



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

**Wednesday, October 19, 2016  
City Council Chambers, 2820 Clark Avenue, Norco, CA 92860**

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**CALL TO ORDER:** 6:15 p.m.

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

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

**CLOSED SESSION:**

**§54956.8 - Conference with Real Property Negotiator:**

Property: 1303 Valley View Avenue, Norco, CA 92860; APN 122-080-051

City Negotiator: City Manager Andy Okoro

Under Negotiation: Disposition

**RECONVENE PUBLIC SESSION:** 7:04 p.m.

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

City Attorney John Harper indicated that there was no reportable action from Closed Session.

**PLEDGE OF ALLEGIANCE:** Council Member Berwin Hanna

**INVOCATION:** Pastor Sam Tuihalamaka, Beacon Hill Assembly of God, Tongan Faith Community

**RECOGNITIONS:** Norco Sheriff's Deputy Randy Postoian, California Highway Patrol Officer Eric Sullivan, and Norco Resident Ed Dixon

Mayor Bash and Lt. Eric Briddick presented certificates of appreciation to the above noted persons for their efforts in rescuing a loose horse on Interstate 15.

**PROCLAMATION:**

Red Ribbon Week, October 23 - 31, 2016

Mayor Bash presented a proclamation to representatives from the Corona-Norco Unified School District in celebration of this year's theme – "YOLO, Be Drug Free."

**BUSINESS APPRECIATION HONORREE:** Bob's Big Boy

Mayor Bash and Economic Development Advisory Council Vice Chair Scott da Rosa presented a plaque to Bob's Big Boy owners James and Charlie Tsai to honor the restaurant for bringing a nostalgic, American brand to Norco and graciously adapting the iconic Bob statue to the community's Western ambiance.

**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 October 13, 2016.
- Member of the Ad-Hoc Committee on Accessory Buildings; two meetings held – October 10<sup>th</sup> and 17<sup>th</sup>.

Council Member Hoffman:

- Attended League of California Cities Annual Conference in Long Beach, October 5 – 7, 2016. Attended various seminars such as communication between Council and Planning Commission, use of social media, and youth advisory groups.
- Attended a California Rehabilitation Center Citizen's Advisory Committee on October 11, 2016.

Council Member Grundmeyer:

- Attended an U.N.L.O.A.D. meeting. Commented on Red Ribbon Week events.
- Attended Senior Breakfast.
- Attended Norco High School Homecoming.
- Attended the Norco Youth Advisory Council on October 11, 2016.

Council Member Hanna:

- Attended a meeting of the Riverside County Transportation Commission.
- Attended a meeting of the Riverside Transit Agency.
- Attended the League of California Cities Conference in Long Beach, October 5 – 7, 2016.
- Commented on the SilverLakes Equestrian and Sports Park one year birthday video.

Mayor Bash:

- Attended the Support Sisters cancer walk which supports local women battling breast cancer.
- Attended the Ira Calvert YMCA dinner event.

- Attended a meeting of the Norco College President Search Committee on October 18, 2016.
- Attended the Asian Businessmen's Association meeting today.
- Attended the Memorial Service for the fallen of the U.S. Army Long Range Reconnaissance Patrol.
- Attended the League of California Cities Annual Conference in Long Beach, October 5 – 7, 2016.
- Commented on the Wheelchair Basketball tournament October 22 – 23, 2016.
- Attended the Navy Ball.
- Attended the Western Riverside Council of Governments meeting and sits on the CEQA Advisory Committee.
- Attended a Riverside Conservation Authority meeting.
- Attended an U.N.L.O.A.D. meeting.

2. CITY COUNCIL CONSENT ITEMS:

Council Member Hoffman pulled Item 2.D. Council Member Grundmeyer pulled Item 2.F. Mayor Pro Tem Newton pulled Items G. and H.

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

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

- A. City Council Regular Meeting Minutes of September 21, 2016. **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 12, 2016. **Action: Received and filed.** (Planning Director)
- D. Quarterly Investment Report for Quarter Ended September 30, 2016. **Pulled for discussion.** (Finance Officer)
- E. Resolution Increasing Revenue, Appropriation and Expenditure from the FY 2016 Emergency Management Performance Grant (EMPG) Program in the Amount of \$17,934 for Emergency Operations Center (EOC) Computer Purchases. **Action: Adopted Resolution No. 2016-59, accepting EMPG funds in the amount of \$8,967 and agreeing to match with a contribution of \$8,967 for computer purchases and enhancements to the EOC.** (Fire Battalion Chief)

- F. Execution of a Cooperative Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District. **Pulled for discussion.** (Director of Public Works)
- G. Execution of a Grant of Easement between the City of Norco and Southern California Gas Company. **Pulled for discussion.** (Director of Public Works)
- H. Acceptance of Bids and Authorization to Purchase a 2017 Ford F-250 Crew Cab for the Sheriff's Department. **Pulled for discussion.** (Sheriff's Office)
- I. Resolution Setting the Regular Meeting Schedule for the Norco Youth Advisory Council for Fiscal Year 2016-2017. **Action: Adopted Resolution No. 2016-60, setting the regular meeting schedule for the Norco Youth Advisory Council for FY 2016-2017.** (City Clerk)
- J. Clarification of the Mayor's Signing Authority for the Approval of the Supplemental Agreement for Reimbursement for the 2016-2017 Community Development Block Grant Program Year. **Action: Authorized the Mayor to act on behalf of the City of Norco by executing all documents and entering into all contracts required to finalize the approval of the Supplemental Agreement for reimbursement for the 2016-2017 Community Development Block Grant Program Year.** (Deputy City Manager/Director of Parks, Recreation and Community Services)

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

- 2.D. Quarterly Investment Report for Quarter Ended September 30, 2016. (Finance Officer)

Council Member Hoffman referred to Attachment 4 Page 1 of the staff report which shows deficits in the Miscellaneous Grants Fund and LMD #2. Finance Officer Gina Schuchard indicated those are cash balances. For the Miscellaneous Grants Fund, the grants have not been received yet and for LMD #2, the property taxes have not been received yet.

**M/S HOFFMAN/NEWTON to receive and file the Quarterly Investment Report for the Quarter Ended September 30, 2016. The motion was carried by the following roll call vote:**

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

- 2.F. Execution of a Cooperative Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District. (Director of Public Works)

Council Member Grundmeyer said that there has not been any clarity on whether the flood control improvement behind properties on Temescal Avenue between Second Street and Third Street is covered or open. In response, Director Blais stated that it would be open,

but there is potential discussion to make it closed. Director Blais will follow up with the Flood Control District on this issue.

**M/S GRUNDMEYER/BASH to approve the Cooperative Agreement between the City of Norco and Riverside County Flood Control and Water Conservation District for the construction of the South Norco Channel Improvements, Norco Master Drainage Plan (MDP) Line S-1 Improvements and Norco MDP Line S-5 Improvements and authorize the City Manager to execute the agreement. The motion was carried by the following roll call vote:**

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

- 2.G. Execution of a Grant of Easement between the City of Norco and Southern California Gas Company. (Director of Public Works)

In regards to the grant easement, Mayor Pro Tem Newton asked what the valuable consideration is. City Attorney Harper stated that it is a legal term referring that the running easement is of value to both parties.

**M/S NEWTON/HOFFMAN to approve the Grant of Easement between the City of Norco and Southern California Gas Company to provide gas service to SilverLakes Equestrian and Sports Park. The motion was carried by the following roll call vote:**

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

- 2.H. Acceptance of Bids and Authorization to Purchase a 2017 Ford F-250 Crew Cab for the Sheriff's Department. (Sheriff's Office)

Mayor Pro Tem Newton referenced the three bids and the City is accepting Hemborg's bid based on it being a local vendor. In response, City Manager Okoro stated that a local vendor is given a 3% consideration. City Manager Okoro also responded to Mayor Pro Tem Newton's concern about the trade-in value of \$500. Mr. Okoro indicated that the trade-in value is only used for purposes of analysis. The car will be sold rather than traded in.

**M/S HOFFMAN/BASH to accept bids submitted and authorize the purchase of a 2017 Ford F-250 Crew Cab Truck for the Sheriff's Department from Hemborg Ford. The motion was carried by the following roll call vote:**

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

4. PUBLIC COMMENTS:

Bonnie Slager commented on the Norco Horsemen's Association meeting October 20, 2016 at 7pm at the American Legion. There will be speakers from the Riverside County Transportation Commission to discuss the I-15 Express Lanes Project and the impact to Norco. Ms. Slager also requested volunteers for the Norco Horsemen's Association trail clean-up day at Third Street on November 5, 2016.

Council Member Hoffman asked Deputy City Manager Petree to comment on the Arundo Removal Project. Mr. Petree stated that Riverside-Corona Resource Conservation District (RCRCD) will be starting its Arundo removal and restoration project in the Santa Ana River downstream from the Hamner Bridge with the staging of its equipment on October 28, 2016. Natures Image, the RCRCD contractor, will begin work on October 31, 2016 with the Arundo removal portion of the project in the river bed. The staging entrance area is located at the corner of Shadow Canyon at the circle northwest of Norco Drive and will start work moving through the northeast section of the project area where the Arundo is fairly dense and mostly impassable. All equipment will be staged on RCRCD land within the river. Although signs will be posted, we ask the equestrian community to be cautious when riding up stream in the Santa Ana River from the Corydon Staging Area, as noise and equipment running may spook your horse. The white lined area in the map identifies the project area. Work will be M-F from 7:00 a.m. to 3:00 p.m. No contract work will be done on the weekends.

5. DISCUSSION / ACTION ITEMS:

A. Fiscal Year 2015-2016 Year-End Budget to Actual Report. (Finance Officer)

Finance Officer Schuchard reported that Fiscal Year 2015-2016 ended with strong General Fund revenue performance that exceeded budget estimates. General Fund expenditures also performed favorably with actual expenditures being lower than budget projections. The combination of better revenue performance and lower expenditures resulted in increased fund balance for the General Fund, above the amount previously projected.

**M/S HOFFMAN/BASH to receive and file the Fiscal Year 2015-2016 Year-End Budget to Actual Report. The motion was carried by the following roll call vote:**

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

B. Reconsideration of Approval of Conditional Use Permit 2016-22 (Podaca). (City Manager)

City Attorney John Harper stated that Mayor Bash recused himself due to a conflict of interest. Mayor Bash left the dais at 8:28 p.m. Mayor Pro Tem Newton presided over the meeting.

City Manager Okoro reported that Conditional Use Permit (CUP) 2016-22, to allow a detached accessory building consisting of a 2,000 square-foot shop/storage building at

3596 Pedley Avenue located within the A-120 (Agricultural Low Density) Zone, was approved by the Planning Commission on August 10, 2016. The Planning Commission's approval was appealed to the City Council by an adjacent property owner. The appeal was heard by the City Council on September 7, 2016 and the Planning Commission's approval was upheld by 3-1-1 vote of the City Council (Ayes: Grundmeyer, Hoffman, Newton; Noes: Hanna; Recused: Bash). On September 21, 2016 the City Council voted 4-0-1 (Recused: Bash) to agendaize a vote by the City Council on whether to set a public hearing to reconsider approval of CUP 2016-22.

City Attorney Harper added that the Council may not discuss the merits or the substance of the CUP. This agenda item is simply based upon the Council's review of the potential of additional information, whether or not it is appropriate to reconsider.

Betty Bash, adjacent property owner, commented that in 2010, the City Council and a majority of residents expressed anger at the increase in the number of accessory buildings and the size of the buildings were impacting neighbors and the community as a whole. As a result, an amendment was made to Norco Municipal Code Chapter 18.45 that set a limit to the height of accessory buildings to 14 feet, and a maximum size of 864 square feet. Ms. Bash said that the City has moved away from the intent of Chapter 18.45. Ms. Bash said that when her neighbor applied for a CUP, staff should have conducted an impact study. She requested that CUP 2016-22 be reconsidered.

Linda Dixon concurred with Ms. Bash. Ms. Dixon said she was present at the hearings in 2010 and that the intent is no longer the norm. Ms. Dixon requested a moratorium on accessory buildings until the Ad-Hoc Committee on Accessory Buildings provides its recommendation to the Council.

Danny Leach, a relative of the property owner requesting the CUP, commented that the property owners have met all requirements and City codes. Mr. Leach said that the owner's property rights should not be taken away.

Penny Leach, a relative of the property owner requesting the CUP, expressed her concern for the lack of respect for the property rights of the Podaca's. Ms. Leach stated that the Podaca's have worked hard to make improvements to their home, even winning a Beautification Award from the City. Ms. Leach added that the Podaca's have not complained about issues related to the day school next door, yet the owner of the school has been relentless in her efforts to stop the Podaca's from obtaining a CUP.

Amanda Podaca expressed her sadness and asked when is enough going to be enough. She said she is still waiting for a legitimate and valid reason for the City questioning the CUP. Ms. Podaca stated that her project meets all City codes and has agreed to every condition set by the City. She expressed how this process has been one of the most stressful and discouraging experiences she has endured. Ms. Podaca said she sincerely hopes that she and her husband will be allowed to proceed with their CUP.

Council Member Hanna asked the City Attorney if he can make a motion to postpone making a decision until the Ad-Hoc Committee on Accessory Buildings provides recommendations to the City Council. In response, City Attorney Harper stated that he could not because the City Council, in this case, is at the point of reconsideration, which is

the end of the process. City Manager Okoro added that if no decision is made on this agenda item, then the previous decision by the City Council stands.

Council Member Grundmeyer indicated that she did research on Parliamentary Procedure and what a reconsideration is as well as some City policies. The purpose of a reconsideration is to correct a hasty ill-advised or erroneous action or take into account added information or a changed situation that has developed since the taking of a vote. Council Member Grundmeyer agreed that there is a situation with accessory buildings in the City. She added that in her opinion, the City Council is hearing a lot of appeals. When there is an excessive amount of appeals, the system is broken. Council Member Grundmeyer said that with this particular issue, this neighbor war is the fault of the City. The City has not been clear, from the Planning Commission on up to the City Council. There is a high standard of what we expect in Norco and it's laid out in the land use policies. Council Member Grundmeyer read the introduction to the Land Use Policy, which reads, "The Land Use Policy was incorporated to preserve small plot agriculture animal-keeping and the equestrian lifestyle on a family scale. The Land Use element was established so that all other General Plan support animal-keeping agrarian uses in perpetuity for future residents of the City." This leads to navigating through muddy waters of property owner rights with the General Plan of the City. City staff, Commissions, and City Council must be very clear with directives.

Council Member Hoffman commented on the California Planning Guide established by the State, which contains seven elements all General Plans must meet: Land Use Element, Circulation Element, Housing Element, Conservation Element, Open Space Element, Noise Element, and Safety Element. The purpose of the City's Charter is to protect the City's rural, animal-keeping lifestyle. In 2014, there was an amendment to the General Plan, in the Conservation Element. It reads, "The City of Norco is incorporated to preserve its small plot agricultural animal-keeping and equestrian lifestyle. Primary to this goal is the maintenance of residential lots accommodating and encouraging animal-keeping agricultural at a family scale, a concept that dates back to early colonial times. The Land Use Element establishes the primary goal of the community, which is the maintenance of that kind of lifestyle. All other elements of the General Plan must be consistent. The Conservation Element works in conjunction with the Land Use Element in providing alike quality standards that will sustain the community and support the preservation of small plot agricultural animal-keeping equestrian lifestyle as a viable overall land use. In an urban setting, the City of Norco provides a unique opportunity to maintain this lifestyle that is not readily available elsewhere in the region." Council Member Hoffman noted that Conditional Use Permits are not automatic and that the system is broken. There needs to be a clear understanding of the preservation of the animal-keeping lifestyle.

Mayor Pro Tem Newton commented that there is a problem with accessory building. In regards to the first hearing for this CUP, he asked if anything was missed; what needs to be reconsidered in order to set the public hearing. Mayor Pro Tem Newton said that the applicants have not done anything wrong but then looks at the impact to the neighbors and did the Planning Commission do their due diligence.

**M/S NEWTON/HANNA to set a public hearing to reconsider approval of Conditional Use Permit 2016-22. The motion failed by the following roll call vote:**

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

**Mayor Pro Tem Newton recessed the meeting at 9:08 p.m. Mayor Bash returned to the dais and reconvened the meeting at 9:17 p.m.**

C. Water and Sewer Rates Study Discussion. (Director of Public Works)

Director Blais reported that on September 28<sup>th</sup>, an interactive public study session was conducted that comprised of the City Council, Streets, Trails, and Utility Commission, and City staff to review financial planning scenarios regarding potential multi-year rate increases for the Water and Sewer Funds. Staff is requesting City Council's authorization to schedule a public hearing for December 7, 2016 and the mailing of the Proposition 218 notification to all ratepayers and property owners in order for the City Council to consider adoption of multi-year increases in water and sewer rates.

David of Hawksley Consulting presented a brief summary of information provided at the Study Session on September 28, 2016. David commented on the study objectives, summary of key issues, current water and sewer rates, proposed alternative water rate structures, and financial planning scenarios and recommendations.

Mayor Pro Tem Newton commented that he is not in support of the \$19 sewer non-connect fee.

Council Member Hoffman commented on rate adjustments for seniors. Director Blais indicated that that type of adjustment would not have to be approved through the Proposition 218 process. Director Blais also noted that he will research the discount program and present it to the Council on December 7<sup>th</sup>.

**M/S HOFFMAN/BASH to authorize staff to mail the Proposition 218 Notice and schedule a Public Hearing for December 7, 2016 for consideration of adopting multi-year increases to water and sewer rates. The motion was carried by the following roll call vote:**

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

6. APPEAL HEARING:

- A. Conditional Use Permit 2016-24 (Foley): An appeal of the Planning Commission's denial of a request for approval to allow a detached accessory building consisting of a 1,560 square-foot storage building at 2272 Lonestar Drive located within the A-1-20 (Agricultural Low Density) Zone. (Planning Director)

Director King reported that the request for Conditional Use Permit (CUP) 2016-24 was denied by the Planning Commission on September 14, 2016, but that decision has been appealed by the applicant. The subject property consists of about 0.47 acres/20,364 square feet and is developed with a residential use.

Scott Foley, applicant, indicated that in regards to driving through the animal-keeping area, the Planning Commission stated it was a grey area on whether you can or cannot drive through the animal-keeping area. Mr. Foley commented on his reasons for putting the accessory building in the back corner of his property.

**Mayor Bash opened the public hearing and requested the presence of those persons wishing to speak.**

Mike Thompson commented that Mr. Foley was made to look uncooperative in the staff report and the Planning Commission minutes. Mr. Thompson said that when staff was working with Mr. Foley on the issue of driving through the animal-keeping area, another project was denied at the Planning Commission for the same reason. When the City Council overturned the Planning Commission denial, staff and Mr. Foley decided to move forward to present to the Planning Commission.

**With no one else wishing to speak, Mayor Bash closed the public hearing.**

Council Member Hanna commented that driving through the animal-keeping area is not of major concern. He is concerned about the possibility of the applicant putting in a concrete driveway where the animal-keeping area is and asked for conditions to prevent it from happening.

Council Member Grundmeyer commented that moving forward the Council needs to make sure that its making appropriate decisions, referring back to the Land Use Policy. Council Member Grundmeyer concurred with Mr. Mike Thompson, that the City needs to work with the resident.

Council Member Hoffman said that he agrees with the Planning Commission action of denial because of the preservation of the animal-keeping area.

Mayor Pro Tem Newton commented that the accessory building needs to be relocated and the applicant should go back and work with staff and the Planning Commission. He also commented on the location of the accessory building. Many properties drive through the animal-keeping area, but the difference is that those properties have a place to put their animals; the animals are secured. Mayor Pro Tem Newton said he agrees with the Planning Commission that this is not the proper location for this accessory building.

Mayor Bash expressed concern that the City has not been adhering to Norco Municipal Code Chapter 18.45 and asked if an impact study was done and if the drawings have proper dimensions. In response, Director King stated that staff analyzes every project and the dimensions are to scale. There was discussion regarding staff not following guidelines in accordance to Chapters 18.12, 18.13, and 18.45. Mayor Bash commented on the impacts to neighbors and property values for this project. He said that these large accessory buildings are threatening the animal-keeping lifestyle of the City.

**M/S BASH/HANNA to uphold the decision of the Planning Commission to deny Conditional Use Permit 2016-24. The motion was carried by the following roll call vote:**

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**7. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:**

Council Member Hoffman noted the Landscape Maintenance District No. 4 meeting on Tuesday, October 25, 2016 at 7pm at Nellie Weaver Hall.

Council Member Hoffman requested a meeting of the Ingalls Park Master Plan Committee in January 2017.

Mayor Bash requested to agendize discussion of Norco Municipal Code Section 18.30.46 regarding second units.

**M/S BASH/HANNA to agendize discussion of Norco Municipal Code Section 18.30.46 regarding second units. The motion was carried by the following roll call vote:**

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**ADJOURNMENT**

Mayor Bash adjourned the meeting at 10:20p.m. in honor of Pat Cooter.