passage of Prop 218
Contractual Maintenance (34100)			
	Landscape Maintenance		
1	Slope Maintenance	\$18,818.00	\$18,818.00
2	Parkway Maintenance	\$32,082.00	\$25,524.00
3	Equestrian Trails	\$33,600.00	\$5,000.00
4	Maintenance of Wetland (Lot 71)	\$1,664.00	\$500.00
5	Park Maintenance (Lot 2)	\$11,826.00	\$5,995.00
Utilities (33100)			
	Water	\$48,930.00	\$48,930.00
	Electrical	\$5,985.00	\$5,985.00
	Phone	\$227.00	\$227.00
Annual Tree Replacement (32405)		-	-
Subtotal Direct Cost		\$153,132.00	\$110,979.00
Operating Contingency (1.5 percent max)		\$2,297.00	
Replacement Reserve (2.0 percent) (Not funded)		\$3,063.00	
Administrative Costs			
	Observation: City Staff to Manage District (30100)	\$10,428.00	\$10,428.00
	Engineer's Report (34110)	\$2,500.00	\$2,500.00
	City Overhead/Administration (34135)	\$7,942.00	\$7,942.00
	Riverside County Admin. Fees (35210)	\$242.00	\$242.00
	Incidentals (30405)	-	-
Subtotal Administrative Costs		\$21,112.00	\$21,112.00
Operating Reserve		\$0.00	\$0.00
Annual Capital Project - Trail Fence Replacement		\$25,830.00	\$0.00
Capital Project - Trail & Drainage Enhancements		\$20,000.00	\$0.00
TOTAL ANNUAL BUDGET		\$225,934.00	\$132,091.00
Prop 218 Vote/General Fund Payback		\$4,500.00	\$2,500.00
2015/16 ASSESSMENT		\$229,934.00	\$134,591.00

RESOLUTION NO. 2015-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ENGINEER'S "PRELIMINARY REPORT" FOR THE INCREASE IN THE ANNUAL LEVY OF ASSESSMENTS FOR THE FISCAL YEAR 2015-2016 IN SAID DISTRICT.

WHEREAS, the City Council of the City of Norco, California, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of an Engineer's "Report" for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

**CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)**

(hereinafter referred to as the "District"); and

WHEREAS, there has now been presented to this City Council the "Report" as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has now carefully examined and reviewed the "Report" as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said "Report."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, does hereby resolve, determine, and order as follows:

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the "Report" as presented, consisting of the following:

- A. Plans and specifications;
- B. Estimate of cost;
- C. Diagram of the District;
- D. Assessment of the estimated cost;

is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's "Report."

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 2015.

Herb Higgins,
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 Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on May 20, 2015, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on May 20, 2015.

Cheryl Link, City Clerk
City of Norco, California

RESOLUTION NO. 2015-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING CITY'S INTENTION TO PROVIDE FOR AN INCREASE IN THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT, AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING TO RECEIVE PROTESTS OR OBJECTIONS.

WHEREAS, the City Council of the City of Norco, California, desires to continue a Landscaping Maintenance District pursuant to the terms and provisions of the "Landscaping and Street Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, known and designated as:

**CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)**

(hereinafter referred to as the "District"); and

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time there has been presented and approved this City Council, the Engineer's "Report" as required by law, and this City Council is desirous of proceeding with the proceedings for said annual levy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does resolve, determine, and order as follows:

SECTION 1: That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2: That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and herein so referenced and made

a part hereof, and proposed changes thereto are set forth in the "Report" of the Engineer, incorporated herein as a part hereof.

REPORT

SECTION 3: That the "Report" of the Engineer regarding the annual levy for said District, which "Report" is for maintenance for the Fiscal Year 2015-2016 is hereby approved on a preliminary basis and is directed to be filed in the Office of the City Clerk.

ASSESSMENT

SECTION 4: That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's "Report," and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvement as estimated in said "Report."

DESCRIPTION OF MAINTENANCE

SECTION 5: The assessments levied and collected shall be for the maintenance of certain landscaping and street lighting improvements, as set forth in the Engineer's "Report," referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6: The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUND

SECTION 7: That all monies collected shall be deposited in a special fund known as:

"SPECIAL FUND, CITY OF NORCO"

LANDSCAPING MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)”

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8: Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a district, which district said City Council hereby declares to be the district benefited by said improvement said maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Office of the City Clerk, and so designated by the name of the District.

SECTION 9: NOTICE IS HEREBY GIVEN THAT ON JULY 15, 2015 AT THE HOUR OF 7 P.M., IN CITY COUNCIL CHAMBERS LOCATED AT 2870 CLARK AVENUE, NORCO, CALIFORNIA, IS THE TIME AND PLACE FIXED BY THE CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE INCREASE IN THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION BY THOSE PROPERTY OWNERS AFFECTED HEREBY. ASSESSMENT BALLOTS MUST BE FILED WITH THE CITY CLERK PRIOR TO THE CONCLUSION OF THE PUBLIC HEARING.

NOTICE

SECTION 10: The City Clerk is directed to publish this Resolution of Intention pursuant to Government Code Section 6061, said publication to be completed no later than ten days prior to the date set for the Public Hearing.

EFFECTIVE DATE

SECTION 11: This Resolution shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 12: For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Mr. Dominic C. Milano, City Engineer
CITY OF NORCO
2870 Clark Avenue
Norco, California 92860

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 2015.

Herb Higgins, Mayor
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 Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on May 20, 2015, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on May 20, 2015.

Cheryl Link, City Clerk
City of Norco, California

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Cheryl L. Link, City Clerk

DATE: May 20, 2015

SUBJECT: City Council Appointments to the California Rehabilitation Center Citizens' Advisory Committee

RECOMMENDATION: Appoint Mayor Herb Higgins as the designee and Council Member Kathy Azevedo as the alternate of the California Rehabilitation Center Citizens' Advisory Committee

BACKGROUND/ANALYSIS: The California Rehabilitation Center in Norco has established a Citizens Advisory Committee (CAC) to improve the public's understanding of correctional programs. The Warden has requested the appointment of two City Council Members, a designee and an alternate, to represent the City as active participants on this committee.

BACKGROUND/ANALYSIS: The California Rehabilitation Center (CRC) in Norco has established a Citizens Advisory Committee and its mission is to influence correctional direction and suggest means to improve and participate in inmate programming. The role of the CAC is to:

- Provide an important opportunity for the California Department of Corrections and Rehabilitation (CDCR) to gain the support of interest and concerned citizens. The Warden extends invitations to committee members to acquaint themselves with the institution's facilities and programs.
- Voice their concerns and make suggestions for facility and program enhancements as well as to support the institution and its programs.
- Play a key role in furthering the CDCR's mission.
- Encourage community service projects, open houses, public education efforts, and any other appropriate activities aimed at strengthening the institution's partnership with the community.

The committee meets bi-monthly and also consists of appointees from the district Assembly Member's office, the district Senator's office, Riverside County Board of Supervisors, and Riverside County Sheriff's Department. Mayor Herb Higgins has declared an interest in attending as the designee. Council Member Kathy Azevedo has attended CAC meetings and is recommended as the alternate.

Therefore, it is recommended that the City Council approve the appointment of Mayor Higgins as the designee and Council Member Azevedo as the alternate. Following approval, the City Clerk will prepare a minutes action excerpt and submit it to Warden Cynthia Y. Tampkins at the California Rehabilitation Center.

FINANCIAL IMPACT: No financial impact as a result of this action.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Roger Grody, Economic Development Consultant

DATE: May 20, 2015

SUBJECT: Military Land & National Defense Act (H.R. 135)

RECOMMENDATION: Adopt **Resolution No. 2015-17**, opposing the Military Land & National Defense Act (H.R. 135).

SUMMARY: The Historic Preservation Commission was established to advise the Norco City Council on matters pertaining to the community's rich historical, architectural and cultural resources. In that role, it strongly recommends that the City Council take a position in opposition to the Military Land & National Defense Act (H.R. 135), which the Commission views as undermining the integrity of the National Historic Preservation Act and placing local landmarks, including the Lake Norconian Club, in potential jeopardy.

BACKGROUND/ANALYSIS: On January 6, 2015, Congressman Darrell Issa introduced the Military Land & National Defense Act (H.R. 135) in the U.S. House of Representatives. In effect, this bill provides federal agencies the authority to deny the designation of historic landmarks based on a claim that such designation would compromise national security, and even provides for the potential delisting of properties already entered onto the National Register of Historic Places.

Clearly, the proposed legislation potentially affects many historic properties located at the U.S. Navy facility in Norco, including the hospital designed by acclaimed architect Claud Beelman and portions of the original Lake Norconian Club resort. The bill as currently written is extremely broad, identifies no exemptions and requires no meaningful substantiation of a claim that national security is actually affected. This legislation would have negative effect on the City's efforts to preserve the Norconian Properties' heritage and history for future generations.

The Historic Preservation Commission, at its meeting on May 12, 2015 unanimously voted to recommend that the City Council pass a resolution stating its opposition to H.R. 135.

FISCAL IMPACT: None.

Attachments: Resolution No. 2015-17
H.R. 135

RESOLUTION NO. 2015-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, STATING ITS OPPOSITION TO THE MILITARY LAND AND NATIONAL DEFENSE ACT (H.R. 135)

WHEREAS, the rich historic and cultural heritage of Norco, reflected in its manmade environment and structures, is a treasured local resource that generates a sense of pride and civic engagement among the City's residents; and

WHEREAS the designation of particular properties, such as the Lake Norconian Club, as local, state or national landmarks enriches the quality of life for current residents and future generations,; and

WHEREAS, the National Historic Preservation Act strengthens America's architectural and historical heritage in cities and communities throughout the nation for the public benefit; and

WHEREAS, the Military Land & National Defense Act (H.R. 135), currently being considered in Congress, would severely compromise the integrity of the National Historic Preservation Act it seeks to amend, and place current and prospective designated landmarks, such as the Lake Norconian Club, in serious jeopardy; and

WHEREAS, the designation of historic landmarks in the City of Norco provides a valuable legacy for future Norconians and contributes to the cultural heritage of the State of California and United States of America; and

WHEREAS, patriotic Norconians are confident that historic preservation and national security are not principals at odds with one another but concepts that harmoniously coexist.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco does hereby states its opposition to the Military Land and National Defense Act (H.R. 135) currently being considered in the U.S. Congress.

Resolution No. 2015-17

Page 2

May 20, 2015

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 2015.

Herb Higgins, Mayor
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 May 20, 2015 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 May 20, 2015.

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

114TH CONGRESS
1ST SESSION

H. R. 135

To amend the National Historic Preservation Act to provide that if the head of the agency managing Federal property objects to the inclusion of certain property on the National Register or its designation as a National Historic Landmark for reasons of national security, the Federal property shall be neither included nor designated until the objection is withdrawn, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2015

Mr. ISSA introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Historic Preservation Act to provide that if the head of the agency managing Federal property objects to the inclusion of certain property on the National Register or its designation as a National Historic Landmark for reasons of national security, the Federal property shall be neither included nor designated until the objection is withdrawn, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Land and Na-
3 tional Defense Act” or the “Military LAND Act”.

4 **SEC. 2. AMENDMENTS TO THE NATIONAL HISTORIC PRES-**
5 **ERVATION ACT.**

6 Section 101(a) of the National Historic Preservation
7 Act (16 U.S.C. 470a(a)) is amended as follows:

8 (1) In paragraph (2)—

9 (A) in subparagraph (E), by striking “;
10 and” and inserting a semicolon;

11 (B) in subparagraph (F), by striking the
12 period and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(G) notifying the Committee on Natural Re-
15 sources of the United States House of Representa-
16 tives and the Committee on Energy and Natural Re-
17 sources of the Senate if the property is owned by the
18 Federal Government when the property is being con-
19 sidered for inclusion on the National Register, for
20 designation as a National Historic Landmark, or for
21 nomination to the World Heritage List.”.

22 (2) By redesignating paragraphs (7) and (8) as
23 paragraphs (8) and (9), respectively.

24 (3) By inserting after paragraph (6) the fol-
25 lowing:

1 “(7) If the head of the agency managing any
2 Federal property objects to such inclusion or des-
3 ignation for reasons of national security, such as any
4 impact the inclusion or designation would have on
5 use of the property for military training or readiness
6 purposes, that Federal property shall be neither in-
7 cluded on the National Register nor designated as a
8 National Historic Landmark until the objection is
9 withdrawn.”.

10 (4) By adding after paragraph (9) (as so redesi-
11 gnated by paragraph (2) of this section) the fol-
12 lowing:

13 “(10) The Secretary shall promulgate regula-
14 tions to allow for expedited removal of Federal prop-
15 erty listed on the National Register of Historic
16 Places if the managing agency of that Federal prop-
17 erty submits to the Secretary a written request to
18 remove the Federal property from the National Reg-
19 ister of Historic Places for reasons of national secu-
20 rity, such as any impact the inclusion or designation
21 would have on use of the property for military train-
22 ing or readiness purposes.”.

○

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Lori Askew, Public Works Director

DATE: May 20, 2015

SUBJECT: Cooperative Agreement with Caltrans for Second Street and Interstate 15.

RECOMMENDATION: Approve and enter into a Cooperative Agreement with Caltrans

SUMMARY: At the April 15, 2015 City Council meeting, Mayor Pro Tem Bash requested re-agendizing the Caltrans Cooperative Agreement that was previously placed before Council on March 18, 2015 and denied. The item was brought before the City Council on May 6, 2015. The motion to approve the Cooperative Agreement failed with a split 2-2 vote (NOES: Higgins, Newton). As a result, Mayor Higgins made a follow-up motion to continue the item to May 20, 2015 to allow all Council Members to be present to vote on the item. The motion passed unanimously.

BACKGROUND/ANALYSIS: The Second Street Widening Improvement Project was completed on August 1, 2012 by a City of Norco contract. This project included the widening of Second Street from just east of the I-15 Freeway to Corona Avenue, in addition to pavement rehabilitation of Second Street from Corona Avenue to Hillside Avenue. The south side of Second Street between the I-15 Freeway and Corona Avenue included the construction of a pedestrian-equestrian trail which terminated at the Caltrans right-of-way on the east side of the off-ramp. Due to the widening of Second Street, which included a pedestrian-equestrian trail along the south side of Second Street, grade changes resulted. The project scope provided for grading within City of Norco right-of-way but Caltrans right-of-way was excluded due to the length of time required to obtain a permit to do work within their right-of-way. This resulted in a berm of dirt remaining at the southeast corner of the intersection of the Second Street off-ramp from the northbound I-15 freeway which is also the west end of the trail.

Subsequent to the project completion, residents have made comments at City Council meetings for the removal of the dirt mound at the west end of the aforementioned trail, adjacent to the off-ramp. Staff has indicated this mound of dirt is in the Caltrans right-of-way and to remove it requires permission from Caltrans.

For several months, staff was in contact with Caltrans representatives regarding the necessary procedure to have the mound of dirt removed, including processing of an encroachment permit. A "check list" was ultimately received from Caltrans which was presented to Council on December 3, 2014, and included several conditions that would be

Agenda Item: 5.A.

required of the City in order to have the berm removed. Staff also included a cost estimate for the required work.

Ultimately, Council approved a motion directing staff to remove the berm with the finding that there was an immediate threat to public safety, notify Caltrans of the finding, and to continue the permitting process with Caltrans.

As a result of this Council decision, staff was able to secure a meeting with Caltrans representatives on December 19, 2014 to discuss Council's action. Staff was informed of Caltrans' regulations and procedures for bringing intersections up to current standards when any work is performed within them. Staff also met with the Deputy District Director of Program and Project Management. Discussion revolved around funding of the improvements Caltrans would require in order to get the dirt berm removed. Caltrans indicated they had funds available to assist in this type of construction but the City would need to request assistance.

Staff prepared and submitted a letter to Caltrans on January 8, 2015 requesting financial assistance for the proposed improvements at Second Street and Interstate 15. A cost estimate for all necessary work was included.

While waiting to receive confirmation from Caltrans on their participation in funding the project, in the interest of safety, City staff placed "No Pedestrian and No Equestrian" signage and barricades on the west and east sides of the freeway along the south side of Second Street. Pedestrians and equestrians (if any) are directed to use the sidewalk and parkway on the north side of Second Street.

On February 24, 2015, staff received a letter from Caltrans indicating their agreement to provide a lump sum contribution of \$250,000 for the Interstate 15 and Second Street Improvement project.

Staff presented the Cooperative Agreement to Council on March 18, 2015 with the recommendation to approve the agreement. After much discussion, Council voted 2-3 rejecting the proposed Funding Agreement with Caltrans. On April 15, 2015, Mayor Pro Tem Bash requested the Cooperative Agreement be re-agendized for discussion. Staff is recommending approval of the Cooperative Agreement. Caltrans has indicated a date of June 12, 2015 as the last day they may receive the agreement and still encumber the funds in the FY 14-15 budget.

FINANCIAL IMPACT: Staff's total preliminary cost estimate to design and construct the necessary improvements is \$595,000. Through this Funding Agreement, Caltrans has committed to making a lump sum contribution of \$250,000 to the City towards the cost of the proposed improvements. The remaining cost will be paid from the City's Measure "A" Fund.

Attachments: Cooperative Agreement
Letter from Caltrans dated February 24, 2015
Letter to Caltrans dated January 8, 2015

COOPERATIVE AGREEMENT

State SHOPP Minor Funds Contribution

This Agreement, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Norco, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the state highway system (SHS) per the California Streets and Highways Code sections 114 and 130.
2. This Agreement shall have no force or effect until CITY has obtained an encroachment permit from CALTRANS.
3. CITY intends to remove berm, install paved sidewalk and curb ramps along the south side of Second Street in compliance with Americans with Disability Act (ADA) requirements; install signs, traffic detection loops, and modify the traffic signal at the ramp intersection in the city of Norco, within the SHS and is referred to herein as PROJECT.
4. CITY will follow the CALTRANS encroachment permit process in order to complete the PROJECT.
5. CALTRANS will pay CITY in the amount of \$250,000 from SHOPP Minor B funds required for PROJECT.
6. PARTNERS hereby set forth the terms, covenants, and conditions for CALTRANS' contribution toward the PROJECT.

SCOPE

7. CITY is responsible for completing all work for the PROJECT.
8. At no cost to CITY, CALTRANS will provide IQA to assure CITY'S work is performed in accordance with CALTRANS' current policies, procedures, standards, and practices.

INVOICE & PAYMENT

9. CITY will invoice CALTRANS for a lump sum amount of \$250,000 thirty (30) working days after award of PROJECT.
10. PARTNERS agree that the total amount of SHOPP Minor B funds paid out to CITY will not exceed \$250,000.
11. CALTRANS will pay CITY within forty-five (45) calendar days of receipt of invoices.

GENERAL CONDITIONS

12. All obligations of CALTRANS under the terms of this Agreement are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.
13. CALTRANS and CITY agree that funds will be paid after the PROJECT is awarded.
14. If CITY fails to complete the PROJECT for any reason, CITY shall, at CITY's expense, return the SHS right of way to its original condition or to a safe and operable condition acceptable to CALTRANS. If CITY fails to do so, CALTRANS reserves the right to finish the work or place the PROJECT in a safe and operable condition. CALTRANS will bill CITY for all expenses incurred and CITY agrees to pay said bill within thirty (30) days of receipt.
15. If CITY fails to complete the PROJECT for any reason, CITY will refund the full amount of CALTRANS' contribution.
16. CITY will retain all PROJECT related records for three (3) years after the final voucher.
17. If HM-1 or HM-2 is found during construction, CITY will immediately notify CALTRANS.
18. CALTRANS, independent of PROJECT, is responsible for any HM-1 found within the existing SHS right of way. CALTRANS will undertake, or cause to be undertaken, HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule. CALTRANS will pay, or cause to be paid, all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within the existing SHS right of way.
19. CITY, independent of PROJECT, is responsible for any HM-1 found within PROJECT limits and outside the existing SHS right of way. CITY will undertake or cause to be undertaken HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule. Independent of the PROJECT, CITY will pay, or cause to be paid, the cost for HM MANAGEMENT ACTIVITIES related to HM-1 found within PROJECT limits and outside of the existing SHS right of way.

20. If HM-2 is found within PROJECT limits, CITY will be responsible for HM MANAGEMENT ACTIVITIES related to HM-2.
21. HM MANAGEMENT ACTIVITIES costs related to HM-2 are PROJECT costs.
22. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this Agreement.
23. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CITY under this Agreement. It is understood and agreed that CITY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CITY, its contractors, sub-contractors, and/or its agents under this Agreement.
24. If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771 CITY must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by City's own forces is exempt from the Labor Code's Prevailing Wage requirements.

CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is "public works" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY contracts.
25. This Agreement is intended to be PARTNERS' final expression and supersedes all prior oral understanding pertaining to PROJECT.
26. Unless otherwise documented in a maintenance agreement, CITY will maintain all PROJECT improvements.

27. This Agreement will terminate upon CALTRANS' acceptance of the PROJECT. However, all indemnification and maintenance articles of this Agreement will remain in effect until terminated or modified in writing by mutual agreement.

DEFINITIONS

IQA (Independent Quality Assurance) – CALTRANS’ efforts to ensure that another PARTNER’s quality assurance activities are in accordance with the applicable standards and the PROJECT’s Quality Management Plan (QMP). When CALTRANS performs IQA it does not develop, produce, validate, verify, re-check, or quality control another PARTNER’s work products.

HM-1 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by PROJECT or not.

HM-2 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by PROJECT.

HM MANAGEMENT ACTIVITIES – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

PARTNERS – The term that collectively references all of the signatory agencies to this Agreement. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER’s individual actions legally bind the other parties.

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTNER to this Agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this Agreement.

The primary Agreement contact person for CALTRANS is:

Mustapha Iaali, Project Manager
464 West 4th Street, 6th Floor, MS 1229
San Bernardino, CA 92401-1400
Office Phone: (909) 383-5908
Email: mustapha_iaali@dot.ca.gov

The primary Agreement contact person for CITY is:

Lori J. Askew
Public Works Director
2870 Clark Avenue
Norco, CA 92860
Office Phone: (951) 270-5678
Email: laskew@ci.norco.ca.us

SIGNATURES

PARTNERS declare that:

1. Each PARTNER is an authorized legal entity under California state law.
2. Each PARTNER has the authority to enter into this Agreement.
3. The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
Basem E. Muallem, P.E.
District Director

CERTIFIED AS TO FUNDS:

By: _____
Lisa Pacheco
District Budget Manager

CITY OF NORCO

By: _____
Herb Higgins
Mayor

ATTEST:

By: _____
Cheryl Link
City Clerk

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
John Harper
City Attorney

DEPARTMENT OF TRANSPORTATION
PROGRAM AND PROJECT MANAGEMENT
464 WEST FOURTH STREET, MS 1201
SAN BERNARDINO, CA 92401-1400
MAIN (909) 383-4561
DIRECT (909) 388-7149
FAX (909) 383-4960
TTY 711
www.dot.ca.gov/dist8



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RECEIVED

FEB 26 2015

ENGINEERING

February 24, 2015

Ms. Lori J. Askew
Director of Public Works
City of Norco
City Hall 2870 Clark Avenue
Norco, CA 92860

Dear Ms. Askew:

This is in response to your letter dated January 8, 2015 requesting financial contribution from the California Department of Transportation (Caltrans) for the Interstate 15 and Second Street Improvements (Project) within the State right of way, in the City of Norco (City).

After carefully reviewing City's request, Caltrans is agreeable to provide a lump sum contribution of \$250,000.00 for the project in the current fiscal year. A Cooperative Agreement needs to be executed between the City and Caltrans by May 1, 2015 so that the California Transportation Commission can approve this financial contribution at their June meeting. Caltrans will take the lead in preparing the Cooperative Agreement. Mustapha Iaali will serve as the Caltrans Project Manager. A project Expenditure Authorization (EA) number, EA 1G180, has been established for the project.

Should you have any questions, please feel free to contact Mr. Mustapha Iaali at 909-383-5908.

Sincerely,

A handwritten signature in blue ink, appearing to read "Syed Raza".

SYED RAZA
Deputy District Director
Program and Project Management

c: CPining, Deputy District Director, Traffic Operations
ALiao, Office Chief, Program/Project Management
DCraig, Branch Chief, Programming
MIaali, Project Manager



CITY of NORCO

CITY HALL • 2870 CLARK AVENUE • NORCO CA 92860 • (951) 735-3900 • FAX (951) 270-5622

January 8, 2015

Syed Raza, P.E.
Deputy District Director
California Department of Transportation
District 8
Program Project Management
464 West Fourth Street
San Bernardino, CA 92401

Re: Funding Request for I-15 and Second Street Improvements

Dear Mr. Raza:

The City of Norco is respectfully requesting financial assistance from Caltrans for proposed improvements located within Caltrans right of way at the on and off-ramps of the I-15 Freeway at Second Street. Improvements are necessitated following the City's completion of the Second Street Widening Project which widened Second Street from just east of the I-15 northbound on/off-ramps at Second Street to Corona Avenue. The improvements did not extend into Caltrans right of way which resulted in a remnant berm of dirt at the southeast corner of the northbound I-15 off-ramp to Second Street. This berm forces pedestrians to walk into Second Street at the off-ramp and poses visibility issues to vehicles exiting the freeway at this location. Residents have voiced their opinion to staff and City Council on numerous occasions regarding their beliefs that the berm poses safety concerns to pedestrians and drivers at this location. City Council has taken action requiring staff to move forward to have the berm removed in the interest of safety.

Sub sequentially, staff prepared a request to Caltrans for an encroachment permit to be able to work at the southeast corner of the northbound off-ramp and Second Street. That lead to discussion with additional Caltrans staff who submitted a checklist of necessary improvements required to be constructed on the south side of Second Street at the on and off-ramps of the I-15 Freeway, if the City desired to remove the berm. In the City's opinion, some of the required improvements should have been installed when the freeway was constructed.

You and other Caltrans' staff were gracious to meet with Norco staff, including the City Manager and myself on December 17, 2014, to discuss this issue. You were able to offer assistance and recommendation for solving this matter in the most expeditious manner. Per your request I am including a cost estimate for the proposed work as

CITY COUNCIL

HERB HIGGINS
Mayor

KEVIN BASH
Mayor Pro Tem

KATHY AZEVEDO
Council Member

BERWIN HANNA
Council Member

GREG NEWTON
Council Member

Funding Request for I-15 Freeway and Second Street Improvements
January 8, 2015
Page 2

discussed at the December meeting. The City of Norco is requesting financial assistance from Caltrans in order to construct these required improvements in the current fiscal year.

Should you have any questions, please do not hesitate to contact me at 951-270-5678.

Respectfully,



Lori J. Askew
Director of Public Works

Enclosures

IMPROVEMENTS AT I-15 ON/OFF RAMPS AT SECOND STREET

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL	AGENCY
Clearing, Grubbing and Grading	LS	1	\$10,000.00	\$10,000.00	Caltrans
Storm Drain Modifications and Utility Relocations	LS	1	\$10,000.00	\$10,000.00	Caltrans
Construct 4" thick sidewalk					
Valley View Ave. to s/b off-ramp	SF	1,840	\$5.00	\$9,200.00	City of Norco
s/b off-ramp to n/b on-ramp	SF	2,000	\$5.00	\$10,000.00	Caltrans
n/b on-ramp to Burger King dwy	SF	560	\$5.00	\$2,800.00	City of Norco
Construct ADA Curb Ramp	EA	4	\$500.00	\$2,000.00	Caltrans
Install Signage	EA	4	\$250.00	\$1,000.00	Caltrans
Install Traffic Loops	LS	1	\$50,000.00	\$50,000.00	Caltrans
Traffic Signal Modifications					
Northbound Off-Ramp	LS	1	\$250,000.00	\$250,000.00	Caltrans
Souththbound On-Ramp	LS	1	\$250,000.00	\$250,000.00	Caltrans
TOTAL				\$595,000.00	

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: May 20, 2015

SUBJECT: Consideration to Establish a “Pass-Through” Water Rate Component

RECOMMENDATION: Authorize Staff to Prepare a “Pass-Through” Water Rate Component to Adjust City of Norco Water Rates for Purchased Water Rate Increases.

SUMMARY: The City of Norco owns and operates a potable water system designed to provide reliable high quality drinking water to its customers. In recent years the City has purchased 69% of its annual domestic water demands from three sources, the Arlington Desalter (Arlington), the Chino Desalter Authority (CDA) and Western Municipal Water District’s (WMWD) Mills Treatment Plant. Based on annual wholesale water rate increases staff is requesting City Council authorize staff to develop a process to calculate and implement a “Pass-Through” water rate component.

BACKGROUND/ANALYSIS: On March 16, 2011, the Council approved domestic water usage rates that include a monthly “Readiness to Serve” charge and a “Commodity” charge. The final approved adjustment to the current water rates were effective July 1, 2012.

The Arlington Desalter and Mills Treated (Metropolitan Water District) water sources are provided by WMWD. The City entered into a contract with WMWD and is obligated to purchase a minimum of 4,400 acre feet (take-or-pay) annually (54% of our domestic requirements) from the Arlington Desalter reverse-osmosis treatment facility. Over the past two years WMWD has approved increases to the Arlington Desalter wholesale water rate of 1%, and 8% respectively.

The Mills treatment plant is owned and operated by WMWD. Water rates are established by Metropolitan Water District, the City of Norco receives a “Tier 1” treated water rate, and these rates have increased each of the past two years in the amounts of 5%, and 4% respectfully. The City purchases the Mills treated water only in emergency conditions, averaging approximately 2% of our annual requirements.

The City of Norco is a member of the CDA, a Joint Power Authority, and has a contractual commitment (take-or-pay) to annually purchase 1,000 acre feet or 12.5% of its domestic water demands. The CDA has approved water rate increases for its water over the past two years of 9%, and 2% respectively.

Consideration of a Water Rate “Pass Through” Component

Page 2

May 20, 2015

Based on wholesale water rate increases to the cost of providing a reliable and high quality water service to our customers, staff is seeking authorization to prepare a report for council approval, the following: (1) the WMWD and CDA Pass Through increases beginning July 1, 2015; and (2) any other future rate increases approved by WMWD and the CDA during the next five years (through June 30, 2020).

The rate structure for the City’s monthly water service fees is comprised of two components: (1) a Readiness to Serve Charge, which is a fixed charge established on the basis of the meter size of the parcel of property receiving water service; and (2) a Commodity Charge, which is determined on the basis of the amount of water served to a parcel of property in units. The proposed “Pass Through” rate increases to the water service fee due to approved WMWD or CDA rate increases would only impact the Commodity Charge component of the water service fees with a maximum annual cap of 5%.

Example of an Annual Pass-Through Increase (5%)

	<u>Current Charge</u>	<u>July 1, 2015</u>
Water Commodity Charge	\$2.02 per unit	\$ 2.12 per unit

The City of Norco will continue to explore any and all opportunities to control water rates and continue improving infrastructure in an effort to manage costs.

Additionally, staff is requesting City Council authorize staff to develop an annual cost of living increase to the water rates for increased costs of operations and maintenance, and capital facilities. The annual cost of living rate increase, if any, will either be determined by the Department of Labor Consumer Price Index increase or an Operations & Maintenance Increase and would be effective in January of each year for the next five years.

FINANCIAL IMPACT: N/A

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Lori Askew, Public Works Director

DATE: May 20, 2015

SUBJECT: Discussion of Materials Placed in the Parkway.

RECOMMENDATION: Make recommendation to staff to discuss with the Street, Trails and Utilities Commission regarding the use of materials in the parkway.

SUMMARY: With the water restrictions being passed onto the City from the State, residents are being proactive and removing landscaping from the parkway fronting their property. Various treatments are being installed. Staff is looking for direction from Council to place this item before Streets, Trails and Utilities Commission regarding if any restrictions to materials is warranted.

BACKGROUND/ANALYSIS: The State of California has passed down mandates to the Cities regarding reduction in water consumption. While the City deciphers these mandates and decides how to enact these restrictions, residents, in their attempt to participate in water reduction, have removed their lawns in addition to landscaping from the parkway fronting their homes. Some residents have installed various materials in the parkway requiring no irrigation. These materials are ranging from synthetic turf to moderate sized rocks in addition to concrete curbing (mow-strips). While staff appreciates the efforts residents are taking to reduce their water consumption, placing these materials in the parkway, which is part of the street right-of-way, poses some challenges.

Norco Municipal Code (NMC) Section 12.18, Public Right-of-Way Maintenance Responsibilities, places maintenance responsibilities of the parkway onto the property owner of which it fronts. This includes watering of trees and keeping the parkway free of weeds and debris. NMC Section 12.08, Encroachments, requires individuals to obtain an encroachment permit from the City prior to any excavation performed within the public right-of way. NMC Section 12.08.021 prohibits any structures from being installed in the parkway and allows for only grass to be planted within the R1 zone.

In 2001, a policy was created by the City Manager to provide guidelines on what could be installed within the public right-of-way and the process for allowing such installations. This Policy was revised in 2006 to give further detail and to include recordation of encroachment permits which then alert new home buyers to the encroachment responsibility when the property transfers ownership.

Discussion of Materials Place in the Parkway

Page 2

May 20, 2015

Staff is requesting of City Council to allow staff to present this item to the Streets, Trails and Utilities Commission for discussion on type of material, standardization of materials, prohibited materials, and general usage of the parkway. Upon their review, staff will bring back the recommendation to City Council for their input.

FINANCIAL IMPACT: NA

Attachments: Policy 603 – Encroachments in the Public Right-of-Way
NMC Section 12.08



CITY OF NORCO ADMINISTRATIVE POLICY STATEMENT

**SUBJECT: ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY (INCLUDING
NON-CONFORMING SURFACE MATERIALS IN TRAILS)**

POLICY NUMBER: 603

DATE ISSUED: April 16, 2001

DATE REVISED: July 25, 2006

PURPOSE: The purpose of this policy statement is to summarize the regulations in the Municipal Code that pertain to public right-of-way encroachments and to provide the public with guidelines for lawful encroachments and the obligations and responsibilities that property owners have for such installations. This statement is not intended to be a complete recital of all applicable provisions of the Municipal Code, or to supersede them, and persons who contemplate installing encroachments in the public right-of-way, or who seek their removal, are requested to first review such codes and to consult with the Public Works Department or Engineering Division.

"Encroachment" means and includes, without limitation, all forms of devices, improvements, structures, trees or vegetation that are placed on or within the public right-of-way. "Public right-of-way" means and includes, without limitation, all public streets, highways, roads, alleys, setbacks, sidewalks, pedestrian/equestrian trail dedications and easements in the City.

APPLICATION AND SCOPE:

A. Right-of-Way Intended for Public (Not Private) Use. This policy is applicable in all areas of the City. Public right-of-way is dedicated for public, not private, purposes. The public right-of-way extends beyond the edge of pavement or curb line by varying amounts on all streets. The public right-of-way outside of the curb or paved area now, and in the future, may be used for pedestrian access, utilities, signs, posts, and other necessary public improvements. In areas without curbs or with rolled curbs, the right-of-way area is also sometimes used for parking. It is also the area set aside for use by utility providers for installation of their improvements and facilities. While the public right-of-way may, by permit, be integrated into a private yard, the right-of-way nevertheless remains public.

B. Encroachment Permit Required. While homeowners may use such public areas, any encroachments that are placed therein are subject to an encroachment permit and conditions thereof. In this manner, safe access and use of public right-of-way will be presently maintained and preserved in the future, for the residents of Norco.

POLICY AND PROCEDURES:

A. PERMITTED IMPROVEMENTS AND CONTINUITY

1. Permits Required. All proposed construction within public right-of-way shall be subject to both an encroachment permit (copy attached) and technical code permits.

2. Agreement to Conditions. Persons who propose to place an encroachment within public right-of-way may, as conditions of a permit from the City, be required to agree in writing for themselves, and on behalf of their heirs, assigns and all successor owner(s) of the adjoining real property (hereafter collectively "Permittees") as follows: (1) that they will be responsible for the maintenance and repair of an encroachment so that it is free of defects and nuisance/unsanitary conditions at all times; (2) that they may be required to pay for the cost of removing an encroachment at the time the election is made by the City, in its sole discretion, to require its removal; and, (3) that they will not be entitled to reimbursement, compensation, payment of money, or damages of any kind, from the City and its employees, contract forces and agents, for the value or lost use of the removed encroachment, or for the City's damage to, or alteration or relocation of an encroachment. Additional conditions may be imposed.

3. Riverside County Recorder's Office. Permittees will be required to acknowledge responsibility for their encroachments as well as to accept and agree to comply with all conditions of a permit. At the discretion of the Director of Public Works, Permittees applying for above-ground hardscape improvements (e.g., walls, decorative boulders, monuments, stairs) will also be required, as a condition of the permit, to record an acknowledgement thereof on a City approved form with the Riverside County Recorder's Office, that shall run with their private real property and give constructive notice to successive owners of the obligations and responsibilities that they assume with that permit.

At the discretion of the Director of Public Works, Permittees shall also provide a certificate of insurance in the amount of \$1,000,000 that names the City as an additional insured and/or loss payee. If required, the Permittee's obligation and agreement to provide the City with liability insurance coverage shall also be recorded on the City-approved form with the Riverside County's Recorder's Office.

4. Flat Work. Flat work (pavers, paths, etc.) may be installed to the back of curb, subject to permit requirements and review.

5. Above-Ground Improvements. Above-ground improvements (walls, monuments, trees, decorative boulders and similar improvements) shall not be placed closer than four feet to the back of the curb. In areas without curbs (or with rolled curbs) and not used for parking, the four feet is also required, measured from the edge of the pavement. In areas without curbs or with rolled curbs where the shoulder is used as the primary street parking, above-ground encroachments are prohibited and will be denied by staff.

6. Trees. Trees planted within the public right-of-way shall conform to species on the adopted City tree list. When planting trees near trails, property owners should be aware that trees must be trimmed over the trail to allow a mounted rider adequate passage, 15 feet from the ground surface to the lowest branch.

7. Fences / Walls. Fences or walls in the public right-of-way shall not exceed 42 inches in overall height.
8. No Sight Obstructions. Encroachments shall not create a sight obstruction at intersections or to adjacent properties.
9. Irrigation. Irrigation encroachments must be installed by permit.
10. Electrical Conduits. If desired, electrical conduits must be installed by permit, at minimum of 18 inches deep and shall be ground fault protected circuits or low voltage D.C. circuits.

B. MATERIALS

1. Approvals Required. Encroachment materials shall be reviewed at the time of permit application. Plans with sufficient detail shall be prepared to provide staff with adequate information to review and approve the proposed installation. The technical code permit for construction will not be issued until the encroachment permit is processed and approved in writing.
2. Approved Trail Materials. Surface materials permitted in horse trails are defined in Norco Municipal Code section 18.28.16 and include decomposed granite (DG), slag or steel slag, StaLok, and soil cement. All other materials such as crushed rock, cement and asphalt are not permitted.

C. INSTALLATION OF AND REMOVAL/RELOCATION OF IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY

1. General Policies. Surface improvements, except for approved trail materials, shall not be installed within or across designated trails. (Installation of improvements will be considered in those areas without equestrian trails and in public right-of-way areas between the curb and trail fence.) Irrigation and electrical conduits may be placed under trail sections in accordance with approved plans. In areas without curbs or with rolled curbs where the shoulder is used for primary parking, raised encroachments are prohibited and will be denied.
2. Acknowledgement of City Rights. A Permittee shall be required to accept in writing and abide by conditions of an encroachment permit at all times. The City may impose additional conditions and requirements as are necessary to: (i) define and limit a Permittee's rights over public right-of-way pursuant to his or her permit; (ii) promote municipal code compliance; (iii) reserve the right, in the City's sole discretion, to damage, alter, re-locate or require removal of the permitted encroachment and to do so without prior notice to the Permittee; (iv) prevent or limit the incurrence of public liability; and, (v) protect public health, safety and welfare.

By installing encroachments, the property owner acknowledges the encroachment into the public right-of-way and the conditions and obligations that are attached to such grant of privilege (encroachment) and the potential for revocation of such rights.

3. Removal of Non-Approved Materials. Non-City-approved materials are not permitted or allowed in pedestrian/equestrian trails at any time and can be removed from the public right-of-way by the City at any time without notice.

D. EXISTING ENCROACHMENTS

Over time, persons have placed encroachments in the public right-of-way without permits and review by City staff. These will continue to increase in number unless addressed by City staff. City resources will be allocated for this purpose in the manner stated in this policy statement. It is the intent of the City to identify all currently existing unpermitted encroachments and to seek their removal or legalization from responsible property owners.

Some of the types of prohibited and non-conforming encroachments and non-conforming materials within the public right-of-way are as follows:

- Category 1: Physical encroachments in horse trails (constructed improvements or vegetation that could impede free, open and/or safe travel along the useable horse trail).
- Category 2: Non-conforming surface materials in horse trails (prohibited surface materials include gravel, crushed rock, cement and asphalt).
- Category 3: Right-of-way encroachments not in horse trails along streets without curbs or with rolled curbs (potential impediments to parking and/or water flow).
- Category 4: Right-of-way encroachments not in horse trails along streets with vertical curbs and gutters (no potential impediments to parking and/or water flow).

Existing encroachments into the public right-of-way that were installed prior to the adoption of this policy statement are nonetheless subject to its terms and to the Norco Municipal Code. Permits must be acquired and maintained for all encroachments or they will be removed by the City or Norco Redevelopment Agency. Each encroachment will be considered individually.

The City's efforts and resources to cause the abatement of prohibited and non-conforming encroachments (whether by removal or legalization, if possible) will be prioritized according to the detriment or hazard that each such encroachment poses to public health, safety or welfare. The City will address those encroachments that present the greatest detriment or hazard, in the judgment of the Public Works Department, first.

Attachments: Encroachment Permit Application
Grant of Temporary Encroachment

City Manager
/bj-61080



Date 7/25/06

RECORDING REQUESTED BY:

City of Norco
2870 Clark Avenue
Norco, CA 92860-0428

AND WHEN RECORDED MAIL TO:

City of Norco
2870 Clark Avenue
Norco, CA 92860-0428

Space Above This Line For Recorder's Use Only

GRANT OF TEMPORARY ENCROACHMENT

Assessor's Parcel Number _____

Address: _____

The undersigned declares that the documentary transfer tax is \$0 – no consideration, and is based on the full value of the interest of the property conveyed.

For a valuable consideration, receipt of which is hereby acknowledged,

THE CITY OF NORCO

hereby grants to: _____, the legal property owner(s) of the above referenced parcel, an encroachment easement into the public right of way for the purposes of:

Said encroachment easement is temporary in nature and may be ordered removed at the direction of the City of Norco. The property owner is advised of personal liability for accidents, injury, or damage related to said encroachment. The property owner shall assume entire responsibility for the installation, maintenance, and removal costs of said encroachment to the satisfaction of the City of Norco, and is not entitled to any compensation by the City of Norco for damage or removal of said encroachment. By signature hereon, property owner is informed of and agrees to all provisions in the City of Norco administrative policy statement number 603, dated April 16, 2001 and all subsequent amendments thereto.

Dated this _____ day of _____ 20_____.

WE HEREBY CERTIFY that we are the legal property owner(s) of the property as listed above and we consent to the preparation and recordation of this document.

Signature of Property Owner(s)
(Signature of Property Owners to be notarized below)

CITY OF NORCO

City Manager Date

Encroachment Permit No. _____ Date Issued: _____

State of California)
County of Riverside)

On _____ before me, _____,
personally appeared _____

- Personally known to me
- Proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(seal)

Signature of Notary Public

Chapter 12.08 ENCROACHMENTS--EXCAVATIONS

Sections:

- [12.08.010](#) General.
- [12.08.020](#) Encroachments--Excavations.
- [12.08.021](#) Prohibitions.
- [12.08.030](#) Exceptions.
- [12.08.040](#) Tree removal.
- [12.08.050](#) Application.
- [12.08.060](#) Fees.
- [12.08.070](#) Exemptions.
- [12.08.080](#) Blanket permits.
- [12.08.090](#) Violation--Penalties.
- [12.08.100](#) Signs within the public right-of-way.

12.08.010 General.

Subject to the control of the city council there is delegated to the superintendent of streets the administration of the use of city streets for excavations and encroachments, the maintenance, planting and removal of trees, and the issuance, modification and revocation of permits for such uses. (Ord. 37 Sec. 1, 1965)

12.08.020 Encroachments--Excavations.

No person, including firm, corporation, public district, public agency or political subdivision, shall make any excavation in, or construct, install or maintain any improvement, structure or encroachment in, on, over or under, any city street or the right-of-way thereof without first obtaining from the superintendent of streets a permit there for, or maintain the same without such permit or in violation of the terms or conditions thereof. Such a permit shall be issued by the superintendent of streets only upon written application therefor and payment of the required fee or fees. Such permit shall be issued only if the applicant is a public utility holding a current franchise from the city, or a public district or public utility or public service agency having lawful authority to use the right-of-way or street for the purpose specified, or the owner or an easement for such purpose within the street right-of-way, or if the superintendent of streets is satisfied that the use proposed is in the public interest and that there will be no substantial injury to the street or impairment of its use as the result thereof and that the use is reasonably necessary for the performance of the functions of the applicant. Every such permit shall be revocable and the uses and installations thereunder shall be subordinate to any prior right

of the city to use the right-of-way for public street purposes. Every such permit shall be conditioned upon the right of the city to require the permittee to relocate or remove the structure or encroachment at the permittee's expense for the benefit of the city or to relocate the structure or encroachment at the permittee's expense, wherein the opinion of the city superintendent of streets such action is reasonably necessary to avoid a crossing conflict, for the benefit of any public district, public agency or political subdivision or of any other person or agency having a right to use the city streets for the purpose proposed; but the acceptance of a permit shall not be deemed a waiver by the permittee of any contractual or statutory right against any party for reimbursement of the expense of such removal or re location. Every such permit shall be subject to such conditions as the superintendent of streets determines are necessary to assure the safety of the traveling public and the restoration of service of the street and the foundations thereof, and of the portions outside the traveled roadway. The city superintendent of streets may require such surety bond or deposit of money as in his judgment may be necessary to secure performance of the conditions of the permit and the replacement and restoration of the surface and the subsurface of the street and the right-of-way, and any survey monuments or other improvements that may have been disturbed. The superintendent of streets may, where convenient to road work he has programmed or for other reasons of city convenience, arrange to do the work of replacement to pavement or restoration of the roadway at the expense of the permittee. If any permittee fails to refill any excavation or to restore the city street or right-of-way to its condition prior to the excavation, the city superintendent of streets shall have the right to perform the work and collect in the name of the city the cost thereof. (Ord. 37 Sec. 2, 1965)

12.08.021 Prohibitions.

In order to provide a walkway for pedestrian traffic, no encroachment permit shall be granted to construct a fence or similar structure within four feet of the curb line of any street located in the RI zone. The superintendent of streets shall require the walkway to be kept free and clear of any and all obstructions and shall allow only the planting of grass therein. (Ord. 261 Sec. 2 (part), 1973)

12.08.030 Exceptions.

An excavation or encroachment may be made without first obtaining a permit for repair or replacement of a facility previously installed only when necessary for the immediate protection or preservation of a life or property, and provided that such a permit is obtained on the first business day thereafter, and further provided that the excavation is made in such manner as to give full protection to the users of such street and the city. (Ord. 37 Sec. 3, 1965)

12.08.040 Tree removal.

No person, firm, corporation, public district, public agency or political subdivision shall remove or severely trim any tree planted in the right-of-way of any city street without first obtaining a permit from the superintendent of streets to do so. Such permit shall be issued without fee, if the city superintendent of streets is satisfied that such removal or trimming is in the public interest or is necessary for the improvement of the right-of-way or the construction of improvements on adjacent land. He may impose such conditions as he deems reasonable or necessary, including requirements for the work to be done only by a qualified tree surgeon or tree trimmer actually engaged in that business, and for bond, insurance or other security to protect person and property from injury or damage. The provisions limiting trimming of trees shall not apply to any public utility maintaining overhead power or communication lines pursuant to franchise, where necessary to prevent interference of a tree with such installation. A permit for removal of a tree may be conditioned upon its relocation or replacement by one or more other trees of a kind or type to be specified in the permit. (Ord. 37 Sec. 4, 1965)

12.08.050 Application.

Each application for a permit under this chapter shall be in writing in the name of the person or agency owning the encroachment and controlling the excavation and shall be signed by such person or agency, or by his or its agent authorized in writing. The application shall be submitted on a form supplied by the city superintendent of streets and shall contain or be accompanied by such Information as he may require. Each permit shall be written on a form furnished and signed by the superintendent of streets or his duly authorized representative and shall specify and/or refer to the conditions of granting such permit including the condition that such permit shall be recorded in the office of the recorder for Riverside County. (Ord. 261 Sec. 2 (part), 1973; Ord 37 Sec. 5, 1965)

12.08.060 Fees.

The permit fees and inspection fees required by this chapter shall be paid at or after the time the application is filed, but in any event before the permit is issued. The fees for permits, which shall not be refundable, and for inspections shall be established by Resolution of the City Council.

A series of concurrent excavations in the same immediate neighborhood involving a single inspection procedure shall be considered a single excavation for the purpose of determining the inspection fee;

The Director of Public Works may waive the inspection fee when in his opinion the public safety or convenience does not require inspection of an excavation or encroachment. (Ord. 665, 1993; Ord. 37 Sec. 6, 1965)

12.08.070 Exemptions.

(a) The following shall be exempted from payment of the permit fee for an excavation or encroachment:

- (1) A public utility which holds and at the time of application for the permit has held for at least five years a franchise from the city or the county of Riverside or the state of California authorizing the use of public highways for a public utility installation;
- (2) Every public district, public agency or public subdivision having lawful authority to use the right-of-way or highway for the purpose specified;
- (3) Street improvements under special assessment or improvement district proceedings conducted by the city council;
- (4) Public utility and public service facilities installed pursuant to specified contract with the city and under the control thereof for an agency thereof.

(b) The following shall be exempted from payment of the inspection fee for an excavation or encroachment:

- (1) A public utility which holds and at the time of application for the permit has held for at least five years, a franchise from the city, the county of Riverside or the state of California authorizing the use of public highways and streets for:
 - (A) A public utility installation not involving excavation in a city street or right-of-way, other than as usual and necessary for the installation of poles, guys and anchors at locations entirely outside the traveled portion of the right-of-way or established sidewalks, improved or unimproved, or
 - (B) For a public utility installation involving only a bellhole excavation to install, repair or replace a consumer service connection;
- (2) Street improvements under special assessment or improvement district proceedings conducted by the city council;
- (3) Public utility and public service facilities installed pursuant to a specific contract with the city and under the control thereof, or a city agency.

(c) Subdivision improvements to be constructed pursuant to agreement with the city are exempt from this chapter. (Ord. 37 Sec. 7, 1965)

12.08.080 Blanket permits.

The superintendent of streets may issue to any applicant a blanket permit for a series of excavations or encroachments of the same type or types. This provision shall be broadly applied to reduce administrative costs of both city and applicant. (Ord. 37 Sec. 8, 1965)

12.08.090 Violation--Penalties.

(Repealed Ord. 634, 1991) (Ord. 527 Sec. 4 (part), 1984: Ord. 417 Sec. 3 (part), 1978)

12.08.100 Signs within the public right-of-way.

Official signs of any public or governmental agency, such as traffic regulating signs, trespassing signs, signs indicating danger, equestrian trail designation signs, signs providing directions to public services or facilities, signs providing direction to hospitals or emergency health clinics, or signs used as aids to service or safety are permitted and are exempt from the provision of this chapter. Privately financed signs that provide overall community service such as city entrance signs, sponsored by service organizations, crime prevention watch groups, may be permitted upon approval of the city council provided the signs will not cause safety problems or conflict with on-site signs or nearby uses. Strictly prohibited in the city right-of-way except as provided above, are signs sponsored by private individuals or organizations that provide directions to specific privately owned and operated facilities such as clubs, service organization meeting halls, churches, or other religious organizations. (Ord. 491 Sec. 5, 1983)

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Brian K. Petree, Deputy City Manager/Director
Parks, Recreation and Community Services

DATE: May 20, 2015

SUBJECT: Entity Name Reservation and Domain Names Donation

RECOMMENDATION: Provide staff with direction on Entity Name Reservations and Domain Names donation

SUMMARY: The Department of Parks, Recreation and Community Services is requesting City Council direction on donated Domain Names, Fictitious Business Names or DBA's and Entity Name Reservations which were purchased by Norco resident Bob Hicks.

BACKGROUND/ANALYSIS: With good intentions, Norco resident Bob Hicks purchased Domain Names, Fictitious Business Names or DBA's and Entity Name Reservations which he in turn donated to the City of Norco for use if we choose to do so. At the request of Council Member Azevedo, these names are being presented to City Council for discussion and further direction to staff on the future status of these items. City Attorney John Harper can provide legal assistance in understanding the dynamics of what these items mean, how they operate and what their intended uses are.

The following is a breakdown of each of the Domain Names, Fictitious Business Names or DBA's and Entity Name Reservations for City Council's information:

1. Domain Names

Twenty-one (21) domain names have been purchased through GoDaddy.com and have been transferred to the City, with staff as point of contact:

- Misshorsetownusa.net
- Misshorsetownusa.com
- Misshorsetownusa.org
- Misshorsetownusa.us
- Missnorco.com
- Missnorco.info
- Missnorco.net
- Missnorco.org

Agenda Item: 5.D.

- Missnorco.us
- Missnorcohorsetownusa.com
- Missnorcohorsetownusa.org
- Missnorcohorsetownusa.net
- Missnorcohorsetownusa.us
- Missnorcohorsetownusapageant.com
- Missnorcohorsetownusapageant.net
- Missnorcohorsetownusapageant.org
- Missnorcohorsetownusapageant.us
- Norcohorsetownparadeoflights.com
- Norcohorsetownparadeoflights.net
- Norcohorsetownparadeoflights.org
- Norcohorsetownparadeoflights.us

These domains are valid and owned by the City of Norco until October 1, 2015. They can be renewed as a group at a cost of \$410 annually, however can be renewed individually. Individual annual renewal cost for “.com” extensions are \$14.99 each, “.org” extensions are \$17.99 each, “.info” extensions are \$14.99 each, “.net” extensions are \$16.99 each and “.us” extensions are \$19.99 each.

2. Fictitious Business Names or DBA's

Additionally purchased and donated are four (4) Fictitious Business Names or DBA's to be filed at the county level. They are: Miss Norco, Miss Norco Horsetown USA, Miss Norco Horsetown USA Pageant and Miss Norco Pageant. The Affidavit of Identity has not been signed, notarized or submitted to the County until further direction is provided by City.

3. Entity Name Reservation

Finally, two (2) names which were purchased and donated for the purpose of an Entity Name Reservation at the state level are Miss Norco Horsetown USA and Miss Norco. Those names are slated to expire on June 23, 2015.

At this time, staff is seeking direction from City Council on the future status of these names.

FISCAL IMPACT: If City Council decides to maintain these items in good standing, it will cost \$410 annually plus legal fees if any for the domain names (individual names will be less), and legal fees if any for the entity names. Funds for these expenses will need to be added to the FY 15-16 Budget. If additional duties are required to manage programs under these items, work flow will be impacted and additional staff may be needed.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

DATE: May 20, 2015

SUBJECT: Rate Adjustments Proposed by Waste Management of the Inland Empire

RECOMMENDATION: Adopt **Resolution No. 2015-19**, approving Cost of Living Adjustments for FY 2015-2016

SUMMARY: The existing ten-year Franchise Agreement provides that Waste Management is entitled to receive rate adjustments for inflation (based on the Consumer Price Index) and “pass through” disposal cost increases. This proposed rate adjustments include annual Consumer Price Index (CPI) increase of 1.3 percent from December 2013 to December 2014. The Agreement also includes an increase in Franchise Fees beginning July 1, 2014. The franchise fee increase was approved to be spread out over five years for residential service and three years for commercial service. Beginning July 1, 2015 the franchise fee rate shall be 13.16% for residential service and 15.27% for commercial service. For the Fiscal Year 2015-2016, Waste Management is not requesting any increase in pass-through disposal costs. Under the Agreement the City is required to not unreasonably withhold rate adjustments. Any disputes, including the withholding of rate adjustments, are to be resolved before a third party neutral hearing officer.

BACKGROUND/ ANALYSIS: The current Franchise Agreement between the City and Waste Management of the Inland Empire was executed on May 7, 2014 and became effective July 1, 2014. The ten-year term of the Agreement will expire in the year 2024. The Agreement provides that the franchisee is entitled to adjust rates on an annual basis to cover increased costs due to inflation based on increases in the CPI and to “pass-through” costs incurred by the franchisee for disposal of the solid waste. The Agreement also includes an increase in franchise fees beginning July 1, 2014. Franchise fees will increase from 10% to 17.9% during the ten year term of the contract. The increase in franchise fee was approved to be spread out over five years for residential service and three years for commercial service.

Waste Management submitted its proposed rate adjustments March 5, 2015. The proposed rates reflect a 1.3% CPI change from December 2013 to December 2014 and an increase of franchise fees from 11.58% to 13.16% for residential services and 12.63% to 15.27% for commercial services.

Waste Management Rate Adjustments

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May 20, 2015

It is the City Attorney's opinion that this CPI rate adjustment does not trigger Proposition 218 Protest Hearing Provisions as the existing agreement provides that the franchisee is entitled to adjust rates on an annual basis to cover increased costs due to inflation based on increases in the CPI. Therefore, following the Public Hearing process, staff is recommending approval of the proposed rates. The new rates will become effective on July 1, 2015.

Attachment: Resolution No. 2015-19
Waste Management Letter Dated March 5, 2015
Exhibit "A"

RESOLUTION NO. 2015-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING THE AGREEMENT BETWEEN THE CITY OF NORCO AND USA WASTE OF CALIFORNIA, INC. DBA WASTE MANAGEMENT OF THE INLAND EMPIRE FOR THE COLLECTION, TRANSPORTATION, RECYCLING, AND DISPOSAL OF SOLID WASTE AND APPROVING RATES THEREFORE

WHEREAS, the City's franchise agreement with USA Waste of California, Inc., DBA Waste Management of the Inland Empire, ("Waste Management") provides for an annual adjustment of rates based on annual changes in the Consumer Price Index (CPI) and disposal "pass-through" costs; and

WHEREAS, Waste Management has completed a review of the cost components of the contracted rates; and

WHEREAS, the CPI increased 1.3 percent annually from December 2013 to December 2014; and

WHEREAS, the City's franchise agreement with USA Waste of California, Inc., DBA Waste Management of the Inland Empire, ("Waste Management") also provides for an increase in franchise fees.

WHEREAS, Franchise fees will increase from 10% to 17.9% during the term of the Franchise Agreement and the said increase will be spread out over five years for residential service and three years for commercial service.

WHEREAS, beginning July 1, 2015 the franchise fee collected shall be 13.16% for residential service and 15.27% for commercial service.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco does hereby resolve as follows;

SECTION 1. Effective July 1, 2015, the single family Residential Services Basic rate shall be \$22.15 per month per unit. One 96-gallon wheeled cart for Greenwaste, one 96-gallon cart for Trash and one 96-gallon cart for Recycle will be provided and picked up once per week.

Income qualified senior citizens, age 62 or older may apply to the City for a reduced residential service Income Qualified Senior Rate at \$17.79 per month. To be eligible for the reduced rate, the annual gross household income for the preceding year must fall within the "Very Low" income category as established by the State of California Department of Housing and Community Development.

Resolution No. 2015-19

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May 20, 2015

Residential Services Manure Collection rate shall be \$26.97. One 96-gallon wheeled cart will be provided and picked up once per week.

SECTION 2. Effective July 1, 2015 residential and commercial service rate shall be as shown on attached Exhibit A:

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 2015.

Herb Higgins, Mayor
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 May 20, 2015 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 May 20, 2015.

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



WASTE MANAGEMENT
Inland Empire District
800 South Temescal Street
Corona, CA 92879

March 5, 2015

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

RE: Annual Rate Adjustment

Dear Mr. Okoro:

Pursuant to Section 17 of the franchise agreement Waste Management respectfully requests an adjustment of the service rates to be effective July 1, 2015.

The rate adjustment formula and calculations are based one hundred percent (100%) on the average of the monthly percentage increases in the Consumer Price Index (CPI) for All Urban Consumers – *Los Angeles-Orange County-Riverside Metropolitan Area*, as published by the United States Department of Labor, Bureau of Labor Statistics, for the December to December period immediately preceding the effective date of the rate adjustment.

You will see that the change between December 2013, 239.21 and December 2014, 242.43 is 3.227. This change provides a 1.3% increase to be applied to all service and disposal components, ancillary charges, and billing fees of the rate exhibit, effective July 1, 2015.

As stated in Section 9 of our agreement franchise fees increase in 2015/2016 to 13.16% for residential service and 15.27% for all commercial services including construction, and temporary/bin roll-off services effective July 1, 2015.

Thank you for your consideration of this rate adjustment request. Should you need additional information or have any questions please contact me by e-mail at canderso@wm.com or call my cell phone number of 626 831 0588.

Waste Management is honored to serve the thriving City of Norco and looks forward to a long future partnership.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Corrao".

Carolyn Anderson Corrao
Representative to the City of Norco
Waste Management of the Inland Empire

Cc: Lori Askew, Director of Public Works
Darrel Kato, Director of Operations WM

Residential Service

	Current	Rate as of 7-1-15
<u>Basic Service</u>		
Residential Curbside	\$21.47	\$22.15
Senior/Low Income-96 gal	\$17.25	\$17.79
Senior/Low Income-64 gal	\$14.82	\$15.28
<u>Other Residential Services</u>		
Cart Exchange (over 1 per year) ¹	\$15.27	\$15.75
Bin Exchange (over 1 per year) ¹	\$46.36	\$48.42
Recycle Contamination Fee	\$61.83	\$64.59
Curbside E Waste Pick Up (over 3 free per year)	\$23.91	\$24.66
Extra 96 or 64 gal Trash Cart	\$7.48	\$7.72
Extra 96 or 64 gal Greenwaste Cart	\$4.85	\$5.00
Extra 96 or 64 gal Recycling Cart	\$2.34	\$2.41
Bulky Waste Pick Up (over 3 free per year)	\$21.69	\$22.37
New Service Set Up Fee	\$10.18	\$10.50

	Current	Rate as of 7-1-15
<u>Manure Service</u>		
96 gal cart 1x week	\$26.15	\$26.97
2 yard 1x week	\$92.00	\$94.89
2 yard 2x week	\$166.97	\$172.22
2 yard 3x week	\$241.94	\$249.54
2 yard 4x week	\$316.89	\$326.85
2 yard 5x week	\$391.86	\$404.18
Every Other Week	\$57.36	\$59.16
Extra Pick Up	\$36.47	\$37.62

	Current	Rate as of 7-1-15
<u>Residential Scout Service</u>		
2 yard 1x week	\$8.86	\$9.14
2 yard 2x week	\$17.71	\$18.27
2 yard 3x week	\$26.57	\$27.41
2 yard 4x week	\$35.42	\$36.53
2 yard 5x week	\$44.28	\$45.67
Every Other Week	\$4.43	\$4.57
Extra P/U	\$8.86	\$9.14

Roll-Off Service

Open Top with 5.9 tons/p load	\$470.90	\$491.87
Compactor with 8 tons p/load	\$671.53	\$701.42
Open Top with 5.9 tons/p load hard to handle	\$533.84	\$557.61
Compactor with 8 tons p/load hard to handle	\$757.17	\$790.88
Manure Bin-10 yards (Haul + disposal @ actual cost)	\$229.14	\$239.34

	Current	Rate as of 7-1-15
<u>Other Roll-Off Services</u>		
Delivery/Relocation/Trip Fee	\$72.15	\$75.36
New Roll-Off Set Up Fee	\$25.75	\$26.90

Commercial Service

<u>Commercial Cart Service</u>		
2-64 Gal Carts per week max.	\$28.95	\$30.23

<u>Trash Service</u>		
2 yard 1x week	\$100.31	\$104.77
2 yard 2x week	\$200.61	\$209.55
2 yard 3x week	\$300.92	\$314.32
2 yard 4x week	\$401.23	\$419.09
2 yard 5x week	\$501.53	\$523.86
2 yard 6x week	\$601.84	\$628.64
Extra P/U	\$43.87	\$45.82
4 yard 1x week	\$184.20	\$192.40
4 yard 2x week	\$368.39	\$384.79
4 yard 3x week	\$552.59	\$577.19
4 yard 4x week	\$736.78	\$769.58
4 yard 5x week	\$920.98	\$961.98
4 yard 6x week	\$1,105.17	\$1,154.38
Extra P/U	\$82.44	\$86.11

3 yard 1x week	\$138.15	\$144.30
3 yard 2x week	\$276.29	\$288.59
3 yard 3x week	\$414.44	\$432.89
3 yard 4x week	\$552.58	\$577.18
3 yard 5x week	\$690.71	\$721.46
3 yard 6x week	\$828.84	\$865.75
Extra P/U	\$61.83	\$64.58
6 yard 1x week	\$251.49	\$262.69
6 yard 2x week	\$503.01	\$525.41
6 yard 3x week	\$754.51	\$788.10
6 yard 4x week	\$1,006.01	\$1,050.80
6 yard 5x week	\$1,257.50	\$1,313.49
6 yard 6x week	\$1,509.02	\$1,576.21
Extra P/U	\$115.72	\$120.87

Commercial Services Continued

Compactors

2 yard 1x week	\$200.03	\$208.93
2 yard 2x week	\$395.66	\$413.28
2 yard 3x week	\$605.53	\$632.49
2 yard 4x week	\$800.10	\$835.73
2 yard 5x week	\$1,000.13	\$1,044.66
2 yard 6x week	\$1,200.15	\$1,253.59
Extra P/U	\$131.60	\$137.46

6 yard 1x week	\$407.57	\$425.71
6 yard 2x week	\$809.61	\$845.66
6 yard 3x week	\$1,214.44	\$1,268.51
6 yard 4x week	\$1,619.24	\$1,691.33
6 yard 5x week	\$2,024.04	\$2,114.16
6 yard 6x week	\$2,428.86	\$2,537.00
Extra P/U	\$347.16	\$362.62

Recycle Services Cont.

3 yard 1x week	\$85.94	\$89.77
3 yard 2x week	\$171.80	\$179.45
3 yard 3x week	\$257.77	\$269.25
3 yard 4x week	\$343.79	\$359.10
3 yard 5x week	\$429.66	\$448.79
3 yard 6x week	\$514.10	\$536.99
Extra P/U	\$51.24	\$53.52

6 yard 1x week	\$149.15	\$155.79
6 yard 2x week	\$298.49	\$311.78
6 yard 3x week	\$447.65	\$467.58
6 yard 4x week	\$596.91	\$623.49
6 yard 5x week	\$739.72	\$772.66
6 yard 6x week	\$899.29	\$939.33
Extra P/U	\$94.68	\$98.90

Other Commercial Services Cont.

Pull Out Fee 16-35 feet	\$12.36	\$12.91
Pull Out Fee 36-50 feet	\$20.60	\$21.52
Pull Out Fee over 50 feet	\$28.84	\$30.12

Franchise Fees will be implemented as follows:

Dates	Commercial	Residential
Current Rate	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%

¹ - Fee will only apply if replacement is due to customer negligence or when replacing for aesthetics reasons

3 yard 1x week	\$281.76	\$294.30
3 yard 2x week	\$554.61	\$579.30
3 yard 3x week	\$831.91	\$868.95
3 yard 4x week	\$1,109.22	\$1,158.60
3 yard 5x week	\$1,394.33	\$1,456.41
3 yard 6x week	\$1,663.83	\$1,737.90
Extra P/U	\$185.48	\$193.74

Recycle Service

2 yard 1x week	\$64.50	\$67.37
2 yard 2x week	\$128.99	\$134.73
2 yard 3x week	\$193.49	\$202.10
2 yard 4x week	\$257.99	\$269.48
2 yard 5x week	\$322.49	\$336.85
2 yard 6x week	\$386.98	\$404.21
Extra P/U	\$36.76	\$38.40

4 yard 1x week	\$114.58	\$119.68
4 yard 2x week	\$229.16	\$239.36
4 yard 3x week	\$343.75	\$359.06
4 yard 4x week	\$458.33	\$478.74
4 yard 5x week	\$572.91	\$598.42
4 yard 6x week	\$687.49	\$718.10
Extra P/U	\$68.32	\$71.36

Commercial Scout Services

Bin Scout Service (p/month p/bin p/service)	\$35.84	\$37.44
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Other Commercial Services

Temp Bin Service 3 yd	\$215.28	\$224.87
Temp Bin Service 3 yd 1 p/u (3 days)	\$105.98	\$110.70
Bin Overage Fee (per bin/per serv)	\$41.81	\$43.67
Locked Lid	\$14.36	\$15.00
New Commercial Set Up Fee	\$25.75	\$26.90
Bin Exchange (over 1 per year) ¹	\$46.36	\$48.42
Recycle Contamination Fee	\$61.83	\$64.59

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager

PREPARED BY: Steve King, Planning Director

DATE: May 20, 2015

SUBJECT: **Appeal Hearing: Conditional Use Permit 2014-36 (Anderson)** An appeal of the Planning Commission's denial of 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 Zone

SUMMARY: The request for Conditional Use Permit (CUP) 2014-36 was denied by the Planning Commission on March 11, 2015, but that decision has been appealed to the City Council.

BACKGROUND/ANALYSIS: The subject property is located within the A-1-20 zone, consists of about .51 acres/22,500 square feet and is developed with a single family residence (ref. Exhibit "A" – Location Map, Exhibit "B" – APN Map and Exhibit "D" – Aerial and Site Photo).

The subject building is already constructed, but has not been completed. The applicant was issued a stop work order and was informed that permits for the subject structure are required. As a result there is currently an open case on the property. The applicant is now going through the necessary channels to legalize the structure, which begins with the approval of a Conditional Use Permit.

Accessory buildings that exceed 864 square feet require approval of a conditional use permit by the Planning Commission. Because this accessory building was denied by the Planning Commissions, an approval is now being considered by the City Council on an appeal.

The site plan and building elevations for the proposed building are attached (ref. Exhibit "C" – Site Plan and Building Elevations). The structure is proposed to consist of metal pipe framing with a corrugated metal roof.

The building as existing has a square-footage of about, 3,439 square feet (60 feet 4 inches x 57 feet), and meets all setback requirements except on the south side. The structure exists about two feet eight inches away from the south property line, which has

to be at least five feet. To comply, the roof of the structure will be cut back and the support posts will be removed on the south side, leaving a roofed structure of about 2,997 square feet (60 feet 4 inches x 49 feet 8 inches) and with a 10-foot setback from the south property line. The stalls in this area will remain (approximately 2 feet 8 inches from the south property line). Stalls with no cover can be right up to the property line, and the uncovered portion is not counted as part of the square-footage of the building.

The following is required of accessory buildings in the A-1-20 zone:

- A minimum of 5 feet from property lines and 10 feet from any other structure is required for accessory buildings. **The building as proposed will meet these requirements with the roof modification described above.**
- The maximum height of any accessory structure that exceeds 864 square feet is 20 feet, or as approved by the Planning Commission. **The structure is proposed with a maximum height of 11 feet 10 inches as measured to the peak of the roof.**
- The maximum lot coverage of all structures shall be not more than 40% of the total pad area. The pad area is defined as the “flat” part of the lot (4% grade or less). **The subject property is approximately 22,500 square feet and the entire property had a grade of 4% or less. The lot/pad coverage for the property is approximately 25%, which takes into account the existing and proposed structures.**
- A contiguous open animal area must be shown on the site plan which must be rectangular in shape with a minimum of 24 feet on any side. The total open area must be equal to the allowed number of animal units multiplied by 576 square feet. **Based on the size of the property, a total of 5 animal units would be allowed which would require an open area of at least 2,880 square feet. There is an open area of at least 2,880 square feet at the rear of the property behind the proposed structure and behind the house.**

As proposed and conditioned, the project meets the minimum requirements for approval of an accessory building that is over 864 square feet. However; the Planning Commission voted to deny the project on a 4-0-1 vote (Leonard Abstained). The Planning Commission expressed concern that the applicant had ignored the stop work order and continued to work, but this was not validated by the Code Enforcement Officer. Furthermore, it was unclear to the Commission if the support posts were going to remain in the area where the roof was going to be cut back. The Commission was concerned that if the roof support posts were to remain, the roof could very easily be put back. The site plan submitted for the review by the Council was clarified to show that the roof support posts will be removed.

If the City Council chooses to uphold the decision of the Planning Commission then a roll call vote is all that is needed. If the City Council chooses to overturn the action of the Planning Commission thereby approving Conditional Use Permit 2014-36, then a Resolution needs to be adopted to establish the conditions of approval. A resolution is

RESOLUTION NO. 2015-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING A CONDITIONAL USE PERMIT 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 ZONE. (CONDITIONAL USE PERMIT 2014-36)

WHEREAS, an application to the City of Norco, California has been submitted for a conditional use permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code by TAMMY ANDERSON for property located at 4444 Hillside Avenue (APN 153-142-011); and

WHEREAS, at the time set, at 7 p.m. on February 11, 2015 and March 11, 2015 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence pertaining to said application; and

WHEREAS, said Planning Commission denied Conditional Use Permit 2014-36; and

WHEREAS, said denial was appealed to the City Council and was scheduled for a public hearing before the City Council on April 15, 2015; and

WHEREAS, notice of a public hearing on said petition was given in the manner and for times required by law; and

WHEREAS, at the time set; at 7 p.m. on April 15, 2015 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said appeal was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place set, said City Council considered the aforesaid application and received both oral and written evidence pertaining to said application; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is exempt from environmental assessment.

NOW, THEREFORE, the City Council of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

- A. The requested Conditional Use Permit will not adversely affect the general welfare of persons residing or working in the neighborhood thereof.
- B. The requested use will not adversely affect the adjoining land uses.
- C. The size and shape of the site proposed for the use is adequate to allow full development of the proposed use.
- D. The traffic generated by the proposed use will not impose an undue burden.
- E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Section 3.13, Class 3 of the City of Norco Environmental Guidelines.

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norco, California, in session assembled April 15, 2015 that Conditional Use Permit 2014-36 is approved, subject to the conditions provided in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval is based on Exhibit "C" – Site Plan and Building Elevations dated April 1, 2015 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
2. The recorded owner of the property shall submit to the Planning Division for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of this permit.
4. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions

for approval) to the Planning Division for record purposes for approval of any grading and/or building permits.

5. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Director as appropriate. Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.
6. The applicant shall obtain all building permits for the subject structure. No further construction shall be done until all required permits are obtained.
7. The applicant shall comply with all requirements from the Planning, Engineering, and Building Divisions; and the Fire and Sheriff's Departments; and all other applicable departments and agencies.
8. A home occupation business shall not be permitted from the subject building.
9. This approval is for an accessory building consisting of a covered pole corral. It is hereby established that it shall be grounds for revocation of this conditional use permit if the property owner has:
 - A. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the conditional use permit; or
 - B. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.
10. Building permits for this accessory building are issued within the confines of this Conditional Use Permit. Any violation of a condition resulting in a revocation of this Conditional Use Permit may result in an order to remove the accessory building at the owner's expense.
11. The roof of the structure shall be cut back on the south side, leaving a structure of 2,997 square feet (60 feet 4 inches x 49 feet 8 inches), and to be a minimum of 10 feet from the southern property line.

PASSED AND ADOPTED by the City Council at a regular meeting held on April 15, 2015.

Mayor of the City of Norco, California

ATTEST:

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

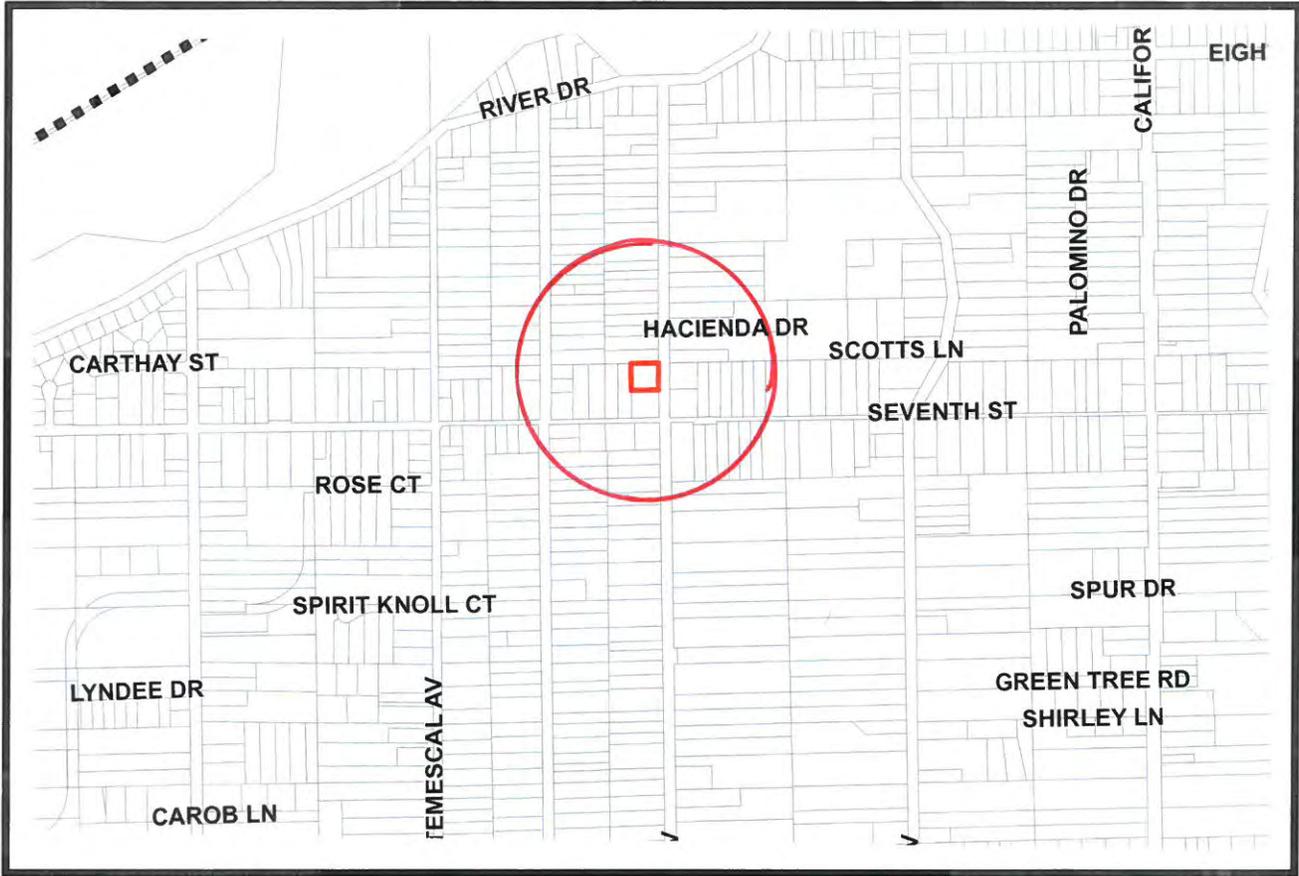
I, CHERYL L. LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on May 20, 2015 by the following vote of the City Council:

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 May 20, 2015.

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

LOCATION MAP



Not to Scale



PROJECT: Conditional Use Permit 2014-36
APPLICANT: Tammy Anderson
LOCATION: 4444 Hillside Avenue

Exhibit "A"

ASSESSOR'S PARCEL MAP

ASSESSMENT PURPOSES ONLY

POR. SW 1/4 SEC. 32 T.2 S.R.6 W.
 POR. CITY OF NORCO

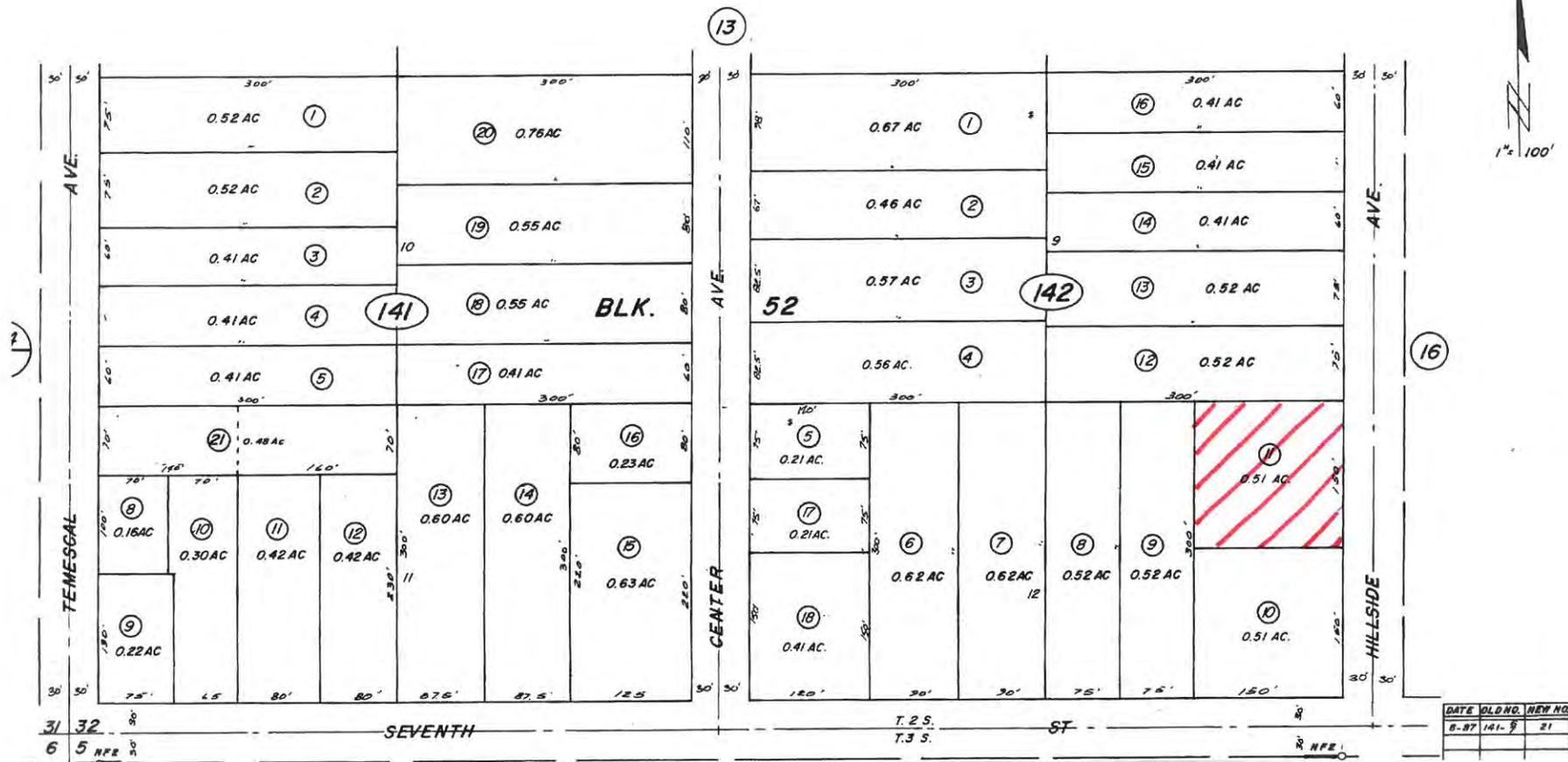


Exhibit "B"

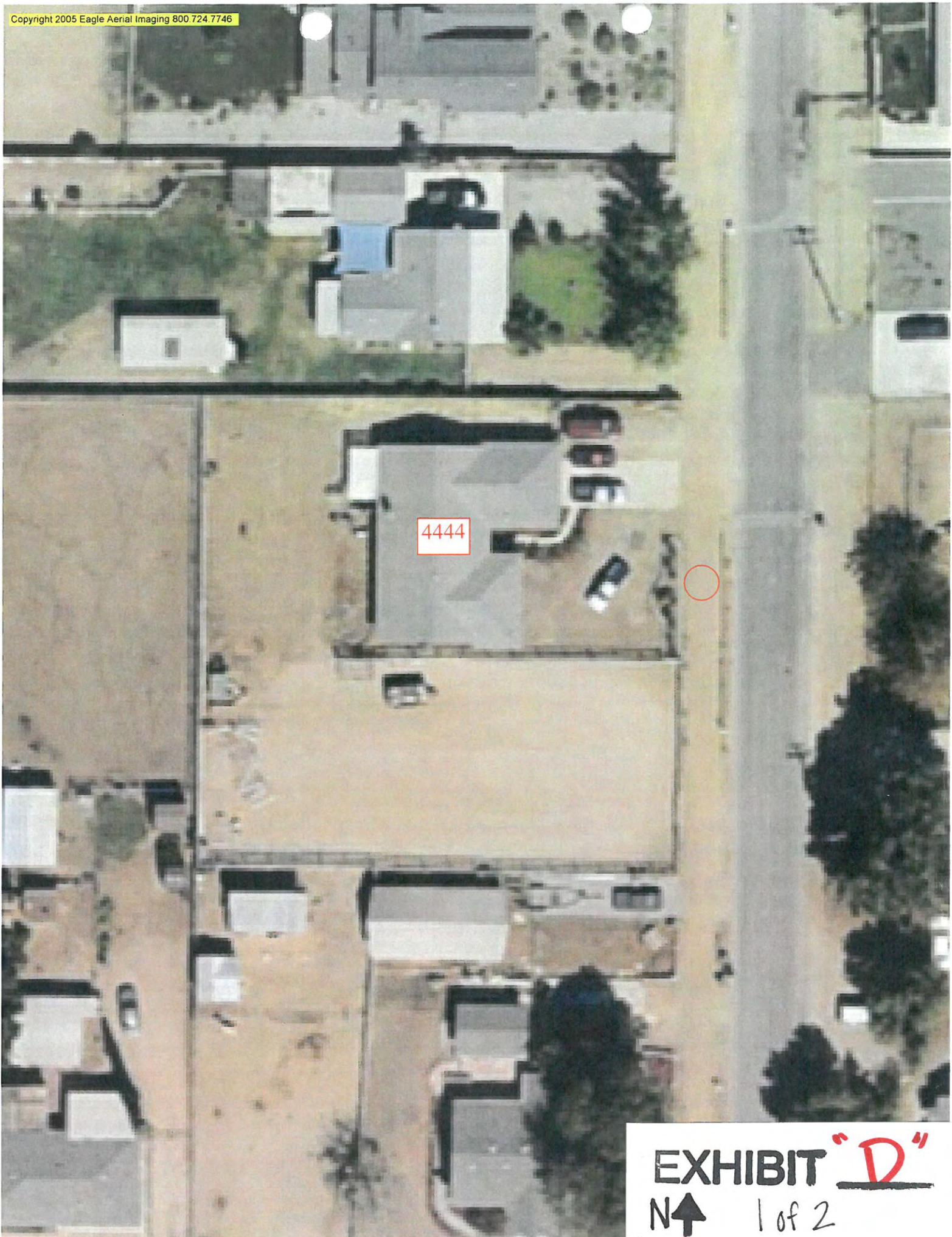


EXHIBIT "D"



1 of 2

4444 Hillside Avenue

Access to structure



Existing structure requesting approval



Open animal area behind proposed structure

