



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

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

CALL TO ORDER: 7:02 p.m.

ROLL CALL: 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 Fred Griffin, Corona Church of the Open Door

Due to an emergency, Pastor Fred Griffin was unable to attend the meeting. Mr. Geoff Kahan provided the invocation.

RECOGNITION: Council Member Kathy Azevedo

The following were in attendance to present Council Member Azevedo with a certificate or proclamation as well as to speak about Ms. Azevedo's contributions, commitment and dedication to the City and the region during her 12-year tenure on the Norco City Council:

Senator Richard Roth
Will Martinez, Field Representative, on behalf of Assembly Member Eric Linder
Jolyn Murphy, Field Representative, on behalf of Congressman Ken Calvert
Jurupa Valley Mayor Pro Tem Laura Roughton and Council Member Frank Johnston
Norco Area Chamber of Commerce President Diane Collins
City of Norco Economic Development Advisory Council Chair Patrick Malone
Former Norco City Manager Jeff Allred
Cal Fire Division Chief Jeff Johnson
Danny Azevedo, spouse
Norco Mayor Pro Tem Kevin Bash on behalf of the City of Corona City Council
Residents: Jodie Webber, Harvey Sullivan, Patricia Overstreet, Geoff Kahan

City Council Members and staff also shared memories and spoke of Ms. Azevedo's accomplishments and dedication. On behalf of the City Council, Mayor Pro Tem Bash presented Ms. Azevedo with a proclamation.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. A. City Council Communications / Reports on Regional Boards and Commissions

Council Member Hanna:

- Provided update on the West Nile Virus noted that cooler weather is providing some relief on the number of cases in Riverside County.

- Provided update on Riverside County Transportation Commission and the construction on the 91 freeway; www.rctc.org is updated regularly with the latest construction information.
- Attended a Riverside Transit Agency meeting and reported that ridership continues to increase.

Council Member Newton:

- Attended a Chino Basin Desalter Authority meeting in which an urban water management update was given. Among the member agencies, the current population water use is 601,000 and by the year 2025 is projected to be 830,000. Mr. Newton also reported that 19% of all electrical consumption in California is water related.
- Attended a Western Riverside County Regional Waste Water Authority (WRCRWA) meeting in which Board Members received an update on the treatment plant. The plant is 32% complete. The construction and energy efficient design of the facility will net a rebate to WRCRWA in the approximate amount of \$500,000, which will be divided amongst the five member agencies based on capacity use.
- Provided a brief update on the micro-tunneling project under the Santa Ana River. The micro-tunneling machine came against an object and remains approximately 25 under the river bed. City Manager Andy Okoro added that staff has been in discussions with Western Municipal Water District to explore various options for getting the water across the river.

Council Member Azevedo:

- No report given.

Mayor Pro Tem Bash:

- No report given.

- B. Verbal Update on the Lake Norconian Club Foundation Lawsuit Against California Department of Corrections and Rehabilitation Preliminary Court Injunction (City Attorney)

City Attorney John Harper reported that there has been concern for quite some time about the State of California allowing disrepair and deterioration of the Norconian Hotel. The Lake Norconian Club Foundation (LNCF) filed an environmental lawsuit, CEQA, against the California Department of Corrections and Rehabilitation. The City of Norco is named a real party in interest, which means while the City participates in the litigation, it is not an active litigant. The lawsuit addresses two issues in which there is no law: 1) under CEQA's definition of project, the State making an affirmative decision not to do anything; 2) statute of limitations under CEQA is limited and begins to run when an affirmative decision is made. The State of California's first response was to demur. The judge overruled the demur, which meant it sided in favor of LNCF. LNCF's next step was to seek a preliminary injunction, of which the judge granted in part. The court ordered that LNCF and the City be allowed access, be provided utilities, and be allowed to do non-permanent preservation and maintenance. LNCF and the City are also allowed to apply for orders that allow permanent work. The court did not order the State of California to pay for the work. The court also said that if LNCF is successful in the CEQA lawsuit, they will be entitled to reimbursement.

Mr. Harper stated that a case management conference has been scheduled for tomorrow, November 19th, to discuss with the judge how the case is progressing and several items of dispute including the State requiring background checks (2-6 weeks processing time) of all persons wanting to access the facility; no access on weekends; and requiring that all tools used for restoration and maintenance be removed on a daily basis.

Linda Dixon, President of LNCF, spoke regarding the lawsuit. She and Vice President Su Bacon have attended every hearing, meeting, and conference call. LNCF has provided an overwhelming amount of pictures and documents to the court. Ms. Dixon urged the Council to consider the significance of the recent action taken by the judge and the urgency of it. Ms. Dixon said that the historic district is the key to the future of Norco. Ms. Dixon showed the Council a short video of the history of the Norconian Hotel.

Diane Markham commented on the value of the Norconian Hotel and being prime real estate in the City. Ms. Markham stated that the entire region would benefit from this property. Ms. Markham, on behalf of LNCF, requested emergency support from the Council to make the necessary repairs to the Hotel.

Jodie Webber expressed her amazement of the history of the Norconian Hotel. Ms. Webber noted that this is a great opportunity for the community to participate with donations. She also requested emergency funds from the City.

Pat Overstreet, Historic Preservation Commissioner, thanked LNCF for the work and effort put in to this cause.

Diane Collins, spoke on behalf of the Norco Area Chamber of Commerce and commented on the potential of what the hotel could bring to the community. Ms. Collins expressed the importance of preserving the property.

Su Bacon, Vice President of LNCF, commented on her historic preservation experience. Ms. Bacon also talked about how Norco is special in so many ways. She expressed that the Norconian Hotel is a treasure that can bring great economic development to the City. Ms. Bacon asked for financial support for protecting the hotel.

Council Member Hanna thanked all who have been involved and expressed his support.

Council Member Newton acknowledged Senator Roth for his assistance in this matter. Mr. Newton said that the City and LNCF can partner, possibly with matching funds.

Council Member Azevedo said she supports assisting LNCF. Ms. Azevedo asked that a committee be formed to discuss this further and report back to the Council, at which time decisions can be made.

City Attorney Harper indicated that public access to the hotel means that LNCF has been granted access to conduct temporary remedial work. The City cannot have much involvement beyond money. The City could legally provide funding but could not use employees or contract out work for preservation of the hotel.

Mayor Pro Tem Bash thanked Senator Roth for his assistance. Countless hours have been used preparing for lawsuit. Mr. Bash commented on the need to look at the City's future and the responsibility of preserving history and heritage. Mayor Pro Tem Bash said he supports

preservation and committing funding. In response, City Attorney Harper said that the Council will have to make a finding making it necessary to commit funds on an emergency basis.

M/S BASH/HANNA to add an agenda item by urgency to discuss the Lake Norconian Club Foundation lawsuit and the City's participation with funding based upon the need to take action prior to the judge's case management meeting tomorrow and the need take action prior to the next regularly scheduled City Council meeting. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

In response to Council Member Azevedo, City Manager Okoro indicated that if this is a budget priority for the Council, then discretionary funds would be made available from the General Fund.

There was some discussion between Council and staff regarding the determination of costs for temporary measures and having a proper process for LNCF to follow, as well as forming an Ad-Hoc Committee to oversee the public funds committed to LNCF.

A motion was made by Mayor Pro Tem Bash to commit \$20,000 to LNCF with up to an additional \$30,000 in matching funds.

At this time, Mayor Pro Tem Bash allowed for public comment.

Roy Hungerford expressed that the City should commit more and suggested starting at \$50,000.

Robert Leonard asked the Council to spend more time to think about how much it will commit and to use the money wisely. Mr. Leonard commented that there are other areas in the City that need funding.

City Attorney Harper added that the money can only be used for temporary measures and protecting the building.

Su Bacon stated that she appreciates funding from the City and that LNCF will continue to raise funds.

Council Member Azevedo, as this is her last Council meeting, expressed concern about committing funds without having a better idea of how much is needed. She asked Ms. Dixon how much money LNCF would need until the next regular City Council meeting on December 2nd. In response, Ms. Dixon indicated that what will be discussed at the case management conference is that a realistic dollar amount cannot be placed until LNCF's contract get on the property. Ms. Dixon added, that based on past estimates, LNCF can get by with what has been suggested by Council thus far. Ms. Dixon stated that the key in the case management meeting is to show good faith. Mr. Harper said that the funding committed by the City will look favorably at the case management conference.

Council Member Azevedo suggested committing \$10,000 tonight and discuss additional funding at the December 2nd meeting when the new Council Members are seated.

An amendment to the original motion was made by Mayor Pro Tem Bash to commit \$20,000 to LNCF with an additional amount of up to \$30,000 in matching funds; the total funds to be used by contractors for the specific purpose for temporary restoration.

There was some discussion about not including the matching funds of up to \$30,000 at this time.

A substitute motion was made by Council Member Azevedo to commit \$20,000 in discretionary funds to the Lake Norconian Club Foundation for protection of the Norconian Hotel. The motion was seconded by Mayor Pro Tem Bash and was carried by the following roll call vote:

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

Mayor Pro Tem Bash recessed the meeting at 9:31 pm and reconvened the meeting at 9:39 p.m.

2. CITY COUNCIL CONSENT ITEMS:

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

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

- A. City Council Special Meeting Minutes of October 28, 2015 and Regular Meeting Minutes of November 4, 2015. **Action: Approved the City Council special and regular meeting minutes.** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved.** (City Clerk)
- C. Resolution Approving the City of Norco's Participation with the County of Riverside in the Mortgage Credit Certificate (MCC) Program. **Adopted 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

None.

4. PUBLIC COMMENTS:

Angie Bautista commented that she lives on Wagon Wheel and Bluff where the new white vinyl fencing was installed. One side has the vinyl fencing and the other has the wood fencing and

asked when the project would be completed to replace the remaining wood fencing. Mayor Pro Tem Bash referred Ms. Bautista to speak with Deputy City Manager Brian Petree.

Geoff Kahan commented on the Veteran's Day Event and the Veterans Memorial Plaza. Mr. Kahan thanked the dedicated Veteran's Committee and the City staff.

Diane Collins stated that some of the fencing in her neighborhood has been replaced with the vinyl fencing. Part of the neighborhood still has wood fencing. Ms. Collins said that the neighborhood looks disjointed and hopes that the rest of the neighborhood gets the vinyl fencing soon.

Diane Collins, spoke on behalf of the Norco Area Chamber of Commerce. Ms. Collins encouraged the public to shop Small Business Saturday, the Saturday after Thanksgiving, to support local businesses.

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)

Sheriff Lieutenant Eric Briddick reported that 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.

Sergeant Del Valle reported that his proposed Ordinance was developed by reviewing the City's current Ordinance as well as other cities. Sergeant Del Valle expressed that graffiti is a public nuisance and affects the quality of life for residents and businesses. The goal is to make the City of Norco unattractive to criminals.

In response to Council Member Azevedo, Sergeant Del Valle stated that if the graffiti is visible to the public, it is a public nuisance. The property owner will be liable for removal. Currently the City pays for the abatement. The proposed Ordinance implements recovery of costs for the actual time and materials associated with performing the abatement.

Council Member Newton commented on item No. 1 Notice in the staff report, in which it states "the Public Works Director or designee will issue an abatement notice to remove the graffiti from the property within ten calendar days." Mr. Newton expressed that ten days is too long and recommends 48 hours. Sergeant Del Valle said to keep in mind the time needed if the property owner is not available and ten days allows staff to get paperwork processed. City Attorney John Harper indicated that the statute will need to be referenced. Council Member Newton also commented on Section 9.52.150 "Duty to Remove Graffiti." In response, City Attorney indicated that once the person(s) is cited for the graffiti, they have 24 hours to remove it. If not removed, the person(s) will receive another citation for failure to remove.

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

Ted Hoffman commented that public nuisance abatement can be done in 48 hours. Mr.

Hoffman said that the proposed Ordinance is a step in the right direction.

City Attorney Harper suggested that the Ordinance language can be amended to reflect abatement within 48 hours or the minimum allowed by statute not to exceed ten (10) days.

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

M/S BASH/HANNA to adopt Ordinance No. 997 for first reading with the amended notice language of 48 hours for abatement or the minimum allowed by statute not to exceed ten days, and schedule the second reading for December 2, 2015. The motion was carried by the following roll call vote:

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

- 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. (Deputy City Manager)

Deputy City Manager Brian Petree reported that 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.

In response to Council Member Hanna, Deputy City Manager Petree stated that the ADA restrooms/shower would be located at the far south side of Clark Arena, where there is currently a sewer connection. Future requests will be for restrooms on the east side. The requests are in accordance with the Master Plan.

Council Member Newton asked if any of the funding for the additional infrastructure on the east side can come from CDBG. In response, Mr. Petree indicated that funding is based on two areas of which the City qualifies to receive CDBG funding: 1) removing slum and blight; and 2) including ADA accessible features.

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

Ted Hoffman commented that a lot has been done since the Master Plan was developed. Mr. Hoffman suggested revisiting the Master Plan. He also expressed concern about the proposed location of the restroom.

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

M/S BASH/HANNA to 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. The motion was carried by the following roll call vote:

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

C. Public Hearing Confirming Costs for 2015 Tumbleweed Abatement. (Fire Chief)

Battalion Chief Scott Lane reported that 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.

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

M/S HANNA/BASH to 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. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Hanna requested to agendaize discussion regarding televising City Council meetings.

M/S HANNA/BASH to agendaize discussion regarding televising City Council meetings. The motion was carried by the following roll call vote:

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

Council Member Azevedo commented on the need for a staging area on the east side of the City. Ms. Azevedo suggested that the new Council consider discussion on opening up the bottom of Nellie Weaver Hall area with a sign "Welcome to Norco Horsetown USA Staging Area." Council Member Azevedo also mentioned that Silverlakes has over 2.5 miles of horse trails on the eastern portion of the property. Ms. Azevedo requested opening up the trails from Pedley Avenue to the river bottom to Silverlakes.

Mayor Pro Tem Bash commented that the Riverside City Council voted to uphold Proposition R and Measure C, which is a protection of the area across from the Hidden Valley area across from Crestlawn Mortuary.

Mayor Pro Tem Bash requested to agendize discussion at the December 16, 2015 meeting regarding the impact of the Navy's solar panels on the City.

M/S BASH/NEWTON to agendize discussion at the December 16, 2015 Council meeting regarding the impact of the Navy's solar panels on the City. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

In response to Council Member Newton, Deputy City Manager Brian Petree indicated that he would provide an update in the Weekly Highlights report regarding status of the paving on Temescal Avenue from First Street to Norco Elementary.

Council Member Newton commented on the proposed SCE power lines project that will impact the California Avenue/North Drive area of the City. The project was addressed back in September 2011 based on CEQA. Since that time, he suggested a letter be sent to SCE addressing the City's concerns. Mr. Newton also suggested a public outreach meeting. City Manager Okoro indicated that he spoke with the City's previous SCE representative regarding the project status and did not see the need for outreach as SCE had previously conducted an outreach meeting. The California Public Utilities Commission has asked that the environmental impact report be reissued, which will allow for public input.

ADJOURNMENT

Mayor Pro Tem Bash adjourned the meeting at 10:38 p.m. with a moment of silence in honor of the victims of the attacks in Paris, France this week.

Cheryl L. Link, City Clerk