



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

**Wednesday, December 16, 2015  
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

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**CALL TO ORDER:** 6:00 p.m.

**ROLL CALL:** Kevin Bash, Mayor, **Present**  
Greg Newton, Mayor Pro Tem, **Present**  
Robin Grundmeyer, Council Member, **Present**  
Berwin Hanna, Council Member, **Present**  
Ted Hoffman, Council Member, **Present**

City Attorney John Harper requested to add an anticipated litigation item to Closed Session by urgency.

**M/S HANNA/NEWTON to approve adding an anticipated litigation item by urgency for discussion in Closed Session. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

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

**CLOSED SESSION:**

**§54956.9(c) – Conference with Legal Counsel – Anticipated Litigation**  
Two Cases

**RECONVENE PUBLIC SESSION:** 7:00 p.m.

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

City Attorney John Harper indicated that Council added one additional item by urgency to Closed Session. Mr. Harper also stated that there is no reportable action from Closed Session.

**PLEDGE OF ALLEGIANCE:** Council Member Robin Grundmeyer

**INVOCATION:** Pastor Vernie Fletcher, Grace Fellowship Church

**INTRODUCTION:** Sergeant Todd Pauling

Lieutenant Eric Briddick introduced Sergeant Todd Pauling to the City Council and public.

Lt. Briddick commented on Sergeant Pauling's experience and work ethic. Sergeant Pauling said he looks forward to the experience and working with the citizens of Norco.

**PROCLAMATIONS:** Norco Citizens on Patrol 20<sup>th</sup> Anniversary

Lieutenant Eric Briddick gave a summary of the history of Norco Citizens on Patrol. Mayor Bash presented Norco Citizens on Patrol with a certificate of achievement and thanked them for their service.

**CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:**

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

Mayor Pro Tem Newton:

- Attended a Chino Basin Desalter Authority Board meeting on December 11<sup>th</sup> in which the board approved the FY 14-15 financial report.
- Met with Chino Desalter Authority General Manager and Chief Financial Officer to get a better understanding of allocated costs per budget for Fiscal Years 2012-2016.
- Telephone conversation with representatives with CR&R regarding manure-to-energy options. CR&R will contact the City after the holidays.

Council Member Hanna:

- Attended a 91 Toll Road Commission meeting on December 4<sup>th</sup> and reported that he was voted Chairman. The main topic discussed was the extension of the toll lanes from the 241 to I-15 beginning approximately 2017.
- Attended a Riverside Conservation Authority meeting on behalf of Mayor Bash. The members reviewed a study on burrowing owls.
- Attended a Western Riverside Council of Governments meeting on behalf of Mayor Bash. The main topic was the TUMF Program.
- Attended a Riverside County Transportation Commission meeting. The Commission attended a ribbon cutting ceremony for the Perris Valley Line.
- Attended a Riverside Transit Agency meeting. Council Member Hanna advocated for a new bus route from Limonite at Archibald to Norco at River Road. Also working to put a shade/weather cover at the bus stop located at the Norco Senior Center.
- Attended a Vector Control meeting and reported that the West Nile Virus threat has subsided and that there were a total of 100 West Nile Virus cases in Riverside County this year.

Council Member Hoffman:

- No report given.

Council Member Grundmeyer:

- No report given.

Mayor Bash:

- Thanked the Lake Norconian Club Foundation for hosting the Pearl Harbor Remembrance Day event on December 7<sup>th</sup>.
- Commented on the Senior Luncheon scheduled for December 17<sup>th</sup> at the Senior Center.
- Commented on the first equestrian event at SilverLakes last weekend.
- Attending a meeting and tour of the Navy Base on December 9<sup>th</sup>. Mayor Bash provided a summary of the meeting and some of the renovations that the Navy is proposing.

2. CITY COUNCIL CONSENT ITEMS:

Mayor Pro Tem Newton pulled item 2.D. Council Member Hoffman pulled items 2.C. and 2.F.

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

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

- A. City Council Special Meeting Minutes of December 2, 2015. **Approved the City Council special meeting minutes.** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only. **Approved.** (City Clerk)
- C. Recap of Actions Taken by the Planning Commission at its Meeting Held on December 9, 2015. **Pulled for discussion.** (Planning Director)
- D. Acceptance of Property Dedication at 2114 First Street. **Pulled for discussion.** (Deputy City Manager)
- E. Approval of Supplemental Agreement for the 2015-2016 Community Development Block Grant Program Year. **Action: Approved the Supplemental Agreement for the 2015-2016 Community Development Block Grant Program year.** (Deputy City Manager)
- F. Proposed Cancellation of the January 6, 2016 City Council Regular Meeting. **Pulled for discussion.** (City Clerk)
- G. City Council Appointments to Regional Boards, Standing Committees and Other City Council-Appointed Committees for Calendar Year 2016. **Action: Approved the recommended City Council appointments for the 2016 calendar year.** (City Clerk)

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

- C. Recap of Actions Taken by the Planning Commission at its Meeting Held on December 9, 2015. (Planning Director)

Council Member Hoffman pulled this item to agendize item 5.D. of the Planning Commission.

**M/S HANNA/BASH to agendize an appeal hearing of item 5.D. from the Planning Commission agenda of December 9, 2015. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**M/S HOFFMAN/BASH to receive and file the recap of the remaining actions taken by the Planning Commission at its meeting held on December 9, 2015. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

- D. Acceptance of Property Dedication at 2114 First Street. (Deputy City Manager)

Mayor Pro Tem Newton pulled the item to inquire if any portion of Mountain Avenue is a private street. City Attorney Harper indicated that once the portion of the street is dedicated, it will no longer be private. Deputy City Manager stated that the street is not private at this time.

**M/S NEWTON/BASH to authorize the City Manager to accept the dedication of street right-of-way at 2114 First Street and authorize the City Clerk to record the grant deed. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

- E. Proposed Cancellation of the January 6, 2016 City Council Regular Meeting. (City Clerk)

Council Member Hoffman pulled the item in order to comment and be assured that by cancelling the January 6, 2016 meeting, the January 20, 2016 agenda will not be overloaded.

**M/S HOFFMAN/BASH to cancel the January 6, 2016 City Council Regular meeting. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

4. PUBLIC COMMENTS:

Linda Dixon commented that she a toured the Navy Base on December 9 as a representative of the Lake Norconian Club Foundation. Ms. Dixon noted that it is imperative that the City continue dialogue with the Navy. Ms. Dixon commented on two notable projects that raised concern – roof replacement and the revamping of a building to accommodate a Blimpie’s Restaurant. Ms. Dixon indicated that LNCF will attempt to meet with the new State Historic Preservation Officer to educate her on the history between the Navy and the City regarding historic properties.

5. LEGISLATIVE MATTERS:

- A. **Ordinance No. 998, Second Reading.** General Plan Amendment 2015-01 and Zone Change 2015-01. (City Clerk)

**M/S HANNA/HOFFMAN to adopt Ordinance No. 998 for second reading. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

- B. **Ordinance No. 999, Second Reading.** Specific Plan 91-02, Amendment 13 (Norco Hills Specific Plan). (City Clerk)

**M/S GRUNDMEYER/NEWTON to adopt Ordinance No. 999 for second reading. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON, BASH**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

6. DISCUSSION / ACTION ITEM:

- A. **Urgency Ordinance No. 1000.** Code Change 2015-07. Zone Code Amendment 2015-07. Amendments to titles 5 and 18 of the Norco Municipal Code Regarding a Prohibition to the Cultivation and Transportation of Marijuana. (Planning Director)

Planning Director Steve King reported that the City Council adopted Ordinance 880 prohibiting the growth, sale, and delivery of medical marijuana in the City of Norco. This year, a series of assembly and senate bills (AB 266, AB 243, and SB 643) collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA) were enacted in October to provide for the regulation of medical marijuana. Additionally, with the potential legalization of marijuana in 2016, the League of California Cities recommends that cities

that wish to prohibit these uses (or continue prohibiting them as is the case with Norco) have in place specific wording in the respective municipal codes to protect the rights of these jurisdictions and to regulate activities related to the growth and use of marijuana.

In response to Mayor Pro Tem Newton, City Attorney Harper indicated that pharmacies would be prohibited from dispensing medical marijuana. There was some discussion about the urgency of this ordinance and Mr. Harper stated that there is not enough time for a first and second reading, along with the 30 day period before the ordinance goes into effect, prior to the March 1, 2016 deadline.

Council Member Hoffman asked if this ordinance is workable for the Sheriff's Department and in compliance with County ordinances. Lt. Briddick stated that this ordinance ensures that the City has local control and empowerment. City Attorney Harper added that this ordinance does not functionally change what is in the Norco Municipal Code; it parallels what the League of California Cities deems appropriate.

**M/S HANNA/BASH to adopt Urgency Ordinance No. 1000. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, BASH**

**NOES: NEWTON**

**ABSENT: NONE**

**ABSTAIN: NONE**

7. APPEAL HEARING:

- A. **Appeal Hearing:** An appeal of the Planning Commission's denial of Conditional Use Permit 2014-12 (Bowers): A request for approval to allow a detached accessory building consisting of a 1,680 square-foot barn and storage building at 3231 Cutting Horse Road located in the Norco Ridge Ranch Specific Plan (NRRSP). (Planning Director)

Planning Director Steve King reported that the request for Conditional Use Permit (CUP) 2014-12 was denied by the Planning Commission on August 12, 2015, but that decision has been appealed to the City Council by the applicant. The subject property is located in the Norco Ridge Ranch Specific Plan (NRRSP), consists of about .89 acres/38,748 square feet and is developed with a single family residence. The subject property includes a recorded Primary Animal Keeping Area (PAKA) of 3,305 square feet located at the rear of property. Accessory buildings that exceed 864 square feet require approval of a conditional use permit by the Planning Commission. Because this accessory building was denied by the Planning Commission, an approval is now being considered by the City Council on an appeal. The main reason for denial by the Planning Commission is that the dual use would be difficult to monitor for compliance.

In response to Council Member Hanna, Director King indicated that  $\frac{3}{4}$  of the building is in the PAKA and  $\frac{1}{4}$  of it located outside the PAKA. Mr. King also noted that the floor will be a concrete slab.

John Bowers, applicant, commented that the building he is proposing is solely for horses. The plan is to remove the concrete slab from the portion for the horses. Mr. Bowers wants

to enhance the value of his property by installing a barn as well as having a place for his recreational vehicles. There was some discussion by Council with Mr. Bowers to confirm that there will be no concrete at all in the building. Council Member Hoffman asked the applicant if removal of the concrete slab was added as a condition of approval, would he abide by the requirement; Mr. Bowers agreed. Mr. King indicated that the condition would read, " all existing concrete within the PAKA will be removed prior to the issuance of a building permit."

Discussion continued between Council Members regarding recourse if the concrete was not removed or poured again at a later time. Director King noted that a permit is not needed to pour concrete. The only recourse is if staff is on the property for some other code violation, and in that process, notices the concrete within the PAKA. Council Member Hoffman added that the Planning Commission denied the CUP because of the lack of control.

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

Mike Thompson questioned whether or not Council Member Hoffman should be part of the Council discussion on this hearing since he was part of the discussion on this matter as a Planning Commissioner. City Attorney Harper stated that there is no legal prohibition for him hearing an appeal from a body for which he previously sat. Mr. Thompson also questioned the hardscape argument that installing hardscape would prevent future homeowners from animal keeping.

Council Member Grundmeyer addressed the hardscape concern brought up by Mr. Thompson and stated that there are animals that can be kept on hardscape, such as pigs. However, proper drains, cleaning, and sanitation would be expected in the plans, which is not the case with this proposal.

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

Mayor Bash commented on PAKAs and the purpose to preserve animal keeping. Mayor Bash indicated that Mr. Bowers' word to remove the concrete slab, and having the removal as a condition, is reasonable and would recommend approval.

Mayor Pro Tem Newton said that the Planning Commission was correct with denial of dual use as it is a slippery slope. Mayor Pro Tem Newton said he supports upholding the Planning Commission action. Council Member Hoffman concurred.

**M/S NEWTON/HOFFMAN to uphold the Planning Commission action to deny Conditional Use Permit 2014-12. The motion was carried by the following roll call vote:**

**AYES: GRUNDMEYER, HANNA, HOFFMAN, NEWTON**  
**NOES: BASH**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

8. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Hoffman commented on the roping event on Sunday, December 20 at Ingalls Park.

Council Member Hanna commented on the problem of illegal dumping of furniture, appliances, etc in the public right-of-way. Council Member Hanna noted several locations with this problem. City Manager Okoro stated he will be meeting with Waste Management tomorrow and will discuss his concerns. Council Member Hanna suggested putting information in the Weekly Highlights regarding bulky waste pick up.

Council Member Hoffman complimented Valley Cities Fence for their work with the installation of the new vinyl fencing.

Mayor Bash requested that the La Sierra information would be presented at the next meeting on January 20, 2016.

City Manager Okoro stated that the next Norco Community Town Hall meeting will be held Monday, January 25, 2016 at 6:30 p.m. at Nellie Weaver Hall.

Finance Officer Schuchard stated that in regards to Waste Management, Christmas trees with lights on them will not be picked up. She will add information as well to the Weekly Highlights report regarding this.

**ADJOURNMENT**

Mayor Bash adjourned the meeting at 8:35 p.m.

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Cheryl L. Link, CMC, City Clerk