



**CITY OF NORCO
CITY COUNCIL REGULAR MEETING AGENDA**

**Wednesday, September 16, 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
One Potential Case

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Berwin Hanna

INVOCATION: Pastor Fred Griffin, Corona Church of the Open Door

RECOGNITIONS: Corona-Norco Unified School District's Project Safety Net Program – 2015 Exemplary School Safety Initiative Award

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:
2. CITY COUNCIL CONSENT ITEMS: *All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.3 of the Agenda.*
 - A. City Council Regular Meeting Minutes of September 2, 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. **Resolution No. 2015-60**, Authorizing Designated City of Norco Officers to Invest Monies in the Local Agency Investment Fund. **Recommended Action: Adopt Resolution No. 2015-60, authorizing designated City of Norco officers to invest monies in the Local Agency Investment Fund.** (Finance Officer)
 - D. Acceptance of Bids and Award of Contract for the Bluff Street and Western Avenue Water Improvement Project. **Recommended Action: Accept bids submitted for the installation of waterlines and various appurtenances for Bluff Street and Western Avenue Water Improvements, award a contract to C.P Construction Co., Inc. in the amount of \$1,281,617, adopt Resolution No. 2015-61 approving an additional expenditure and appropriation in the amount of \$564,778.70, and authorize the City Manager to approve contract change orders up to 10 percent of the total bid contract amount.** (Deputy City Manager)
 - E. Rejection of All Bids for the Reservoir No. 8 Potable Water Storage Tanks Project. **Recommended Action: Reject all bids for the Reservoir No. 8 Potable Water Storage Tanks Project.** (Water and Sewer 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. LEGISLATIVE MATTER: *No new evidence will be heard from the public as the public hearing has been closed regarding the items listed.*
- A. **Ordinance No. 993, Second Reading. 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. (City Clerk)

Zone Code Amendment 2015-03 would add animal-keeping for large animals as a permitted use in certain lots zoned R-1 (Residential-Single Family) to the same standards and regulations as exist in the A-1 (Agricultural-Low Density) zone. The Zone Code Amendment would also add animal-keeping for small animals and fowl as a permitted use on all properties in the R-1 zone with the exception of roosters. The amendment also proposes to allow the keeping of miniature pigs as a permitted use as opposed to requiring the approval of a conditional use permit as is the case currently.

Recommended Action: Adopt Ordinance No. 993, for second reading.

6. DISCUSSION / ACTION ITEM:

- A. Approval of Appropriation for Crestview Drive Temporary Flooding Remediation Measures (City Engineer)

Riverside County Flood Control and Water Conservation District (RCFC) is working to finalize the design and future implementation of a Master Drainage Project (MDP) to address the flooding issues along Crestview Drive and Mt. Rushmore. Based on information from RCFC, construction of MDP is not expected to commence until late next year. Until the MDP is implemented, there is great need to implement temporary measures to protect residents and their properties from the impacts of anticipated flooding during the upcoming rainy season. In the last few years, runoff and debris from the hillsides northeast of Crestview Drive and Mt. Rushmore Drive has caused flooding to neighboring residents. At the direction of the City Council, staff is developing protection measures for the streets and for the residences. In order to implement these measures, staff is recommending that the City Council approve appropriation not exceeding \$50,000.

Recommended Action: Adopt Resolution No. 2015-62, approving an appropriation in the amount not exceeding \$50,000 to implement Crestview Drive flooding temporary remediation measures.

7. PUBLIC HEARING:

- A. **Ordinance No. 994, First Reading. Code Change 2015-04.** Amending Title 15 of the Norco Municipal Code Adding Chapter 15.110, "Small Residential Solar Energy Systems," Related to Regulations Governing Small Residential Solar Energy Systems and Inspections. (City Engineer)

On September 21, 2015, Governor Brown signed into law Assembly Bill 2188 (AB 2188). AB 2188 amends Section 714 of the California Civil Code and Section 65850.5 of the California Government Code. AB 2188 requires cities to adopt an ordinance that creates an expedited permitting process for small residential rooftop solar energy systems.

Recommended Action: Adopt Ordinance No. 994 for first reading, and set the second reading for October 7, 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, September 2, 2015
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Kathy Azevedo

INVOCATION: Pastor Louie Monteith, Calvary Chapel - Norco

RECOGNITIONS: Sarah Stark and Wayne Rutherford for their Life-Saving Actions during a Residential Fire Incident

Mayor Higgins presented certificates of meritorious service to Ms. Stark and Mr. Rutherford for their life-saving actions.

PRESENTATION: Chris Fowler, Boy Scout Troop 999, Eagle Scout Presentation – Senior Center Garden

Eagle Scout Chris Fowler gave a brief presentation about his project at the Senior Center. Mayor Pro Tem Bash presented Mr. Fowler with a certificate for his completion of his Eagle Scout project.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Mayor Pro Tem Bash:

- Is a member of the CNUSD Measure GG Committee and commented on bond funding and projects for Norco schools. All schools will be outfitted with new technology and perimeter fencing. Commented that the Corona-Norco Unified School District will not be changing its name. Indicated that he continues to lobby to bring money to the schools.

Council Member Hanna:

- No report given.

Council Member Newton:

- Met with WS Invest Consulting from Austria regarding manure-to-energy options.
- Toured Silverlakes on September 2, 2015 along with fellow Council Members and the Press-Enterprise.

Council Member Azevedo:

- Advocated in Sacramento as part of UNLOAD for tobacco legislation relating to e-cigarettes and other tobacco laws.
- Attended Beautification Committee meeting. The Committee determined the winners. The awards will be presented during the opening ceremonies of the Norco Fair.
- Attended Silverlakes tour on September 2, 2015 along with fellow Council Members and the Press-Enterprise.

Mayor Higgins:

- Met with WS Invest Consulting regarding manure-to-energy options. WS Invest Consulting funds projects that are beneficial to society.
- Toured Silverlakes on September 2, 2015 along with fellow Council Members and the Press-Enterprise.

2. CITY COUNCIL CONSENT ITEMS:

Consent Calendar Item 2.A. was pulled to allow for public comment.

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

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- A. City Council Regular Meeting Minutes of August 19, 2015. **PULLED FOR DISCUSSION.** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved** (City Clerk)

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

- 2.A. City Council Regular Meeting Minutes of August 19, 2015. **Action: Approved the City Council regular meeting minutes.** (City Clerk)

Harvey Sullivan indicated that at the August 19th City Council meeting, he spoke under Public Comments regarding the permit process as well as comments he had about some of the Council Members. Mr. Sullivan expressed that not all of what he said was reflected in the minutes. He asked the Council if Code Enforcement has followed-up on his comments. Mayor Higgins explained that the minutes of meetings are a summary of the actions taken and comments made and that the public can see the City Clerk for additional information and/or copies of the audio recordings of the City Council meetings.

M/S BASH/HIGGINS to approve the City Council Regular Meeting Minutes of August 19, 2015. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC COMMENTS:

Ted Hoffman thanked staff for the Silverlakes tour. Mr. Hoffman also thanked Mayor Pro Tem Bash and Council Member Newton for their assistance with the Challenged Children's Rodeo. Finally, Mr. Hoffman thanked the Public Works Department for cleaning up Sixth Street in time for the Norco Fair.

Richard Hallam talked about how 14 years ago he approached then Mayor Hal Clark and the Norco Horseweek Committee about a new organization called the California Junior Bull Riders Association, hence Norco became involved. The Professional Bull Riders Association held a contest in which the top ten would be sent to Texas for bull riders bootcamp. Mr. Hallam commented that his son received over 20,000 votes and thanked Norco residents for their support.

Lou Paltza complimented two Sheriff's Officers for their assistance with an incident at a neighbor's house. Mr. Paltza thanked the officers for their speedy arrival to assess the situation.

Harvey Sullivan asked Mr. Harper if he or staff had knowledge that in 2009 the Coroner's office picked up a deceased person from a Council Member's home. Mr. Harper indicated that he did not have any knowledge and that the District Attorney and/or the Sheriff's Department would not inform the City Attorney. In response to another question from Mr. Sullivan, Mr. Harper indicated that he does not receive copies of all records requests.

5. LEGISLATIVE MATTERS:

- A. **Ordinance No. 992, Second Reading. Code Change 2015-03.** Amendment to Chapters 1.05 and 3.28 of the Norco Municipal Code Regarding Administrative Citation Procedures and Fees. (City Clerk)

M/S AZEVEDO/BASH to adopt Ordinance No. 992 for second reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. DISCUSSION / ACTION ITEM:

A. Crestview Drive Temporary Flooding Remediation (Director of Public Works)

City Engineer Dominic Milano said that he and Water and Sewer Consultant Bill Thompson were just recently assigned this task of assessing the issues on Crestview Drive. Mr. Milano indicated that he does not have a full understanding of all the issues just yet but has reviewed the records on file and looked at the temporary measures being proposed. The flooding is coming from the Crestlawn Memorial Park property going towards Mt. Rushmore through a number of different private properties and Crestview Drive. The Riverside County Flood Control District has a project on file which they are working on. The project is delayed due to right-of-way issues. City Engineer Milano said that he and Mr. Thompson had a conference call today with Crestlawn Memorial Park and discussed the right-of-way issues. Staff will be preparing a Memorandum of Understanding in the next two to three weeks with Crestlawn Cemetery with bullet points and what they are asking for in exchange for giving property either to the Riverside Flood Control District or the City. The second phase of the project is a temporary measure to protect private properties until a permanent flood control structure is constructed. Staff previously proposed sandbags on Mt. Rushmore and Crestview Drive as well as k-rails. Mr. Milano indicated that he concurs with the sandbags but has not yet concurred with the k-rails until further studies are made because of his concern regarding access to some of the driveways as well as potentially pushing the problem to other properties.

Water and Sewer Consultant Bill Thompson reported that Riverside County Flood Control finished the grading design and effectively submitted some of the environmental reports for the project. The initial response from the Regional Water Quality Board was that the tributaries are considered waters of the U.S., which means that more than the typical amount of environmental assessments will be required. Mr. Thompson stated that he and Mr. Milano will be meeting with Riverside County Flood Control next Wednesday, September 9th to review their preliminary project.

Mayor Pro Tem Bash said he understood there to be two projects – one project that could be completed by this season and the other being a more permanent fix. Mr. Thompson said that he does not have specifics regarding the interim project but is in discussion with Flood Control for details. Mayor Pro Tem Bash commented on the two homes on Mt. Rushmore that are severely impacted and asked if the project will go as high as those homes. In response, Mr. Thompson said that it was and that he and Mr. Milano are reviewing with Flood Control to make sure it will be considered.

Council Member Newton commented that the City will need to stay proactive on this issue, even on the temporary measures. Council Member Newton asked if best management practices (BMPs) could be applied to these issues through this immediate rainy season. City Engineer Milano said for sand bagging on Mt. Rushmore, it is done in a chevron-type pattern and is similar to what is done with BMPs. In regards to k-rails, that is three to four steps higher than any BMPs because most BMPs done use bales of straw and fencing. In this case, the City is looking to stop the impact and hold back several feet of mud. Council Member Newton commented on k-rails and asked if there is a creative way the City can do storm water mitigation and traffic calming at the same time. In response, Mr. Thompson said that the suggestion will be reviewed. Council Member Newton also noted the estimated cost to rent k-rails for a six-month period versus the cost to purchase and expressed his support to purchase

due to the small difference in cost.

Council Member Azevedo concurred to purchase the k-rails. She also expressed concerns for other areas in the City prone to flooding such as Corona Avenue and asked if staff would be looking at additional parts of town. City Manager Okoro stated that staff will be looking at other potential areas as well. Mr. Okoro also mentioned that a flyer will be sent out in the water bill mailings to all residents regarding sand bags and how residents can begin taking a proactive approach in protecting their homes.

In response to Council Member Hanna, City Engineer Milano indicated that staff is looking at parking options for residents if k-rails are installed.

Ted Hoffman said that he hopes the City will get some reimbursement from Riverside County Flood Control for purchases related to addressing temporary measures. Mr. Hoffman expressed his concern of the ability of Public Works to move k-rail without purchasing additional equipment as well as where the k-rail will be stored.

Richard Hallam commented that Community Emergency Response Team (CERT) is meeting with Cal Fire next Monday night regarding training for sand bag distribution and flood control assistance. Mr. Hallam also expressed his concern for residents on Crestview Drive and asked that the Council move forward promptly.

Tony Mauro said that he has lived on Crestview Drive for 40 years and said that the flood problems have been ongoing for 25 years. Mr. Mauro said that he has been analyzing the soil and that the City is ignoring a health issue with the soil. He said that it is not just mud coming down from the hillsides, but contamination as well. Mr. Mauro suggested the City having the soil tested.

Christie Sandidge asked the Council and staff to keep the residents up to date and keep an open line of communication. Ms. Sandidge said that residents need to know the plans and the timeline and that progress on remediation measures needs to happen quickly.

Mahlon Brackett lives on Mt. Shasta and Crestview Drive. Mr. Brackett said he and his neighbors periodically clean out four storm drains near his home. He commented that clean up and weed abatement needs to occur because it is bringing property values down. He thanked staff for rerouting the Norco Fair parade route. Mr. Brackett also suggested that the City landscape the corner of Ingalls Park.

Bob Galishaw lives on Crestview Drive at the base of the funnel. He said that his neighbor still has a three foot berm of mud in front of his property. Mr. Galishaw said that he has spent thousands of dollars cleaning his property four times in the past three years. He mentioned that neighbors have sold their homes directly relating to the flooding issues. Mr. Galishaw said that progress has not been made since the presentation given by Riverside County Flood Control earlier this year.

Julie Lapierre said that her mother lives on Mt. Shasta. Her mother, and a neighbor, are low income senior citizens and asked if anything can be done to help. Ms. Lapierre expressed concerned about a utility pole than appears to be unstable due to the continued flooding and debris issues.

Teresa Olden commented that the flooding is not well addressed with the use of sandbags; larger mitigation measures are needed such as k-rails. She said that the environmental reports may take many years to process, therefore suggested k-rails be put in place. She also said that Mr. Mauro raised serious issues and asked the City Council to make a motion to agree to address the issue.

There were comments made by Council Members regarding the change in management as well as Crestlawn Memorial Park working on an easement agreement, which they are confident will help address the issues more promptly.

Mayor Higgins indicated that the public may submit their e-mail addresses to the City Clerk in order to receive updates. Mayor Higgins also requested that an update be brought before the Council at the next meeting of September 16th.

Council Member Azevedo asked if staff could send a letter to the Department of Toxic Substances Control regarding soil testing.

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

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

7. PUBLIC HEARING:

- A. **Ordinance No. 993. 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. (Planning Director)

Planning Director Steve King reported that Zone Code Amendment 2015-03 would add animal-keeping for large animals as a permitted use in certain lots zoned R-1 (Residential-Single Family) to the same standards and regulations as exist in the A-1 (Agricultural-Low Density) zone. The Zone Code Amendment would also add animal-keeping for small animals and fowl as a permitted use on all properties in the R-1 zone with the exception of roosters. The amendment also proposes to allow the keeping of miniature pigs as a permitted use as opposed to requiring the approval of a conditional use permit as is the case currently.

Council Member Newton referenced Page 3, Item 15 regarding miniature pigs. In response, Director King indicated that keeping miniature pigs is a permitted use but limited to that number of animals per square foot. In response to Council Member Newton regarding reports by Animal Control, Director King indicated that if the criteria listed is met, a review by Animal Control is not required. Lastly, Council Member Newton commented that the Ordinance is supportive of the City's lifestyle. He expressed his concern for residents in the R-1 zone that support the City's animal-keeping lifestyle but chose not to live in an animal-keeping area and asked if there is a remedy. Director King referred to the exhibit attached to the staff report and noted that most R-1 lots would not be confronted with large animals nearby; for lots in the perimeter, there is no remedy.

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

Mike Thompson expressed concern about who will make sure the animals have enough access on the property. In response, Mayor Higgins said Code Enforcement is responsible.

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

Council Member Azevedo commented on a past case in which a pig resided on an R-1 lot. She said that pigs are mild-mannered and noted that several cities allow pot-bellied pigs.

M/S BASH/HANNA to adopt Ordinance No. 993 for first reading. The motion was carried by the following roll call vote:

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

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Hanna commented on flooding on First Street and Temescal Avenue and asked staff to follow up.

Lt. Briddick invited the Council and the public to attend the Patriot Day event on Friday, September 11th at Fire Station 47 beginning at 8:30 a.m.

Deputy City Manager/Director of Parks, Recreation and Community Services Brian Petree commented that the Norco Fair starts Thursday, September 3rd and concludes on Monday, September 7th. Mr. Petree also indicated that the flyer regarding sand bag distribution will be sent out to all residents with their water bills.

ADJOURNMENT

Mayor Higgins adjourned the meeting at 9:00 p.m.

Cheryl L. Link, CMC, City Clerk

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Gina Schuchard, Finance Officer 

DATE: September 16, 2015

SUBJECT: **Resolution No. 2015-60**, Authorizing Designated City of Norco Officers to Invest Monies in the Local Agency Investment Fund

RECOMMENDATION: Adopt **Resolution No. 2015-60**, authorizing designated City of Norco officers to invest monies in the Local Agency Investment Fund

SUMMARY: The Council approved Resolution No. 2004-17 on April 7, 2004, authorizing designated officers to invest in the Local Agency Investment Fund (LAIF). This Resolution adds the new Finance Officer, changes the titles to reflect current positions and provides updated signature authority.

BACKGROUND/ANALYSIS: The State of California Local Agency Investment Fund (LAIF) requires that the City submit an updated list of the City staff authorized to deposit and withdraw money into, and out of, the State investment pool. LAIF is a State investment pool administered by the Treasurer of the State of California into which cities and local government entities may invest funds. By pooling the cash deposited by these local agencies, LAIF is able to invest through a diversified portfolio with savings on security purchase costs due to economies of scale. The pool invests in high quality securities to insure portfolio safety and achieves exceptional yields considering its emphasis on safety and liquidity.

On February 20, 1985, the City Council approved Resolution 85-10A authorizing the City to invest in LAIF. Resolution No. 2004-17, approved on April 7, 2004, revised the officers designated to authorize these transactions. The designated officers, in the current Resolution No. 2004-17, are the Director of Fiscal and Support Services, the Accounting Supervisor, and the City Manager. This proposed resolution adds the new Finance Officer title and changes the Accounting Supervisor title to Accounting Manager as well as provides LAIF with updated signature authority.

FISCAL IMPACT: None.

Attachment: Resolution No. 2015-60

AGENDA ITEM: 2.C.

RESOLUTION NO. 2015-60

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO,
CALIFORNIA, REPEALING RESOLUTION 2004-17 AND
AUTHORIZING DESIGNATED CITY OF NORCO OFFICERS TO INVEST
MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

WHEREAS, The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et.seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council of the City of Norco hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purposes of investment as provided therein is in the best interests of the City of Norco.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorizes the deposit and withdrawal of City of Norco monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et.seq. for the purpose of investment as stated therein.

BE IT FURTHER RESOLVED that the following City of Norco officers or their successors in office are hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby:

Andy Okoro
(Name)

Gina Schuchard
(Name)

Olivia Hoyt
(Name)

City Manager
(Title)

Finance Officer
(Title)

Accounting Manager
(Title)

(Signature)

(Signature)

(Signature)

PASSED AND ADOPTED by the City Council of the City of Norco of Riverside County of the State of California at a regular meeting held on September 16, 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 September 16, 2015, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

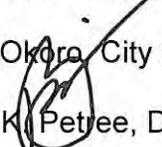
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on September 16, 2015.

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

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okora, City Manager 

PREPARED BY: Brian K. Petree, Deputy City Manager 

DATE: September 16, 2015

SUBJECT: Acceptance of Bids and Award of Contract for the Bluff Street and Western Avenue Water Improvement Project.

RECOMMENDATION: Accept bids submitted for the Bluff Street and Western Avenue 16" Water Transmission Improvement Project, award a contract to C.P. Construction Co., Inc. in the amount of \$1,281,617, adopt **Resolution No. 2015-61** approving an additional appropriation in the amount of \$564,779 from the Water Capital Projects Improvement Fund, and authorize the City Manager to approve contract change orders up to 10 percent of the total bid contract amount.

SUMMARY: Bids for the Bluff Street and Western Avenue Water Improvements Project were opened on September 1, 2015 with C.P. Construction Co., Inc. of Ontario, CA being the lowest responsible bidder. Therefore, it is recommended that a contract be awarded to C.P. Construction Co., Inc. in the amount of \$1,281,617.

BACKGROUND/ANALYSIS: The Bluff Street and Western Avenue Waterline project is included in the current Capital Improvement Program with an estimated budget of \$845,000.

The project has been designed to accommodate a new 16" transmission line with new specifications that allows the system to run at a higher capacity from the old pre-existing standard. This design initiative is aligned with new industry standards for maximum efficiency and to handle the high water pressure variables in the City of Norco.

The Bluff Street, Western and Corydon Avenue 16" Water Transmission line was advertised on August 14, 2015, with a bid opening date of September 1, 2015. A total of ten bids were received with bids ranging in value from \$1,281,617 to \$1,941,395. The low bid of \$1,281,617 was approximately 1% lower than the engineer's estimate of \$1,300,000. The bid summary sheet has been attached for Council's review.

FINANCIAL IMPACT: Funds for the Bluff Street, Western and Corydon Avenue Waterline (16" main transmission line) project were originally estimated at \$845,000 and were included in FY 2015-2016 Water Capital Improvement Program Budget using Water Fund bond proceeds. After design was complete and scope of work was finalized, the Engineer's estimate was determined to be \$1,300,000. Based on the recommended low bid and recommended contingency, staff is recommending an amendment to the Capital Improvement Water Fund Program of \$564,779 for total project allocation of \$1,409,779.

Attachments: Resolution No. 2015-61
Bid Summary

AGENDA ITEM: 2.D.

RESOLUTION NO. 2015-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$564,779 FROM WATER CAPITAL PROJECTS IMPROVEMENT FUND FOR WORK ASSOCIATED WITH THE BLUFF STREET, WESTERN AVENUE AND CORYDON AVENUE 16" WATER TRANSMISSION LINE WATER IMPROVEMENT PROJECT

WHEREAS, on September 1, 2015, staff received bids for the installation of a new 16" water transmission line for Bluff Street, Western Avenue and Corydon Avenue water infrastructure system; and

WHEREAS, C.P. Construction Co., Inc. of Ontario, CA was the lowest responsible bidder at \$1,281,617.

WHEREAS, a new 16" water transmission line is needed to replace the 65-year-old existing water line that services the Bluff Street, Western Avenue and Corydon Avenue water service area; and

WHEREAS, the new line will provide for a higher capacity in its design to deal with fluctuating water pressures associated in this area affecting water service to residents; and

WHEREAS, the C.P. Construction Co., Inc. bid is 1% percent lower than the engineering estimate of \$1,300,000; and

WHEREAS, an additional \$564,779 of budget allocation is needed for the project from the original project estimate identified in the Water Capital Projects Improvement Fund of \$845,000; and

WHEREAS, staff is requesting an amendment to the Water Capital Projects Improvement Fund for construction of the 16" Water Transmission Line for Bluff Street, Western Avenue and Corydon Avenue project in the amount of \$1,409,779; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Norco that the City approve an additional appropriation in the amount of \$564,779 from the Water Improvement Fund 144 for the 16" Water Transmission Line at Bluff Street, Western Avenue and Corydon Avenue project.

Resolution No. 2015-61

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September 16, 2015

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on September 16, 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 introduced and adopted by the City Council of the City of Norco at a regular meeting held on September 16, 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 September 16, 2015.

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

City of Norco

Bluff Street & Western Avenue Water Improvements

September 1, 2015 @ 9:30 A.M.

Company Name / Address	BID
WEKA, Inc 27075 5th Street Highland, CA 92345	\$ 1,323,983.00
Norstar Plumbing & Engineering, Inc. 8780 19th St., #310 Alta Loma, CA 91701	\$ 1,412,380.00
TBU, Inc 244 Maple St, Suite T Beaumont, CA	\$ 1,645,852.00
Downing Construction, Inc. 32194 Outer Highway 10 South Redlands, CA 92373	\$ 1,329,186.00
C.P. Construction Co., Inc. P.O. Box 1206 Ontario, CA 91762	\$ 1,281,617.00
TK Construction P.O. Box 9608 San Bernardino, CA 92427	\$ 1,402,747.00
Genesis Construction P.O. Box 5399 Hemet, CA 92544	\$ 1,590,777.00
Trautwein Construction, Inc. P.O. Box 349 Rancho Cucamonga, CA 91739	\$ 1,409,556.00
Utah Pacific Construction Co. 40940 Eleanora Way Murrieta CA 92562	\$ 1,422,440.00
Surina Construction Co., Inc. 17761 Slover Avenue Bloomington, CA 92316	\$ 1,941,395.50

Gwinco Construction & Engineering, Inc. 2171 S. Grove Ave. #F Ontario, CA 91761	\$1,576,744.00
GCI Construction, Inc. 1031 Calle Recodo, Suite D San Clemente, CA 92673	\$1,637,826.50
T. E. Roberts, Inc. 306 W. Katella Ave., Unit B Orange, CA 92867	\$1,655,695.00

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: William R. Thompson, Consultant 

DATE: September 16, 2015

SUBJECT: Rejection of All Bids for the Reservoir No. 8 Potable Water Storage Tanks Project

RECOMMENDATION: Reject all bids for the Reservoir No. 8 Potable Water Storage Tanks Project

SUMMARY: Bids for the Reservoir No. 8 Potable Water Storage Tanks Project were opened on September 2, 2015, with Paso Robles Tank, Inc. being the lowest responsible bidder. Due to error in the bid advertising process, staff is recommending that the City Council reject all bids and authorize staff to re-bid the project.

BACKGROUND/ANALYSIS: Staff prepared bid specifications to design and construct the Reservoir No. 8 Potable Water Storage Project for advertisement. Bids for the Reservoir No. 8 Potable Water Storage Tanks Project were opened on September 2, 2015. A total of two bids were received ranging between \$1,632,000 and \$1,695,900 with the apparent lowest bid submitted by Paso Robles Tank, Inc.

The City of Norco has received two letters of protest within the time period allowed to submit bid protests. United Industries Group, Inc. ("UIG") did not submit a bid, however, has submitted a letter of protest regarding the bid advertising process. Pacific States Environmental Contractors, Inc. (PSEC) did bid the project as the apparent second lowest bidder. PSEC submitted a letter of protest citing the ability of the apparent low bidder ("UIG") to meet the specifications.

Upon consultation with the City Attorney, staff is recommending the City Council reject all bids received for the Reservoir No. 8 Potable Water Storage Tanks Project and authorize staff to re-bid the project consistent with applicable Public Contract Code provisions.

FINANCIAL IMPACT: N/A

Attachments: Bid Protests

September 4, 2015

VIA EMAIL AND OVERNIGHT DELIVERY

Mr. Dominic Milano
CITY ENGINEER
CITY OF NORCO
2870 Clark Avenue
Norco, CA 92860

Ms. Lori J. Askew
DIRECTOR OF PUBLIC WORKS
CITY OF NORCO
2870 Clark Avenue
Norco, CA 92860

Re: City of Norco Reservoir No. 8 Potable Water Storage Tanks Project
United Industries Group, Inc. Bid Protest
[City of Norco Failure to Comply with Public Contract Code § 20164]

Dear Mr. Milano & Ms. Askew:

This office represents United Industries Group, Inc. (“UIG”). The purpose of this letter is to protest the bidding procedure employed by the City of Norco in soliciting bids—and potentially awarding a contract—for the City of Norco public works project identified as “Reservoir No. 8 Potable Water Storage Tanks” (the “Project”). As set forth herein, the bid solicitation was carried out in violation of Public Contract Code section 20164, and prejudiced UIG in that it was not able to timely submit a bid.

The City of Norco incorporated as a municipal entity in 1964 as a general law city. In 2003, the voters of the City of Norco adopted the City Charter, transforming Norco into a charter city¹. Notwithstanding its charter-city status, Norco has neither obtained an express exemption nor adopted a city charter provision or ordinance conflicting with the Public Contract Code. Thus, the Public Contract Code still applies. (Pub. Cont. Code § 1100.7.)

Public Contract Code section 20164, governing solicitation of bids for a city public works project, provides as follows:

The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published *at least twice, not less than five days apart*, in a newspaper of general circulation, *printed and published in the city*, or if there is none, it shall be posted in at least three public places in the city *that have been designated by ordinance for posting public notices*. The notice shall distinctly state the project to be done.

¹ The 2006 amendments to the City Charter are not relevant here.

Mr. Dominic Milano
Ms. Lori J. Askew
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(Pub. Cont. Code § 20164 [emphasis added].)

This section thus mandates several requirements for the solicitation of bids for City of Norco public works projects:

- (1) The notice must set a date for the opening of bids;
- (2) The notice must distinctly state the project to be done;

If there is a newspaper of general circulation which is both printed and published in the City of Norco:

- (3) The notice must be published at least twice;
- (4) The first publication must occur at least 10 days prior to the date set for the opening of bids;
- (5) The second publication must occur at least five days after the first publication;

If there is no newspaper of general circulation which is both printed and published in the City of Norco:

- (6) The City of Norco must adopt an ordinance designating at least three public places for the posting of public notices notice;
- (7) The notice must be posted in at least three of the public places designated by the ordinance.

Step 1: Does the Notice set a date for the opening of bids? And does the notice distinctly state the project to be done?

Here, the City of Norco published a notice inviting bids in The Press-Enterprise on August 19-20, 2015², and on its website³ beginning August 25, 2015⁴. The notice sets a bid-opening date of September 2, 2015, and describes the project as “the furnishing and installing [of] a glass-fused-to steel bolted water storage tank, including foundation, tank structure, dome roof, and tank appurtenances.”

² True and correct copies of the Press-Enterprise archived advertisements are attached hereto as **Exhibits “A” and “B.”**

³ <http://www.ci.norco.ca.us/civicax/filebank/blobload.aspx?BlobID=23347> ; see also <http://www.ci.norco.ca.us/downloads/bidinfo.asp>

⁴ A true and correct copy of a screenshot showing the creation date of the notice on the City of Norco website is attached hereto as **Exhibit “C.”** Because section 20164 requires publication at least 10 days prior to the date set for bid-opening, the City’s publication of the notice on its website is invalid.

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Thus, the notice appears to comply with requirements (1) and (2) under section 20164.

Step 2: Is there a newspaper of general circulation in the City of Norco which is printed and published in Norco?

Government Code section 6000 defines a “newspaper of general circulation” as follows:

A “newspaper of general circulation” is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed and published at regular intervals in the State, county, or city where publication, notice by publication, or official advertising is to be given or made for at least one year preceding the date of publication, notice or advertisement.

For purposes of this bid protest, UIG assumes, but does not concede, that The Press-Enterprise constitutes a “newspaper of general circulation” for the City of Norco. However, for purposes of Public Contract Code section 20164, not only must The Press-Enterprise be a “newspaper of general circulation,” but that newspaper must also be printed and published in Norco. (See, e.g., *Imperial Merch. Servs. v. Hunt* (2009) 47 Cal.4th 381, 390 [“Statutes must be interpreted, if possible, to give each word some operative effect;” quoting *Walters v. Metro. Educ. Enters., Inc.* (1997) 519 U.S. 202, 209].) If the statute did not require the newspaper to be printed and published in Norco, the phrase “printed and published in the city” would be surplusage, and duplicative of the language of Government Code section 6000.

The Press-Enterprise is a newspaper owned by Freedom Communications, Inc. (based in Los Angeles). The paper is actually printed and published in the city of Riverside—not Norco. Thus, publication in The Press-Enterprise cannot meet the requirements of section 20164.

Because publication of notice in The Press-Enterprise is ineffective, the City of Norco’s notice inviting bids by publication in The Press-Enterprise is invalid.

Step 3: Despite the invalidity of publishing in The Press-Enterprise, was the notice published twice, with the first publication occurring at least 10 days prior to bid-opening, and the second at least five days after the first?

Even if publishing in The Press-Enterprise were proper, the City of Norco still failed to meet the requirements of section 20164 with regard to the dates of publication. Although the City met the requirement that the notice be published at least twice, with the first publication occurring at least 10 days prior to bid-opening, section 20164 requires that the second publication occur at least five days after the first.

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Here, the notice was only published on August 19 and 20⁵. To comply with section 20164, the City of Norco's second publication of the notice was required to be between August 23 and September 1.

Because the second publication occurred within five days of the first, the City of Norco's notice inviting bids is invalid.

Step 4: Has the City of Norco adopted an ordinance designating at least three public places for the posting of public notices? If so, was the notice posted in at least three of those places?

If there is not a newspaper of general circulation which is both printed and published in the City of Norco, section 20164 provides an alternative procedure of publishing the required public notice. This alternative procedure requires that the City of Norco adopt an ordinance designating at least three public places for the posting of public notices.

Here, the City of Norco has not adopted any such ordinance, and cannot have posted the public notice in at least three of the designated public places. Therefore, it is impossible for the City of Norco to have availed itself of, or complied with, the alternative procedure.

Conclusion re: validity of the City of Norco's publication of notice inviting bids

As demonstrated above, the City of Norco's publication of notice of inviting bids for the Project is invalid under section 20164 for three reasons:

- (1) The Press-Enterprise does not qualify as a newspaper in which the City of Norco can publish notice inviting bids on public works projects;
- (2) Even if The Press-Enterprise was a qualifying newspaper, the notice was only published twice, and the second publication occurred within five days of the first; and
- (3) The City of Norco has not adopted an ordinance designating places for posting of public notices, and therefore cannot avail itself of the alternative procedure under section 20164.

Consequence of Failing to Comply with Public Contract Code section 20164

⁵ See **Exhibits "A" and "B."** Within the notice, in the bottom-right corner, the dates "8/19" and "8/20" appear, denoting that publication would occur on those dates. Further, Shannon Dahl represented in an email to UIG's Sr. Project Manager, Lisa Harker, that the notice was only published twice, on 8/19 and 8/20. A true and correct copy of the email exchange is enclosed as **Exhibit "D."**

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Under the California Constitution, a city cannot “pay a claim under an agreement made without any authority of law.” (Cal. Const. Art. 11, § 10.) For over 150 years, the California Supreme Court has prohibited payments on contracts made in violation of competitive bidding laws. (See, e.g., *Zottman v. San Francisco* (1862) 20 Cal.96, 102 [where the mode describing how to contract is prescribed, that mode is the sole mode by which to contract: “Aside from the mode designated, there is a want of all power on the subject.”].)

The legislature has declared that the purpose of the Public Contract Code is to: (1) clarify the law regarding competitive bidding requirements; (2) ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds; (3) provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices; and (4) to eliminate favoritism, fraud, and corruption in the awarding of public contracts. (Pub. Cont. Code § 100.)

In sum, the objective of the Public Contract Code is to provide qualified bidders with a level playing field—doing so benefits the contractors in that they are assured competitive balance, and also benefits the public by ensuring competition and eliminating favoritism, fraud, and corruption which leads to the misuse of public funds. Courts recognize that not only must contractors comply with the bidding requirements, but the public entity offering the contract must also strictly comply with its authority to contract. (See *Miller v. McKinnon* (1942) 20 Cal.2d 83.) Where a public entity attempts to enter into a contract in excess of its authority to do so—both in *Miller v. McKinnon* and with regard to the Project, by failing to properly publish notice of invitation to bid—the resulting “contract” is “void and unenforceable.” (*Id.* at 87-88.) Thus, the public entity is constitutionally prohibited from making payments on the contract, and any payments made may be recovered from the contractor. (*Id.* at 94-97.)

Here, it is indisputable that the City of Norco failed to comply with the Public Contract Code. A void and unenforceable contract comes with significant exposure for the City. First, the bidding process is subject to a bid protest and mandamus from the courts to reopen the bidding process. Second, the contractor allegedly awarded the “contract” will likely refuse to perform and/or abandon the project upon learning that his “contract” is invalid. And third, if the contract is “void and unenforceable,” then the City has no mechanism to enforce compliance with its terms.

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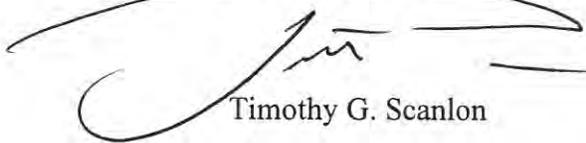
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Please contact this office **no later than September 15, 2015** to indicate whether the City of Norco will reopen the bidding process. If the City does not reopen bidding, or if no response is received by September 16, UIG will consider all available remedies, including its right to seek mandamus from the Superior Court for Riverside County for the City's abject failure to comply with the Public Contract Code.

We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy G. Scanlon', with a large, sweeping flourish extending to the left and right.

Timothy G. Scanlon

TGS:rjw

Enclosures as stated

EXHIBIT A

**CITY OF NORCO - NOTICE INVITING SEALED BIDS
RESERVOIR NO. 8 POTABLE WATER STORAGE TANKS**

PUBLIC NOTICE IS HEREBY GIVEN that the City of NORCO, as AGENCY, invites sealed bids for the above stated project and will receive such bids in the office of the City Clerk up to the hour of **10:00 A.M. on the 2nd day of September, 2015**, at which time, or as soon thereafter as practicable, they will be publicly opened and read aloud.

The work to be done consists of furnishing all materials, equipment, tools, labor, and incidentals as required by the Contract Documents, Specifications and Plans for the above stated project. The general items of work to be done hereunder consist of the furnishing and installing a glass-fused-to steel bolted water storage tank, including foundation, tank structure, dome roof, and tank appurtenances, and all related work to the satisfaction and acceptance of the City Engineer. There are **120 working days** allowed to complete this project. Liquidated damages shall be assessed at \$500.00 per working day. Copies of said Specifications and Contract Documents are available from the City of Norco Engineering Division upon payment of a **\$25.00 non refundable fee** (\$35.00 if mailed, including FEDEX and UPS). If copies of the Specifications and Contract Documents are obtained from an outside source other than the City of Norco, it is the responsibility of the Bidder to obtain copies of all addendums and include them in the submitted bid. Any Contract entered into pursuant to this notice will incorporate the provisions of the State Labor Code. Compliance with the prevailing rates of wages, apprenticeship employment standards, and Contractor registration program established by the State Director of Industrial Relations will be required. Affirmative action to ensure against discrimination in employment practices on the basis of race, color, national origin, ancestry, sex, or religion will be also required. The Contract Documents call for monthly progress payments based upon the engineer's estimate of the items of work completed. The AGENCY will retain 5 percent of each progress payment as security for completion of the balance of the work. At the request and expense of the successful Bidder, the City of Norco will pay the amounts so retained upon compliance with the requirements of Public Contract Code Section 22300 and the provisions of the Contract Documents pertaining to Substitution of Securities. Bids must be prepared on the approved proposal forms in conformance with the instructions to Bidders and submitted in a sealed envelope plainly marked on the outside: **"SEALED BID FOR RESERVOIR NO. 8 POTABLE WATER STORAGE TANKS. DO NOT OPEN WITH REGULAR MAIL."** No Contractor or Sub-Contractor may be listed on proposal unless they are registered with the Department of Industrial Relations (DIR) pursuant to Labor Code Section 17255. The AGENCY reserves the right to reject any or all bids, to waive any irregularity, to accept any bid or portion thereof, and to take all bids under advisement for a period of 45 days. At the time of Contract award, the prime Contractor shall possess an appropriate Contractor's License sufficient to perform the work. Prior to execution of the Contract, the Contractor will be required to submit two good and sufficient bonds each in the amount of 100 percent of the Contract price, and to satisfactorily provide evidence of insurance as described elsewhere in these Specifications. This contract is subject to state contract nondiscrimination and compliance requirements pursuant to Government Code Section 12990. ENGINEER'S ESTIMATE: \$1,500,000. CITY OF NORCO, 2870 CLARK AVE., NORCO, CALIFORNIA 92860 (951) 270-5627 (951) 270-5678 8/19, 8/20

EXHIBIT B

EXHIBIT C



CITY OF NORCO

NOTICE INVITING SEALED BIDS

FOR

RESERVOIR NO. 8 POTABLE WATER STORAGE TANKS

PUBLIC NOTICE IS HEREBY GIVEN that sealed bids for the above stated project are to be received by the City Clerk up to the hour of **10:00 A.M.** on the date stated above, or as soon thereafter as practicable, at the address stated below.

The work to be done consists of furnishing and installing the items incidental as required by the Contract Documents for the above stated project. The general items to be furnished and installed are a glass-fused-to-steel tank structure, dome roof, and foundation, tank structure, dome roof, and the satisfaction and acceptance of the City Engineer.

There are **120** working days allowed to complete the project. Late bids will be assessed at \$500.00 per working day.

Document Properties

Description Security Fonts Custom Advanced

Description

File: blobdload.aspx

Title: KM_C454e-20150820142059

Author:

Subject:

Keywords:

Created: 8/25/2015 7:28:13 PM

Modified: 8/25/2015 7:28:55 PM

Application: KM_C454e

Advanced

PDF Producer: KONICA MINOLTA bizhub C454e

PDF Version: 1.6 (Acrobat 7.x)

File Size: 20.83 KB (21,333 Bytes)

EXHIBIT D

Jeff Warren

From: Lisa Harker <LHarker@unitedind.com>
Sent: Thursday, September 03, 2015 3:00 PM
To: Jeff Warren
Subject: FW: Reservoir No. 8 - Norco, CA

Jeff -

This response just came in regarding the Public Notice.

Thanks.



Lisa Harker | Sr. Project Manager
11 Rancho Circle | Lake Forest | California | 92630 | USA
Ph.949.759.3200 | Fx.949.759.3425 | www.Unitedind.com



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From: Shannon Dahl [<mailto:sdahl@ci.norco.ca.us>]
Sent: Thursday, September 03, 2015 2:58 PM
To: Lisa Harker <LHarker@unitedind.com>
Subject: RE: Reservoir No. 8 - Norco, CA

This project was advertised with the Press Enterprise on 8/19 & 8/20.

Shannon Dahl | Permit Technician
City of Norco | 2870 Clark Avenue, Norco, CA 92860
Direct: 951-270-5627
Fax: 951-270-5640
<http://www.ci.norco.ca.us>



From: Lisa Harker [<mailto:LHarker@unitedind.com>]
Sent: Thursday, September 03, 2015 1:52 PM
To: Shannon Dahl
Subject: RE: Reservoir No. 8 - Norco, CA

Shannon -

Thank you, also, will you please advise in which publication the original Notice was posted?



Lisa Harker | Sr. Project Manager
 11 Rancho Circle | Lake Forest | California | 92630 | USA
 Ph.949.759.3200 | Fx.949.759.3425 | www.Unitedind.com



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From: Shannon Dahl [<mailto:sdahl@ci.norco.ca.us>]
Sent: Thursday, September 03, 2015 11:45 AM
To: Lisa Harker <LHarker@unitedind.com>
Subject: RE: Reservoir No. 8 - Norco, CA

Please find the attached bid results for the Reservoir No. 8 Project.

Shannon Dahl | Permit Technician
 City of Norco | 2870 Clark Avenue, Norco, CA 92860
 Direct: 951-270-5627
 Fax: 951-270-5640
<http://www.ci.norco.ca.us>



From: Lisa Harker [<mailto:LHarker@unitedind.com>]
Sent: Thursday, September 03, 2015 11:35 AM
To: Shannon Dahl
Subject: RE: Reservoir No. 8 - Norco, CA

Shannon -

We appreciate the plan holders list provided.

Please provide a copy of the Bid Results for this project.

Thank you.



Lisa Harker | Sr. Project Manager
 11 Rancho Circle | Lake Forest | California | 92630 | USA
 Ph.949.759.3200 | Fx.949.759.3425 | www.Unitedind.com



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From: Shannon Dahl [<mailto:sdahl@ci.norco.ca.us>]

Sent: Monday, August 31, 2015 4:50 PM

To: Jim Mansour <JMansour@unitedind.com>

Subject: Reservoir No. 8

Jim,

Attached is the current list of plan holders for the Reservoir No. 8 Project.

Shannon Dahl | Permit Technician

City of Norco | 2870 Clark Avenue, Norco, CA 92860

Direct: 951-270-5627

Fax: 951-270-5640

<http://www.ci.norco.ca.us>





VIA FEDERAL EXPRESS

September 8, 2015

Bill Thompson
Director of Engineering and Construction
City of Norco
2870 Clark Avenue
Norco, CA 92860

*Bid Protest of Pacific States Environmental Contractors, Inc.
City of Norco
Reservoir No. 8
Potable Water Storage Tanks Project*

Dear Mr. Thompson:

Please consider this letter to be a protest by Pacific States Environmental Contractors, Inc. ("PSEC") of any award by the City of Norco of the contract for this Project to Paso Roble Tank, Inc ("PRT"), the current low monetary bidder. This protest is made pursuant to, and in full compliance with the Instruction to Bidders at pages IB-4 entitled Award of Contract. For the reasons stated in this letter, the bid submitted by PRT is nonresponsive and must be rejected by City of Norco. The lowest responsible bidder submitting a responsive bid is PSEC, and the Contract, if awarded by City of Norco, should be awarded to PSEC.

The Contract Documents and Project Specifications ("Specifications") for the Project total 73 pages. It is clear that the City put a great deal of effort in writing the Specifications. The Specifications set forth in great detail what the City wants from its Contractor. However, the low bidder chose to ignore key provisions of the Specifications. Rather than submitting bids that offered performance in accordance with the Specifications, the low bidder offered to provide Glass Fused to Steel Tanks (as defined herein) that are not in compliance with the Specifications and do not comply with other requirements of the Specifications.

The Bid of PRT is nonresponsive since they offer to provide Glass-Coated Bolted Steel Tanks ("Glass Tanks") that do not comply with the Specifications. The Specifications provide that the bidder is required to provide and install two (2) Glass Tanks in compliance with ten (10) pages of specifications (Part 2 – Technical

Provisions). There are many specific requirements for the Glass Tanks that the current low bid by PRT is not in compliance as listed below;

3. Qualifications of Tank Supplier – A – “Deviations from the specified design, construction and coating details will not be permitted.”
3. Qualifications of Tank Supplier – C – “The tank shown on the submittal drawings and specified herein is a model Aquastore (copyright) Tank as manufactured by CST Storage.”
3. Qualifications of Tank Supplier – F – “Tank suppliers wishing to prequalify shall submit the following to the Engineer/Owner for consideration.”
In Addition Section 3 – “List of 5 tanks presently in potable water service designed to AWWA D103 Standard, of equal or greater size and character specified herein, operating satisfactorily for a minimum of 5 years.”
3. Qualifications of Tank Supplier – G – “Only bids from tank suppliers who have successfully been pre-qualified will be considered.”
5. Materials – A – “All steel shall be smelted and produced in the United States of America.”
5. Materials – B – “Steel plates and sheets used in the construction of the tank shall, tank floor (when supplied) and tank roof, shall comply with the minimum standards of AWWA D103, latest edition and produced in the United States of America.”
- 5.2 Horizontal Wind Stiffeners – A – “Design requirements for intermediate horizontal wind stiffeners shall be of the “web truss” type with an extended tail creating multiple layers of stiffener, permitting wind loads to be distributed around the tank.”
- 5.2 Horizontal Wind Stiffeners – C – “Rolled steel angle stiffeners are not permitted for use as intermediate horizontal wind stiffeners.”
- 6.2 Sheet Edges – A – “After initial sheet preparation, all full height vertical wall sheets and all rectangular shaped floor sheets shall be beveled. A metal coating of 316 stainless steel shall then be thermally bonded on those edges at a thickness of 1.5 to 5 mils (0.0015 to 0.005 inches). The coating shall have a tensile strength of > 1,500 psi (10MPa) (per ASTM C633-79).”
- 6.4 Coating – A – “A base coat of glass frit containing nickel oxide shall be applied to both sides of the sheet.”

6.4 Coating – B – “A second coat of milled cobalt blue glass shall be applied to both sides of the sheet.”

6.4 Coating – C – “A third coat of glass shall be applied to interior sidewall and floor sheet surfaces which must be titanium dioxide reinforced mixture, white glass. The specified coating shall be Aquastore Vitrium (or equal), an acceptable alternate three coat system must be submitted for approval prior to bid.”

6.4 Coating – D – “The same glass coating as applied to the exterior sheet surfaces shall be applied to the exposed edges.”

6.4 Coating – F – “The interior coating process for sidewall sheets and floor must be a 3 coat process. The interior color shall be white. The exterior color shall be cobalt blue.”

7 Erection - Foundation – B – “The foundation shall be designed by the manufacturer to safely sustain the structure and its live loads.”

7.3 Sidewall Structure – B – “Specialized erection jacks and building equipment developed and manufactured by the tank manufacturer shall be used to erect the tanks. This special erection equipment has induced a staggered vertical seam in the tank.”

Pursuant to the Public Contract Code and the award of a public contract, if it is awarded, must be made to the lowest responsible bidder whose bid complies with all requirements prescribed. To be responsive a bid must conform to the material terms of the bid package. Moreover, it is well known in the industry that Paso Robles Tank is not capable of complying with the specific requirements of the Specifications noted above;

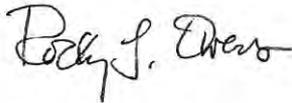
- Lack of Prequalification.
- Paso Robles fails to meet the 5 year experience with Glass Fused to Steel Tanks.
- Steel Material supplied from the USA.
- No Edge Coating.
- No Vitrium glass.
- 2 coat rather than 3 coat interior coating.
- No White Interior.
- Horizontal Wind Stiffeners that are not web truss type.
- Lack of a soils report during bid process to adequately design the tank and foundation.
- No Staggered Vertical Seam.

It is also obvious that the product offered by PRT is substantially less expensive than the one offered by PSEC is offering to provide the Glass Tanks from the Acceptable Manufacturer. Clearly, an "or equal" proposal for the Glass Tanks would affect the bidder's bid amount. This deviation from the Specifications allowed PRT to submit a lower bid to the City. As outlined in Section 3.H of the Technical Specifications, the City Engineer has the right to evaluate all bids based on the long term, 30 year minimum operation, and coating and maintenance costs. Values to be used in that evaluation should be added to the bidder's price to determine the low bid for purposes of making the award.

In summary, the discrepancies in the PRT bid is so material and fundamental that the PRT bid is nonresponsive as a matter of law and must be rejected.

Given that PSEC has not been provided with copies of the PRT bid documents or allowed to review any post-bid submittals, PSEC reserves the right to supplement this protest after receipt of copies of the relevant bid documents and other submittals. In addition, please provide me notice of any public meetings or hearings at which this protest will be discussed or considered. If you have any questions or wish to discuss this matter further, please contact me. Thank you for your continued courtesy and cooperation.

Very truly yours,
PACIFIC STATES ENVIRONMENTAL CONTRACTORS, INC.



Rocky Owens, PE
VP Sales and Marketing
rowens@pacifictanksolutions.com

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: September 16, 2015

SUBJECT: **Ordinance No. 993, Second Reading.**

RECOMMENDATION: Adopt **Ordinance No. 993** for second reading.

SUMMARY: The first reading of Ordinance No. 993 was held on September 2, 2015 and adopted by the City Council with a 5-0 vote. Ordinance No. 993 adds animal-keeping for large animals as a permitted use in certain lots zoned R-1 (residential-Single Family) to the same standards and regulations as exist in the A-1 (Agricultural-Low Density) zone. Ordinance No. 993 also adds animal-keeping for small animals and fowl as a permitted use on all properties in the R-1 zone, with the exception of roosters, as well as allowing the keeping of miniature pigs as a permitted use as opposed to requiring the approval of a conditional use permit.

Attachment: Ordinance No. 993

ORDINANCE NO. 993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2015-03 AMENDING CHAPTER 18.15 “R-1” (RESIDENTIAL SINGLE FAMILY) ZONE, WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO ESTABLISHING AND AMENDING ANIMAL-KEEPING STANDARDS. ZONE CODE AMENDMENT 2015-03.

WHEREAS, THE PLANNING COMMISSION, initiated an application for a zone code amendment to add animal-keeping as a permitted use in the R-1 zone; and

WHEREAS, said application for zone code amendment was duly submitted to said City’s Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on March 11, 2015, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, 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; and

WHEREAS, said Planning Commission adopted Resolution 2015-11 recommending that the City Council approve Zone Code Amendment 2015-03; and

WHEREAS, said application for zone code amendment was duly submitted to said City’s City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on April 15, 2015, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, said petition was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place, said City Council heard and considered both oral and written evidence; and

WHEREAS, the City Council remanded Zone Code Amendment 2015-03 to the Planning Commission for further discussion and consideration; and

WHEREAS, said application for zone code amendment, was duly re-submitted to said City’s Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on May 13, 2015, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, 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; and

WHEREAS, said Planning Commission continued its consideration of Zone Code Amendment 2015-03 to June 10, 2015 for additional information and said item was continued again to July 8, 2015, and then off-calendar; and

WHEREAS, said application for zone code amendment as revised was duly re-submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on August 12, 2015, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, 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; and

WHEREAS, said Planning Commission adopted Resolution 2015-24 recommending that the City Council approve Zone Code Amendment 2015-03; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines per Class 1.

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

- A. The proposed zone code amendment is consistent with the Zoning Ordinance and the intent of the R-1 zone and related zoning standards. The zone code amendment will introduce uses that are not inconsistent with the operation of other permitted uses in the R-1 zone and should not generate significant new traffic over what is currently generated by permitted uses. The proposed new uses will not be detrimental to public health, convenience, or welfare of the community or to any surrounding businesses or residences.
- B. The City of Norco has been determined to be the lead agency for environmental reporting purposes pursuant to State and local environmental guidelines, and has determined that the project is exempt pursuant to the

California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines (Class 1).

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

SECTION 1:

18.23.06 Permitted Uses.

(3) Accessory buildings and uses:

(a) Private garages used by persons residing on the premises;
(b) Cabanas, pergolas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar structures provided these structures shall not be used as a habitable dwelling or space as defined by the adopted Uniform Building Code, unless expressly authorized by this ordinance.

(c) Agricultural and horticultural, flower and vegetable gardening, tree crops, nurseries, and greenhouses used only for the purposes of propagation and culture, including the sale thereof from the premises and the use of one sign pertaining to the sale of said products. The sign shall not exceed 2 square feet in area.

(d) Home occupation, as defined in Section 18.02.04 (31) and subject to conformance to the criteria for home occupations provided in Chapter 18.32 and all the provisions thereof.

(9) Supportive housing as defined in Chapter 18.02.

(10) Transitional housing as defined in Chapter 18.02.

(11) Single-resident occupancy as defined in Chapter 18.02 and regulated by Section 18.66.06.

(12) Animal-keeping in terms of animal units as defined in Chapter 18.13 (A-1 zone), subject to the same setback requirements of that zone but does not include commercial boarding operations, aviaries or apiaries). The minimum lot standards to allow animal-keeping on lots in the R-1 zone are:

a. Minimum lot size of 10,000 square feet;

b. Adjacency to a street that contains a public horse trail.

(13) Non-commercial animal-keeping of small animals, not otherwise defined as an animal unit, including mink, chinchilla, and other small farm animals of a similar nature.

(14) Non-commercial keeping of chickens, turkeys, or other fowl (not including roosters)

(15) Notwithstanding anything to the contrary contained herein, not more than one swine shall be allowed for each 10,000 square feet of property or any multiple thereof; and not more than one miniature pig shall be allowed for each 5,000 square feet of property or any multiple thereof.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held September 16, 2015.

Herb Higgins, Mayor
City of Norco, California

ATTEST:

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

I, CHERYL LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on September 2, 2015 and thereafter at a regular meeting of said City Council duly held on September 16, 2015, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on September 16, 2015.

Cheryl L. 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: Dominic Milano, City Engineer

DATE: September 16, 2015

SUBJECT: Approval of Appropriation for Crestview Drive Flooding Temporary Remediation Measures

RECOMMENDATION: Adopt **Resolution 2015-62**, approving an appropriation in the amount not exceeding \$50,000 to implement Crestview Drive flooding temporary remediation measures.

SUMMARY: Riverside County Flood Control and Water Conservation District (RCFC) is working to finalize the design and future implementation of a Master Drainage Project (MDP) to address the flooding issues along Crestview Drive and Mt. Rushmore. Based on information from RCFC, construction of MDP is not expected to commence until late next year. Until the MDP is implemented, there is great need to implement temporary measures to protect residents and their properties from the impacts of anticipated flooding during the upcoming rainy season. In the last few years, runoff and debris from the hillsides northeast of Crestview Drive and Mt. Rushmore Drive has caused flooding to neighboring residents. At the direction of the City Council, staff is developing protection measures for the streets and for the residences. In order to implement these measures, staff is recommending that the City Council approve appropriation not exceeding \$50,000.

BACKGROUND/ANAYLSIS: Crestview Drive, between Mt. Rushmore Drive and Seventh Street, has historically received runoff from the east from the hillsides prior to the development of Tract No. 2684. Over the past few years the runoff now includes significant amount of soil and debris. Staff attributes the "additional" soil and debris to the lack of vegetation on the mountain due to the lack of rains to promote growth of vegetation on the mountain. Vegetation and its roots system prevent erosion by holding the soil together.

The City Council directed the City Engineer at the City Council meeting of September 2, 2015 to immediately review the flooding issues and update the City Council on the status of Riverside County Flood Control's (RCFC) progress of designing temporary flood control improvements, Riverside County Flood Control's progress on designing permanent flood control facilities, and the City of Norco's implementation of temporary flooding remediation.

A meeting with Riverside County Flood Control was held on September 9, 2015. During the meeting staff was informed that the interim solution proposed by the RCFC would not be in place prior to the beginning of the upcoming rainy season due to necessary environmental and property issues. Consequently, the RCFC will no longer be pursuing the interim

AGENDA ITEM: 6.A.

solution, but would instead concentrate on the permanent project. At the meeting, staff discussed various temporary mitigation measures that the City is pursuing and after exchange of ideas, the RCFC staff agreed that the City should implement the measures discussed in this staff report. While RCFC staff could not commit to funding contribution towards the City's temporary measures, they did agree to reconsider this position depending on how the temporary measures benefit the MDP project.

The City Engineer, Public Works Superintendent, and Water and Sewer Utilities Manager conducted a field review of the subject areas of concern on September 3, 2015 in order to become familiar with the extent of the flooding issues. This field review was the first of such a review. Staff also met with property owners to discuss the flooding issues and potential temporary mitigation measures.

Based on the field review, staff is recommending the following temporary remediation measures (some of these measures have already been implemented since the last City Council meeting):

General:

- Remove the debris in the storm drain at the end of Mt. Baldy Court to the v-ditch behind the home at 4181 Mt. Baldy Court.
- Remove the debris in the storm drain at Mt. Rushmore Drive and Crestview Drive including the outlet structure on the west side of Crestview Drive.
- Remove all of the soil and debris left in the public right-of-way from the previous storms.
- Install sandbags in a chevron pattern on Mt. Rushmore before the drive approaches to deflect debris run off away from the driveways.
- Costs for these measures have been solicited.

Location A on Exhibit:

- There is a drainage easement between the properties at 4139 and 4149 Mt. Rushmore. Engineering staff proposed to have installed five to seven 2 ½ x 2 ½ x 5' interlocking concrete blocks into the slope on a gravel rip-rap bed. The Public Works Department has a number of these blocks in stock and has installed them. These blocks are the same as those providing vehicle protection at the intersection of North Road and California. Rip-rap also was laid in front of the blocks (street side). A double row of sand bags in a horse shoe shape behind the curb will also be installed. Sand bag "walls" are proposed to line the sides of the easement. The large concrete blocks have also been installed up the easement to provide "check dams." These check dams are intended to fill up with soil and debris behind them reducing the slope in the easement thus reducing the erosion and velocity of the water. This concept is very common and is a successful measure to reduce erosion. Depending on what RCFC's solution in the hillside will be, these check dams may be replaced with concrete walls as a part of a permanent solution.

Location B on Exhibit:

- This location is adjacent to the water tank. Grading has occurred east of the tank which may be contributing to the flow of debris. The proposal is to install two rows of K-rails, one along the north side of the access road to the tank and one further north in the disturbed area.

Location C on Exhibit:

- Install a check dam at the upper property line where the natural canyon meets the private developed property. This should slow the water velocity down, before entering the developed property. There is not much more that can be done without “going” up the canyon. Sandbags will be installed at the parkway drain to deflect the water flows to the curb. This area is where one of the drains was discussed in the General Section of this report.

Location D on Exhibit:

- This location is 4140 Crestview. Staff met with the property owner and recommends the following:
 - K-rails will be installed adjacent to the curb from the north side of the south driveway to the north driveway and again from the north side of the north driveway to the north property line. The north driveway will remain open until a rain event and then will be closed off with a combination of 5 foot and 10 foot K-rails by the Public Works Department. City equipment can handle K-rails of these lengths.

Location E on Exhibit:

- This is a vacant property located at 4160 Crestview. This property has an existing public storm drain out letting onto it. Staff believes that it would be best to contain the debris and water flows on the vacant property with K-rails instead of in the street. The property owner has yet to be contacted. The alternative is to locate K-rails along the curb in front of this property.

It should be noted at this time that the City has awarded on-call contracts to three firms to provide assistance to City crews in debris removal in an emergency.

Location F on Exhibit:

- The addresses included in this location are 4191, 4211, 4232, 4252, and 4380 Crestview Drive. These addresses will have a combination of K-rails and sandbags. How the driveways will be protected is still being reviewed.

Location G on Exhibit:

- Location G is owned by Crestlawn Memorial Park and Mortuary. It is the best location to stop a substantial amount of debris flow from getting onto Crestview Drive. This is also the location RCFC is proposing a debris basin. If a Memorandum of Understanding (MOU) between the City and Crestlawn Memorial Park is successfully entered into, then a series of K-rail debris retention systems can be installed.

Other Locations:

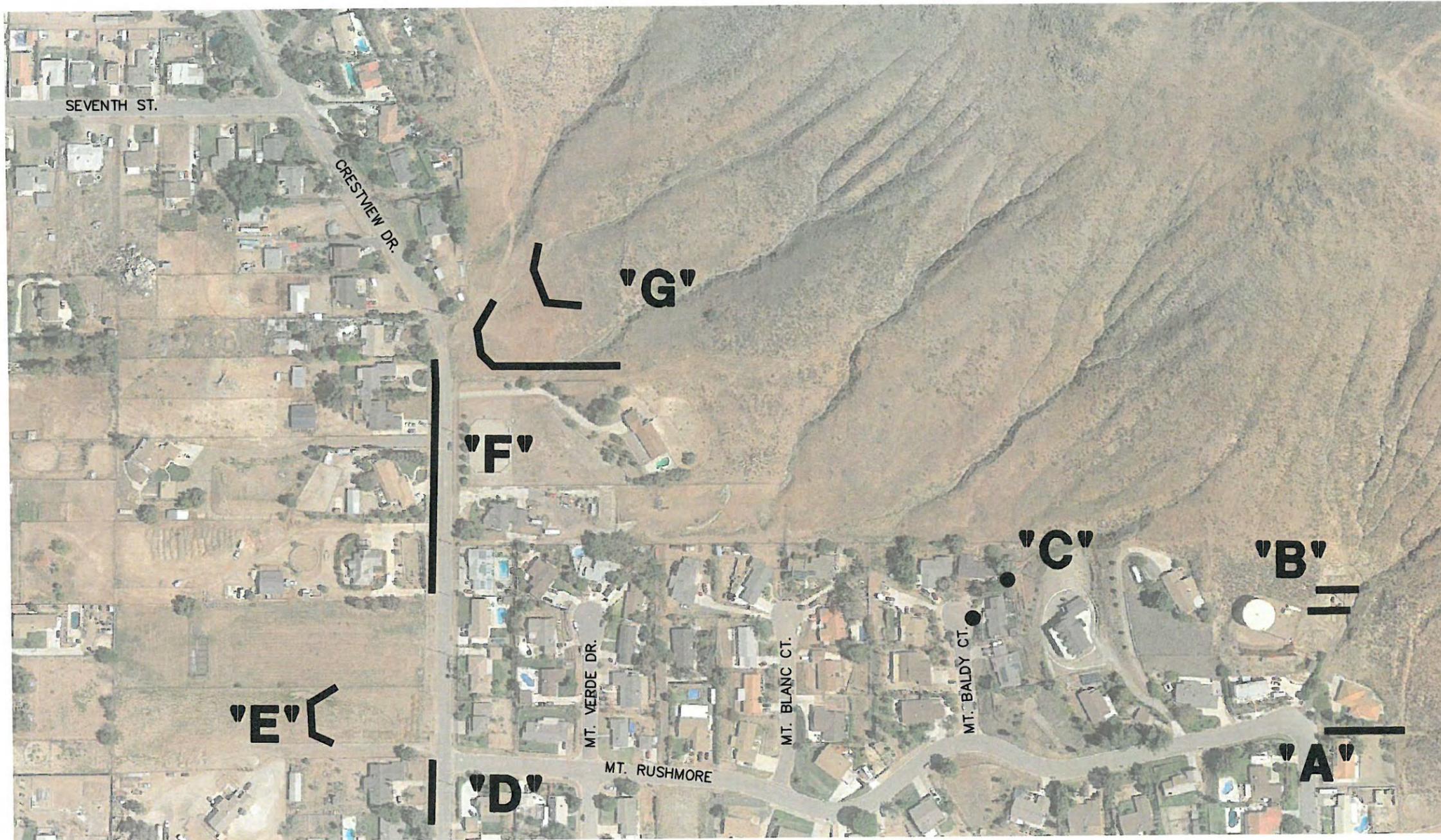
- There are a small number of other locations along Crestview Drive that staff is looking at that will require minor sand bagging and/or minor asphalt modifications to control water flow.

At the time of preparing this report, staff has not had the opportunity to meet with a number of residents who have requested meetings. Our recommendations will be updated as these meetings occur.

FISCAL IMPACT: Staff is recommending that the City Council approve appropriation from the General Fund in the amount not exceeding \$50,000 to implement the various temporary remediation measures outlined in this report and other measures as necessary. The cost of this project can be funded from the General Fund or the Special Asset Revenue Fund. Based on preliminary information available for the Fiscal Year ended June 30, 2015, staff believes that the General Fund's actual results will be more favorable than previously projected. Consequently, staff believes it would be prudent to use some of the savings to fund this project which is needed to protect residents and their property.

Attachments: Exhibit Map
Resolution No. 2015-62

TEMPORARY FLOODING REMEDIATION LOCATIONS



RKA
CONSULTING GROUP
368 LEBRON CREEK DRIVE SUITE E WALNUT CA 91799
(909) 834-9702 FAX (909) 834-2668
WWW.RKAGROUP.COM

**CITY OF NORCO
FLOOD REMEDIATION EXHIBIT**

DATE: 9/8/2015 SCALE: 1"=60' DRAWN BY: C.O. SHEET: EXH01

DRAWING: DRAWING1.DWG

RESOLUTION NO. 2015-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO,
CALIFORNIA, APPROVING AN APPROPRIATION IN THE AMOUNT
NOT EXCEEDING \$50,000 FROM THE GENERAL FUND TO
IMPLEMENT CRESTVIEW DRIVE FLOODING TEMPORARY
REMEDIAATION MEAURES**

WHEREAS, the Fiscal Year 2015-2016 annual budget for the City of Norco, California was adopted by the City Council on June 17, 2014; and

WHEREAS, City Council desires to implement temporary remediation measures to protect residents from the impacts of flooding on Crestview and Mt. Rushmore; and

WHEREAS, Staff has determined the temporary measures that are needed in order to remediate the potential flooding situation on Crestview and Mt. Rushmore; and

WHEREAS, the cost for implementing the necessary remediation measures were not included in the adopted FY 2015-2016 Budget; and

WHEREAS, Staff estimates that General Fund balance as of June 30, 2015 will exceed the amount estimated as part of the FY 2015-2016 Budget and that it is prudent to pay for the cost of this project from the General Fund;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco approve an additional appropriation in the amount not exceeding \$50,000 for the necessary temporary remediation measures for Crestview drive and Mt. Rushmore.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on September 16, 2015.

Herb Higgins, Mayor
City of Norco, California

ATTEST:

Cheryl L. Link, CMC, 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 September 16, 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 September 16, 2015.

Cheryl L. Link, CMC, 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: Dominic Milano, City Engineer 

DATE: September 16, 2015

SUBJECT: **Ordinance No. 994, First Reading. Code Change 2015-04.**
Amending Title 15 of the Norco Municipal Code Adding Chapter 15.110, "Small Residential Solar Energy Systems" Related to Regulations Governing Solar Energy Systems and Inspections

RECOMMENDATION: Adopt **Ordinance No. 994** for first reading, and set the second reading for October 7, 2015.

SUMMARY: On September 21, 2014, Governor Brown signed into law Assembly Bill No. 2188 (AB 2188). AB 2188 amends Section 714 of the California Civil Code and Section 65850.5 of the California Government Code. AB 2188 requires cities to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

BACKGROUND: California has become the first state in the country to mandate a standardized procedure for solar permitting. Every city and county in the state is required to adopt a simplified procedure for residential rooftop solar panel systems. The State Legislature has determined that a streamlined permitting process greatly benefits California homeowners with shorter wait times between contract signing, installation, inspection, and saving on their first month's electricity bill. Additionally, the bill would require a city to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner.

In order to maintain compliance with State law, staff recommends the adoption of an Ordinance to provide requirements and guidelines to help facilitate a streamlined and expedited permitting process for small residential solar energy permits. The law also requires the City to create a checklist to further facilitate the process. Staff is developing a checklist which will be available within the next 30 days.

ANALYSIS: The proposed ordinance, if adopted, will provide provisions to be used by solar companies (manufacturers and installers) and City of Norco property owners outlining the submittal requirements needed for expedited solar permit processing.

AGENDA ITEM: 7.A.

Applications: Solar permit applications will continue to be accepted in person by the Building and Safety Division during regular business hours. However, under AB 2188, applications will also be permitted to be submitted via email, internet, and facsimile.

Inspections: Inspections for solar installations will be expected to consist of one (1) inspection when possible. Multiple inspections may be required should inspections by another department, such as the Fire Department, be required or corrections are given upon the initial inspection. It is important to note that the proposed Ordinance has been reviewed by the City of Norco Building and Safety Division, which concurs with the proposed provisions and guidelines for solar energy systems, and will assist with the expedited permitting and inspection process.

Fees: Like all fees, the fees for the permit cannot exceed the reasonable cost of the service for which the fee is charged. However, there is a cap that the fee cannot exceed \$500 plus \$15 per kilowatt for each kilowatt above 15 kilowatts absent substantial evidence of the reasonable cost to issue the permit.

The attached Ordinance is intended to satisfy that requirement. The Ordinance codifies the requirements of Section 65850.5(g)(1), such as developing a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

ENVIRONMENTAL REVIEW: This proposed Ordinance has been reviewed in accordance with the California Environmental Quality Act (“CEQA”) and it has been determined that the adoption of this Ordinance is exempt from the requirements of the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) [14 C.C.R. §15061 (b)(3)] which sets forth the rule that “CEQA” applies only to projects which have the potential for causing a significant effect on the environment. Adoption of this ordinance will protect, not cause a significant impact on, the environment.

Attachment: Ordinance No. 994



COUNTY OF RIVERSIDE BUILDING AND SAFETY DEPARTMENT

Eligibility Checklist for Expedited Solar Photovoltaic Permitting for One- and Two-Family Dwellings

Mike Lara
Building Official

GENERAL REQUIREMENTS

- | | | | | |
|---|--------------------------|---|--------------------------|---|
| A. System size is 10 kW AC CEC rating or less | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| B. The solar array is roof-mounted on one- or two-family dwelling or accessory structure. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| C. The solar panel/module arrays will not exceed the maximum legal building height. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| D. Solar system is utility interactive and without battery storage. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| E. Permit application is completed and attached. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |

ELECTRICAL REQUIREMENTS

- | | | | | |
|---|--------------------------|---|--------------------------|---|
| A. No more than four photovoltaic module strings are connected to each Maximum Power Point Tracking (MPPT) input where source circuit fusing is included in the inverter. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| 1) No more than two strings per MPPT input where source circuit fusing is not included. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| 2) Fuses (if needed) are rated to the series fuse rating of the PV module. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| 3) No more than one noninverter-integrated DC combiner is utilized per inverter. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| B. For central inverter systems: No more than two inverters are utilized. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| C. The PV system is interconnected to a single-phase AC service panel of nominal 120/220 Vac with a bus bar rating of 225-A or less. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| D. The PV system is connected to the load side of the utility distribution equipment. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| E. A Solar PV Standard Plan and supporting documentation is completed and attached. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |

STRUCTURAL REQUIREMENTS

- | | | | | |
|--|--------------------------|---|--------------------------|---|
| A. A completed Structural Criteria and supporting documentation is attached (if required). | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
|--|--------------------------|---|--------------------------|---|

FIRE SAFETY REQUIREMENTS

- | | | | | |
|---|--------------------------|---|--------------------------|---|
| A. Clear access pathways provided. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| B. Fire classification solar system is provided. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| C. All required markings and labels are provided. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |
| D. A diagram of the roof layout of all panels, modules, clear access pathways and approximate locations of electrical disconnecting means and roof access points is completed and attached. | <input type="checkbox"/> | Y | <input type="checkbox"/> | N |

Notes:

1. These criteria are intended for expedited solar permitting process.
2. If any items are checked NO, revise design to fit within Eligibility Checklist; otherwise permit application may go through standard process

ORDINANCE NO. 994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING TITLE 15, ADDING CHAPTER 15.110 "SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS" TO THE NORCO MUNICIPAL CODE. CODE CHANGE 2015-04.

WHEREAS, the Legislature passed and the Governor signed into law AB 2188 (Muratsuchi), which amended Government Code Section 65850.5 to establish a policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

WHEREAS, as set forth in Government Code Section 65850.5(g), cities must adopt an ordinance on or before September 30, 2015, that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and,

WHEREAS, the ordinance must substantially conform with the recommendations set forth in the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research, including the use of a checklist of all requirements that, if complied with, requires cities to approve the application and issue the applied for permits; and

WHEREAS, the City Council finds that it is in the interest of the health, welfare and safety of the public to provide an expedited permitting process to encourage the timely and effective installation of solar technology; and

WHEREAS, the City Council finds that this Ordinance will have the effect of encouraging the installation of small residential solar energy systems and minimizing barriers, obstacles, and costs of obtaining permits for their installation; and

NOW THEREFORE, THE CITY COUNCIL, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the above recitals are true and correct and incorporates them by reference herein.

SECTION 2. Chapter 15.110 SMALL RESIDENTIAL SOLAR ENERGY SYSTEM of the Municipal Code is hereby added to read in its entirety as follows:

Section 15.110.010. Intent and purpose.

The intent and purpose of this article is to establish an expedited, streamlined solar permitting process to facilitate timely and cost-effective installations of small residential rooftop solar energy systems. This article is designed to encourage the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and

the City, and expanding the ability of property owners to install solar energy systems, all while protecting the public health and safety.

Section 15.110.020. Definitions.

- A. "Building department" means the Building and Safety Division of the City of Norco.
- B. "Building official" means the Building Official for the City of Norco.
- C. "City" means the City of Norco.
- D. "Electronic submittal" means the utilization of one or more of the following: email, the internet, or facsimile.
- E. "Expedited permitting" refers to an organized permitting process by which a majority of small, residential-sized photovoltaic (PV) systems under 10 KW-DC may be permitted quickly and easily.
- F. A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the City on another similarly situated application in a prior successful application for a similar permit.
- G. "Small residential rooftop solar energy system" means all of the following:
 - 1. A solar energy system that is not larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and all State health and safety standards.
 - 3. A solar energy system that is installed on a single or duplex family dwelling.
 - 4. A solar panel or module array that does not exceed the maximum legal building height established by the City for that zone.
- H. "Solar energy system" means either of the following:
 - 1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.
- I. "Specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified and written public health or

safety standards, policies or conditions as they existed on the date the application was deemed complete.

Section 15.110.030. Applicability.

This Chapter applies to the permitting of all small residential rooftop solar energy systems in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this article are not subject to the requirements of this article unless physical modifications or alterations are undertaken that materially change the size, type, or components of such system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

Section 15.110.040. Solar energy system requirements.

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City and the State of California.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

Section 15.110.050. Duties of Building Department and Building Official.

- A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the City's publicly accessible website.
- B. Electronic submittal of the required permit application and documents via email, the City's website, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- D. The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review.
- E. The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited

permitting, including the checklist and standard contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

- F. Fees for the permitting of small residential rooftop solar energy systems shall be as established by resolution of the City Council must comply with Government Code Sections 65850.55 and 66015 and Health & Safety Code Section 17951.

Section 15.110.060. Expedited permit review and inspection requirements.

- A. The Building Department shall adopt an administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications within 30 days of adoption of this article. For an application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan, the Building Official shall issue a building permit or other non-discretionary permit within three (3) business days. The Building Official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission within ten (10) calendar days following the date of the decision in accordance with Chapter 15.110.140 of this Code.
- B. Review of the application shall be limited to the Building Official's review of whether the system proposed by the applicant meets local, state and federal health and safety requirements.
- C. If a rooftop solar energy system permit is required, the Building Official may deny an application for the permit if the official makes written findings based upon substantive evidence that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of any potential feasible alternatives for preventing the adverse impact. A denial may be appealed to the Planning Commission within ten (10) calendar days following the date of the denial decision.
- D. Any condition imposed on a small residential rooftop solar energy system shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost and without significantly increasing the cost of the system or significantly decreasing its efficiency or specified performance. For purposes of this subsection, "significantly" shall mean the same as defined in Civil Code Section 714(d)(1)(A)-(B).
- E. If an application for a small residential rooftop solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.

- F. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be scheduled within two business days of a request, shall be done in a timely manner, and should include consolidated inspections.
- G. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

SECTION 3. The City Council finds and determines that the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b) (3) [14 C.C.R. § 15061(b)(3)] which sets forth the rule that "CEQA" applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 5. The City Clerk shall certify as to the adoption of this Ordinance and shall cause the same to be processed as required by law.

SECTION 6. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

Ordinance No. 994

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October 7, 2015

PASSED, APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held this 7th day of October, 2015.

Herb Higgins, Mayor
City of Norco, California

ATTEST:

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

I, CHERYL LINK, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on September 16, 2015 and thereafter at a regular meeting of said City Council duly held on October 7, 2015, it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on October 7, 2015.

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