



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
FEBRUARY 4, 2009

CALL TO ORDER: Mayor Azevedo called the meeting to order at 6:04 p.m.

ROLL CALL: Mayor Kathy Azevedo, **Present**
Mayor Pro Tem Malcolm Miller, **Present**
Council Member Frank Hall, **Present**
Council Member Berwin Hanna, **Present**
Council Member Richard L. MacGregor, **Present**

Staff Present -- Allred, Cooper, Frye, Jacobs, King, Milano, Okoro, Petree and Thompson

City Attorney John Harper -- **Present**

THE CITY COUNCIL/CRA RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

Section 54956.8 – Conference with Real Property Negotiator

Street Addresses or Parcel Number: APN 125-100-036

Negotiating Parties: City Manager Jeff Allred, Public Works Director Bill Thompson and City Engineer Dominic Milano; Property Owners James and Linda Ro

Point Under Negotiation: Price and Terms of Payment

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Jeff Allred and Director of Fiscal & Support Services Andy Okoro

Employee Organization: Norco Firefighters Association
Norco Battalion Chiefs Association
Norco General Employees Association
Norco Public Works & Parks Maintenance Workers Association

RECONVENE PUBLIC SESSION: **With nothing to report from Closed Session, the Mayor reconvened the meeting at 7:11 p.m.**

PLEDGE OF ALLEGIANCE: Council Member Hanna

Agenda Items 1.A. & 4.A.

INVOCATION:

Pastor Vernie Fletcher
Grace Fellowship Church
Due to illness, Pastor Fletcher could not attend the meeting. Council Member Miller presented the invocation.

PRESENTATION:

Miss Norco Court
Postponed due to illness

ACHIEVEMENT CERTIFICATE:

Norco High School Band
Director Brian Gallagher
Mayor Azevedo noted the Band's accomplishments and presented Director Gallagher and members of the band present with an achievement certificate noting those accomplishments. A DVD of the Band's field show was shown.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

Board Member Hanna pulled Item 1.B. for discussion. M/S Hall/Miller to approve the amended CRA Consent Calendar as recommended. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HALL, HANNA, MACGREGOR & MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

1. CRA CONSENT CALENDAR ITEMS:

- A. CRA Minutes, Regular Meeting of January 21, 2009. **Recommended Action: Approve the CRA Minutes of January 21, 2009.** (City Clerk)
- B. Authorization of Payment to the Norco Chamber of Commerce. **Recommended Action: Approve payment in the amount of \$25,000 to the Norco Chamber of Commerce as allocated in the adopted FY 09 Agency Budget.** (Executive Director) **Pulled for discussion.**

2. CRA CONTINUED PUBLIC HEARING:

- A. Amendment No. One to the 2006 Owner Participation Agreement with Mitchel L. Frahm, dba Frahm Dodge

Frahm Dodge is requesting an amendment to a 2006 Owner Participation Agreement ("OPA") to extend the term of the OPA by one year and receive credit for sales taxes generated from 2007 Suzuki sales. In addition, Frahm is requesting credit for sales tax revenues generated by the sales of Dodge heavy-duty trucks and the addition of the Chrysler/Jeep franchise.

Recommended Action: Adopt CRA Resolution No. 2009-____, approving Amendment Number One to the Owner Participation Agreement by and between the Norco Redevelopment Agency and Mitchel Frahm, dba Frahm Dodge, a California Corporation. (Director of Economic Development)

Executive Director Allred presented the CRA item.

Chairman Azevedo OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak.

Public Comments: No Public Comments

Chairman Azevedo CLOSED the public hearing.

M/S MacGregor/Miller to Adopt CRA Resolution No. 2009-03, approving Amendment Number One to the Owner Participation Agreement by and between the Norco Redevelopment Agency and Mitchel Frahm, dba Frahm Dodge, a California Corporation. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, HALL, HANNA, MACGREGOR & MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

3. OTHER CRA MATTERS: No other matter

DISCUSSION OF ITEM 1. B. Authorization of Payment to the Norco Chamber of Commerce. Recommended Action: Approve payment in the amount of \$25,000 to the Norco Chamber of Commerce as allocated in the adopted FY 09 Agency Budget. (Executive Director)

Board Member Hanna stated that several business owners had talked to him encouraging him not to approve this payment to the Chamber as they feel they have been slighted by this group with no representation and no help in promoting their businesses. Board Member Hanna agrees with them in that the Chamber should help them and take care of their city. The businesses believe that this is not a good time to support the Chamber

Carol Barreto, 2529 Hamner. Ms. Barreto stated that her business has been a member of the Chamber since February of 1965 and she has previously served on their Board. Ms. Barreto is concerned about the treasurer's report from the Chamber that was supposed to be provided to the Board of Directors of the Chamber and was never provided. She noted that the Chamber has lost many of its members and does not want the City to give them money as they do not put it to good use. Ms. Barreto stated that the City should spend their money to promote the "Shop Norco" campaign.

Lois Loock, 4328 Crestview. Ms. Loock voiced her opposition to giving \$25,000 to the Chamber. Ms. Loock read a letter written by the former president of the Chamber (Tim Nordby) in regards to his resignation and submitted that letter for the record. Ms. Loock also submitted photos for the Council's review and for the record reportedly taken off the computer located at the Chamber office. She further noted that the Chamber is functioning under illegal procedures and should live up to the City's expectations.

Vern Showalter, 2345 Corona. Mr. Showalter is neither for nor against this item but would like the City to reconsider the restrictions put on the Chamber and if they have not met them, they should not give them the money.

Sharon Wagner, 1897 Cherokee. Ms. Wagner stated that in light of the discussions and the tight budget, she would request that the Agency Board put aside prejudices and friendships and make this decision on financial responsibility. Ms. Wagner further noted that if this investment is made, the City should see a return on that investment.

Board Member Hall inquired if there were any members of Chamber at the meeting to speak in favor of this item.

Vice Chairman Miller stated that it has become clear that the Chamber is dysfunctional and leaves much to be desired. He further stated that other regions have a regional chamber, such as the Greater Riverside Chamber of Commerce, and that we should think of some kind of alliance with Corona, Eastvale or Ontario. He stated that he has difficulty supporting the entire allocation, but could be persuaded to give them something. Vice Chairman Miller stated that he would like the City to explore the broader aspect of a regional chamber.

Chairman Azevedo stated that the Chamber benefits the City by holding the Norco Valley Fair. As she discusses this event with other businesses, they tell her that the fair provides them with funds for their "rainy day" account and that is when they make their money. Chairman Azevedo suggested that the City allocate money to the Chamber stipulating that those funds would go only towards the Norco Valley Fair.

Board Member Hanna agrees with the businesses in town and has a problem with giving the Chamber anything. He further noted that some of the businesses feel that they have been slighted by the Chamber and do not participate in the Fair. Board Member Hanna stated that the City should not give money to them during these economic times.

Board Member MacGregor stated that they have given us a tax filing which does not show us what contacts they make in the City and furthermore does not provide us with what we need to justify this payment to them. Board Member MacGregor stated that he would like to see what the Chamber is actually doing to sell the City, how they are promoting the City, and what they do to help bring businesses to the City. He would like to table this and see if the Chamber can come back and provide the explanations as to what they are doing.

Board Member Hall noted that several years ago, the City/Agency Board requested a report from the Chamber as to what they were doing. He further noted that it would be good to see a report like that again showing the numbers of contacts and statistics regarding the services the Chamber provides. Board Member Hall agrees that we should not commit any funds at this time, further noting that the figures they provided to us did not support what they had verbally told us regarding their inability to afford the City services provided during the Norco Valley Fair.

Board Member Hanna stated that the Chamber knew this item was on the Agenda and if they were interested, they would have come.

M/S Hall/Miller that the Norco Redevelopment Agency Board not approve any payment to the Chamber of Commerce at this time and that the City shall send a letter to the Chamber requesting that they provide them with a detailed report relative to the Chamber's support to the City's businesses, programs and to the City of Norco; and that the same letter shall not imply or commit any financial obligations to the Norco Chamber of Commerce. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HALL, HANNA, MACGREGOR & MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ADJOURNMENT OF CRA: 7:54 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

M/S MacGregor/Hanna to approve the City Council Consent Calendar Items as recommended. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HALL, HANNA, MACGREGOR & MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes, Regular Meeting of January 21, 2009. **Recommended Action: Approve the City Council Minutes of January 21, 2009.** (City Clerk)
- B. Project Status Update for Wyle Laboratories Norco Facilities Site. **Recommended Action: Receive and File** (City Manager)

- C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - D. Award of Contract for Design of Hamner Avenue Widening Project from Citrus Avenue south to the Hamner Avenue Bridge. **Recommended Action: Award a professional design services contract to DMC Design Group in the amount of \$129,905.** (Director of Public Works)
 - E. Request for a Twelve-Month Extension of Time for Tentative Parcel Map 33317 (McMillan). **Recommended Action: Approve the extension of time for recording a final map for Tentative Parcel Map 33317 with a new expiration date of February 1, 2010.** (Planning Manager)
 - F. Action Minutes for Planning Commission Meeting of January 28, 2009.
Recommended Action: Receive and File (Planning Manager)
5. CITY COUNCIL PUBLIC HEARINGS:

- A. Social Host Underage Drinking and Consumption Accountability Ordinance

This proposed Ordinance would make it unlawful for parents or others to host parties, gatherings or events on private properties where alcoholic beverages are served to, consumed by or in the possession of underage persons. The adoption of this Ordinance will send a clear message to parents and others that such actions are harmful to underage persons and constitute a public nuisance. This Ordinance is appropriate as underage drinking is a significant public safety concern and the most frequent sources of alcohol by adolescents include family members, adult friends and parties in private residences.

Recommended Action: Adopt Ordinance No. ____ for first reading. (Lt. Cooper)

Lt. Cooper presented the Council item. Mayor Azevedo noted that the Corona City Council is also taking action on this same ordinance tonight and further noted that the UNLOAD Committee also requests the adoption of the Ordinance.

Mayor Azevedo OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak.

Public Comments:

Jessica Hodgeson, 2820 Clark. Ms. Hodgeson, along with students from Norco High School, and also representing UNLOAD and UNITY, spoke in support of the ordinance. She stated that underage drinking is a problem and hoped that the Council sees benefits from this ordinance.

Vern Showalter, 2345 Corona. Mr. Showalter spoke In favor of the ordinance. He noted that any ordinance that does not have teeth does not have effect and further asked what kind of teeth are in this ordinance.

Lt. Cooper noted that this ordinance holds the person in charge of the private property responsible for underage persons drinking alcohol at the property.

The Council commended Lt. Cooper and the UNLOAD Committee for their work on this ordinance. Mayor Pro Tem Miller noted that he was “pleased and proud to be a part of this process”. The Council further agreed that this ordinance puts the responsibility where it belongs.

Mayor Azevedo CLOSED the public hearing.

M/S Miller/Hall to Adopt Ordinance No. ____ for first reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HALL, HANNA, MACGREGOR & MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- B. Ancillary Sale of Liquor for Off-Site Consumption at a Convenience Store Proposed at 2743 Hamner Avenue Suite 105, located within the C-G (Commercial General) Zone. Resolution No. 2008-38; Conditional Use Permit 2008-12 (Farhoomand)

This is a request to allow the ancillary sale of distilled spirits (liquor) for off-site consumption at a retail store proposed at 2743 Hamner Avenue, Suite 105. The project was denied by the Planning Commission on a 4-1 vote, based on the State Department of Alcohol and Beverage Control (ABC) classification of the area (census tract) as having an over-concentration of alcohol licenses, and because there are already too many alcohol licenses in the City.

Recommended Action: Adopt Resolution No. 2009-____, approving Conditional Use Permit 2008-12, subject to the conditions outlined in the resolution. (Planning Manager)

Planning Manager King presented the Council item.

Council Member Hanna asked the Planning Manager if this is just going to be a liquor store. Planning Manager King responded that the applicant stated that it is a convenience store/market selling snacks, sodas, etc. and distilled spirits. Planning Manager King further noted that beer and wine are a permitted use, and that distilled spirits would be ancillary. Further discussion was held by the Council regarding the specifics of the store and agreed that a high-end store such as this would do well in Norco. No other stores in Norco sell high-end liquors like this store would sell.

Mayor Azevedo OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak.

Public Comments:

Fred Farhoomand, 2741 Hamner. Mr. Farhoomand is the Co-Owner/Applicant for the project. He stated that this store would be a high end and unique facility. He further noted that the City does not have any stores such as this at the present time.

Pat Overstreet, 1231 Corona. Ms. Overstreet spoke against this store locating in Norco.

Ben Zolgar, 2741 Hamner Ave. Mr. Zolgar is one of the owners and operators of the store and stated that they would be offering educational seminars teaching safety on alcoholic beverage consumption, on wines from different parts of the world, and how to cook using wines. He further noted that they are trying to bring something into Norco that does not exist in Norco, nor in the surrounding cities.

Vern Showalter, 2345 Corona. Mr. Showalter noted that we need to be careful about throwing out businesses at this time and that the City should not be concerned about the over saturation of liquor stores.

Lois Loock, 4328 Crestview. Ms. Loock inquired about the City of Norco liquor store saturation report from the ABC. Ms. Loock further noted that it does not make sense to approve an ordinance to prevent drinking and then to approve the addition of more liquor stores.

Council Member MacGregor noted that he was glad this item was appealed and that the Planning Commission decision was incorrect. He further noted that this is a permitted use with a CUP and has a unique offering to the City. Council Member MacGregor stated they should have the opportunity to economically succeed or fail based on how they run the business.

Council Member Hanna stated that at this time, the City should not turn away any new business.

Mayor Pro Tem Miller asked the applicant if they held the appropriate license for this store. The applicant responded that the required license and permits would be received following approval by the Council.

Council Member Hall stated that we have a multitude of new buildings struggling for new tenants and doubts that this proposed store is in much of a competition with other Norco businesses. Council Member Hall further noted that he is more concerned about the small tobacco stores in Norco than properly run liquor stores. He is happy to see this group come in to Norco!

Mayor Azevedo CLOSED the public hearing.

M/S Hanna/MacGregor to Adopt Resolution No. 2009-05, approving Conditional Use Permit 2008-12, subject to the conditions outlined in the resolution. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HALL, HANNA, MACGREGOR & MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

6. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR: **No items pulled.**

7. PUBLIC COMMENTS OR QUESTIONS:

Su Bacon, 111 Buckskin. Ms. Bacon spoke on behalf of the Norco Regional Conservancy and the Lake Norconian Club Foundation. She, along with other members of the Norconian Club Foundation, celebrated the 80th Birthday of the Lake Norconian Club this past Monday. The group went to La Jolla and spent time with the daughter of Rex Clark. Three proclamations were presented to her from the City, State, and County. The group later had dinner with Peter Clark. Ms. Bacon thanked the Mayor for her presentations and humor.

Greg Melendez, 2410 Broken Lance. Mr. Melendez is concerned about the lack of a noise ordinance in City. He called other cities surrounding Norco and found out that they all have a noise ordinance or clauses regarding noise. He would like something to be done.

8. OTHER MATTERS - COUNCIL OR STAFF:

Council Member Hanna spent time last week at the Equine Affaire working in the City of Norco/NART booth. He stated that 98% of the persons viewing the map showing the Silverlakes project were excited and further requested that a story be placed in the next City Newsletter (maybe even in the headlines) explaining the fact that the Belstarr project will be run and controlled by Belstarr and not the City; there seems to be some confusion over that. Council Member Hanna also asked Public Works Director Thompson what the status was on Crestview. Director Thompson stated that hopefully within 70 working days, if weather stays with us, the project will be completed.

Council Member MacGregor requested that when the time gets closer to the ground breaking ceremony for the new Ridge Ranch Park, a letter be sent to the people living around that area inviting them to that event as many of them do not know what that vacant land will be used for and don't know about the park.

Mayor Azevedo asked Director Petree about the status of the Ingalls second arena and the Animal Control facility. Director Petree responded that the City Engineer will bring the infrastructure for the second arena (sewer, water, electrical, etc.) project to the Council in April and that construction of the second arena should be completed by the end of the 2009 calendar year. Director Petree stated that we are looking at the first plan submittal for the new Animal Control facility some time in March. The timing for these two projects will be the key issue.

Council Member Hall is concerned about the pole barns at Ingalls Park and inquired if they will still be available for use by the FFA at this year's Fair. Director Petree stated there will be provisions for the FFA if the pole barns are gone.

Mayor Pro Tem Miller presented information regarding his attendance at the Clean Cities Coalition. He recently toured the State's aqueduct system and noted in his presentation how the water supply shortage is going to affect our residents. He further explained the sources where the City of Norco receives its water. He stated that we need to be responsible in the usage of this vital recourse and that 60 – 70 percent of the water we use is for outdoors. Mayor Pro Tem Miller referenced the new smart water meters that will be installed within the City and how they will assist the City, as well as the residents, in the usage of water and will also allow for flexibility in conserving water.

9. ADJOURNMENT: Mayor Azevedo adjourned the meeting at 9:11 p.m. in memory of Leslie Pratt, wife of Ed Pratt who formerly served as a member of the Streets and Trails Commission.

BRENDA K. JACOBS
CITY CLERK

/bj-71540