



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

**Wednesday, November 18, 2015
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Kathy Azevedo

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

RECOGNITION: Council Member Kathy Azevedo

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. A. City Council Communications / Reports on Regional Boards and Commissions
- B. Verbal Update on the Lake Norconian Club Foundation Lawsuit Against California Department of Corrections and Rehabilitation Preliminary Court Injunction (City Attorney)
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 Special Meeting Minutes of October 28, 2015 and Regular Meeting Minutes of November 4, 2015. **Recommended Action: Approve the City Council special and regular meeting minutes.** (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only. **Recommended Action: Approval** (City Clerk)
 - C. Resolution Approving the City of Norco's Participation with the County of Riverside in the Mortgage Credit Certificate (MCC) Program. **Adopt Resolution No. 2015-67, approving the City's participation with the County of Riverside in the Mortgage Credit Certificate Program.** (Economic Development Consultant)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
4. PUBLIC COMMENTS - *This is the time when persons in the audience wishing to address the City Council regarding matters not on the agenda may speak. Please complete the speaker card in the back of the room and present it to the City Clerk so that you may be recognized.*

5. PUBLIC HEARINGS:

- A. **Ordinance No. 997, First Reading. Code Change 2015-06.** A City-Initiated Proposal to Repeal Existing Norco Municipal Code Chapter 9.52 and Adopt a Revised Chapter 9.52 "Graffiti Prevention, Prohibition, Removal and Abatement Procedures." (Sheriff Lieutenant)

In May 2015, the City Manager directed Sheriff Staff to amend the existing "Control and Removal of Graffiti," Chapter 9.52. This existing ordinance was limited in content and did not provide the City with an abatement procedure for the removal of graffiti on public and private property.

Recommended Action: Adopt Ordinance No. 997, for first reading and schedule the second reading for December 2, 2015.

- B. Approval of Projects for Use of Community Development Block Grant (CDBG) Funds, Program Year 2016-2017, through the U.S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency.

Applications for the 2016-2017 Community Development Block Grant (CDBG) funds are due to the Riverside County Economic Development Agency (EDA) no later than December 10, 2015. The City has been asked to estimate funding needs based on funding received for current Program Year 2015-2016, and is presenting funding applications for Council consideration based on an estimate. Final adjustments will be made to selected programs and projects once the actual allocation amount is known.

Recommended Action: Approve the following projects to be submitted for funding through the CDBG Program for Program Year 2016-2017: 1) Senior Citizens Recreation and Community Service Leader; 2) Ingalls Park ADA Restroom Project. (Deputy City Manager)

- C. Public Hearing Confirming Costs for 2015 Tumbleweed Abatement.

The 2015 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2015. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

Recommended Action: Adopt Resolution No. 2015-68, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. (Fire Chief)

6. 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 / HISTORIC PRESERVATION COMMISSION
SPECIAL JOINT MEETING
MINUTES**

**Wednesday, October 28, 2015
City Hall Conference Rooms A and B, 2870 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 4:00 p.m.

ROLL CALL:

City Council:

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**

Historic Preservation Commission:

Matthew Potter, Chair, **Present**
Diane Stiller, Vice Chair, **Present**
Patricia Overstreet, Commissioner, **Present**
Mark Sawyer, Commissioner, **Present**
Teresa Edwards, Commissioner, **Absent**

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Kevin Bash

BUSINESS ITEM:

1. Review of the Draft Norconian Property Historic Resources Survey and Evaluation Report and Authorization for National Register Nomination. (Historic Resources Consultant Bill Wilkman)

City Manager Okoro reported that at its June 4, 2014 meeting, the City Council unanimously authorized the preparation of a historic resources survey and evaluation of the Norconian property for its Naval Hospital and Guided Missile eras. Wilkman Historical Services (WHS) completed this work earlier this month and the document is ready to be submitted to the California State Historic Preservation Commission for consideration of the property's listing on the National Register of Historic Places for the significance of these eras.

Historic Resources Consultant Bill Wilkman presented a brief overview of the historic evaluation of the Norconian property. The active history of Naval Hospital Corona (NHC) extends from 1941 to 1957. The U.S. Navy created NHC by converting and expanding a massive luxury resort originally developed by entrepreneur Rex Clark in 1929.

The Resort Era was from 1929 to 1941 and the resort buildings are the hotel building, chauffeurs quarters, power house, garage/laundry building, tea house, and the pavilion/boathouse. Mr. Wilkman provided aerial photographs of the resort era national register district.

October 28, 2015

The Naval Hospital Era was from 1941-1957 and included three units. Unit 1 buildings consisted of the nurse's quarters, hotel/administration, gym/theater, hospital annex, chapel, corpsmen's quarters, wave's quarters, and garage/laundry building. Unit 2 buildings consisted of the tuberculosis wards, kitchen/mess hall, power house, command building, recreation, married officer's quarters, senior officer's quarters, and corpsmen's quarters. Unit 3 buildings consisted of a recreation hall/storage building, boiler plant, help's quarters, kitchen/mess building, hospital wards, and administration. Mr. Wilkman discussed the qualifications for National Register Listing and indicated that the buildings met the architecture and design criteria – work of a master architect and district continuity of architectural style. Designer Claud Beelman was a master architect of the twentieth century with at least a dozen building on the National Register of Historic Places representing a broad range of architectural styles.

Mr. Wilkman reported that the Naval Hospital possesses a significant concentration, linkage or continuity of sites, building, structures, or objects united historically or aesthetically by plan or physical development. NHC is the only remaining, intact example in the United States of a resort based Naval hospital. All of the other resort based Naval hospitals were returned to their owners with all military improvements removed. It is also the only remaining intact example in the Western United States of a Naval general hospital that retains integrity to its World War II form. Mr. Wilkman noted that Units 2 and 3 are excellent examples of the military pavilion style site planning employed during World War II. The buildings also met the events important in history criterion with their connection to the Mayo Clinic, disease testing and treatment, and rehabilitation.

Mr. Wilkman noted that NHC is unique for having been established by the largest contingent of Mayo Clinic doctors assembled up until that time outside of the Mayo Clinic itself. Disease testing and treatment included tuberculosis, poliomyelitis, rheumatic fever, and significant research using humans and animals. There was groundbreaking work in partnership with Olive view Sanitarium and the National Institute of Public Health. The Naval Hospital was also a major center for rehabilitation.

Mr. Wilkman presented information on the Guided Missile RDT&E Era from 1951 to 1971. In 1951, the National Bureau of Standards (NBS) Guided Missile group relocated its Washington D.C. based guided missile research branch to NHC's Unit 2, bringing world renowned scientists. About a year later, the labs were transferred to the Department of Defense (DoD), became known as Naval Ordnance Laboratories (NOLC), placed under the direct command of the U.S. Navy, and made significant contributions to the Cold War, playing a prominent role in the development of effective Navy guided missiles. Mr. Wilkman went into further details about the basic functions, responsibilities and tasks. By 1964, NOLC had become the single entity to which the Navy turned for objective evaluations of missile performance and reliability.

Mr. Wilkman concluded his presentation with an overall summary of the criteria that qualifies the property for the National Register – architecture and design, events important in history, and integrity. Mr. Wilkman requested that the City Council concur in the qualification of the Norconian property for National Register listing.

Public Comments:

Linda Dixon expressed the importance of getting the Norconian property on the National Register listing and that it is the key to the future of Norco. Ms. Dixon commented on a recent presentation she and Ms. Su Bacon gave to officers and other Navy personnel at the Seal Beach base and commented on the positive feedback received. Ms. Dixon briefly commented on the Lake Norconian Club Foundation's lawsuit against the State of California and the judge's preliminary ruling. She encouraged the City Council to concur with the qualification of the property and move forward quickly.

October 28, 2015

Su Bacon commented that a significant amount of information that the City has been giving the Navy regarding the property is not being sent to Navy officials. Ms. Bacon urged the Council to move forward rapidly with the qualification for the National Register listing.

In response to Commissioner Stiller, Mr. Wilkman indicated that the State Commission decides whether or not the property qualifies for the National Register listing. The Navy could appeal the decision to the Federal level.

The Council thanked Mr. Wilkman for his thorough work on the survey.

M/S POTTER/OVERSTREET to recommend that the City Council concur in the qualification of the Norconian property for National Register listing in relation to its Naval Hospital and Guided Missile eras and that staff and the Historic Resources Consultant be directed to work with the Historic Preservation Commission in the preparation and submission of a National Register Nomination to the State Historic Preservation Commission. The motion was carried by the following roll call vote:

**AYES: POTTER, STILLER, OVERSTREET, SAWYER
NOES: NONE
ABSENT: EDWARDS
ABSTAIN: NONE**

M/S BASH/HANNA to receive and file the report, accept the recommendation of the Historic Preservation Commission, and to move expeditiously to the State Historic Preservation Commission to overrule the previous decision by the State Historic Preservation Officer. The motion was carried by the following roll call vote:

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

ADJOURNMENT: Mayor Higgins adjourned the meeting at 5:07 p.m.

Cheryl L. Link, CMC
City Clerk



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

**Wednesday, November 4, 2015
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

CALL TO ORDER: 6:04 p.m.

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

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 Case**

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

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

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bash

INVOCATION: Pastor Rene Parish, Beacon Hill Assembly of God

PRESENTATIONS: Jim Burdett, California High School Rodeo Association

Mr. Burdett was unable to attend. The presentation will be scheduled for a future date.

Annalynn Neve-Wiltjer, American Cancer Society

On behalf of Norco Horseweek, and the Green Family, Mr. Tony Barreto presented the City Council with a check for the Seniors and Pets program in the amount of \$4,750. Also, on behalf of Mr. John Opitz of Full Service, the Green Family, and Norco Horseweek, Mr. Barreto presented the City Council with a check for the Senior Center in the amount of \$14,000.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Mayor Pro Tem Bash:

- Attended STAR meeting and complimented Deputy City Manager Brian Petree and Recreation Supervisor Peggy Calvert for their work at the Senior Center.
- Attended UNLOAD meeting and noted that he will be taking over the responsibilities held by Council Member Azevedo on the Committee.
- Commented that he is organizing for veterans to speak at Norco High School to share their experiences.
- Commented on Measure X regarding the proposed homes to be built near Hidden Valley/La Sierra area.
- Commented on the Veterans Day event at the George Ingalls Veterans Memorial on Wednesday, November 11th at 10:00 a.m.
- Commented on the upcoming Film Festival in February 2016. Burt Ward, who played Robin on the Batman television series will be the guest speaker.

Council Member Hanna:

- Council Member Hanna read a statement from the Northwest Mosquito Abatement and Vector Control District regarding the West Virus and ongoing treatments throughout the County. Of the 79 reported cases in Riverside County, 4 confirmed cases are in Norco.

Council Member Newton:

- No report given.

Council Member Azevedo:

- Attended the Western Riverside Council of Governments (WRCOG) meeting on November 2nd. The HERO Program has now moved to 279 cities outside of Riverside County and is the largest program in the country. Due to the success of the HERO Program, Council Member Azevedo reported that Norco will be receiving approximately \$38,000. Council Member Azevedo also noted that the Riverside Habitat Conservation Agency will merge with WRCOG.
- Commented on the WRCOG LED Christmas lights exchange program in which residents can turn in their old lights and receive up to two free sets of energy efficient LED Christmas lights. The program will be held in Eastvale this year. More information is on the WRCOG website.
- Attended the UNLOAD meeting. Council Member Azevedo requested that the Lieutenant discuss the UNLOAD program for high school students at the next Town Hall meeting and invite the Principal of Norco High School.
- Commented on the \$5,000 donation from Lucas Oil for the Parade of Lights and Winter Festival.

Mayor Higgins:

- No report given

2. CITY COUNCIL CONSENT ITEMS:

Mayor Pro Tem Bash pulled item 2.C.

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

AYES:AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- A. City Council Regular Meeting Minutes of October 21, 2015. **Action: Approved the City Council regular meeting minutes.** (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved** (City Clerk)
 - C. Recap of Actions Taken by the Planning Commission at its Meeting Held on October 28, 2015. **Pulled for discussion.** (Planning Director)
 - D. Approval of Reclassification of Computer Information Systems Technician from Part-Time to Full-Time. **Action: Approved reclassification of Computer Information Systems (CIS) Technician from part-time to full-time.** (City Manager)
 - E. Resolution Accepting a Grant in the Amount of \$4,512 from the Fiscal Year 2015 State Homeland Security Program (SHSP) to Continue the Citizen Emergency Response Team (CERT) Program. **Action: Adopted Resolution No. 2015-66, accepting the SHSP funds in the amount of \$4,512** (Fire Chief)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR
- 2.C. Recap of Actions Taken by the Planning Commission at its Meeting Held on October 28, 2015. (Planning Director)

Mayor Higgins requested to agendaize items 5.C. and 5.D. from the Planning Commission Recap for the Council meeting on December 2, 2015.

M/S HANNA/BASH to agendaize Planning Commission item 5.C. for the Council meeting of December 2, 2015. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

M/S HIGGINS/NEWTON to agendaize Planning Commission item 5.D. for the Council meeting of December 2, 2015. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

M/S HIGGINS/NEWTON to receive and file the remaining items on the recap of the actions taken by the Planning Commission at its meeting held on October 28, 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:

Kathy Thistlewaite thanked the City Council for the white vinyl fencing being installed. Ms. Thistlewaite commented that the new fencing is much more visible

Ted Hoffman commented on the Riverside County Sheriff's K-9 Trials event Saturday, November 7th from 8:00 a.m. – 5:00 p.m. at Ingalls Park.

Geoff Kahan commented on the Veterans Day event at the George Ingalls Veterans Memorial Plaza on Wednesday, November 11th at 10:00 a.m. There will be a flag retirement ceremony and interactive participation for all veterans in attendance. Mr. Kahan also commented that Mr. Glenn Hedges has fallen ill and asked all to keep him in thoughts and prayers.

Amy Pierceall shared her experiences about being a member of this community. She also expressed her concern that Norco's lifestyle is in jeopardy. Ms. Pierceall said she is now certified with the County of Riverside Registrar of Voters Office to run voter registration drives. She asked for assistance in getting the community interested in local government and voting.

5. DISCUSSION / ACTION ITEMS:

- A. Approval of Renaming Horsetown Parade of Lights and Winter Festival to Horsetown Parade of Lights and Christmas Festival. (Deputy City Manager)

Deputy City Manager Petree reported that this year marks the 11th year of the Horsetown Parade of Lights and Winter Festival as a City sponsored community event. At the October 27, 2015 Horsetown Parade of Lights and Winter Festival planning meeting, Chairman Kahan brought forward the discussion of changing the name of Horsetown Parade of Lights and Winter Festival to include the word "Christmas." After discussion, a motion was made and passed with a majority in favor of renaming the event to Horsetown Parade of Lights and Christmas Festival. Information was gathered on Southern California cities holiday event names. Of the 104 cities identified, 50 use the word "Christmas," 33 use "Holiday," 14 use variation of "Parade of Lights," and a few use "Santa." The Parade of Lights Committee was supportive in changing the event name.

Council Member Azevedo expressed concern about the legal technicalities. City Attorney Harper indicated that he cannot guarantee that the City would not be challenged.

The following speakers commented in support of the recommendation:

Larry Eckhoff
Pat Overstreet
Rose Eldridge
Geoff Kahan
Glenroy Franklin

M/S BASH/HANNA to approve renaming Horsetown Parade of Lights and Winter Festival to Horsetown Parade of Lights and Christmas Festival. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Mayor Pro Tem Bash requested an update on the Lake Norconian Club Foundation's lawsuit against the State of California.

M/S BASH/HIGGINS to agendize a status update regarding the Lake Norconian Club Foundation's lawsuit against the State of California. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Pro Tem Bash commented that this year, not all slots for the military banner program were filled. He suggested that when this happens to fill the empty slots with banners for Norconians such as George Ingalls.

M/S BASH/HIGGINS to direct the Veterans Memorial Committee to discuss options and criteria for filling empty slots for the Military Banner Program. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

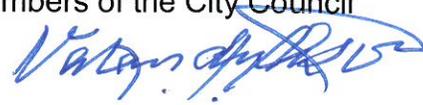
Council Member Azevedo thanked CalFire for the t-shirt she received with the wording, "CalFire Supports Breast Cancer Awareness Month." Council Member Azevedo also commented on the Norco High School football game tomorrow night versus Centennial High School.

ADJOURNMENT: Mayor Higgins adjourned the meeting at 7:57pm

Cheryl L. Link, CMC
City Clerk

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Any Okoro, City Manager 

PREPARED BY: Roger Grody, Economic Development Consultant 

DATE: November 18, 2015

SUBJECT: Resolution Approving the City of Norco's Participation with the County of Riverside in the Mortgage Credit Certificate Program

RECOMMENDATION: Adopt **Resolution No. 2015-67**, approving the City's participation with the County of Riverside in the Mortgage Credit Certificate Program

SUMMARY: The Mortgage Credit Certificate (MCC) Program, administered by the Riverside County Economic Development Agency (EDA), is a program available to qualified homebuyers in participating cities that reduce their mortgage rates so as to more easily qualify for a mortgage loan and exercise greater buying power. The City of Norco is currently a participating city. The attached Resolution, along with proof of Housing Element Certification, will allow Norco to continue this benefit to local homebuyers.

BACKGROUND: The Riverside County EDA is the organization appointed by the Board of Supervisors to oversee the MCC Program established through the Tax Reform Act of 1986. The program entitles qualified homebuyers to reduce the amount of federal income tax liability in an amount equal to 20% of the mortgage interest paid during the year on their primary mortgage loan. This helps first-time homebuyers more easily qualify for their mortgages.

One requirement for a City to participate in the MCC Program is that the Housing Element has been certified by the State of California. With that currently achieved, the City's residents are able to apply for credit through the MCC Program. The County EDA applies for funds from the state once it has all of the Resolutions and proof of Housing Element Certifications from the participating cities.

ANALYSIS: There are three basic criteria for determining a homebuyer's eligibility for the MCC tax credits:

1. The borrower must be a first-time homebuyer, defined as a person who has not had an ownership interest in improved-upon residential real property for the previous three (3) years.
2. The borrower's annual income must fall within the program income limits as follows:
 - Maximum income outside Target Area
 - Household w/1-2 persons: \$69,700
 - Household w/3+ persons: \$80,155
 - Maximum income inside Target Area
 - Household w/1-2 persons: \$83,640
 - Household w/3+ persons: \$97,580
3. The home being purchased must fall within the program purchase price limits as follows:
 - Maximum home purchase price:
 - Outside Target Area: \$347,625
 - Inside Target Area: \$424,875

A Target Area is a census tract designated by the federal government to encourage investment. If a home is located in a Target Area then the first-time homebuyer requirement does not apply and the income and purchase price limits are higher. Two census tracts in the City of Norco qualify as Target Areas.

The residence purchased in conjunction with an MCC must be the borrower's principal residence and may not be used as a business, rental or vacation home. The home may be a new or re-sale, detached or attached single-family home, condominium, co-op unit, or manufactured home on a permanent foundation. The home must be located in unincorporated Riverside County or within the boundaries of a participating city.

The application process for a home owner is as follows:

1. Borrowers must apply for an MCC through a Participating Lender.
2. The Participating Lender will perform an initial qualification and assist the borrower in completing the MCC submission forms.
3. Buyer makes offer on home and goes into escrow.
4. The Lender then submits the MCC application to the County.
5. The County reviews Borrower and property qualifications and, if they meet the program guidelines, issues a Commitment Letter to the Lender.
6. The Commitment Letter must be issued prior to the close of the loan.
7. The loan must close within 60 days of the commitment.

8. Upon loan closing, the Lender submits the MCC Closing Package to the County and the County issues the MCC, with the Lender and borrower each receiving a copy.
9. The borrower may then claim the tax credit on their Federal Income Tax Returns.
10. Borrowers can realize the tax credit annually as a tax refund or adjust their W-4 withholding form to receive the benefit via an increased pay check.

The following table illustrates how an MCC may increase a borrower's effective home buying power:

EFFECTIVE HOME BUYING POWER		
	Without MCC	With MCC
First mortgage amount	\$300,000	\$300,000
Mortgage interest rate	4%	4%
Monthly mortgage (principle and interest only)	\$1,432	\$1,432
MCC rate	N/A	20%
Monthly credit amount	N/A	\$200
Effective monthly mortgage payment	\$1,432	\$1,232
Annual income needed to purchase	\$61,371	\$52,800

Attachments: Resolution No. 2015-67
Housing Element Certification

RESOLUTION NO. 2015-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROVING THE PARTICIPATION OF THE CITY WITH THE COUNTY OF RIVERSIDE FOR THE MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM.

WHEREAS, the Tax Reform Act of 1986 established the Mortgage Credit Certificate Program ("MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single-family housing; and

WHEREAS, pursuant to Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq, local issuers are authorized to issue Mortgage Credit Certificates ("Certificates") and administer the MCC Program; and

WHEREAS, the Board of Supervisors of the County of Riverside adopted Resolution No 87-564 on December 22, 1987 establishing a Mortgage Credit Certificate Program; and

WHEREAS, the Board of Supervisors of the County of Riverside has authorized the Riverside County Economic Development Agency ("EDA") to administer the MCC Program pursuant to the applicable federal, state and local policies and procedures, and to enter into those agreements necessary for efficient administration of the MCC Program; and

WHEREAS, the County of Riverside ("County") will be applying to the California Debt Limit Allocation Committee ("CDLAC") for a mortgage credit certificate allocation in March 16, 2016 or thereabouts; and

WHEREAS, the adoption of this resolution is necessary to include the City of Norco as a participating unit of general government under the County's MCC Program; and

WHEREAS, the City wishes to participate in the MCC Program administered by the EDA in connection with mortgage loans it will make available for the acquisition of new and existing single-family housing in Riverside County; and

WHEREAS, the City agrees to cooperate with the County of Riverside to undertake the MCC program within City jurisdiction to assist persons or households of limited income to purchase new and existing single-family residences located in the city; and

WHEREAS, the City by adopting this Resolution, hereby gives notice of its election to participate in the Riverside County MCC program:

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

1. to participate in the MCC Program administered by the EDA in connection with mortgage loans it will make available for the acquisition of new and existing single-family housing in Riverside County;
2. to assist the County of Riverside to market the MCC Program within the City's jurisdictional boundary by publishing a general public notice in the local newspaper at least twice a year.

PASSED AND ADOPTED by the City Council at a regular meeting held on November 18, 2015.

Kevin Bash, Mayor Pro Tem
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 Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting held on November 18, 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 November 18, 2015.

Cheryl Link, City Clerk
City of Norco, California

ATTACHMENT K

HOUSING ELEMENT CERTIFICATION FORM FOR APPLICATION FOR AN ALLOCATION OF QUALIFIED PRIVATE ACTIVITY BONDS FOR A SINGLE FAMILY HOUSING MORTGAGE CREDIT CERTIFICATE PROGRAM

Note: To be completed by each participating jurisdiction.

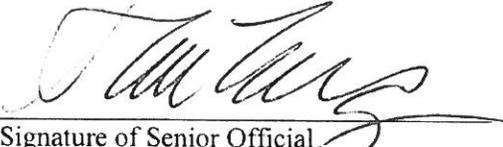
Certification of the City of Norco (Participating Jurisdiction)

In connection with the following Qualified Private Activity Bond Application:

APPLICANT: County of Riverside Economic Development Agency
for a Mortgage Credit Certificate Program.

The undersigned officer of City of Norco (Participating Jurisdiction) hereby certifies as follows:

1. I, Steve King (Name), am the Planning Director (Title) of City of Norco (Participating Jurisdiction); which is a participating jurisdiction of the proposed Single Family Housing Mortgage Credit Certificate program.
2. The proposed Single Family Housing Program is consistent with the adopted housing element for City of Norco (Participating Jurisdiction) in which the proposed program will operate, pursuant to Section 5267 of the California Debt Limit Allocation Committee Regulations.


Signature of Senior Official

Steve King
Print or Type Name

Planning Director
Title

11/3/15
Date

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Eric Briddick, Lieutenant

DATE: November 18, 2015

SUBJECT: **Ordinance No. 997, First Reading. Code Change 2015-06.** A City-Initiated Proposal to Repeal Existing Norco Municipal Code Chapter 9.52 and Adopt a Revised Chapter 9.52 "Graffiti Prevention, Prohibition, Removal and Abatement Procedures."

RECOMMENDATION: Adopt **Ordinance No. 997** for first reading.

SUMMARY: In May 2015, the City Manager directed Sheriff Staff to amend the existing "Control and Removal of Graffiti," Chapter 9.52. This existing ordinance was limited in content and did not provide the City with an abatement procedure for the removal of graffiti on public and private property. Concurrent with the adoption of this Ordinance, the existing Municipal Code Chapter 9.52 is repealed.

BACKGROUND/ANALYSIS: In accordance with the direction provided by the City Manager, Sheriff Staff has prepared the proposed ordinance attached to this document.

The spread of graffiti on public and private buildings, walls, signs, and other structures or places, or other surfaces causes blight within the City, resulting in a genuine threat to life and incalculable general deterioration of property and business values for adjacent and surrounding properties. The power of graffiti to create fear and insecurity within the community and blight upon the landscape, reducing property values and detracting from the sense of community enjoyed by the residents of Norco is beyond the cost of cleanup or removal. Not only is graffiti a property crime, but a social crime on the quality of life and freedom citizens desire within their neighborhoods.

The proposed ordinance provides the Public Works Director or designee the ability to declare graffiti on public and private property as a public nuisance. Once this declaration is made, the abatement procedure will occur as follows:

1. **Notice:** The Public Works Director or designee will issue an abatement notice to remove the graffiti from the property within ten calendar days.
2. **Appeal:** Within ten days from the mailing or personal service of the notice, the owner or person occupying or controlling the property and/or premises may appeal to the Council of the City of Norco.

Agenda Item: 5.A.

3. **Removal by the City:** Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the Public Works Director or designee approves, then the Public Works Director is authorized and directed to cause the graffiti to be abated by City resources or private contract.
4. **Record of cost for abatement:** Should the City incur a cost to remove graffiti from private property, then the City may seek reimbursement from the property owner for its removal. Reimbursable costs will include, but not limited to, court costs, attorney's fees, cost of removal of the graffiti or inscribed material, costs of repair and replacement of defaced property, incidental and administrative costs, and any law enforcement costs incurred in the investigation and apprehension of a person causing the graffiti damage.

In summary, this proposed ordinance has been tailored to meet the needs of the community, enhance the quality of life for the citizens, and provide an additional resource for the Public Works Director or designee to maintain the quality of life for the citizens of Norco. It is the recommendation of Sheriff's Staff that City Council adopt this ordinance.

FINANCIAL IMPACT: None

Attachment: Ordinance No. 997

ORDINANCE NO. 997

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, REPEALING EXISTING MUNICIPAL CODE CHAPTER 9.52 AND ADOPTING A REVISED CHAPTER 9.52 "GRAFFITI PREVENTION, PROHIBITION, REMOVAL AND ABATEMENT PROCEDURES." CODE CHANGE 2015-06.

WHEREAS, the spread of graffiti on public and private building, walls, signs, and other structures or places, or other surfaces causes blight within the City, resulting in a genuine threat to life and incalculable general deterioration of property and business values for adjacent and surrounding properties; and

WHEREAS, in May 2015, City staff initiated a review of the existing Chapter 9.52 and found that the current language in the Norco Municipal Code did not provide the City with an abatement procedure for the removal of graffiti on public and private property.

WHEREAS, the proposed ordinance provides the Public Works Director or designee the ability to declare graffiti on public and private property as a public nuisance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORCO, 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: Existing Chapter 9.52 of the Norco Municipal Code is hereby repealed and amended to "GRAFFITI PREVENTION, PROHIBITION, REMOVAL AND ABATEMENT PROCEDURES" and the text of the Chapter is hereby amended to read in its entirety as follows:

Chapter 9.52

GRAFFITI PREVENTION, PROHIBITION, REMOVAL AND ABATEMENT PROCEDURES

Sections:

- 9.52.010 Purpose and Intent.**
- 9.52.020 Definitions.**
- 9.52.030 Graffiti Prohibited.**
- 9.52.040 Possession of Graffiti Implements or Paraphernalia Prohibited.**
- 9.52.050 Furnishing Graffiti Implements to Minors Prohibited.**

- 9.52.060 Display of Graffiti Implements.**
- 9.52.070 Graffiti Removal at City Expense.**
- 9.52.080 Notice.**
- 9.52.090 Graffiti Declared Public Nuisance.**
- 9.52.100 Abatement.**
- 9.52.110 Land Use Permit.**
- 9.52.120 Private Property Consent.**
- 9.52.130 Public Property.**
- 9.52.140 Limitation of Filing Judicial Action.**
- 9.52.150 Duty to Remove Graffiti.**
- 9.52.160 Rewards.**
- 9.52.170 Defendant's Liability for Cost of Graffiti Abatement.**

9.52.010 Purpose and Intent.

It is the purpose and intent of this chapter to help prevent the spread of graffiti and to establish a program for its removal from public and private property. The spread of graffiti on public and private buildings, walls, signs and other structures or places or other surfaces causes blight within the City, resulting in a genuine threat to life, incalculable economic losses to businesses in terms of physical property, profits and goodwill, and the general deterioration of property and business values for adjacent and surrounding properties. The power of graffiti to create fear and insecurity within the community and blight upon the landscape, reducing property values and detracting from the sense of the community enjoyed by residents of Norco is beyond the cost of cleanup or removal. Not only is graffiti a property crime, but a social crime on the quality of life and freedom from intimidation citizens' desire within their neighborhoods.

9.52.020 Definitions.

"Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint, dye, or other substances.

"Felt tip marker" means any indelible marker or similar implement with a tip, containing anything other than a solution which can be removed with water after it dries.

"Graffiti" means any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any surface of public or private property, including but not limited to, buildings, walls, signs, structures or places, or other surfaces, regardless of the nature of the material of the structural component.

“Graffiti implement or paraphernalia” means any aerosol paint container, felt tip marker, paint or graffiti stick, gum label, masonry or glass drill bit, carbide drill bit, glass cutter, grinding stone, awl, carbide scribe, acid etching solutions, or etching tool or device capable of scarring any surface, including, but not limited to glass, metal, concrete or wood or any other marking implement that is commonly used to deface, damage, or destroy property; any piece, design or scrap book or drawings, illustrating graffiti marks or signs.

“Gum label” means any sheet of paper, fabric, plastic or other substance with an adhesive backing which, when placed on a surface, is not easily removed.

“Paint stick or graffiti stick” means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-sixteenth of an inch in width.

“Retail commercial establishment” means any business enterprise, including any person, partnership, association, corporation, company, or organization, which sells or trades aerosol paint containers or felt tip marker.

9.52.030 Graffiti Prohibited.

A. It is unlawful for any person to write, paint, spray, chalk, etch, or otherwise apply graffiti on public or privately owned buildings, signs, walls, permanent structures, places, or other surfaces located on public or privately owned property within the City.

B. It is unlawful for any person owning or otherwise in control of any real property within the City to permit or allow any graffiti to be placed upon or to remain on any permanent structure located on the property when the graffiti is visible from the street or public or private property.

9.52.040 Possession of Graffiti Implements or Paraphernalia Prohibited.

A. It is unlawful for any person to have in his or her possession any graffiti implement or paraphernalia while in or upon any highway, street, alleyway, public park, playground, swimming pool, public recreational facility, underpass, bridge abutment, storm drain, or private property without the written consent of the owner, with the specific intent to paint, spray, chalk, etch or otherwise apply graffiti on, or deface, damage, disfigure, destroy, or mar any of the following places or things, including but not limited to: public or privately owned buildings, signs, walls, permanent structures, places or other surfaces within the City.

Exceptions:

1. A minor who is attending and is actively enrolled in a class which requires use of such implements, of which written permission from the school is in his or her possession;

2. An authorized City employee of the City of Norco, or agent thereof, or its contractors.

B. It is unlawful for any minor (person under the age of 18) to have in his or her possession aerosol can tips, other than tips affixed to aerosol cans, and any graffiti implement or paraphernalia, not including aerosol cans, while in or upon any highway, street alleyway, public park, playground, swimming pool, public recreational facility, underpass, bridge abutment, storm drain, or private property without the written consent of the owner, whether the minor is or is not in a vehicle. This section shall not apply to any minor who is accompanied by a parent or guardian or under the immediate supervision of an adult teacher.

9.52.050 Furnishing Graffiti Implements or Paraphernalia to Minors Prohibited.

It is unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, any graffiti implement or paraphernalia to any person under the age of eighteen years without the prior written consent of the parent or lawfully designated custodian of the minor.

9.52.060 Display of Graffiti Implements.

It is unlawful for any person, firm, corporation, or retail commercial establishment doing business in the city, who owns, sells, conducts, operates, or manages such activity, to display in a manner viewable to the public any aerosol spray containers, or felt-tip marker tips, pens, or blades, without securing same in such a manner as to prevent the removal of any such graffiti implement without employee assistance

9.52.070 Graffiti Removal at City Expense.

Whenever the Public Works Director or designated representative determines that graffiti is so located on public or private property within the City so as to be capable of being viewed by persons utilizing any public right-of-way in the City, the Public Works Director or designated representative is authorized to provide for the removal of the graffiti at the City's expense, pending reimbursement from the property owner upon whose property the graffiti has been applied upon the following conditions:

A. In removing the graffiti, the painting or repair shall be limited to the minimum necessary to properly restore the defaced area.

B. Where a structure is owned by a public entity other than the City, the removal of the graffiti may be authorized only after securing the consent of the public entity having jurisdiction over the structure.

C. Where a structure is privately owned, the removal of the graffiti by City resources or by a private contractor under the direction of the City may be authorized only after securing the consent of the owner.

D. The City reserves the right to recover City costs and expenses pursuant to Sections 6.22.130 and 9.52.170 of the Norco Municipal Code, Penal Code Section 594, Civil Code Sections 731 and 1714.1, and Government Code Section 38771, et seq. and Welfare and Institutions Code Section 742.10 et seq. from any person who has willfully damaged property in a manner described within this Chapter.

9.52.080 Notice.

Graffiti which the Public Works Director or authorized representative has determined exists on any permanent structure in the City which is visible from a street or other public or private property is declared to be a public nuisance.

9.52.090 Graffiti Declared Public Nuisance.

Graffiti on public or private property is a blighting factor which not only depreciates the value of the property which has been the target of such vandalism but also depreciates the value of the adjacent and surrounding properties, and in so doing has a negative impact on the entire city. Section 53069.3 of the Government Code authorizes the City, under certain circumstances, to provide for the removal of graffiti and other inscribed materials from private as well as public property. The City Council finds and determines that graffiti is obnoxious and a public nuisance and unless it and other inscribed materials are removed from public and private property, they tend to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected and the entire community depreciates in value and becomes a less desirable place in which to be.

9.52.100 Abatement.

Whenever the Public Works Director or authorized representative determines that graffiti on a particular structure constitutes a public nuisance, such graffiti shall be abated as follows:

A. Notice. The Public Works Director shall cause a notice to be issued to abate such nuisance. The property owner shall have ten days after the date of the notice to remove the graffiti, or the property will be subject to abatement by the City.

B. Service of Notice. The notice to abate graffiti pursuant to this section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last equalized property tax assessment rolls of the County of Norco. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this chapter may be served in any one of the following manners:

1. By personal service on the owner, occupant or person in charge or control of the property.

2. By certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

"Date:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as, Norco, California, which is visible to public view, within ten (10) days after the date of this notice; or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Public Works Director for the City of Norco or designated representative within ten (10) days from the date of this notice. At the conclusion of this ten (10) day period the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice."

C. Appeal. Within ten days from the mailing or personal service of the notice, the owner or person occupying or controlling such premises or lot affected may appeal to the City Council of the City of Norco. At a regular meeting or regular adjourned meeting of the City Council not more than twenty days thereafter, the Council shall proceed to hear and pass upon such appeal. The decision of the Council thereupon shall be final and conclusive.

D. Removal by City. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the Public Works Director or designated representative approves, then the Public Works Director is authorized and directed to cause the graffiti to be abated by City resources or private contract, and the City or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the City, and any paint used to obliterate graffiti shall be as close as practicable to background color(s).

E. Record of Cost for Abatement. The Public Works Director and/or the Finance Director shall keep an account of costs (including, but not limited to, court costs, attorney's fees, cost of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, incidental and administrative costs, and any law enforcement costs incurred in the investigation and apprehension of a person causing the graffiti damage) of abating such

nuisance on each separate parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement; provided, that before the report is submitted to the Council a copy shall be served in accordance with the provisions of this section, together with a notice of time when the report shall be heard by the Council for confirmation.

1. The City Council shall set the matter for hearing to determine the correctness and reasonableness of such costs.

2. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the City in the preparation of notices, specifications and contracts and in inspecting the work, and the costs of printing and mailing required hereunder.

F. Report--Hearing and Proceedings. At the time and place fixed for receiving and considering the report, the City Council shall hear and pass the report of such costs of abatement, together with any objections or protests. Thereupon, the City Council may make such revision, correction or modification in the report as it may deem just, after which, by motion, the report as submitted or as revised, corrected or modified shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive.

G. Assessment of Costs against Property. The total cost for abating such nuisance, as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon notice and recordation in the office of the Riverside County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment pursuant to Government Code Section 38773.5.

1. After such confirmation and recordation, a copy shall be filed with the Assessor and Tax Collector of Riverside County, acting for the City, in order that said County officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

2. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

H. Second or subsequent civil judgment. Upon the entry of a second or subsequent civil judgment within a two-year period, the City may find that an owner of property is responsible for a condition that may be abated in accordance with this code section, may request the court order treble damages pursuant to Government Code Section 38773.7.

9.52.110 Land Use Permits.

In approving tentative or parcel maps, conditional use permits, plot plans, public use permits, or other similar land use entitlements, the city may impose

any or all of the following requirements to prevent and/or facilitate the removal of graffiti:

- A. Use of Anti- Graffiti Material. Developer shall apply an anti- graffiti material of a type and nature that is acceptable to the director of planning and development, to each of any publicly-viewable surfaces on the improvements to be constructed, on sites deemed to be likely to attract graffiti by the director of planning and development.
- B. Approved Color/Palette for Graffiti Attractive Surfaces. Developer shall use an approved color palette for paint and/or anti-graffiti material on surfaces which have been designated "graffiti attractive" by the director of planning and development. The palette shall include a range of five color choices approved by the director of planning and development.
- C. Owner to Immediately Remove Graffiti. Developer shall record or cause to be recorded as part of the conditions, covenants and restrictions, a covenant running with the land and for the benefit of the City, requiring removal of any graffiti placed thereon.
- D. Availability of Anti- Graffiti Material and Paint to City by Developer. Prior to the issuance of a building permit, developer shall provide to the city the name of the manufacturer and supplier of the anti-graffiti material referenced in subsection A of this section, and the color palette and manufacturer code number of the paint(s) utilized to cover all exterior surfaces of approved structures and walls. If the developer fails to abate a graffiti condition, either voluntarily or after requested to do so by the City, the City shall purchase the necessary anti-graffiti material and/or paint for the purpose of graffiti removal. All costs of removal shall be assessed in accordance with Section 6.22.110 through 6.22.130, and 9.52.170 of the Norco Municipal Code.

9.52.120 Private Property Consent.

Property owners in the City of Norco may consent in advance to City entry onto private property for graffiti removal purposes. The City will make forms for such consent available.

9.52.130 Public Property.

Where a structure is owned by a public entity other than the City, the removal of the graffiti may be authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

9.52.140 Limitation of Filing Judicial Action.

Any owner, lessee, occupant or other interested person having any objections or feeling aggrieved at any proceeding taken on appeal by the City Council in ordering the abatement of any public nuisance under the provisions of

this chapter, must bring an action to contest such decision within thirty days after the date of such decision of the City Council. Otherwise, all objections to such decision shall be deemed waived.

9.52.150 Duty to Remove Graffiti.

Any person applying graffiti to any surface within the City shall have the duty to remove it within twenty-four hours after being notified by the City, or its agents. Failure to remove the graffiti shall constitute an additional violation of this Chapter.

9.52.160 Rewards.

1. Pursuant to Section 53069.5 of the California Government Code, the City reserves the right to offer a reward in an amount and as to such locations as may be set by resolution of the City Council, for information leading to the arrest and conviction of any person for violation. In the event of multiple contributions of information, the reward amount shall be divided by the City in the manner it shall deem appropriate. For the purposes of this section, diversion of the violator to a community service program, a plea bargain to a lesser offense, or the sustaining of any juvenile petition filed pursuant to California Welfare and Institutions Code Section 601, et seq., shall constitute a conviction.

2. Claims for rewards under this section shall be filed with the City. Each claim shall:

a. Specifically identify the date, location and kind of property damaged or destroyed;

b. Identify by name the person who was convicted;

c. Identify the court and the date upon which the conviction occurred.

3. No claim for a reward shall be allowed by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied. Once the claim is verified and determination is made, the reward shall be paid within the City's ordinary course of business.

4. The person committing the graffiti-vandalism, and if an unemancipated minor, then the parent or lawful guardian of the minor, shall be civilly liable for any reward paid pursuant to this section pursuant to the provisions of California Government Code Section 53069.5

9.52.170 Defendant's Liability for Cost of Graffiti Abatement.

A. Defendant determined to be the responsible party. When the disposition of a criminal case or a proceeding pursuant to Welfare and Institutions Code Section 602 determines that the defendant in that case is responsible for creating, causing or committing the graffiti which was abated by the City, that same defendant shall be liable for all costs incurred by the City. These costs shall include, but are not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and

replacement of defaced property, and the law enforcement costs incurred by the City in the identification and apprehension of the defendant responsible for the graffiti or other inscribed material on publicly or privately owned permanent real or personal property within the City, as prescribed within Government Code Sections 38772-38773.6, 53069.3.

1. The determination of responsibility shall be presumed by any confession, admission, guilty plea, or plea of nolo contendere to any violation of Penal Code Sections 594, 594.3, 640.5, 640.6, or 640.7.

2. In the case of a minor defendant, responsibility shall be determined upon a conviction by final judgment or by the minor being made a ward of the Juvenile Court pursuant to Welfare and Institutions Code Section 602 by reason of the commission of any act prohibited under Penal Code Sections 594, 594.3, 640.5, 640.6, or 640.7.

B. City funds to be recovered. City shall recover all City funds used to remove graffiti, repair or replace graffiti damaged real or personal property within the City. These costs shall be recovered from the defendant who has been determined to be the responsible party as outlined above. These costs shall be recovered as follows:

1. Adult defendants. A civil action may be pursued to obtain a monetary judgment against the defendant for any amount not ordered or collected by the criminal court in which the matter was heard. Such monetary judgments may be filed or recorded to create a lien against personal or real property as permitted by Code of Civil Procedure Section 697.010, et seq.

2. Juvenile defendants. A civil action may be pursued to obtain a monetary judgment against the juvenile defendant and/or his or her parent(s) or guardian(s) having custody and control of the minor for any amount not ordered or collected by the juvenile court in which the matter was heard. Such monetary judgments will be filed or recorded to create a lien against personal or real property as permitted by Government Code Sections 38772, et seq.

a. Lien and personal obligation. The expense of abating the graffiti nuisance may result in a lien against the property of a minor and a personal obligation against the minor. The parent(s) or guardian(s) having custody and control of the minor shall be jointly and severally liable with the minor pursuant to Government Code Sections 38772, 38773.2 and 38773.6.

1. Notice of Intent to Lien. Notice of Intent to record a lien shall be given to the owner of record of any parcel prior to the recordation of any lien. The owner may be the minor, or the parent(s) or legal guardian having custody and control of the minor. Said notice shall be served by personal service in the same manner as a civil action in accordance with the Code of Civil Procedure Section 415.10. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy of the Notice in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government Code Section 6062.

2. Recordation. A nuisance abatement lien shall be recorded in the County Recorder's Office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

3. Specific data. A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien; the name of the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.

4. If the lien is discharged, released, or satisfied through payment or foreclosure, notice of the discharge containing the information specified in Subsection (3) shall be recorded by the governmental agency. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

5. A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the City.

6. The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

b. Special assessment. As an alternate to the nuisance lien, the City may recover its costs, as delineated above, a special assessment against the parcel of land owned by the minor or by the parent or guardian having custody and control of the minor. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes pursuant to Government Code Section 38773.7.

c. Second or subsequent criminal judgment. Upon the entry of a second or subsequent criminal judgment within a two-year period, the City may find that an owner of property is responsible for a condition that may be abated in accordance with this code section, may request the court order treble damages pursuant to Government Code Section 38773.7.

SECTION 3: If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council hereby declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4. 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 5. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held December 2, 2015.

Mayor
City of Norco, California

ATTEST:

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

APPROVED AS TO FORM:

John R. Harper, City Attorney
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 November 18, 2015 and thereafter at a regular meeting of said City Council duly held on December 2, 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 December 2, 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: Brian K. Petree, Director
Department of Parks, Recreation and Community Services

DATE: November 18, 2015

SUBJECT: Approval of Projects for Use of Community Development Block Grant Funds (Program Year 2016-2017) through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency.

RECOMMENDATION: Staff recommends the following projects be submitted for funding through the Community Development Block Grant Program for Program Year 2016-2017:

- 1. Senior Citizens Recreation and Community Service Leader**
- 2. Ingalls Park ADA Restroom Project**

SUMMARY: Applications for 2016-2017 Community Development Block Grant (CDBG) funds were due to the Riverside County Economic Development Agency (EDA) on October 30, 2015. City Council approval of the proposed CDBG projects is due no later than December 10, 2015. The City has been asked to estimate funding needs and is presenting funding applications for Council consideration based on an estimate. Final adjustments will be made to selected programs and projects once the actual allocation amount is known.

BACKGROUND/ANALYSIS: The City of Norco participates in the CDBG funding program and receives grant funding as a "cooperating city" through the County of Riverside. Recipients of CDBG funds may only use 15% of their annual allocation for Public Service programs. Public Service programs are social service programs and activities that improve the community's social services network such as crime prevention, child care, health care, education, recreational needs, and others.

Staff has not yet received an estimate of available funding for CDBG Program Year 2016-2017; however, the City will likely receive \$13,000 for Public Service programs. The remaining funds must be used for Public Facilities projects.

To be eligible for consideration the projects, programs and activities must meet one of the following national objectives:

1. The project or activity will benefit low- and/or moderate-income persons; or
2. The project will prevent or eliminate slum or blight; or
3. The project will meet a need having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

Staff is submitting two applications for consideration. All applications meet the CDBG Program funding requirements for either Public Service or Public Facilities. One requests Public Service funds and one seeks Public Facilities funds.

The application for Public Service programs total \$13,000 which will probably slightly exceed the amount that will be allocated to the City. The amount of \$130,000 is requested for Public Facilities projects. Projects recommended for funding are:

PUBLIC SERVICE PROGRAMS:

SENIOR CITIZENS RECREATION AND COMMUNITY SERVICE LEADER

Program Budget:	\$29,718	Funding Request:	\$13,000
-----------------	----------	-------------------------	-----------------

This program provides a part-time staff person at the Norco Senior Center to coordinate senior activities and special events. The balance of funding will come from the City's General Fund.

PUBLIC FACILITIES PROJECTS:

INGALLS PARK ADA RESTROOM PHASE II

Program Budget:	\$130,000	Funding Request:	\$130,000
-----------------	-----------	-------------------------	------------------

Restrooms at City parks had seriously deteriorated and had become a health and safety concern. Restroom/shower renovations have started at George Ingalls Equestrian Event Center in Phase I of the project. For Program Year 2016-2017, we are seeking funding for Phase II to bring restrooms up to user capacity with ADA compliance at Ingalls Park where an old restroom has been removed due to deterioration and an unsafe condition.

FINANCIAL IMPACT: If funding is approved for the listed projects, there will be no impact to the City budget for these programs and services.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Richard Owens, Fire Chief

DATE: November 18, 2015

SUBJECT: Public Hearing Confirming Costs for 2015 Tumbleweed Abatement

RECOMMENDATION: Staff recommends adoption of **Resolution No. 2015-68**, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City.

SUMMARY: The 2015 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2015. After the City Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

BACKGROUND/ANALYSIS: The City's weed abatement contractor has completed the removal of tumbleweeds from vacant properties whose owners failed to abate. The Notices to Abate Tumbleweeds were mailed on August 3, 2015, pursuant to City Council's declaration on March 4, 2015 that seasonal, recurring tumbleweeds and hazardous vegetation constitute a public nuisance. The deadline to comply with the abatement notice was September 13, 2015.

Exhibit "A" – 2015 Tumbleweed Abatement Report of Costs shows both the contractor's cost and the Fire Department's administrative fee. Property owners will be invoiced for these costs; and if not paid, property liens will be assessed through the Riverside County Auditor-Controller's Office.

FINANCIAL IMPACT: Costs to abate weeds on vacant property are paid by the property owner or special assessment property tax liens.

Attachments: Resolution No. 2015-68
Exhibit "A" – 2015 Tumbleweed Abatement Report of Costs

RESOLUTION NO. 2015-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, CONFIRMING THE REPORT OF COSTS FOR ABATEMENT OF WEEDS AND HAZARDOUS VEGETATION AS A PUBLIC NUISANCE AND IMPOSING SPECIAL ASSESSMENT LIENS ON VACANT PARCELS WITHIN THE CITY

WHEREAS, the City Council declared that seasonal and recurring weeds and hazardous vegetation, growing upon and in front of vacant property in the City of Norco, constitute a public nuisance and also declared its intent to provide for abatement by adopting Resolution No. 2015-07 on March 4, 2015; and

WHEREAS, the Notice to Destroy Weeds and Hazardous Vegetation was given to property owners of vacant property in accordance with Chapter 13, Article 2, Section 39567.1 of the State of California Government Code and Resolution No. 2015-07; and

WHEREAS, the City Council held a Public Hearing on May 6, 2015, and all objections to the proposed abatement of weeds and hazardous vegetation on vacant parcels were heard and considered in accordance with the State of California Government Code and Resolution No. 2015-12; and

WHEREAS, the City Council ordered the Fire Chief to have such nuisances abated by adopting Resolution No. 2015-12 on May 6, 2015; and

WHEREAS, an itemized report showing the cost to abate the nuisances that were on or in front of vacant parcels has been prepared and submitted to the City Council for confirmation; and

WHEREAS, a copy of the report of costs was posted near the door of the Council Chamber at least three days prior to the Public Hearing; and

WHEREAS, the Public Hearing being held by City Council is for the purpose of receiving and considering the report of costs showing abatement costs and hearing objections from property owners liable to be assessed for such costs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does hereby find and declare that the 2015 Tumbleweed Abatement Report of Costs, Exhibit "A" on nuisance abatement for vacant parcels is confirmed, and that the costs are also confirmed as special assessment property liens against the vacant parcels whose property owners do not pay the invoiced amount.

November 18, 2015

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 18, 2015.

Mayor of the 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 November 18, 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 November 18, 2015.

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

NORCO FIRE DEPARTMENT

2015 TUMBLEWEED ABATEMENT REPORT OF COSTS
Exhibit "A"

PARCEL NO.	OWNER OF RECORD	PARCEL ACREAGE	CONTRACTOR'S FEE	ADMIN FEE	TOTAL CHARGE
121074014-6	AMIR & FADIA IBRAHIM 3070 SHADOW CANYON CR NORCO CA 92860	0.50	\$70.00	\$70.00	\$140.00
122030011-4	H & H PROPERTY 4740 Green River Rd. #118 CORONA, CA, 92880	1.81	\$258.60	\$258.60	\$517.20
122050049-1	FRANK & JEANETTE VILLALOBOS 1882 PARK SKYLINE SANTA ANA CA 92705	1.44	\$286.40	\$286.40	\$572.80
125030057-7	RODNEY TROY WEED PO BOX 12358 ORANGE, CA, 92859	0.96	\$145.00	\$145.00	\$290.00
125210026-5	BILL & JOE BARRETO 590 MONDALE STREET CORONA CA 92880	0.99	\$220.00	\$220.00	\$440.00
126160023-5	H & H PROPERTY 4740 Green River Rd. #118 CORONA, CA, 92880	0.66	\$70.00	\$70.00	\$140.00
126180003-9	H & H PROPERTY 4740 Green River Rd. #118 CORONA, CA, 92880	1.50	\$90.00	\$90.00	\$180.00
126200018-4	H & H PROPERTY 4740 Green River Rd. #118 CORONA, CA, 92880	1.25	\$75.00	\$75.00	\$150.00
126200021-6	H & H PROPERTY 4740 Green River Rd. #118 CORONA, CA, 92880	5.08	\$454.80	\$454.80	\$909.60
131330016-2	RICHARD & REBECCA LEWIS 6 WEYMOUTH CT NEWPORT BEACH CA 92660	3.72	\$223.20	\$223.20	\$446.40
			\$1,893.00	\$1,893.00	\$3,786.00