



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
MARCH 18, 2009

CALL TO ORDER: 6:00 p.m.

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

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

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Allred, Director of Fiscal & Support
Services Okoro, Human Resources Analyst
Paakkonen, and Fire Chief Frye

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

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Hall

INVOCATION: Pastor Bill Koster
Church on the Hill

PROCLAMATION: Sgt. John Magnan

PRESENTATION: California Park & Recreation Society (CPRS)
2008 Award of Excellence for Pikes Peak Park

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

Next CRA Resolution No. 2009-04

1. CRA CONSENT CALENDAR 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 Agency, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Agency request specific items be removed from the Consent Calendar)*

A. CRA Minutes, Regular Meeting of March 4, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)

B. Certificate of Completion for the Amended Owner Participation Agreement By and Between the City of Norco Redevelopment Agency and Stater Bros. Markets, Inc. to Fund the Installation of a Replacement Pylon Sign for the Norco Towne Center as a part of the Façade Improvement Program. **Recommended Action: Approve the Certificate of Completion.** (Director of Economic Development)

C. Acceptance of Bid and Award of Contract to JTB Supply Company for the Traffic Signal Equipment Related to the Street Improvements at River Road and Second Street Project. **Recommended Action: Accept bids and award a contract to JTB Supply Company in the amount of \$85,320.76, and authorize the Executive Director to approve contract change orders up to 10 percent of the contract amount.** (City Engineer)

2. CRA PUBLIC HEARING:

A. Amendment to the Fiscal Years 2009-2013 Norco Redevelopment Agency Capital Improvement Program Budget for Right-of-Way Acquisition and Public Improvements in Connection with a 2005 Purchase and Sale Agreement with Dennis D. Jacobsen Family Holdings, LLC and Realty Bancorp Equities TLG, LLC

The Redevelopment Agency approved a purchase and sale agreement with Dennis D. Jacobsen Family Holdings II, LLC and Realty Bancorp Equities TLG, LLC on November 16, 2005. In the agreement, the Agency agreed to purchase the 21,166 square feet of right-of-way from the developer for construction of a future street, now known as Lonesome Dove Court. The agreement also obligated the developer to grade and construct the street improvements and obtain reimbursement at the conclusion of the project. The grading and construction of the street improvements have been completed. A negotiated settlement with the developer is in progress; however, it has not yet been reached.

Recommended Action: Continue the public hearing to April 1, 2009.
(Director of Economic Development)

3. OTHER CRA MATTERS:

REGULAR JOINT CITY COUNCIL/CRA AGENDA AS FOLLOWS:

4. JOINT CITY COUNCIL/CRA CONSENT CALENDAR ITEM:

- A. Certificate of Deposit Account Registry Service with Citizens Business Bank; Certificate of Deposit Accounts with Citizens Business Bank and All State Bank. **Recommended Action: Adopt Resolution No. 2009-___ and CRA Resolution No. 2009-___, approving 1) a Certificate of Deposit Account Registry Service with Citizens Business Bank; 2) a Certificate of Deposit Account with Citizens Business Bank; and 3) a Certificate of Deposit Account with All State Bank.** (Director of Fiscal & Support Services)

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 907
Next Resolution No. 2009-10

5. CITY COUNCIL CONSENT CALENDAR 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. 8 of the Agenda)*

- A. City Council Minutes, Regular Meeting of March 4, 2009. **Recommended Action: Approve the City Council Minutes** (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. **Ordinance No. 906, Second Reading.** City Initiated Proposal to Add Chapter 14.04.670 to the Norco Municipal Code Regarding Restrictions on Additives to the Public Water Supply – Code Amendment 2009-02. **Recommended Action: Adopt Ordinance No. 906.** (City Clerk)
- E. Confirmation of Development Impact Fee Exemptions for the Excel Hotel Group. **Recommended Action: Approve exemptions to the payment of Sewer and Street Development Impact Fees in conjunction with the construction of a proposed hotel project.** (Director of Public Works)

- F. Award of Professional Services Contract to New World Systems for the Upgrade of the City's Financial, Human Resources Management and Utility Billing Systems. **Recommended Action: Adopt Resolution No. 2009-_____** (Director of Fiscal & Support Services)
- G. Acceptance of Bids and Award of Contract for the Reservoir No. 5 Water Supply Line and Site Improvements Project. **Recommended Action: Accept the bids and award a contract to TK Construction in the amount of \$419,827 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Director of Public Works)
- H. Authorization for the Destruction of Certain City Records. **Recommended Action: Adopt Resolution No. 2009-____** (City Clerk)
- I. Acceptance of the Hamner Median Project and Filing of Notice of Completion. **Recommended Action: Accept the Hamner Median project as final and direct the City Clerk to file a Notice of Completion with the County Clerk's Office.** (Director of Parks, Recreation & Community Services)
- J. Amendment No. 2 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement to Add Western Municipal Water District as a New Member **Recommended Action: Adopt Resolution No. 2009-_____** (Public Works Director)
- K. Action Minutes for Planning Commission Meeting of March 11, 2009. **Recommended Action: Receive and File** (Planning Manager)

6. CITY COUNCIL PUBLIC HEARINGS:

- A. Adjustment of the Transportation Uniform Mitigation Fees ("TUMF") Applicable to All New Developments in the City of Norco

Section C, Chapter 3.50.030 of the TUMF Ordinance authorizes periodic review and adjustment to the applicable TUMF fees in accordance with any adjustments made by the WRCOG Executive Committee. On February 2, 2009, the WRCOG Executive Committee approved an adjustment of the TUMF in light of recent decreases in the cost of constructing the regional transportation system. This adjustment was based on decreases to the Construction Cost Index ("CCI") which WRCOG has determined to be an accurate reflection of the cost of constructing the regional transportation system which was identified in the TUMF Nexus Study.

Recommended Action: Adopt Resolution No. 2009-____, amending the TUMF. (Director of Public Works)

- B. A City-initiated Proposal to Amend Title 14 of the Norco Municipal Code by Amending Section 14.04.320 of Title 14 (Water and Sewers) (Code Amendment 2009-03)

The City Council will consider a modification to Title 14, Section 14.04.320 (b) of Norco Municipal Code regarding the process for final notice to customers with delinquent utility accounts prior to discontinuance of service. The proposed change will improve efficiency by freeing staff time to perform other value added services to utility customers.

Recommended Action: Adopt Ordinance No. ___ for first reading.
(Fiscal & Support Services)

- C. A City-Initiated Proposal to Amend Chapter 10.12.030 of the Norco Municipal Code to increase the Speed Limit to 45 MPH on Hidden Valley Parkway from Lonesome Dove to El Paso Drive (Code Amendment 2009-04)

The City Council will consider a recommendation to amend Chapter 10.12.030 of the Norco Municipal Code to increase the speed limit on Hidden Valley Parkway from Lonesome Dove to El Paso Drive. Traffic engineering consultant Albert Grover & Associates performed the original speed survey that determined and recommended a reduction of the speed limit from 45 mph to 35 mph in 2006. With the modifications to this roadway segment, it is now recommended to reestablish the speed limit at 45 mph.

Recommended Action: Adopt Ordinance No. _____ for first Reading
(Public Works Director)

- D. Extension of City-Wide Temporary Moratorium on the Approval of New Plans for the Construction of Accessory Structures that Exceed 2,500 Square Feet on Residentially-Zoned Properties

As a result of a growing proliferation of large accessory structures that block existing animal-keeping potential on lots, it is being recommended that the City Council extend an existing temporary moratorium on accessory structures that exceed 2,500 square feet on all residentially-zoned lots. This will allow staff and the Planning Commission to finish working on proposed regulations to preserve the animal-keeping potential of lots for the future.

Recommended Action: Adopt: Ordinance No. 907, extending the existing moratorium to February 18, 2010 on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially-zoned properties. (Planning Manager)

- E. Appeal of Planning Commission Denial of a Request to Allow Expansion of Food and Alcoholic Beverage Service to an Existing Outdoor Deck on Property Located at 3841 Old Hamner Avenue in the C-G (General Commercial) Zone

The Planning Commission has denied a request by the operator of the Maverick Steakhouse to expand the service of food and alcohol onto an existing outside deck. Although the deck was constructed without building permits, it was later authorized to remain without having to obtain a building permit so long as the use remained for smoking only. The Planning Division, Building Division, Engineering Division, and the Sheriff's Department have each identified significant concerns and each recommended to the Planning Commission that the request be denied. The Planning Commission concurred with staff and voted unanimously to deny the request. The owner has appealed the denial to the City Council.

Recommended Action: That the City Council deny the appeal, upholding the action of the Planning Commission. (Planning Manager)

- 7. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:
- 8. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.
- 9. OTHER MATTERS - COUNCIL OR STAFF:
 - A. Dedication of the Hal Clark Community Youth Facilities at Wayne Makin Park – Saturday, March 14th at 10:00 a.m. (Pancake Breakfast at 8:00 a.m.)
 - B. Norco Relay for Life at Pikes Peak Park on March 21 – 22.

10. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. 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.



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

CALL TO ORDER: Mayor Azevedo called the meeting to order at 6:05 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, Okoro, Oulman, Paakkonen and Thompson

City Attorney John Harper -- **Present**

The City Manager recommended that the City Council amend the Closed Session Agenda to add a discussion relative to the Norco Firefighters Association and the Norco Battalion Chiefs Association due to late arriving information regarding the 3% at 50 actuarial; Fire Chief Frye will join the Negotiating Parties. **M/S Hanna/Hall to amend the Closed Session Agenda as recommended. The motion was carried by the following roll call vote:**

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

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

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Allred, Director of Fiscal & Support Services Okoro, Human Resources Analyst Paakkonen, and Fire Chief Frye

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

RECONVENE PUBLIC SESSION: Mayor Azevedo reconvened the meeting at 7:10 p.m. and announced that the City Council will recess back to Closed Session following the Open Session portion of the meeting.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Miller

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

PRESENTATION: Mayor Azevedo encouraged everyone to participate in the 2009 City of Norco Relay for Life – Horsetown USA Team for Gerry Sassin

Mayor Azevedo introduced the new President of Norco Horsemen's Association, Tom Willison

Norco Chamber of Commerce President Kevin Russell introduced the 2009 Miss Norco, Nicole Schulz, and three Miss Norco Princesses

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

M/S Macgregor/Hanna to approve the items as recommended on the CRA Consent Calendar. The motion was carried by the following roll call vote:

AYES: AZEVEDO, HALL, HANNA, MACGREGOR, MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: HALL FROM 1.A.

1. CRA CONSENT CALENDAR ITEMS:

- A. CRA Minutes, Regular Meeting of February 18, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)
- B. Acceptance of Bid and Award of Contract to Hardy & Harper, Inc. for the Street Improvements at River Road and Second Street Project. **Recommended Action: Accept bids submitted for the installation of street and traffic signal improvements at River Road and Second Street, award a contract to Hardy & Harper, Inc. in the amount of \$333,000, and authorize the Executive Director to approve contract change orders up to 10 percent of the contract amount.** (City Engineer)

2. CRA ITEM FOR ACTION:

- A. Norco Chamber of Commerce Payment Request. **Recommended Action: Direction Requested** (Executive Director)

Executive Director Allred presented the CRA item.

Kevin Russell, Norco Chamber of Commerce President (spoke on behalf of Jaime Rea, 312 N. Cota St., #H, Corona; Gary Hendrickson, 828 Wrangler Way, Norco; Pamela Smith, 1135 Seventh Street, Norco; Robin Kilcoyne, 6405 Dana Ave., Mira Loma; Nicole Schulz, 3372 Deputy Evons Dr.; Aubrie Verduzco, 4222 Hillside Ave.; Megan Oliver, 1885 Alhambra St.; Chelcee Hatfield; and Laurie Stutzman, 4467 Trail St.). Mr. Russell spoke in favor of the financial assistance provided to the Chamber from the Norco Redevelopment Agency. Mr. Russell stated that the Chamber currently has 450 members, which represent 50% of Norco's businesses. Mr. Russell stated that the Chamber offers a place for people to go with questions and also serves as a Visitor's Center. He further stated that the Chamber is a viable organization to the City. He noted that he did not mention the Norco Valley Fair, as it is a fund raiser. Mr. Russell also noted that the admission price for this year's fair will be reduced. Mr. Russell distributed to the Agency Board Members a report from the Norco Chamber of Commerce Budget and Planning Committee outlining the current status of projects that the Chamber is working on along with a proposed contact log that would demonstrate the types of services the Chamber provides on a day-to-day basis. The proposed report will be turned in on a quarterly basis

Agency Board Member MacGregor stated that we are dealing with public funds and that even with all the data that was provided, a budget has not been received from the Chamber and it is unknown how the Chamber's money is spent.

Agency Board Member Hall stated that he had no questions but has observed that we all know that there have been troubles the last few years.

Agency Board Chairman Azevedo stated that a Chamber representative should be at all of the Council/Agency Board meetings. She further stated that it is not the City's job, but the Chamber's job to find out what is happening in the City. Chairman Azevedo spoke on the Agency's decision to become an Executive Partner with the Corona Chamber.

Agency Board Member Hanna spoke on the lack of interest from the Chamber at the previous Agency meeting with the funding was on the agenda. He noted the decrease in sales tax during the 2nd and 3rd quarters of 2008 from 2007. Board Member Hanna does not support this action at this time.

Agency Board Vice Chairman Miller stated that clearly there are some positives with the staff additions at the Chamber. He also noted the fact that nobody represented the Chamber the first time these discussions were held. Vice Chairman Miller stated that a favorable direction to go would be to develop a regional chamber but also sees value in a local chamber of commerce.

M/S Azevedo/Hall to provide \$15,000 of Norco Redevelopment Agency funds to the Norco Chamber of Commerce with the condition that within 30 days the City will receive a full profit and loss statement and proposed budget from the Norco Chamber of Commerce. The motion was carried by the following roll call vote:

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

REGULAR JOINT CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY/NORCO FINANCING AUTHORITY (NFA) AGENDA AS FOLLOWS:

Harvey Sullivan, 4561 Hillside. Mr. Sullivan questioned information on the draft minutes regarding discussion of a potential Grounds Fee for participants in rental events at the Ingalls Equestrian Event Center to cover the City's costs.

M/S Hanna/Hall to approve the items as recommended on the Joint City Council/CRA/NFA Consent Calendar, the motion was carried by the following roll call vote:

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

3. REGULAR JOINT CITY COUNCIL/CRA/NFA CONSENT CALENDAR ITEM:

- A. City Council/CRA/NFA Minutes, Joint Special Meeting of February 23, 2009.**
Recommended Action: Approve the Minutes (City Clerk)

ADJOURNMENT OF CRA AND NFA: 8:16 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

M/S Hall/Miller 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: HALL on 4.A.

4. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes, Regular Meeting of February 18, 2009. **Recommended Action: Approve the City Council Minutes** (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. Amendment No. 3 to Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority. **Recommended Action: Approval** (Planning Manager)
- E. Request for Additional Deferred Loan Funding for Housing Rehabilitation Case No. 2NR10.08.02 in the Amount of \$15,000. **Recommended Action: Approval** (Housing Manager)
- F. Action Minutes for Planning Commission Meeting of February 25, 2009. **Recommended Action: Receive and File** (Planning Manager)

5. CITY COUNCIL CONTINUED PUBLIC HEARING:

- A. City Initiated Proposal to Add Chapter 14.04.670 to the Norco Municipal Code Regarding Restrictions on Additives to the Public Water Supply. (Code Amendment 2009-02)

The former City of Norco Community Services Commission recommended that staff develop an ordinance establishing criteria that assures that if the City or any other entity choose to add a substance to the public water supply for the specific purpose of treating people rather than water, the substance must have gone through the appropriate approval process prior to being added to the water supply. The proposed Ordinance is intended to ensure water supplied by the City of Norco is safe to drink.

**Recommended Action: Adopt Ordinance No. ____ for first reading.
(Director of Public Works)**

Director Thompson presented the Council item.

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

Mayor Azevedo CLOSED the continued public hearing.

M/S Hall/Miller to Adopt Ordinance No. 906 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**

6. CITY COUNCIL PUBLIC HEARING:

- A. Silverlakes Equestrian and Sports Park: Conditional Use Permit and Environmental Impact Report (Belstarr Sports Management, LLC)**

Belstarr Sports Management, LLC, in cooperation with the City of Norco and the Norco Redevelopment Agency, plans to develop a high quality equestrian and sports park on the Silverlakes property. Belstarr will enter into a long-term lease agreement in order to develop the project on the 122-acre property owned by the Norco Redevelopment Agency. The proposed equestrian and sports park is a permitted use upon approval of a conditional use permit (CUP). An environmental impact report (EIR) has been prepared to address potential significant impacts that could be anticipated from construction and implementation of this "public-private" project. Mitigation measures have been recommended for potential environmental impacts as feasible, and they have been incorporated as conditions of approval on the project. The Final EIR includes a Statement of Overriding Considerations for environmental impacts that, after mitigation, cannot be reduced to less-than-significant levels.

Recommended Actions:

- 1. Adopt Resolution 2009-____ certifying that the environmental impact report is complete and has been prepared in accordance with the California Environmental Quality Act.**
- 2. Adopt Resolution 2009-____ approving Conditional Use Permit 2008-09 in accordance with conditions of approval set forth in said resolution.
(Planning Manager)**

Planning Manager King presented the Council item and recommended that Condition No. 106 be revised to remove the condition that the pond will be stocked for fishing.

Council Member Hanna stated that the CUP should refer to the Northwest Mosquito and Vector Control District throughout the document rather than the Riverside County Mosquito and Vector Control Agency.

Kent Norton, representing Michael Brandman Associates, presented information on the EIR. Gave presentation in regards to the EIR and issues involved and identified.

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

Gregory Carroll, 12392 Kern River Dr., Eastvale. Mr. Carroll spoke against the approval of the EIR because of traffic impacts to Eastvale residents.

Ed Cooke, 12389 Kern River Dr., Eastvale. Mr. Cooke spoke against the approval of the EIR because of traffic impacts, air quality, noise and lights.

Don Bowker, 3201 Cutting Horse Rd. Mr. Bowker spoke about traffic concerns but is in support of the project.

Pamela Smith, 1135 Seventh St. Ms. Smith spoke about traffic concerns and would like to see baseball built into the plans.

Richard Rosa, 151 Wild Horse. Mr. Rosa spoke against the project and the City signing a long-term contract with a single entity on the largest property in Norco.

Jeanine Adams, 3452 Broken Twig. Ms. Adams spoke in favor of the project and how it could benefit the region.

Vern Showalter, 2345 Corona. Mr. Showalter spoke in favor of the project and stated that it is one of the best things that has happened to the City in a long time.

Peggy Hosking, 1695 Corona. Ms. Hosking spoke in favor of the project and is anxious to have a good quality show facility in the area.

Robin Kilcoyne, Mira Loma. Ms. Kilcoyne spoke in favor of the project and believes that the project will provide numerous opportunities for Norco and the surrounding areas.

Laurie Stutzman, 4467 Trail. Ms. Stutzman spoke in favor of the project and looks forward to the business it will bring to the City of Norco.

Gary Hendrickson, 828 Wrangler Way. Mr. Hendrickson inquired if the project would have a negative impact on Ingalls Park. He spoke in favor of the business opportunities that will result from the project.

Robert Leonard, 4475 Hillside. Mr. Leonard is concerned that Norco businesses are given a chance to bid on the project for the development.

R.J. Brandes, Belstarr Sports Management, LLC. Mr. Brandes addressed the field lights concerns stating that the lights would not shine into the yards of the adjacent homes. He also addressed methods to mitigate the noise issues. Mr. Brandes stated that they have gone out of their way to use local businesses for the development of the project. He noted how this project would have a positive economic impact on Norco, as well as the surrounding region. Mr. Brandes assured the audience that they are working closely with the City and there is nothing the City does not know in regards to what they are doing.

Mayor Azevedo CLOSED the public hearing.

Discussion ensued with all of the Council Members in support of the Project. The Council Members complemented staff and the environmental consultant on the work done in regards to the EIR. They all concurred that the project will be a benefit to the region and that all of the negative impacts addressed would be at a minimum.

M/S MacGregor/Miller to Adopt Resolution No. 2009-07 certifying that the Environmental Impact Report is complete and has been prepared in accordance with the California Environmental Quality Act.

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

M/S MacGregor/Hanna to Adopt Resolution No. 2009-08 approving Conditional Use Permit 2008-09 in accordance with conditions of approval set forth in said resolution, with the removal of that portion of Condition No. 106 stating "shall be stocked for fishing and" The motion was carried by the following roll call vote:

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

Mayor Azevedo called a short recess at 9:15 p.m. and reconvened the meeting at 9:39 p.m.

7. CITY COUNCIL ITEM FOR ACTION:

- A. Professional Services Agreement with Chevron Energy Solutions -- Manure-to-Energy Project

In 2008, Chevron Energy Solutions conducted a preliminary Horse Manure Conversion Feasibility Study for the City at no charge. The results of the preliminary feasibility study showed that thermal conversion of horse manure and bedding material into electricity appears to be a viable proposition, both technologically and financially. The City Council will now consider a Professional Services Agreement with Chevron Energy Solutions for the performance of a detailed energy audit analysis study, which is the next step towards a contract for the design and construction of a manure-to-energy facility. The Agreement is subject to confirmation that property at the Western Riverside County Regional Wastewater Authority (WRCRWA) plant is available for development of the manure-to-energy facility.

Recommended Action: Adopt Resolution No. 2009- _____, authorizing execution of a Professional Services Agreement with Chevron Energy Solutions for performance of a detailed energy audit analysis study leading to design and construction of a manure-to-energy facility, subject to designation of property by the Western Riverside County Regional Wastewater Authority. (City Manager, Director of Public Works, and Director of Fiscal & Support Services)

The City Manager presented the Council item.

Individuals representing Chevron Energy Solutions were in attendance and stated their enthusiasm with the project. It was noted that a reasonable timeline for the conclusion of this project is three years.

Vern Showalter, 2345 Corona. Mr. Showalter spoke in favor of the project,

M/S Hall/Miller to Adopt Resolution No. 2009-09 authorizing execution of a Professional Services Agreement with Chevron Energy Solutions for performance of a detailed energy audit analysis study leading to design and construction of a manure-to-energy facility, subject to designation of property by the Western Riverside County Regional Wastewater Authority. The motion was carried by the following roll call vote:

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

8. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR: **No Items Pulled.**

9. PUBLIC COMMENTS OR QUESTIONS:

Pamela Smith, 1135 Seventh St. Ms. Smith announced that the Norco Horsemen's Association Casino Night will be held on April 4th and that tickets are available at a cost of \$10.

10. OTHER MATTERS - COUNCIL OR STAFF:

Council Member Hall stated that he will be leaving for Washington D.C. on Thursday to "shake" some transit money out of the Stimulus Package to enable the Riverside Transit Authority to continue its projects.

Mayor Azevedo announced that Council Member Hall will be celebrating a Birthday. She also stated that she will be leaving for Santa Clara on Thursday to receive, on behalf of the residents of Norco, the California Park & Recreation Society (CPRS) 2008 Award of Excellence for Pikes Peak Park. This Program is the highest recognition an agency can receive for its programs, services and facilities. Pike Peaks Parks is also eligible to receive the "Creating Community Award of Distinction" which will be at the banquet.

11. The City Council recessed back to Closed Session at 9:56 p.m. With no further business, Mayor Azevedo adjourned the meeting at 10:30 p.m.

BRENDA K. JACOBS
CITY CLERK

/bj-71837

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Jeff Allred, Executive Director 

PREPARED BY: Brian Oulman, Economic Development Director 

DATE: March 18, 2009

SUBJECT: Approval of Certificate of Completion for the Amended Owner Participation Agreement By and Between the City of Norco Redevelopment Agency and Stater Bros. Markets, Inc. to Fund the Installation of a Replacement Pylon Sign for the Norco Towne Center

RECOMMENDATION: Staff recommends approval of the Certificate of Completion.

SUMMARY: Stater Bros. Markets, Inc. and the City of Norco Redevelopment Agency entered into an amended Owner Participation Agreement on May 7, 2008 to fund the installation of a replacement pylon sign for an amount not-to-exceed \$60,000 for the Norco Towne Center at 2790 Hamner Avenue. The sign has been installed, and the permit has been finalized.

BACKGROUND/ANALYSIS: The City of Norco Redevelopment Agency ("Agency") adopted CRA Resolution No. 2008-06 on April 2, 2008 approving an Owner Participation Agreement ("OPA") by and between the Agency and Stater Bros. Markets, Inc. ("Participant"). On May 7, 2008, the Participant requested the approved Façade Program remodel funds of \$60,000 be used for the installation and replacement of a new pylon sign for the Norco Towne Center located at 2790 Hamner Avenue.

The Center's new pylon sign has been installed and the building permit was finalized on March 4, 2009. The Participant has completed all items in accordance with the amended OPA and is requesting payment for the completed construction.

FINANCIAL IMPACT: N/A

/mb-71769

Attachments: Certificate of Completion
Legal Site Description

Recording Requested by)
and when recorded return to:)
Norco Redevelopment Agency)
Att: Agency Secretary)
2870 Clark Avenue)
Norco, CA 92860)

Space above this line for Recorder's use

CERTIFICATE OF COMPLETION
FOR
CONSTRUCTION AND DEVELOPMENT

WHEREAS, the Norco Redevelopment Agency, a public body, corporate and politic, hereinafter referred to as "Agency," and Stater Bros. Markets, Inc., hereinafter referred to as "Participant," entered into an Owner Participation Agreement dated April 2, 2008 (the "OPA") regarding certain real Property situated in the City of Norco, California described on Exhibit "1" attached hereto and made a part hereof; and

WHEREAS, pursuant to the OPA, the Agency shall furnish the Participant with a Certificate of Completion ("Certificate") upon completion of construction and development, which Certificate shall be in such form as to permit it to be recorded in the Recorder's Office of Riverside County; and

WHEREAS, such Certificate shall be conclusive determination of satisfactory completion of the construction and development required by the OPA on the Site; and

WHEREAS, the Agency has conclusively determined that the construction and development on the above described real property required by the OPA on the Site has been satisfactorily completed.

NOW, THEREFORE,

1. As provided in said OPA, the Agency does hereby certify that the construction and development on the Site has been fully performed and completed. Any requirements for operation pursuant to the OPA which is on file with the Agency as a public record and incorporated herein by reference, shall remain enforceable according to their terms.
2. Nothing contained in this instrument shall modify in any other way any other provisions of the OPA.

IN WITNESS WHEREOF, the Agency has executed this Certificate this 18th day of March, 2009.

NORCO REDEVELOPMENT AGENCY,
a public body, corporate and politic

By: _____

Its: _____

ATTEST:

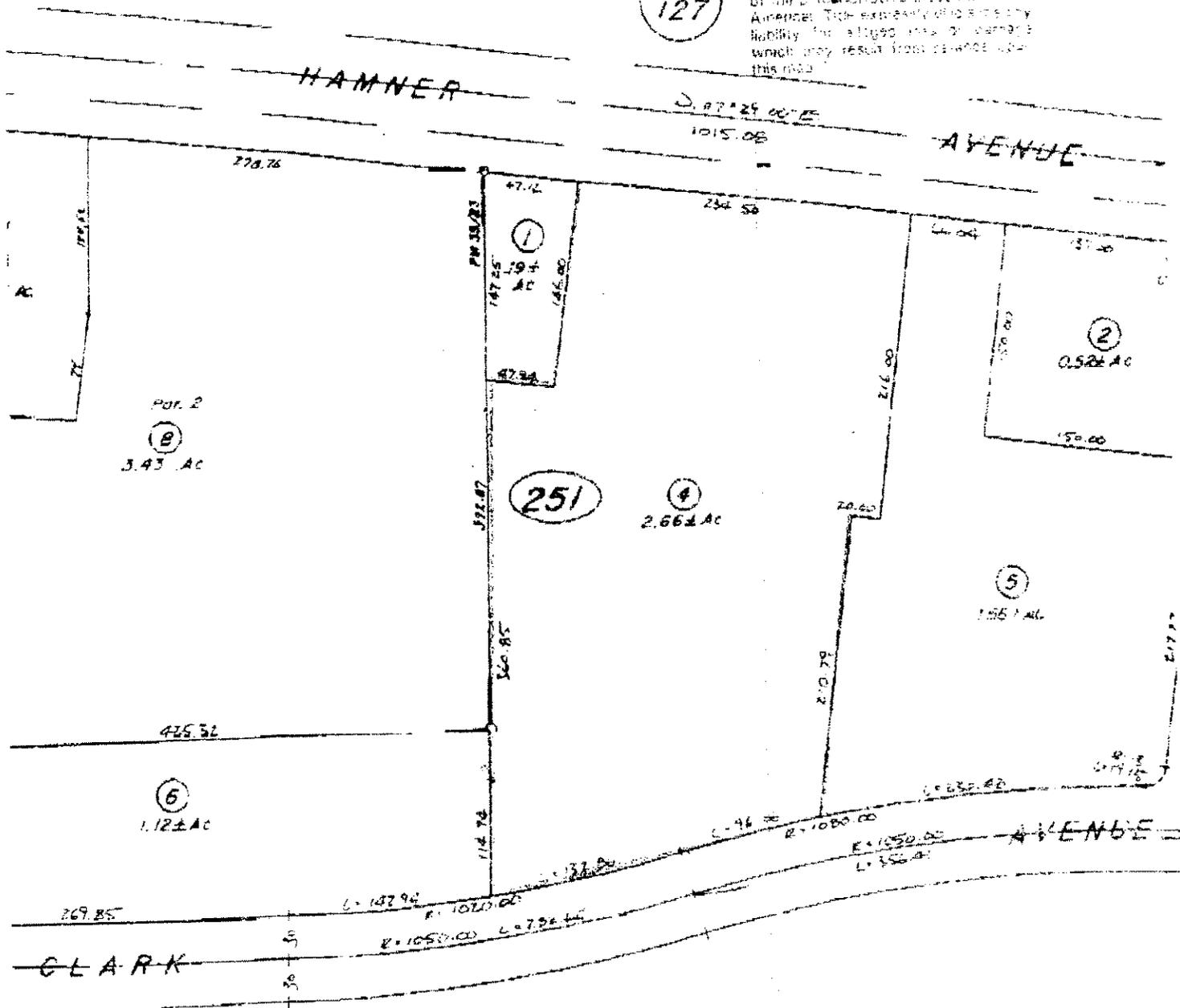
Secretary, Norco Redevelopment Agency

175-25
 POR. SEC. 12, T3S, R7W.
 (POR. CITY OF NORCO)

2100

FIRST AMERICAN TITLE INSURANCE COMPANY
 3022 Eisenhower Blvd. - 65404-1000
 St. Louis, Missouri 63103-1000
 This deed may be recorded in the office of the recorder in the county in which the land described herein is located and may be subject to an existing lien then in effect to the extent of the proceeds of any sale. First American Title expressly disclaims any liability for alleged loss or damage which may result from reliance upon this deed.

BK
 127



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R S 31/
 RM. 39/23

EXHIBIT "A"

THAT PORTION OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 7 WEST, IN THE RANCHO LA SIERRA, AS SHOWN BY MAP ON FILE IN BOOK 6 PAGE 70 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF PARCEL 3, AS SHOWN BY RECORD OF SURVEY ON FILE IN BOOK 51 PAGE 19 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WHICH BEARS SOUTH 07 DEGREES 29' 00" WEST, A DISTANCE OF 301.62 FEET, MEASURED ALONG SAID EASTERLY LINE, FROM THE NORTHEAST CORNER OF SAID PARCEL 3;
 THENCE NORTH 82 DEGREES 31' 00" WEST, A DISTANCE OF 214.00 FEET;
 THENCE NORTH 07 DEGREES 29' 00" EAST, A DISTANCE OF 20.00 FEET;
 THENCE NORTH 82 DEGREES 31' 00" WEST, A DISTANCE OF 210.79 FEET TO THE WESTERLY LINE OF SAID PARCEL 3;
 THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1080.00 FEET, THROUGH AN ANGLE OF 05 DEGREES 05' 47" AN ARC LENGTH OF 96.06 FEET TO A POINT OF REVERSE CURVATURE (THE INITIAL RADIAL LINE BEARS NORTH 79 DEGREES 40' 04" EAST);
 THENCE NORTHWESTERLY CONTINUING ALONG SAID WESTERLY LINE ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1020.00 FEET THROUGH AN ANGLE OF 07 DEGREES 27' 47", AN ARC LENGTH OF 132.86 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 3 (THE INITIAL RADIAL LINE BEARS SOUTH 74 DEGREES 34' 37" WEST);
 THENCE EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 3, A DISTANCE OF 360.85 FEET TO A POINT WHICH BEARS WEST, A DISTANCE OF 147.35 FEET, MEASURED ALONG SAID NORTHERLY LINE, FROM THE NORTHEAST CORNER OF SAID PARCEL 3;
 THENCE SOUTH 07 DEGREES 29' 00" WEST, A DISTANCE OF 47.94 FEET;
 THENCE SOUTH 82 DEGREES 31' 00" EAST, A DISTANCE OF 146.00 FEET TO THE EASTERLY LINE OF SAID PARCEL 3;
 THENCE SOUTH 07 DEGREES 29' 00" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 234.50 FEET TO THE POINT OF BEGINNING.

H 44

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Jeff Allred, Executive Director 

PREPARED BY: Dominic Milano, City Engineer 

DATE: March 18, 2009

SUBJECT: Acceptance of Bid and Award of Contract to JTB Supply Company for the Traffic Signal Equipment Related to the Street Improvements at River Road, Springbrook Street and Second Street Project

RECOMMENDATION: That the Agency Board accept bids submitted for the traffic signal equipment related to the street and traffic signal improvements at River Road, Springbrook Street and Second Street, award a contract to JTB Supply Company in the amount of \$85,320.76, and authorize the Executive Director to approve contract change orders up to 10 percent of the contract amount.

SUMMARY: Four informal bids from material suppliers were requested on December 9, 2008 for the Traffic Signal Equipment related to the Street Improvements at River Road and Second Street Project. The only bid that staff received was from JTB Supply Company. Therefore, it is recommended that the contract be awarded to JTB Supply Company in the amount of \$85,320.76.

BACKGROUND/ANALYSIS: Staff completed plans and specifications for the Street Improvements at River Road, Springbrook Street and Second Street Project for bidding purposes. On December 9, 2008, staff requested informal bids for the traffic signal equipment from JTB Supply Company, McCain, Gexpro, and Ameron. On December 17, 2008, staff received only one bid from JTB Supply Company in the amount of \$85,320.76. JTB Supply Company has previously provided traffic signal equipment for several past projects within the City.

FINANCIAL IMPACT: Funds in the amount of \$1,000,000 are included in the FY2008/09 Agency Capital Improvement Project Budget for this project.

/wrt-71956

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Jeff Allred, Executive Director 

PREPARED BY: Brian Oulman, Economic Development Director 

DATE: March 18, 2009

SUBJECT: Amendment to the Fiscal Years 2009-2013 Redevelopment Agency Capital Improvement Program Budget for Right-of-Way Acquisition and Public Improvements in Connection with a 2005 Purchase and Sale Agreement with Dennis D. Jacobsen Family Holdings, LLC and Realty Bancorp Equities TLG, LLC

RECOMMENDATION: Continue Public Hearing to April 1, 2009.

SUMMARY: The Norco Redevelopment Agency approved a purchase and sale agreement and escrow instructions by and between the Agency ("Buyer") and Dennis D. Jacobsen Family Holdings II, LLC and Realty Bancorp Equities TLG, LLC (Together, "Seller") on November 16, 2005.

In the agreement, the buyer (The Agency) negotiated to purchase 21,166 square feet of right-of-way from the seller for construction of a future cul-de-sac street now known as Lonesome Dove Court. The agreement also obligated the seller (developer) to grade the property and construct the street improvements. The agreement provided that the seller will obtain reimbursement at the conclusion of the project.

The construction of the grading and street improvements is now complete. A negotiated settlement with the seller is in progress; however, it has not been reached.

FINANCIAL IMPACT: N/A

/mb-71934

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor, Members of the City Council
Chairman and Members of the Norco Redevelopment Agency

FROM: Jeff Allred, City Manager/Executive Director 

PREPARED BY: Andy Okoro, Director of Fiscal & Support Services 

DATE: March 18, 2009

SUBJECT: Certificate of Deposit Account Registry Service with Citizens Business Bank; Certificate of Deposit Accounts with Citizens Business Bank and All State Bank

RECOMMENDATION: **Adopt Resolution 2009_____ and CRA Resolution 2009____**, approving 1) Certificate of Deposit Account Registry Service with Citizens Business Bank; 2) certificate of deposit account with Citizens Business Bank; 3) certificate of deposit account with All State Bank.

SUMMARY: In order to take advantage of better short-term interest rates offered by certificate of deposits in comparison to investments in Local Agency Investment Fund (LAIF) and other short-term securities, staff is recommending approval to establish Certificate of Deposit Account Registry Service with Citizens Business Bank for amount not exceeding \$5 million. Staff is also recommending approval to establish regular certificate of deposit account with Citizens Business Bank and All State Bank for an amount not exceeding Federal Deposit Insurance Corporation fully insured limit which is currently \$250,000 through December 31, 2009.

BACKGROUND: Government Code Sections 53600-53609 and the City's Investment Policy prescribe the instruments in, and criteria by, which the City and Norco Community Redevelopment Agency may invest surplus funds. Both Government Code and the City's Investment Policy allow for investment of up to 30% of surplus funds in certificates of deposit at a commercial bank, savings bank, savings and loan associations or credit unions. However, due to Federal Deposit Insurance Corporation (FDIC) insurance limits and Collateral requirements for amounts over the FDIC insured amount, it was cumbersome to invest in certificates of deposit. In order to stay within the FDIC limit of \$100,000 per bank (now \$250,000) the City would have to use multiple banks. For investments above the FDIC limit, the City would also have to track collaterals with market values ranging from 110% to 150% depending on the type of collateral pledged by the bank for amounts over the FDIC insured limit. This made investments in CDs administratively unattractive until two years ago.

In 2006, AB 2011 establishing Certificate of Deposit Account Registry Service (CDARS) Program was approved by the Governor of California. Forty six other states in the country have adopted similar legislation. This Program makes it possible for local agencies to invest large dollar FDIC-insured CDs using a participating bank that serves as a custodian for purposes of placing the investments through the CDARS approved Network of banks.

March 18, 2009

Through this arrangement, the City can invest up to \$50 million in CDs provided the total amount of investment is within the 30% limit of surplus funds that can be invested in CDs and providing the amount invested with each participating bank is within the limit fully insured by FDIC. The ability to use approved local member bank of the CDARS Network makes it possible for the City to obtain full FDIC insurance while reducing the administrative burden involved in using multiple banks. The recommended CDARS Network approved custodial bank is Citizens Business Bank with corporate headquarters in Ontario and offices in Corona. Citizens Business Bank will be responsible for issuing one consolidated statement and determining one interest rate to be paid on City investments. Another advantage of the CDARS Program is that the full value of the City's investment will stay local within the Inland Empire Area to support lending opportunities in the community. This is because Citizens Business Bank will receive from the Network amount equal to the amount of City investments that it provides to other participating banks in order to make FDIC insurance possible. For more information on how the CDARS Program works, refer to the attached Product Bulletin from Citizens Business Bank.

The City currently has all surplus funds invested in the Local Agency Investment Fund sponsored by the State of California due to lower interest rates offered by comparable short term investments. Over the last 19 months the rate earned by LAIF has been declining with the rate as of the end of February being 1.869%. It is anticipated that this rate will decline further into the summer months as LAIF portfolio turns as older higher yielding securities are replaced by newer lower yielding securities. While this current rate is still significantly higher than the rate of 0.875% on U.S. Treasury securities with similar maturities, staff can generate better rates than LAIF rates in the short-term by investing in FDIC fully insured certificate of deposits through the CDARS Program which is currently yielding 2.02%. The CD investments will also provide temporary diversification of the portfolio as other options are considered.

In addition to the CDARS Program, staff is recommending that a stand alone certificate of deposit account be established at All State Bank and Citizens Business Bank with investment limited to FDIC insured amount which is currently at \$250,000. The All State Bank CD investment is estimated to yield 2.25% based on one year maturity while the Citizens Business Bank investment is estimated to yield 2.19%. These rates are slightly higher than the rates through CDARS Program because the banks would not have to pay the fees charged by the CDARS Network.

FISCAL IMPACT: The recommended investments will generate additional investment earnings above the amount that is being currently earned on LAIF investments. The amount of additional income will depend on the amount ultimately invested and the length of time the funds are invested.

/ao-71933

Attachment: Resolution No. 2009-____
CRA Resolution No. 2009-____
CDARS Product Bulletin

CRA RESOLUTION NO. 2009-_____

A RESOLUTION OF THE NORCO REDEVELOPMENT AGENCY APPROVING 1) A CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SERVICE WITH CITIZENS BUSINESS BANK, 2) A CERTIFICATE OF DEPOSIT ACCOUNT WITH CITIZENS BUSINESS BANK, AND 3) A CERTIFICATE OF DEPOSIT ACCOUNT WITH ALL STATE BANK

WHEREAS, Government Code Sections 53600-53609 and the City's Investment Policy prescribe the instruments in, and criteria by, which the Norco Redevelopment Agency ("Agency") may invest surplus funds; and

WHEREAS, the Agency desires to take advantage of better short-term interest rates offered by certificate of deposits in comparison to investments in Local Agency Investment Fund (LAIF) and other short-term securities; and

WHEREAS, in 2006, AB 2011 established the Certificate of Deposit Account Registry Service (CDARS) Program which was approved by the Governor of California; and

WHEREAS, through the CDARS Program, the Agency can invest up to \$50 million in CDs provided the total amount of investment is within the 30% limit of surplus funds that can be invested in CDs and providing the amount invested with each participating bank is within the limit fully insured by FDIC; and

WHEREAS, the recommended CDARS Network approved custodial bank is Citizens Business Bank with corporate headquarters in Ontario and offices in Corona.

NOW, THEREFORE, BE IT RESOLVED that the Norco Redevelopment Agency does hereby approve the establishment of a Certificate of Deposit Account Registry Service with Citizens Business Bank for an amount not exceeding \$5 million, and the establishment of a regular certificate of deposit account with Citizens Business Bank and All State Bank for an amount not exceeding the Federal Deposit Insurance Corporation fully insured limit.

PASSED AND ADOPTED by the Norco Redevelopment Agency, at a regular meeting held on March 18, 2009.

Chairman, Norco Redevelopment Agency

ATTEST:

Secretary, Norco Redevelopment Agency

March 18, 2009

I, BRENDA K. JACOBS, Secretary of the Norco Redevelopment Agency, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Norco Redevelopment Agency at a regular meeting thereof held on March 18, 2009 by the following vote of the Norco Redevelopment Agency Members:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Norco Redevelopment Agency on March 18, 2009.

Secretary, Norco Redevelopment Agency

/bj-71950

BOX 2

1. File 130 – City Department: City Manager 1997-2001
 - a. Weekly Updates (a.k.a. City Newsletter)
 - b. Budget Workshop agenda and staff report for March 2001
 - c. Quarterly Review of Council's top priority projects (1997-2000)
2. File 130 – City Department: City Manager 2002-2005
 - a. Weekly Updates (a.k.a. City Newsletter)
 - b. Staff reports regards Council's top priority projects (2001-2003)
 - c. Misc. memos from City Manager's office for City staff
3. File 720 – Fire Protection
 - a. Norco Fire Station 21 Renovation Specs (2001)
 - b. Department Fees, Fire Protection, Inspection and Investigation Program (1997)
 - c. Norco Fire Station 22 Addition Specs (1986 & revised 1987)
4. File 720 – Fire Protection: Fire Equipment Purchase (2001-2002)
5. File 720 – Fire Protection: Fire Dept. Consolidation with Corona (1995)

CASSETTES

1. City Council Audio Minutes dated from February 17, 1993 thru April 24, 2000; ref: River Ridge Ranch.

COMMUNITY REDEVELOPMENT AGENCY
Records Destruction List
March 2009

BOX 1

1. Rose Parade Information – 2002
2. Bass Pro Shop – 2003
3. So California Housing – 2000
4. Forecast Development – 1998 & 2000
5. Growest Incorp. – 1999-2001
6. Big O Development – 1998-2000
7. Southland / Mike Keele – 1998
8. Tom's Farm Lease – 2002 (Christmas Tree Lot)
9. Oxnard Building Materials (location: Horseless Carriage Dr.) – 2001
10. Sixth Street Revitalization - 1999
11. Sixth Street Façade Program: Arco – 1993
12. Sixth Street Façade Program: Handouts - 1990
13. Sixth Street Façade Program: Project Signs – 1991
14. Sixth Street Façade Program: Correspondence – 1993
15. Sixth Street Façade Program: Montessori – 1991-1999
16. Sixth Street Property Owners- 1994-1997
17. File 110 – City Commissions/Committees: Hidden Valley Pkwy Ad Hoc – 1998
18. File 110 – City Commissions/Committees: Water Task Force – 2000
19. File 330 – Legislation: Tobacco / No Smoking – 2000

BOX 2

1. File 330 – Legislation: SB402: Binding Arbitration – 1999-2000
2. La Mesa RV – relocation to House2Home Store – 2001
3. Misc. Letters/Support – 1999-2003
4. File 330 – Legislation: AB1890 1996 Electric Restructuring Service Industry – 1997-1998
5. File 400 – Development: Frontier Town – 2000
6. File 400 – Community Redevelopment Agency: Gateway – HomeBase, 2000
7. File 330 – Legislation: Vehicle License Fees (State) – 1998
8. File 400 – CRA: Mural Project – 2000-2004
9. File 430 – Land Use Control: Sedona Parcel for Sale – 2000
10. Alhambra Reach – Slope Stabilization – 2001
11. Bluff Fencing – 1999
12. File 160 – Organizations at Large: League of California Cities, Priority Focus -1999-2001
13. File 430 – Land Use Control; Forecast Development 13 acre River Rd. – 1998

14. L.A. Fitness (Correspondence) – 1998-2001
15. File 400 – Community Redevelopment Agency: Gateway, Target Center – 1990-1995
16. File 430 – Land Use Control: Hidden Valley Golf Course (Purchase of) – 1998 Denied
17. File 430 – Land Use Control: Available Property - 1991-2004
18. Business Visitation Program – 1999-2000
19. Business Visitation Survey – 2000

BOX 3

1. Inland Pacific Advisors, Inc. – 2002-2003
2. File 400 – Redevelopment Marketing: Inland Empire Market Program – 1994-2001
3. File 600 – Personnel Service: General Correspondence – 1991-2000
4. File 640 – Personnel Evaluations – 1990-2000
5. File 110 – Commissions/Committees: City Safety Committee – File #2, 1999-2001
6. File 110 – Commissions/Committees: City Safety Committee – File #1, 1991-1997
7. Clark Terrace Phase II – 2000
8. Caliber Pontiac / Mazda – 2001-2003
9. File 860 – Public Service Facilities: Post Office – 1987-1998
10. File 150 – Jurisdiction / Public: USPS – United States Post Office, Norco Branch – 1999-2000
11. House2Home Prospects – 1998
12. File 110 – Commissions: Police and Fire Safety Commission – 1996-1999

MEMORANDUM

TO: Brenda Jacobs, City Clerk
FROM: Susan Dvorak, Planning Division
DATE: **February 17, 2009**
SUBJECT: Planning Division Files for Destruction

The attached list consists of the following categories:

- a. Projects withdrawn by the applicant;
- b. Conditional use permits (CUP) for temporary mobile homes for the elderly that were never installed or the units confirmed removed off the site;
- c. Voided projects (deemed unnecessary by staff);
- d. Denied projects, final action by either the Planning Commission or City Council;
- e. A discontinued project (seasonal); and
- f. A relocation, closing the file.

Staff respectfully requests approval for destruction of these records.

<u>PROJECT:</u>	<u>STATUS</u>
CONDITIONAL USE PERMITS:	
CUP 85-07 (Waite); 4910 Trail Street Temporary mobile home for the elderly	Closed; Removed in 1994
CUP 86-06 (Apostolic Church of Corona); 1031 Parkridge Ave. Church use	Denied; 1986
CUP 86-09 (Carlton); 546 Sixth Street Contractor's storage yard with caretaker's unit	Denied by Planning Commission; 1986.
CUP 86-10 (Gonzalez); 3903 Crestview Trailer usage and Christmas tree sales	Discontinued; was seasonal (should have been issued as a Special Event Permit)
CUP 86-12 (Burns); 2645 Hamner Avenue Pawn shop	Relocated; 2000
CUP 90-12 (Deloge); 2171 Santa Anita Road Temporary mobile home for the elderly	Removed; 1993

Planning Records for Destruction

Page 2

February 17, 2009

CUP 92-07 (Sandoval); 4328 Old Hamner Avenue Temporary mobile home for the elderly	Never installed
CUP 94-05 (Tolliver); 1345 Fourth Street Temporary mobile home for the elderly	Removed, 2000
CUP 94-06 (Cook); 2955 Bronco Lane Temporary mobile home for the elderly	Removed; 2001
CUP 94-10 (Moore); 1431 Mulberry Lane Temporary mobile home for the elderly	Removed; 2002
CUP 95-01 (Gildner); 2615 Sunny Hills Drive Temporary mobile home for the elderly	Removed; 2005
CUP 95-02 (Trudo); 4190 Temescal Avenue Temporary mobile home for the elderly	Removed; 2000
CUP 95-03 (Roque); 2023 Mountain Avenue Request to have 200 roosters	Withdrawn; 1995
CUP 96-05 (Given); 1280 Second Street Temporary mobile home for the elderly	Removed; 2005
CUP 97-03 (Magnolia Baptist Church); 3595 Hamner Church use	Withdrawn; 1997
CUP 97-06 (Kilpatrick); 667 Fifth Street Temporary mobile home for the elderly	Withdrawn; 1997
CUP 98-07 (Sponseller); 1869 Pacific Avenue Temporary mobile home for the elderly	Removed; 2000
CUP 98-14 (Kolhmeyer); 2394 Reservoir Drive Temporary mobile home for the elderly	Removed; 2004
CUP 99-02 (Thomas); 343 Sixth Street; Unit "L" Church use	Withdrawn, 1999
CUP 99-06 (Shreve); 1149 Fourth Street Request for extra animal units	Withdrawn; 1999
CUP 99-19 (Penicks), 2107 Belmont Circle	

Request for extra animal units (4-H)	Withdrawn; 1999
CUP 99-20 (Shevetski), 2570 Hamner Avenue Adding bathroom, bar, restaurant and on-sale liquor license	Denied; 2000
CUP 2000-10 (Modgling), 4980 Bluff Street Temporary mobile home for the elderly	Removed; 2003
CUP 2000-12 (Southern California Housing Development); East of River, South of Second; 148 Senior Housing Project,	Withdrawn; 2000
CUP 2000-18 (Bourne); 2351 Comanche Ct. Temporary mobile home for the elderly	Denied by Planning Commission; 2000. Not appealed
CUP 2002-05 (Nunez); Two lots west of Pedley on Fifth Two cargo carriers	Withdrawn by applicant; 2002
CUP 2002-15 (Eno), 2150 Santa Anita Street Temporary mobile home for the elderly	Never installed per applicant; 2005
CUP 2003-09 (Koos); 1625 Hamner Avenue Wireless telecommunications facility	Withdrawn; 2003
CUP 2003-13 (Stockdale Investment Group, Inc.); SWC Sixth/Temescal Office and construction yard	Withdrawn; 2003
CUP 2003-19 (Virgilio); 4328 Corona Avenue Interior Improvements	Voided; 2004
CUP 2003-20 (Donahue); 2371 Del Mar Road Temporary mobile home for the elderly	Withdrawn; 2003
CUP 2003-24 (McBean); 942 Hamner Add detail area to rear of building	Withdrawn; 2004
CUP 2004-03 (Cingular Wireless); Ted Brooks Park Communications tower with facilities	Withdrawn; 2004

SITE PLANS:

Site Plan 83-03 (Norco Trading Post); Hamner Ave./Norco Dr. 68,000 sq. ft. shopping center	Never built; 1983
SP 86-06 (Carlton); 546 Sixth Street Portable toilets and trucking equipment	Denied by Planning Commission; 1986; not appealed
SP 87-09 (Covington Homes); 100 acres north of Arlington Annexation, conceptual tentative tract	Withdrawn; 1987
SP 88-09 (Flammer); 3951 Center Street Office buildings	Withdrawn; 1988
SP 89-08 (Foster's Freeze); 1467 Hamner Avenue Restaurant	Withdrawn; 1992
SP 89-09 (Duca); 7 th /California Neighborhood retail shopping center	Withdrawn; 1994
SP 90-08 (Arco AM/PM); 1488 Sixth Street Add new canopy to existing gas pumps	Denied by Planning Commission; 1991; installed under SP 92-06
97-05 (Alwin); 491 Sixth Street Used car lot	Withdrawn; 1997
SP 99-03 (Wilson); 584 Sixth Street Refurbishment and add two bedrooms	Withdrawn; 1999
SP 2003-11 (Farhoomand); 2751 Hamner Avenue Vehicle Sales, office and storage use	Appealed; denied by City Council 2004
SP 2004-05 (Enache for United Oil); 1488 Sixth Street Remodel of existing gas station	Denied by Planning Commission 2004; not appealed

VARIANCES:

V 89-03 (Duca); SEC Seventh/Corona Waive 50-foot setback in C-2 zone	Withdrawn; 1989
V 98-04 (Ruiz); 2810 Temescal Avenue Rear yard setback	Voided; 1998; variance not needed
V 2000-07 (Centano); 3386 Corona Avenue Building Addition	Withdrawn, 2000
V 2002-06 (Dufresne); 312 Seventh Street Lot depth change due to rezoning	Voided; 2002; replaced by V 2002-10
V 2003-09 (Toro); 976 Second Street Rear Yard Setback	Voided; 2003; variance not necessary
V 2004-03 (Cingular Wireless); Ted Brooks Park 70-foot communications tower	Withdrawn; 2004

ZONE CHANGES:

ZC 88-01 (Mobil); 3840 Hamner Avenue From C-1 to C-3	Withdrawn; 1988
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/sd-71608

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and City Council Members

FROM: Jeff Allred, City Manager 

PREPARED BY: Brian K. Petree, Director
Parks, Recreation and Community Services

DATE: March 18, 2009

SUBJECT: Acceptance of the Hamner Median Project and Filing of Notice of Completion

RECOMMENDATION: Staff recommends that the City Council accept the Hamner Median project as final and direct the City Clerk to file a Notice of Completion with the County Clerk's Office.

BACKGROUND/ANALYSIS: On February 6, 2008, the Council awarded a contract for the Hamner Median project to Bel-Aire West Landscape, Inc. of Buena Park, California in the amount of \$52,000 with a 10% contingency.

Bel-Aire West has completed their scope of work for the project at a total cost of \$52,500. The work has been inspected by the Parks and Recreation Department and found to be in full conformance with the plans and specifications on the contract document.

FINANCIAL IMPACT: N/A

/jd-71872

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

PREPARED BY: William R. Thompson, Director of Public Works 

DATE: March 18, 2009

SUBJECT: Amendment No. 2 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement to Add Western Municipal Water District as a New Member

RECOMMENDATION: Adopt **Resolution No. 2009** _____ amending Amendment No. 2 to the Chino Basin Desalter Authority ("CDA") Joint Exercise of Powers Agreement.

SUMMARY: The City Council at its October 15, 2008 meeting approved Amendment No.2 to the Chino Basin Desalter Authority ("CDA") Joint Exercise of Powers Agreement with the understanding that there would not be substantial changes to the document. Staff is requesting that City Council at this time re-affirm its previous approval of Amendment No. 2 in the form of a resolution.

BACKGROUND/ANALYSIS: The City of Norco is a member of the CDA, which jointly exercises the powers to own, operate and maintain water desalting facilities, commonly referred to as the Chino I and Chino II Desalters. The CDA facilities are located within the Chino Basin, an adjudicated water basin that has been ordered by the court to meet the Optimum Basin Management Plan objectives through the expansion of the Chino Desalter Phase 3 project. Other current members of the CDA include the Jurupa Community Services District (JCSD), Santa Ana River Water Company, and the Cities of Chino, Chino Hills and Ontario. The CDA facilities include two treatment plants, twenty one groundwater wells; over thirty miles of pipeline and various product water distribution facilities (pump stations, reservoirs and interconnections).

Over the past several years, members of the Chino Basin Desalter Authority have worked on a plan to meet the objectives of the Chino Basin Optimum Basin Management Plan (OBMP), and the Peace I and the Peace II Agreements. These objectives have been ordered by the Superior Court which retains jurisdiction over management of the Chino Groundwater Basin, Case # RCV 51010. Discussions on how to meet the Court Orders and State Regional Water Quality Control Board Maximum Benefit Plan for the Chino Basin have culminated in a proposal known as the Chino Desalter Phase 3 project. Western Municipal Water District (WMWD), the City of Ontario and Jurupa Community Services District (JCSD) pursuant to the Court ordered Peace Agreement II propose to jointly sponsor the Chino Desalter Phase 3 project, which involves expanding facilities owned by the CDA.

The expansion project is intended to provide hydraulic control of the groundwater Basin while improving reliability and efficiency of expanded CDA water production facilities. Creating this hydraulic control and at the same time removing salts from the groundwater will allow continued and expanded use of recycled water. Project Benefits include the following:

1. The Chino Desalter Phase 3 project will proportionately reimburse current CDA members for their previous investment in unused Chino II capacity through a facility "buy-in" fee paid by the Phase 3 sponsors.
2. Increased production of Chino II will reduce the unit cost of water to current CDA members, including Ontario by spreading fixed costs over a larger production volume.
3. The Phase 3 project will reduce the unit cost of water to current CDA members by reducing some of the variable costs of operating Chino II.
4. Adding the Chino Creek Well Fields (CCWF) to the Chino I water supply will increase the reliability of Chino I for existing CDA members.
5. The Phase 3 project will decrease the cost of future treatment requirements to the current CDA members by spreading the impact of any future costs over a larger membership base.
6. WMWD brings financial assets to the table in the form of grant funding for the Phase 3 project.
7. The contaminants from the Ontario Airport and Chino Airport plumes could adversely affect current CDA members by requiring treatment for VOCs. The Phase 3 project can help reduce the cost of treatment for existing CDA members.
8. Current CDA members will benefit from the increased region-wide system reliability created by the Phase 3 project.
9. The CCWF and expanded desalter treatment capacity are being developed as part of the OBMP and the Peace II process to avert consequences that would adversely affect all Chino Basin water users, including current CDA members.

To move forward WMWD needs to be admitted as a member of the CDA. The Cities of Chino and Chino Hills expressed potential issues related to expanding the CDA and including the hydraulic control well field as a water source. Negotiators for all the CDA member agencies have discussed those items over the past year and have agreed on a term sheet to resolve all issues. That term sheet includes an agreement from the Chino Basin Watermaster on the recommendations. The term sheet provisions include items that will require an amendment to the CDA Joint Powers Agreements. Each CDA member agency must approve the amendments in order to effect the addition of WMWD.

FISCAL IMPACT: The recommended action will add WMWD as a new member to the CDA. WMWD, Jurupa Community Services District (JCSD) and the City of Ontario will be providing funding for the expansion of the CDA facilities. The capital cost of the expansion project is estimated at approximately \$110 million which may include a

Amendment No. 2 to the CDA

March 18, 2009

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combination of funding opportunities including grants. The expansion project will proportionately reimburse current CDA members for their previous investment in unused capacity through a facility "buy-in" fee. Increased production for the expanded facilities will reduce the unit cost of water to current CDA members by spreading fixed costs over a larger production and reducing some variable costs. The expansion project will decrease the cost of future treatment requirements to the current CDA members by spreading the impact of any future costs over a larger membership base. WMWD, the new CDA member, brings financial assets to the table in the form of grant funding for the expansion project. There is no impact to the General Fund.

/wrt-71954

Attachment: Resolution, Amendment No. 2

RESOLUTION NO. 2009-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO,
CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE JOINT
EXERCISE OF POWERS AGREEMENT CREATING THE CHINO BASIN
DESALTER AUTHORITY**

WHEREAS, the City of Norco owns and operates a public water system for the benefit of the Community; and

WHEREAS, the City of Norco on August 1, 2001 entered into the "Joint Exercise of Powers Agreement" creating the Chino Desalter Authority ("CDA"); and

WHEREAS, the City of Norco at their January 2, 2002 Council meeting approved Amendment No. 1 to the CDA Agreement; and

WHEREAS, the original parties to the CDA Agreement and Western Municipal Water District ("WMWD") are proposing to enter into Amendment No. 2 to the CDA Agreement ("Amendment No. 2 attached hereto as "Exhibit A") for purposes of, among other reasons, enhancing and increasing existing CDA facilities, enhancing water quality in the Chino Basin, and providing for cost efficiencies to the parties to the CDA Agreement. Tentative Parcel Map TPM15901; and

WHEREAS, at its October 15, 2008 meeting, the City Council approved Amendment No. 2 and authorized the execution thereof.

NOW THEREFORE, BE IT RESOLVED the City Council does hereby resolve to re-affirm its action taken on October 15, 2008 and approve Amendment No. 2 and authorizes the execution thereof by the Mayor of the City of Norco.

PASSED AND ADOPTED by the City Council at a regular meeting held on March 18, 2009.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

Resolution No. 2009-____

Page 2

March 18, 2009

I, BRENDA K. JACOBS, City Clerk of the City of Norco, 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 March 18, 2009 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 March 18, 2009.

Brenda K. Jacobs, City Clerk
City of Norco, California

/wrt-71959

**AMENDMENT NO. 2 TO
JOINT EXERCISE OF POWERS AGREEMENT
creating the
CHINO BASIN DESALTER AUTHORITY
("CDA")**

WHEREAS a Joint Exercise of Powers Agreement ("Agreement") creating the Chino Basin Desalter Authority ("CDA"), was made and entered into as of the 25th day of September, 2001 by and among the Jurupa Community Services District ("JCSD"), the Santa Ana River Water Company ("SARWC"), the cities of Chino ("Chino"), Chino Hills ("Chino Hills"), Norco ("Norco") and Ontario ("Ontario") and the Inland Empire Utilities Agency ("IEUA") (collectively the "Original Parties" and individually, an "Original Party"); and.

WHEREAS Amendment No. 1 to the Agreement was entered into by the Original Parties as of December 11, 2001; and

WHEREAS, pursuant to Section 9.4 of the Agreement, additional entities may become members of CDA with (1) the consent of a two-thirds (2/3rds) vote of the Board of Directors of CDA and (2) execution of a written amendment to the Agreement by all CDA Members, including the additional Member, WMWD; and

WHEREAS, on August 7, 2008, the CDA Board of Directors voted unanimously to approve the admission of WMWD as an additional Member, subject to approval of this Amendment No. 2 (this "Amendment") by WMWD and the Original Parties and the subsequent adoption of a resolution by the CDA Board of Director approving this Amendment; and

WHEREAS, this Amendment, executed by all of the Original Parties and WMWD (the "Parties"), is intended to constitute that amendment to the Agreement required by Section 9.4 of the Agreement; and

WHEREAS, the governing bodies of WMWD and the Original Parties have individually taken action to approve this Amendment in a form substantially similar to the provisions of this Amendment and/or have otherwise authorized their respective staff and legal counsel to finalize this Amendment as provided herein without further actions or approvals by the governing bodies; and

WHEREAS, certain facilities (the "Expansion Facilities") are proposed to be constructed by WMWD, Ontario and JCSD, and added to the existing Facilities of the CDA in order to deliver desalter product water to WMWD and additional desalter product water to Ontario and JCSD, and to achieve further Hydraulic Control of the Chino Basin.

NOW THEREFORE, the Parties hereto agree that the Agreement shall be amended as follows:

AMENDMENTS

A. Section 1.1 (c) is hereby amended to read as follows:

“‘Facilities’ mean those facilities generically described in section 7.1, subject to a more specific definition in the Preliminary Design Report (“PDR”) required by Section “P” of this Amendment.

B. Section 2.7 is hereby amended to read as follows:

“2.7 Voting.

(a) Unless otherwise provided herein, each Member on the CDA Board of Directors, other than its ex-officio Member, IEUA, shall be entitled to one vote. A voting Member’s vote shall be weighted according to the relative proportion that each Member’s then existing firm commitment to be purchased water bears to the total quantity of water committed to purchase by all of its Members, as set forth below. IEUA, as an ex-officio Member, shall be entitled to full access to all information provided to the Board, and entitled to full participation in deliberation of matters before the Board, but shall not be entitled to vote.

Original Facilities

Entity	Acre-Feet	Weighted Vote
JCSD	8,200 afy	33.33%
Chino	5,000 afy	20.33%
Ontario	5,000 afy	20.33
Chino Hills	4,200 afy	17.07%
SARWC	1,200 afy	4.88%
Norco	1,000 afy	4.07%
TOTALS	24,600 afy	100%

Original and Expansion Facilities

Acre-Feet

Entity	Original Facilities	Expansion Facilities	Total	Weighted Vote
JCSD	8,200 afy	3,533 afy	11,733 afy	33.33%
Chino	5,000 afy	-	5,000 afy	14.21%

Ontario	5,000 afy	3,533 afy	8,533 afy	24.24%
Chino Hills	4,200 afy	-	4,200 afy	11.93%
SARWC	1,200 afy	-	1,200 afy	3.41%
Norco	1,000 afy	-	1,000 afy	2.84%
WMWD	-	3,534 afy	3,534 afy	10.04%
TOTALS	24,600 afy	10,600 afy	35,200 afy	100%

(b) Super-Majority Vote. Certain discretionary actions of the CDA described herein shall require an affirmative vote of five (5) voting Members of the Board (a “Super-Majority Vote”) for approval. However, such actions shall be subject to the dispute resolution process described in Section XIII hereof in the event either:

(1) A proposed action of the CDA would result in a planned reduction in the monthly quantity of water made available to the Parties in an amount greater than 10%; and/or

(2) The construction, operation and/or maintenance of the Expansion Facilities is reasonably projected to result in a greater than ten percent (10%) increase in the per acre-foot costs of water produced by the CDA Desalters. That per-acre foot water cost shall be calculated by the CDA within forty-five (45) days following the Parties’ receipt of written notice of completion of ninety percent (90%) final project design for the Expansion Facilities.

C. Section 2.9 is hereby amended to read as follows:

“2.9 Meetings. The Board shall meet at the CDA principal office or such other place designated by the Board. The time and place of regular meetings of the Board shall be determined by resolution adopted by the Board, with a copy of such resolution furnished to each Member. Regular meetings of the Board shall occur once every quarter, and the first meeting of the fiscal year shall occur within thirty (30) days of the beginning of the fiscal year. In addition to its four regular meetings, the Board may hold special meetings upon the written request of at least five (5) voting Members. All meetings of the Board shall be adjourned, sine die or to a time and place certain, by a majority vote of the voting power of the Members present at the meeting.”

D. Section 2.10 is hereby amended to read as follows:

“2.10 Quorum. For the purposes of transacting the business of the Board, a quorum shall consist of five (5) voting Members of the Board.”

E. Section 2.11(d) is hereby amended to read as follows:

“(d) Qualifications. Any officer, employee or agent of the Board also may be an officer, employee or agent of any of the Members. The public officer or officers or persons who have charge of, handle, or have any access to any money or property of the CDA shall be

bonded, and the amount of their bond shall be designated and fixed in the budget for each fiscal year pursuant to Government Code § 6505.1. The Treasurer may be changed only by a Super-Majority Vote, and only then if IEUA is not acting as a financial representative of the CDA for securing loans, grants, commercial paper or other funding for the benefit of the CDA.”

F. Section 2.12 is hereby amended to read as follows:

“2.12 Staff. The CDA may, by majority vote of the voting power of the Board, establish such full-time or part-time staff as the Board may deem appropriate. Prior to the establishment, if any, of such staff by the Board, the Member who appoints the Director who serves as the Chairperson of the Board shall provide administrative staff support as needed by the CDA. The cost of this administrative staff time shall be borne by the Member who appoints the Director who serves as Chairperson. Alternatively, the Board may determine, by majority vote of the voting power of the Board, to contract for administrative staff duties with the Member acting as CDA Coordinator or with any other Member.”

G. Section 4.3 is hereby amended to read as follows:

“4.3 Price of Desalted Water. The price of desalted product water delivered from the CDA Desalter Facilities, including the Expansion Facilities, shall be charged to the purchaser at a rate calculated on a uniform melded pro-rata allocation of all costs among the Members, based upon the proportion their then existing relative share of entitlement to purchase water from the CDA bears to the total such entitlement, pursuant to Section 2.7(a). This charge shall be calculated to recover all costs, including all fixed and variable operating costs incurred by the CDA, including any separate or additional cost for wheeling or transportation of water to the designated point of delivery of CDA Member purchasers, unless specifically excluded by action of the CDA Board¹. In addition to this charge, individual Members who have participated in CDA financings shall be charged their pro-rata share of such financings pursuant to the terms of the applicable financing documents. The price of desalted water sold by the CDA to entities which are not Members of the CDA shall be determined in the sole discretion of the CDA Board. Whatever subsidies that may be made available to IEUA and WMWD by The Metropolitan Water District of Southern California (“MWD”) under its LRP or other programs, in connection with the Chino Basin Dry-Year Yield Program or otherwise, will be included as a credit against the uniform melded cost calculation of this charge².

H. Section 5.3 is hereby amended to read as follows:

“5.3 Quality: The quality of desalted water at the point of delivery for each Purchaser shall meet the minimum water quality standards of not more than twenty five (25) mg/L for nitrates (measured as nitrate) and not more than three hundred fifty (350) mg/L for total

¹ The February 1, 2002, “Agreement By and Between The Chino Basin Desalter Authority, Jurupa Community Services District, The City Of Ontario, And Santa Ana River Water Company Providing for the Transportation Of Water From the Future Expanded Chino I and Chino II Desalters”, as amended by the May 29, 2007, “First Amendment To Water Transportation Agreement”, (collectively “Water Transportation Agreement”), defines the meaning of “all costs” as used in this sentence.

² WMWD or any Original Party shall not be obligated to provide any subsidies afforded by MWD LRP or other MWD programs in the event of actions or inactions by MWD that may result in such subsidies not being available.

dissolved solids, unless (i) an individual purchaser waives such requirements at its point of delivery and/or (ii) the Board approves a lesser standard by Resolution passed by unanimous vote of all voting Members of the Board.”

I. Section 7.1 is hereby amended to read as follows:

“7.1 Description of Facilities. The CDA Facilities shall include (1) those in existence as of the date of this Amendment, (2) the Expansion Facilities necessary or desirable to produce additional desalted water service to WMWD, Ontario and JCSD, to be defined more precisely in the Preliminary Design Report prepared in accordance with the requirements of Section ”P”. The Parties shall exercise good faith and mutual best efforts to promptly and efficiently agree upon changes or substitutions to the CDA Facilities that do not compromise the purposes of the CDA by (a) reducing production quantities below those set forth in Section 5.1 herein (b) unreasonably increasing the price of the desalted water, or (c) degrading the quality of water delivered by below the criteria established by Section 5.3, unless no Member objects such reduction in quantity, increase in price or degradation of quality, the price, and (c) the Members of CDA assume the full legal and financial responsibility associated with any changes or substitutions.”

J. Section 7.4 is hereby amended to read as follows:

“7.4 Divestment of Facilities. The CDA may sell or otherwise dispose of its Facilities by a Super-Majority Vote of the Board. However, divestment may only occur if the CDA receives Fair Market Value for the Facilities, as evidenced by an M.A.I appraisal. Also, no sale, lease, encumbrance or other divestment of a CDA Facility shall occur if it will cause financial harm to a Member or if the divestment adversely impacts the ability of CDA to meet the quantity and quality commitments set forth in Sections 5.3 and 2.7, and any adversely affected Member objects to the divestment. The Board shall determine how to utilize the proceeds of the divestment according to the provisions of this Agreement. However, any disbursement of proceeds from the divestment of Facilities shall be made to Members on a pro-rata basis according to their then relative quantity commitments to purchase water from the CDA, and ownership of such Facilities acquired pursuant to their “Buy-In.”

K. Section 9.4 of the Original Agreement is hereby amended to read as follows:

“9.4 Admission of New Members. Additional entities may become Members of the CDA upon such terms and conditions as may be provided by the Board upon a Super-Majority Vote and evidenced by the execution of a written Amendment to this Agreement by all Members, including the additional Member. However, the addition of new a Member shall not adversely affect any other rights of existing Members without the consent of all such affected Members.”

L. Section 10.3 of the Original Agreement is hereby amended to read as follows:

“10.3 Dissolution Vote. Subject to Section 10.2, the CDA may be dissolved by a Super-Majority Vote of the CDA Board.

M. A new Section XIII is hereby added to the Original Agreement as follows:

XIII DISPUTE RESOLUTION

13.1 Dispute Resolution. Upon satisfaction of the conditions precedent set forth in Section 2.7 hereof or Section O of this Amendment, any Party may request dispute resolution by filing a notice of dispute (“Notice of Dispute”) and delivering it to the CDA Board. The Notice of Dispute must indicate the nature of the dispute, and the action requested by the filing Party.

13.2 Once initiated, the dispute resolution process will be concluded as expeditiously as possible, and in no case more than sixty (60) days from filing of the Notice of Dispute, except as necessary to accommodate the judicial process described in Section 13.3. The Party filing the request for dispute resolution, and the CDA Board shall, by majority vote, select a qualified representative to a mediation panel, which representatives shall select a third member of the mediation panel. The mediation panel will convene at least one meeting among such representatives in an attempt to achieve an informal resolution. The mediation panel shall commission an independent technical summary and analysis of the matter (“Technical Report”) which may be submitted to the Court for informational purposes only and not as evidence, and subject to objection by any Party. The CDA shall bear the costs of the mediation panel and Technical Report, which shall be allocated among all CDA Members in accordance with their relative proportion of existing firm commitment to purchase water in accordance with Section 2.7 (a). Each Party and the CDA Board shall bear their own costs of participation in the Dispute Resolution.

13.3 Should the matter remain unresolved thirty days after filing of the Notice of Dispute, the representative of the Party filing such Notice or the representative of the CDA Board shall submit the dispute to the San Bernardino Superior Court pursuant to the procedures prescribed in Paragraph 15 of the Chino Basin Judgment, and also shall submit the independent Technical Report. The representatives of the Party filing the request for dispute resolution and the CDA Board will stipulate to and submit procedures to the Court that will help ensure an expedited judicial review and decision, but shall be bound by any applicable judicial schedule.”

N. A new Section 2.15 is hereby added to the Original Agreement as follows:

“2.15 Technical Advisory Committee. The CDA shall have a Technical Advisory Committee (“TAC”), comprised of one representative of each CDA voting Member, and others requested by the TAC, with authority, responsibility and procedure established by resolution of the CDA Board. The representatives of each voting Member shall have one vote. The CDA Board shall establish such authority, responsibility and procedure by adoption of a resolution within one hundred eighty (180) days of the date of this Amendment.”

OTHER AGREEMENTS

O. The Parties hereby agree, pursuant to Section 7.3 of the Original Agreement, that with the sole exception of the Shared Facilities Costs, the capital costs of the Expansion Facilities

described in the PDR shall be allocated entirely to Ontario, JCSD and WMWD, and such parties shall execute water purchase agreements with the CDA with respect to the desalted product water produced by such Facilities.

P. The Parties hereby agree to commission forthwith the preparation of a Preliminary Design Report (“PDR”) that shall, at minimum, specifically describe the Expansion Facilities and set forth their design parameters in accordance with the generic criteria of Section 7.1, subject to approval by a Super Majority vote of the CDA Board. The cost for preparation of the PDR shall be borne by Ontario, JCSD and WMWD.

Q. The Parties agree to act in good faith to negotiate, and shall execute the following agreements as conditions subsequent to the effectiveness of this Amendment:

(a) Transportation Agreement. An agreement between WMWD and CDA that sets forth the terms and conditions for transportation of water from the CDA to WMWD³. Such agreement shall require the return of any property contributed by WMWD to the CDA for use as part of the Expansion Facilities to provide such transportation, without payment by the CDA to WMWD for such use at the conclusion of such use.

(b) Operations and Management Agreements. To the extent necessary, agreements between the Parties and the CDA for operation and management of those portions of the Expansion Facilities providing delivery of water to such Parties.

(c) SARI Capacity. An agreement or agreements among CDA, WMWD, ONTARIO, JCSD, IEUA and/or other entities to acquire all SARI line capacity required for full operation of the Expansion Facilities.

(d) LRP Agreement. An agreement among MWD, WMWD and IEUA pursuant to the MWD Local Resources Program or any other MWD program providing for payments or credits to or for the CDA with respect to the desalted water produced by the Expansion Facilities,

(e) WMWD Facility Transfer Agreement. To the extent necessary, an agreement between CDA and WMWD pursuant to which WMWD transfers all Expansion Facilities, acquired by WMWD with respect to the Expansion Project to CDA, subject to the return of such Expansion Facilities pursuant to Section Q(a) hereof.

(f) Administrative Cost Agreement. An administrative cost agreement among CDA, WMWD, Ontario and JCSD whereby (a) WMWD pays all CDA expenses in connection with the admission of WMWD to CDA as an additional Member of CDA and (b) WMWD, Ontario and JCSD each pay a pro-rata share based on all development expenses of the Expansion Facilities⁴.

R. Buy-In Agreement. Within one hundred twenty (120) days of the issuance of the PDR, and acceptance by the CDA Board, CDA, WMWD, JCSD and Ontario shall negotiate an agreement governing the Buy-In Costs and Shared Facilities Costs for the Expansion Facilities.

³ The existing Water Transportation Agreement referenced elsewhere herein may be amended as determined by the participating entities for purposes of implementing this Amendment.

⁴ “Development expenses” shall be limited to expenses incurred by CDA.

Should CDA, WMWD, JCSD and Ontario fail to negotiate a Buy In Agreement within one hundred eighty (180) days after issuance and acceptance of the PDR, the matter shall be subject to Dispute Resolution pursuant to Section XIII. "Buy-In Costs" shall mean and include the capital costs of Chino I and Chino II Desalter facilities that will be utilized as part of the Expansion Project. "Shared Facilities Costs" shall mean and include the capital costs of facilities for the Expansion Project to provide for wheeling and/or pump back between the Chino I and Chino II Desalters to enhance overall system reliability as well as the costs of such other facilities as the Parties may agree by Super-Majority Vote. Buy-In Costs shall be borne by WMWD, JCSD and Ontario. Shared Facilities Costs shall be apportioned among the Parties on a pro-rata basis based on their weighted vote, as set forth in Section "B" of this Amendment.

S. Pump Back Facilities. CDA shall promptly and prudently pursue completion of facilities to provide for wheeling and/or pump back between the Chino I and Chino II Desalters to enhance overall system reliability.

T. Recital G is amended hereby to read as follows:

"G. The Parties have the power and authorization to design, finance, lease, purchase, acquire, construct, operate, maintain, sell, hypothecate or otherwise dispose of the Facilities for the purpose of the production, treatment and distribution of water to the Purchasers, and for the improvement of the degraded water quality of the Chino Basin."

U. Except as expressly set forth in herein, nothing in this Agreement shall constitute an amendment to any other provision of the Agreement.

CITY OF ONTARIO

DATED: _____

BY: _____
CITY MANAGER

DATED: _____

ATTESTED: _____
CITY CLERK

APPROVED AS TO FORM

JURUPA COMMUNITY SERVICES DISTRICT

DATED: _____

BY: _____
PRESIDENT

DATED: _____

ATTESTED: _____
SECRETARY

APPROVED AS TO FORM

CITY OF CHINO

DATED: _____

BY: _____
MAYOR

DATED: _____

ATTESTED: _____
CITY CLERK

APPROVED AS TO FORM

CITY OF CHINO HILLS

DATED: _____

BY: _____
MAYOR

DATED: _____

ATTESTED: _____
CITY CLERK

APPROVED AS TO FORM

CITY OF NORCO

DATED: October 15, 2008 **BY:**

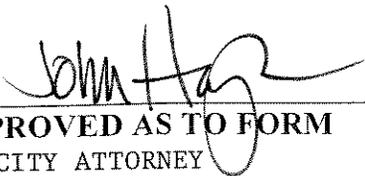


CITY MANAGER
JEFF ALLRED

DATED: October 15, 2008 **ATTESTED:**



CITY CLERK
DEBRA MCNAY, MMC



APPROVED AS TO FORM
CITY ATTORNEY
JOHN HARPER

SANTA ANA RIVER WATER COMPANY

DATED: _____

BY: _____
PRESIDENT

DATED: _____

ATTESTED: _____
CITY CLERK

APPROVED AS TO FORM

INLAND EMPIRE UTILITIES AGENCY

DATED: _____

BY: _____
PRESIDENT

DATED: _____

ATTESTED: _____
SECRETARY

APPROVED AS TO FORM

WESTERN MUNICIPAL WATER DISTRICT

DATED: _____

BY: _____
PRESIDENT

DATED: _____

ATTESTED: _____
SECRETARY

APPROVED AS TO FORM



ACTION MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
MARCH 11, 2009

1. CALLED TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Wright, Vice-Chair Jaffarian, Commission Members Harris, Newton; Commission Member Hedges absent.
3. STAFF PRESENT: Planning Manager King, Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Chair Wright
5. APPEAL NOTICE: Read by staff.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: Please limit your comments to three minutes. If you have an item that will require extended discussion, please request that the time be scheduled on a regular agenda:
Tom Willison introduced himself as the new president of the Norco Horsemen's Association.
7. APPROVAL OF MINUTES: Minutes of February 25, 2009: **Approved 4-0.**
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARINGS: **None**
10. BUSINESS ITEMS: Discussion of a Proposed Amendment in Residential and Animal-Keeping Zones Regarding the Size of Permitted Accessory Buildings. Recommendation: Give Direction and Set for Public Hearing (Planning Manager King). **Action: Continued discussion to a future meeting as a business item with direction regarding some recommended changes.**
11. CITY COUNCIL:
 - A. City Council Action Minutes dated March 4, 2009
 - B. City Council Minutes dated February 18, 2009
Action: Received and filed.
12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: **Commission Member Harris requested a**

replacement on the Economic Development Advisory Council as his participation on the board is approaching three years. Of the Commission Members present, none would be able to attend the daytime meetings.

13. **STAFF: Current Work Program. Received and filed.**
14. **OTHER MATTERS: Commission Member Newton wanted to make sure that Bob's Big Boy was going to have the "Cowboy Bob" statue and it was explained that the soft opening will have the normal statue with a sign stating that the cowboy statue is on its way at which point there will be a grand opening.**

Commission Member Newton asked about the status regarding the roofing for an office building under construction next to Circle K on Fourth Street. The project was approved with a standing seam metal roof which was not what was being installed. The developer has been notified to replace what has been installed with the standing seam.

15. **ADJOURNED: 8:40 p.m.**

/sk-71983

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

PREPARED BY: William R. Thompson 

DATE: March 18, 2009

SUBJECT: Adjustment of the Transportation Uniform Mitigation Fee ("TUMF") Applicable to All New Developments in the City of Norco

RECOMMENDATION: Adopt **Resolution No. 2009_____**, amending the Transportation Uniform Mitigation Fee ("TUMF").

SUMMARY: Section C, Chapter 3.50.030 of the TUMF Ordinance, authorizes periodic review and adjustment to the applicable TUMF fees in accordance with any adjustments made by the WRCOG Executive Committee. On February 2, 2009, the WRCOG Executive Committee approved an adjustment of the TUMF in light of recent decreases in the cost of constructing the regional transportation system. This adjustment was based on decreases to the Construction Cost Index ("CCI") which WRCOG has determined to be an accurate reflection of the cost of constructing the regional transportation system which was identified in the TUMF Nexus Study.

BACKGROUND/ANALYSIS: In 2002, the Western Riverside Council of Governments (WRCOG) adopted the Transportation Uniform Mitigation Fee (TUMF) Program pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.

The TUMF Program was created in response to the significant growth of new development in Riverside County. Faced with inadequate funding to improve the regional transportation system to accommodate new development, the member agencies of WRCOG developed the TUMF as a solution.

On February 5, 2003, the City of Norco adopted Ordinance No. 804 establishing the TUMF program. On May 3, 2006, the City Council adopted Ordinance No. 855, amending the Municipal Code to allow future TUMF fee changes to be modified by resolution.

Section C, in accordance with Chapter 3.50.030 of the TUMF Ordinance, authorizes periodic review and adjustment to the applicable TUMF fees in accordance with any adjustments made by the WRCOG Executive Committee.

On February 2, 2009, the WRCOG Executive Committee approved an adjustment of the TUMF in light of recent decreases in the cost of constructing the regional transportation system. This adjustment was based on decreases to the Construction Cost Index ("CCI") which WRCOG has determined to be an accurate reflection of the cost of constructing the regional transportation system which was identified in the TUMF Nexus Study.

The proposed resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

FISCAL IMPACT: The proposed resolution will decrease the TUMF fee in order to accurately reflect the current cost of constructing the regional transportation improvement authorized by the TUMF Program.

/wrt-71852

Attachment: Resolution No. 2009-_____

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING THE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) APPLICABLE TO ALL DEVELOPMENTS WITHIN THE CITY OF NORCO

WHEREAS, the City of Norco ("City") is a member agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and fourteen cities located in Western Riverside County; and

WHEREAS, the member agencies of WRCOG recognized that there was insufficient funding to address the impacts of new development on the regional system of highways and arterials in Western Riverside County (the "Regional System"); and

WHEREAS, in order to address this shortfall, the member agencies formulated a plan whereby a transportation mitigation fee would be assessed on new development and would be used to fund the necessary improvements for the Regional System; and

WHEREAS, in furtherance of this plan, the WRCOG Executive Committee adopted the "Western Riverside County Transportation Uniform Fee Nexus Study", dated October 18, 2002 (the "2002 Nexus Study"); and

WHEREAS, based on the 2002 Nexus Study, the City adopted Ordinance 804 on February 5, 2003 pursuant to California Government Code sections 66000 *et seq.* authorizing the City to impose the Transportation Uniform Mitigation Fee ("TUMF") upon new development; and

WHEREAS, on February 6, 2006, the WRCOG Executive Committee adopted the "Western Riverside Transportation Fee Nexus Study 2005 Update" (the "Nexus Study") which served as a basis for the City Council to adopt an amended TUMF Ordinance No. 855 on May 3, 2006, and

WHEREAS, Section C in accordance with Chapter 3.50.030 of the TUMF Ordinance authorizes periodic review and adjustment to the applicable TUMF in accordance with any adjustments made by the WRCOG Executive Committee; and

WHEREAS, on February 2, 2009, the WRCOG Executive Committee recommended that member agencies not adjust their applicable TUMF to reflect decreases in the construction cost index as a result of the current economic climate; and

WHEREAS, the fees collected pursuant to this Resolution shall be used to finance the public facilities described or identified in the Nexus Study; and

WHEREAS, the levying of TUMF has been reviewed by the City Council and staff in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines and it has been determined that the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco does hereby resolve as follows:

SECTION 1. Findings. The recitals set forth above are hereby adopted as findings in support of this Resolution. In addition, the City Council re-adopts the findings contained in Chapter 3.50.015 in support of the adjusted TUMF contained herein.

SECTION 2. TUMF Fee Schedule. In accordance with Chapter 3.50.030, TUMF are established by resolution, there is hereby adopted the following fee schedule for the TUMF which replaces the fee schedule set forth in Sections 2 and 3 of Resolution No. 2008-46 in its entirety:

- (1) \$9,812.00 per single family residential unit
- (2) \$6,890.00 per multi-family residential unit
- (3) \$1.84 per square foot of an industrial project
- (4) \$9.99 per square foot of a retail commercial project
- (5) \$5.71 per square foot of a service commercial project
- (6) \$2.19 per square foot of a service Class A and B Office

SECTION 3. CEQA Findings. The City Council hereby finds that in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines the adoption of this Resolution is exempt from CEQA pursuant to Section 15061(b)(3).

SECTION 4. Effective Date. This Resolution shall become effective immediately.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on March 18, 2009.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

Resolution No. 2009-_____

Page 3

March 18, 2009

I, BRENDA K. JACOBS, City Clerk of the City of Norco, 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 March 18, 2009, 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 March 18, 2009.

Brenda K. Jacobs, City Clerk
City of Norco, California

/wrt - 71853

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

PREPARED BY: Andy Okoro, Director of Fiscal and Support Services 

DATE: March 18, 2009

SUBJECT: A City-Initiated Proposal to Amend Title 14 of the Norco Municipal Code by Amending Section 14.04.320 (b) of Title 14 (Water and Sewers). (Code Amendment 2009-03)

RECOMMENDATION: **Adopt Ordinance No. ___** for First Reading.

SUMMARY: Staff is recommending modification to Title 14, Section 14.04.320 (b) of Norco Municipal Code regarding the process for final notice to customers with delinquent utility accounts prior to discontinuance of service. The proposed change will improve efficiency by freeing staff time to perform other value added services to utility customers.

BACKGROUND/ ANALYSIS: Currently, when a water service bill becomes delinquent, and has not been paid in full on or before the fifteenth day after the date of delinquency, an authorized employee of the city attempts to collect delinquent amounts by either making collection or leaving a door tag stating the amount due and the date service will be discontinued after 48 hours. As a result of the downturn in the economy, the number of delinquent utility account has been increasing resulting in significant staff time devoted to delivering and hanging 48-hour door tags. This extra staff time spent handing door tags means less time dedicated to ensuring that meters are read timely and accurately. It also results in less staff time dedicated to repairing and changing out malfunctioning meters. To improve and efficiency and add vale to customer service, staff proposes that Norco Municipal Code Section 14.04.320 (b) be changed to state the following:

“At least 5 business days prior to the disconnection of service, a statement showing the past due/delinquent amount and date service will be discontinued shall be deposited in the U.S. mail. If payment of the delinquent account is made prior to the disconnection being made, a collection fee as established by City Resolution shall be due in addition to any delinquent amount and penalties thereon. If payment of the delinquent account is not made prior to the disconnection, a meter lock off fee shall be due in addition to any delinquent amount and penalties thereon.”

It is important to note that prior to mailing the final notice referenced above, a customer is mailed notice of delinquency at least twenty-five days from the date the original bill was mailed to the customer. The final notice of service discontinuance is mailed at least fifteen days from the date of the account becomes delinquent. Under the proposed modification, the delinquent account will be disconnected at least five business days after the notice is mailed. This will replace the current practice of delivering 48-hour tag prior to service being disconnected.

FINANCIAL INPACT: The City will incur additional mailing charges. However the cost will likely be offset by improved efficiencies achieved from better use of Meter Reader time.

/jk-71758

Attachment: Ordinance No. ____

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO SECTION 14.04.320 (b) OF TITLE 14 (WATER AND SEWER) OF THE NORCO MUNICIPAL CODE TO MODIFY THE PROCESS USED TO PROVIDE FINAL NOTIFICATION TO CUSTOMERS WITH DELINQUENT UTILITY ACCOUNTS PRIOR TO DISCONTINUANCE OF SERVICE (CODE AMENDMENT 2009-03)

WHEREAS, the CITY OF NORCO initiated Municipal Code Amendment 2009-03, an amendment to Norco Municipal Code Title 14 (Water and Sewer), to modify the process used to provide final notification to customers with delinquent utility accounts prior to discontinuance of service; and

WHEREAS, the Municipal Code Amendment was duly submitted to said City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Municipal Code Amendment was scheduled for public hearing on March 18, 2009, on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, the City Council of the City of Norco determines that this Ordinance is a reasonable and necessary means to collect delinquent utility accounts.

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

SECTION 1: CHAPTER 14.04.320 (b) OF THE NORCO MUNICIPAL CODE TITLE 14 "WATER AND SEWER" IS HEREBY AMENDED AS FOLLOWS.

Section 14.04.320(b) "Disconnection for nonpayment of water service bill"

"At least 5 business days prior to the disconnection of service, a statement showing the past due/delinquent amount and date service will be discontinued shall be deposited in the U.S. mail. If payment of the delinquent account is made prior to the disconnection being made, a collection fee as established by City Resolution shall be due in addition to any delinquent amount and penalties thereon. If payment of the delinquent account is not made prior to the disconnection, a meter lock off fee shall be due in addition to any delinquent amount and penalties thereon."

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

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

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held April 1, 2009.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

Ordinance No. 90_

Page 3

March 18, 2009

I, BRENDA K. JACOBS, 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 March 18, 2009 and thereafter at a regular meeting of said City Council duly held on April 1, 2009, 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 April 1, 2009.

Brenda K. Jacobs, City Clerk
City of Norco, California

/jk-71825

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

PREPARED BY: William R. Thompson, Director of Public Works 

DATE: March 18, 2009

SUBJECT: A City-Initiated Proposal to Amend Chapter 10.12.030 of the Norco Municipal Code to increase the Speed Limit to 45 MPH on Hidden Valley Parkway from Lonesome Dove to El Paso Drive. Code Amendment 2009-04

RECOMMENDATION: Adopt **Ordinance No. ____** for first Reading

SUMMARY: The City Council will consider a recommendation to amend Chapter 10.12.030 of the Norco Municipal Code to increase the speed limit on Hidden Valley Parkway from Lonesome Dove to El Paso Drive. Traffic engineering consultant Albert Grover & Associates performed the original speed survey that determined and recommended a reduction of the speed limit from 45 mph to 35 mph in 2006. With the modifications to this roadway segment, it is now recommended to reestablish the speed limit at 45 mph.

BACKGROUND/ANALYSIS: The California Vehicle Code requires that governmental agencies, such as the City of Norco periodically review and update their posted speed limits, at a minimum of every five years if they utilize radar as an enforcement tool.

At the July 19, 2006 meeting, the City Council considered Ordinance 860 establishing prima facie speed limits based on an engineering survey. The second reading of Ordinance No. 860 was held on August 2, 2006 with a majority of the City Council approving adoption. The Ordinance became effective on September 2, 2006.

This survey recommended that the speed limit on Hidden Valley Parkway be reduced from 45 mph to 35 mph. The original survey identified the street segment on Hidden Valley Parkway from Hamner Avenue to 4,000 feet east of the I-15. This section has been modified by the addition of Lonesome Dove and the Kohl's Center. Albert Grover & Associates are recommending the street segment be redefined as two separate segments to be more in line with the City of Norco and City of Corona boundaries. This would create compatible speed limits east of the I-15 Freeway and west of the I-15 Freeway to Hamner Avenue falls within the City limits of Norco.

Amendment to Chapter 10.12.030

March 18, 2009

Page 2

The recommended action would increase the speed limit on Hidden Valley Parkway from Lonesome Dove to El Paso Drive from 35 mph to 45 mph. A letter of support for the recommended action has been provided by the engineering firm of Albert Grover & Associates.

FINANCIAL IMPACT: N/A

/wrt-71957

Attachment: Letter from Albert Grover & Assc and speed survey
Ordinance No. ____



RECEIVED
FEB 23 2009
NORCO ENGINEERING

February 19, 2009

Mr. William R. Thompson
Director of Public Works
City of Norco
2870 Clark Avenue
Norco, California 92860

RE: Revising Speed Zone Segments – Hidden Valley Parkway/Hammer Avenue to El Paso Drive at Corona

Dear Mr. Thompson:

Per our recent conversation and after review of the speed zone segments that Albert Grover & Associates (AGA) conducted in 2006 on Hidden Valley Parkway, it is my professional opinion that the segments be revised as follow:

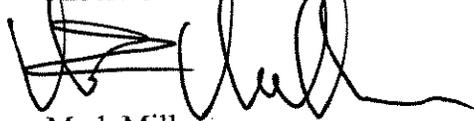
Hidden Valley Parkway	
Segment	Posted Speed Limit
Hammer Avenue to Lonesome Dove	35 mph
Lonesome Dove to El Paso Drive	45 mph

Attached are revised Engineering and Speed Survey sheets for the subject segments. It is recommended that the Norco Municipal Code Section 10.12 Speed Limits be amended to reflect the change in the segments with the appropriate posted speed limits.

If you have any questions, please contact me.

Respectfully submitted,

Albert Grover & Associates


Mark Miller
Executive Vice President

Projects\Norco\107-014\Revised Segments Thompson Ltr.doc



TRANSPORTATION CONSULTING ENGINEERS

211 E. Imperial Hwy., Suite 208, Fullerton, CA 92835
(714) 992-2990 FAX (714) 992-2883 E-Mail: aga@albertgrover.com

CITY OF NORCO ENGINEERING AND SPEED SURVEY

FOR ROADWAY: Hidden Valley Parkway DATE: 4/13/06 TIME START: 10:30 TIME STOP: 10:45

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	EASTBOUND	WESTBOUND	
65			0
64			0
63			0
62			0
61			0
60	X		1
59			0
58			0
57			0
56	X		2
55	X		1
54	X		3
53			1
52	X		3
51	X		5
50	X		5
49	X		8
48	X		7
47	X		8
46	X		8
45	X		12
44	X		12
43	X		7
42	X		10
41	X		7
40	X		6
39	X		6
38	X		4
37	X		2
36	X		1
35			0
34			0
33			0
32			0
31			0
30			0
29			0
28			0
27			0
26			0
25			0
24			0
23			0
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
GRAND TOTALS			119

LOCATION: Lonesome Dove to El Paso Drive @ Corona

ROAD DESCRIPTION: 2 lanes each direction, painted median

ACCIDENT HISTORY: 6 MIDBLOCK COLLISIONS IN 2 YEARS (10/01/03 - 10/01/05)

ACCIDENT RATE: 0.43 **ACC./MVM, EXPECTED RATE:** 1.83 **ACC./MVM,**

ROADWAY CONDITIONS: Good

WEATHER: Sunny

EXISTING SPEED LIMIT: 45 **PROPOSED SPEED LIMIT:** 45

AVERAGE DAILY TRAFFIC: 18,981 **SEGMENT LENGTH:** 1.00

85TH %: 49 **M.P.H.**

50TH %: 44 **M.P.H.**

15TH %: 40 **M.P.H.**

AVERAGE SPEED: 45 **M.P.H.**

10 MPH PACE: 40 - 49 **M.P.H.**

% IN PACE: 71%

% OVER PACE: 18%

% UNDER PACE: 11%

OBSERVED BY: Andrew

REVIEWED BY: MARK MILLER

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A SPEED ZONE SURVEY AS ON FILE IN THE OFFICE OF THE CITY TRAFFIC ENGINEER OF THE CITY OF NORCO, CALIFORNIA.

CITY OF NORCO ENGINEERING AND SPEED SURVEY

FOR ROADWAY: Hidden Valley Parkway

DATE: 4/18/06 TIME START: 11:15 TIME STOP: 11:30

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	EASTBOUND	WESTBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			1
44			1
43			0
42			1
41			1
40			3
39			3
38			5
37			8
36			11
35			9
34			9
33			12
32			13
31			10
30			10
29			7
28			5
27			3
26			2
25			1
24			0
23			0
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
GRAND TOTALS		115	

LOCATION: Hammer Avenue to Lonesome Dove

ROAD DESCRIPTION: 2 lanes each direction; painted median

ACCIDENT HISTORY: 1 MIDBLOCK COLLISIONS IN 2 YEARS (10/01/03 - 10/01/05)

ACCIDENT RATE: 0.15 ACC./MVM, **EXPECTED RATE:** 1.83 ACC./MVM,

ROADWAY CONDITIONS: Good

WEATHER: Sunny

EXISTING SPEED LIMIT: 45 **PROPOSED SPEED LIMIT:** 35

AVERAGE DAILY TRAFFIC: 29,339 **SEGMENT LENGTH:** 0.32

85TH %: 35 M.P.H.

50TH %: 32 M.P.H.

15TH %: 29 M.P.H.

AVERAGE SPEED: 33 M.P.H.

10 MPH PACE: 29 - 38 M.P.H.

% IN PACE: 82%

% OVER PACE: 9%

% UNDER PACE: 10%

OBSERVED BY: Andrew

REVIEWED BY: MARK MILLER

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A SPEED ZONE SURVEY AS ON FILE IN THE OFFICE OF THE CITY TRAFFIC ENGINEER OF THE CITY OF NORCO, CALIFORNIA.

GRAND TOTALS 115

DATE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF NORCO AND AMENDING CHAPTER 10.12.010 THROUGH 10.12.030 OF THE NORCO MUNICIPAL CODE

WHEREAS, in accordance with the California Vehicle Code, to use radar as an enforcement tool, Section 40802 (b) requires that where speed limits are to be changed, provisions of Sections 22357 and 22358 must be satisfied; and

WHEREAS, in accordance with the California Vehicle Code and provisions of the State of California Department of Transportation, traffic surveys are performed when the use of radar or other electronic devices are utilized for enforcement; and

WHEREAS, the City conducted and completed traffic engineering speed zone surveys in June of 2006 on the streets delineated in the proposed revised Chapter 10.12.030 attached hereto; and

WHEREAS, the traffic engineering surveys considered the equestrian/rural nature of several streets, as well as the large lot requirements of the City, and recommended residential status on certain streets that may not meet the strict definition of a residential district; and

WHEREAS, in January 2003, Section 22353 was added to the California Vehicle Code allowing for equestrian safety, in addition to other factors required when conducting traffic and engineering surveys; and

WHEREAS, the City Council, in the exercise of their legislative powers, does concur with recommended amendment to Chapter 10.12.030 as to the speed limits to be established.

NOW, THEREFORE, the City Council of the City of Norco does hereby find, determine, order, and resolve as follows:

SECTION 1: Chapter 10.12 of the Norco Municipal Code entitled "Speed Limits" is hereby amended in its entirety and replaced with the following:

10.12.010 Intent and Purpose. The intent and purpose of this Chapter is to establish prima facie speed limits on certain specified streets within the City in order to allow radar or other electronic speed measuring devices to be used for enforcement and citation purposes. It is also intended to establish by use and function some streets as residential in the event they do not meet the specific definition of a residential district within the California Vehicle Code. These clarifications are necessary in consideration of the rural type development, large lot design, lack of sidewalks, and equestrian orientation of the Community.

10.12.020. Justification. In accordance with the appropriate sections within the California Vehicle Code, engineering and traffic surveys are performed as necessary on streets shown on the functional classification map and not subject to prima facie speed limits contained within the California Vehicle Code as well as those not shown on the map and not meeting the definition of a residential area. The speeds on those street segments surveyed are safe and reasonable and are considered appropriate to facilitate the safe and orderly movement of traffic and the safety and protection of the pedestrian/equestrian segment of the Community.

10.12.30 Prima Facie Speed Limits

<u>STREET</u>	<u>SEGMENT</u>	<u>PROPOSED SPEED LIMIT</u>
Branding Iron Lane	Dapplegray Lane to Wild Horse	25
California Avenue	Fifth to Sixth Streets	25
California Avenue	Sixth Street to North Drive	35
Corydon Avenue	Fifth Street to River Road	35
Detroit Street	Hamner to Valley View Avenues	25
Fifth Street	Hamner to California Avenues	25
Fifth Street	Norconian Drive to Hamner Avenue	35
Fifth Street	Corydon Avenue to Norconian	40
First Street	Parkridge to Hamner Avenues	35
First Street	Valley View to Hillside Avenues	25
Fourth Street	Clark to Valley View	25
Fourth Street	Valley View to Hillside Avenues	25
Hamner Avenue	South City Limit to Fourth Street	40
Hamner Avenue	Fourth Street to North City Limit	45
Hidden Valley Parkway	Lonesome Dove to El Paso Drive	45

<u>STREET</u>	<u>SEGMENT</u>	<u>PROPOSED SPEED LIMIT</u>
Hidden Valley Parkway	Lonesome Dove to Hamner Ave.	35
Hillside Avenue	First to Sixth Streets	25
Mountain Avenue	Hamner Avenue to Second Street	40
Norco Drive	Hamner Avenue to Fifth Street	35
Norco Hills Road	Hidden Valley Pkwy to East City Limit	50
North Drive	East City Limit to California Avenue	45
Parkridge Avenue	Kips Korner Road to Second Street	25
Parkridge Avenue	Second Street to South City Limit	40
River Road	North City Limit to South City Limit	45
Rock Springs Avenue	Thoroughbred Lane to First Street	25
Second Street	River Road to Hamner Avenue	35
Second Street	Hamner to Hillside Avenues	25
Seventh Street	Valley View to California Avenues	25
Sixth Street	Hamner Avenue to Crestview Drive	35
Third Street	Hamner to westerly Cul-de-sac	35
Thoroughbred Lane	Sedona Lane to El Paso Drive	25
Valley Drive	Country Club Drive to Fresian Street	New 35
Valley View Avenue	Detroit Street to 7th Street	25
Wild Horse Lane	Branding Iron to Crestview Drive	New 25

Ordinance No. _____

Page 4

March 18, 2009

SECTION 2: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

SECTION 3: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on March 18, 2009.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, 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 March 18, 2009 and thereafter at a regular meeting of said City Council held on April 1, 2009, 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 April 1, 2009.

Brenda K. Jacobs, City Clerk
City of Norco, California

/wrt-71958

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

PREPARED BY: Steve King, Planning Manager 

DATE: March 18, 2009

SUBJECT: Extension of an Existing Moratorium on the Approval of New Plans for the Construction of Accessory Structures that Exceed 2,500 Square Feet on Residentially-Zoned Properties

RECOMMENDATION: Adopt: **Ordinance No. 907**, extending the existing moratorium to February 18, 2010 on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially-zoned properties.

SUMMARY: As a result of a growing proliferation of large accessory structures that block existing animal-keeping potential on lots, it is being recommended that the City Council extend an existing temporary moratorium on accessory structures that exceed 2,500 square feet on all residentially-zoned lots. This will allow staff and the Planning Commission to finish working on proposed regulations to preserve the animal-keeping potential of lots for the future.

BACKGROUND/ANALYSIS: Currently the only control on the size of accessory structures is an overall allowed 40 percent coverage of the flat pad area for all structures combined. This can still allow very large accessory structures to the point that it jeopardizes the future animal-keeping potential on some lots and can have a negative impact to neighboring properties and neighborhoods.

In the current economy there is a slump in building material costs that is making the construction of very large accessory structures more affordable to more households. The temporary moratorium will allow staff and the Planning Commission to finish a process that has already begun.

Staff and the Planning Commission are currently working out standards to regulate and control the size of accessory structures taking into consideration a wide variety of combinations of lot sizes, pad sizes, residence sizes, and topography. A third strategy for addressing the issue has been scheduled for March 11, 2009.

FINANCIAL IMPACT: N/A

/sk-71941

Attachments: Ordinance No. _____

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF NORCO EXTENDING AN EXISTING MORATORIUM ON THE APPROVAL OF NEW PLANS FOR THE CONSTRUCTION OF ACCESSORY STRUCTURES THAT EXCEED 2,500 SQUARE FEET ON RESIDENTIALLY-ZONED PROPERTIES

The City Council of the City of Norco, California, does hereby ordain as follows:

SECTION 1: Purpose and findings. The City of Norco, hereinafter referred to as "Norco," does hereby adopt an ordinance extending a moratorium on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially-zoned properties, and orders a moratorium extension for a period of 10 months and 13 days from the ending date of the existing temporary moratorium that ends on April 5, 2009.

The City Council hereby finds that there does not exist in the Norco Municipal Code (NMC) adequate information and standards for the regulation of large accessory structures.

The City Council finds it appropriate that City staff continue current and on-going efforts for possible amendments to the City's Municipal Code relating to regulations concerning the construction of large accessory structures.

The City Council further finds that in order to analyze and examine specific criteria and standards and impacts concerning the construction of large accessory structures on residentially-zoned properties within the City the current moratorium on any such structures must be extended to February 18, 2010.

SECTION 2: Interim prohibition/moratorium on land use approvals and building permits in all residential and agricultural residential zoning districts for accessory structures that exceed 2,500 square feet. Based on the foregoing, the City Council further finds that the issuing of any building permit for any accessory structure that exceeds 2,500 square feet would constitute an immediate danger and threat to the public health, peace, safety and welfare to citizens of Norco.

Based on the findings set forth herein, the facts and evidence presented in staff's report to the City Council on this matter, and the written and verbal testimony presented by City staff and members of the Norco community, no building permit or other applicable entitlement shall be issued for any accessory structure that exceeds 2,500 square feet in residentially-zoned properties.

SECTION 3: Immediate threat to health, safety and welfare. Based on the findings herein, this ordinance is adopted pursuant to California Government Code Section 65858 to address a current and immediate threat to the public health, safety

and welfare. This City Council has determined that, without further appropriate study by City staff relating to the conditions under which large accessory structures will be regulated within the City's residential and agricultural/residential zones, issuing building permits and any other applicable entitlement for accessory structures larger than 2,500 square feet could subject the City and its citizens to the adverse effects, and thus result in a threat to the public health, safety and welfare.

SECTION 4: Effective Period. In accordance with California Government Code Section 65858, this ordinance shall be in full force and effect for a period of 10 months and 13 days from the ending date of the current temporary moratorium, or April 5, 2009.

SECTION 5: Written Report. Pursuant to Section 65858 of the California Government Code, a written report has been issued describing the measures thus far taken to alleviate the conditions which led to the adoption of a moratorium ordinance.

SECTION 6: Conflicting Laws. For the term of this ordinance, as set forth in Section 4 above, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of the City's Municipal Code, or any ordinance, resolution or policy of the City, all such conflicting provisions shall be suspended.

SECTION 7: Conflicting Laws. Pursuant to CEQA Guidelines (California Code of Regulations, §§ 15000 *et seq.*) Section 15061, this City Council finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this ordinance will have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) and the City's Guidelines for Implementation of CEQA and the project is therefore exempt. CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this ordinance will maintain existing environmental conditions and have no effect on the environment because the effect will be to prohibit the approval of accessory structures that exceed 2,500 square feet in residentially-zoned properties, for the limited period of 10 months and 13 days from the ending date of the current temporary moratorium, or April 5, 2009.

SECTION 8: Severability. In any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part hereof, is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unlawful.

SECTION 9: Adoption. This ordinance shall be adopted by no less than a four-fifths vote of the City Council pursuant to Government Code Section 65858.

Ordinance No. ____

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March 18, 2009

SECTION 10: Publication and Posting. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the newspaper of general circulation within the City.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on March 18, 2009.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, 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 March 18, 2009 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 March 18, 2009.

Brenda K. Jacobs, City Clerk
City of Norco, California

/sk-71942

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

PREPARED BY: Steve King, Planning Manager 
Lieutenant Cooper, Sheriff's Department 
Bill Thompson, Public Works Director 

DATE: March 18, 2009

SUBJECT: Appeal of Planning Commission Denial of a Request to Allow Expansion of Food and Alcoholic Beverage Service to an Existing Outdoor Deck on Property Located at 3841 Old Hamner Avenue in the C-G (General Commercial) Zone

RECOMMENDATION: Planning Commission: Denied the request to expand the service of food and alcohol to the existing outdoor deck.

Staff: That the City Council deny the appeal, upholding the action of the Planning Commission.

SUMMARY: The Planning Commission has denied a request by the operator of the Maverick Steakhouse to expand the service of food and alcohol onto an existing outside deck. Although the deck was constructed without building permits, it was later authorized to remain without having to obtain a building permit so long as the use remained for smoking only. The Planning Division, Building Division, Engineering Division, and the Sheriff's Department have each identified significant concerns and each recommended to the Planning Commission that the request be denied. The Planning Commission concurred with staff and voted unanimously to deny the request. The owner has appealed the denial to the City Council.

BACKGROUND: On October 3, 2007 the Norco City Council adopted Resolution 2007-64 approving a first modification to CUP 2002-14. That modification dealt with a number of issues but was primarily focused on bringing the building up to current building code standards and increasing the level of security. On August 27, 2008 the Planning Commission received and filed a status report of compliance with the adopted conditions of approval in Resolution 2007-64. At that meeting the Planning Commission received and filed the status report stating that the conditions of approval had been complied with in terms of building conditions. With regard to security conditions, it was decided that the City should give the business operation enough time to determine if the revised conditions would be effective before making any additional changes.

Annual status reports are required of the owner once a year per City Council Resolution No. 2007-64. The first report was due in October of 2008. Given that there had just been a

status report prepared two months prior (August) of the same year, and given that the applicant had expressed interest in obtaining approval to use the existing outdoor deck for the service of food and alcohol, it was agreed by the Planning Commission that both could be heard together. On February 11, 2009 the Planning Commission received and filed the updated status report and now the next one is due in October of this year.

The amendment to the CUP approved in October of 2007, included a condition that prohibited use of the deck for food or alcohol service, with a clause that the owner/applicant could request a reconsideration of the usage of the deck for these purposes after a year had passed from the approval date of the amendment. The condition reads as follows:

25. No eating, drinking, or possession of alcoholic beverages shall be allowed on the outside patio deck as shown on the required Site Plan Exhibit. This outside patio deck shall be an allowed area for smoking. One year after approval the owner may apply to use the outdoor patio for more than smoking.

It has been over a year since the modification to CUP 2002-14 was approved and the applicant made a public request at a recent Planning Commission meeting that the Planning Commission now consider approval of expanding the use of the outdoor deck to serve alcohol and food.

The deck in question was constructed originally without notification to the City under an assumption that a building permit was not needed. After the construction had occurred, the owner was notified to contact the City to determine whether the construction was in compliance with the building code or not. Ultimately it was determined that a building permit would not be needed for the deck structure because it was below 36 inches tall and the use was only ancillary (as a smoking deck) to the primary use of the building. The stairway to the deck and the handrails needed building permits and those were obtained.

The main building to which the deck is attached is a non-conforming structure because it sits too close to the Sixth Street right-of-way. The building setback from a street in the CG zone is 25 feet from property line and this one is approximately five feet from the property line. As a non-conforming structure the only additions that can be permitted are those that meet the zoning requirements. The legal non-conforming status of the structure was created when the I-15 Freeway was constructed with the resulting realignment of Sixth Street. Presently the deck extends over the right-of-way line along Sixth Street (ref. Exhibit "D"). A full-on restaurant/bar use for the deck is a use that would not be allowed to occur in the setback area, much less over the property line. Setbacks are typically required to protect public health, safety, comfort, and convenience.

The deck was first installed without obtaining approval from the City and was sited as a violation of the conditional use permit since the approved project did not include the deck (Exhibit "K" – Letter from James Daniels, dated March 16, 2006 [disk]). Subsequent discussions with the Community Development Department (Building and Planning

Divisions) concluded with the determination that the deck did not require a building permit since it was less than 36 inches in height (only the stairs and handrails needed permits). It was also determined that the owner could keep the deck but only if used for smoking as per the original agreement (Exhibit "L" – Letter from City Manager dated August 25, 2005 [disk]; Exhibit "M" – Minute Excerpt from July 2, 2007 [disk]). No additional parking was required since it was presumed that those using the smoking deck would already be customers and that no one would go to the business just to smoke. It was noted though that any proposed expansion of the eating and drinking sit-down area onto the deck would increase the capacity of the business and the need for additional parking.

The location of the deck over the right-of-way line and slightly down-slope from the street places potential customers seated on the deck in the path of errant vehicles for which there is no barricade to stop them outside of a three-plank equestrian fence. There is also concern for the proximity of the traveling public to disturbances resulting from activities on the deck and the potential for items being thrown, or the exchange of liquor from the deck to vehicles or pedestrians. Likewise there would be little control over the transfer of alcohol from the open deck to the parking area in the front.

There has been on-going concern by the Sheriff's Department that the level of security staffing has not been enough to stop the number of violent incidents that occur at this business along with the number of calls that require assistance from the Sheriff's and Fire Departments (ref. Exhibits "E" through "I" – Sheriff's Department Compliance Reports). The City received notice that the security staffing has recently changed and is now being provided by ITC Security International. The Sheriff's Department conducted a background check on the list of current guards provided by the owner and all of them resulted in "clear." However, it is too soon to know how this change might affect the number of violent incidences.

Another concern with the deck is whether it is structurally safe to accommodate the more intensive use that is being proposed. As has been stated the deck was constructed without permits. After that it was determined that no building permit would be needed so the structure was allowed to stay, but only for the limited smoking use. The structure was built without inspections by the Building Division and so there is no record as to whether the structure is capable of accommodating the increased intensity in use. As stated earlier, the main building is non-conforming and any addition that requires a building permit needs to meet the zoning requirements.

With regard to parking, there is a lack of on-site property for the additional parking that is needed to expand the eating and drinking service area on to the deck. The business as it exists today was determined to require 37 parking spaces not including the deck (Exhibit "N" – CC Minutes, October 3, 2007). At the same meeting it was stated that if the deck were to be used for eating and drinking, more parking spaces would be required. Based on the site plan that was provided to the Planning Commission on April 30, 2008 (ref. Exhibit "J") the area of the deck is 931 square feet. The required parking for a restaurant use is

one space per 100 square feet, so there would need to be an additional nine spaces for the expanded area.

The main parking area in front of the business is dirt with no striped parking. There is also a paved parking area on the north where there are 18 spaces. The operation, as it exists today, already needs more parking than can be provided in the two parking areas (Exhibit "P"– Excerpt PC Minutes, July 6, 2006 [disk]). The site cannot accommodate more parking, which is a requirement of the Municipal Code:

Section 18.38.04 Required Parking and Loading.

"Any building or structure erected or located and any use of land established after the effective date of this ordinance or any subsequent amendments thereto, shall be required to provide off-street parking and loading facilities in accordance with the provisions of this chapter."

Section 18.38.10 Parking Facilities Required for More Intensive Use.

"When the intensity of use of any building, structure, and premises is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified in this part, the additional required parking and loading facilities for such increase shall be provided."

In its previous deliberations the Planning Commission had also expressed concern about the use of this area for anything other than smoking (Exhibit "Q"– Excerpt PC Minutes, July 2, 2007 [disk]).

CONCLUSION: The Planning Division, Building Division, Engineering Division, and the Sheriff's Department for all of the reasons discussed above have all recommended that the outdoor deck not be used for anything other than the original use, which is for smoking only. The Planning Commission concurred and unanimously denied the request.

Planning Division:

- 1) The restaurant/bar building is a non-conforming building and as such any additions must meet the zoning regulations, which the deck does not. Based on this a request to expand full bar/restaurant uses onto the deck in the setback area would not be allowed. The use for anything other than smoking should not be allowed because of the non-conforming setback, encroachment onto the public right-of-way, and non-conforming building issues; and because of potential liability to the City.
- 2) The proposed expansion of the eating and drinking service area onto the deck requires additional parking that cannot be accommodated on-site which is a requirement of the Code.
- 3) The proposed expansion of food and alcohol intensify the use of the structure with a greater and more standing occupancy and would not be allowed within the setback area regardless of whether the structure needs a building permit or not. The

expanded service area is an expansion of the conditional use permit (the original reason that the construction of the deck was cited). Any modification or expansion of a CUP is subject to discretionary review, and approval or denial, by the Planning Commission. A variance for the reduced setback cannot be justified.

Building Division:

- 4) The deck proper was constructed without permits (stairway and rails had permits) from the City and with no inspections from a Building Inspector. The City is unable to ensure that the structure is capable of supporting the more intensive use.

Engineering Division:

- 5) An analysis of existing conditions for the deck shows that it encroaches into the Caltrans right-of-way along Sixth Street, which is illegal and poses potential safety hazards to patrons, motorists, and pedestrians.
- 6) Chain-link fencing installed by Caltrans has been removed in the area where the deck is located without any approvals from Caltrans.

Sheriff's Department:

- 7) The deck is too close to Sixth Street travel lanes which is a high traffic/high speed corridor and therefore will present potential problems of interaction between customers on the deck and passengers in vehicles, whether it be the transfer of alcohol or the exchange of thrown objects, or worse.
- 8) The security arrangements have thus far not shown to be capable of stopping violent crimes on the property in question. An additional serving area which is directly open to the adjoining parking area and Sixth Street will likely only exacerbate the problem.
- 9) The proximity of the deck to Sixth Street makes it problematic to control events and daily activities on the deck that could easily impact the flow of traffic and create unsafe traffic conditions.

Staff recommends that the City Council deny the appeal and uphold the decision of the Planning Commission to deny the requested expansion. A resolution towards that end is attached. However, if the City Council ultimately determines that the expansion of eating and drinking onto the deck should be allowed, the request will need to be remanded to the Planning Commission for conditions of approval and modification of the CUP.

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Exhibit "A" – CC Resolution 2007-64 (disk)
Exhibit "B" – PC Staff Report, August 27, 2008 (disk)
Exhibit "C" – Caltrans Right-of-Way Map
Exhibit "D" – Aerial Photo Showing Existing Property Lines
Exhibit "E" – Memorandum from Ross Cooper, Lieutenant dated April 23, 2008 with Sheriff's Department Incident Report 7/01/07 to 3/31/08 (disk)

- Exhibit "F" – Sheriff's Department Incident Report 1/27/07 to 6/22/07 (disk)
- Exhibit "G" – Sheriff's Department Status of Compliance Report, August 21, 2008, with List of Violent Incidences Only (disk)
- Exhibit "H" – Sheriff's Department Status of Compliance Report, January 8, 2009 (disk)
- Exhibit "I" – Memorandum from Deputy Walls dated May 7, 2008 (disk)
- Exhibit "J" – Approved Site Plan
- Exhibit "K" – Letter from James Daniels dated March 16, 2006 (disk)
- Exhibit "L" – Letter from Jeff Allred dated August 25, 2005 (disk)
- Exhibit "M" – Excerpt PC Minutes, July 2, 2007 (disk)
- Exhibit "N" – CC Minutes, October 3, 2007 (disk)
- Exhibit "O" – Site Plan Exhibit Dated June 17, 2002 (disk)
- Exhibit "P" – Excerpt PC Minutes, July 12, 2006 (disk)
- Exhibit "Q" – Excerpt PC Minutes, July 2, 2007 (disk)
- Exhibit "R" – PC Minutes, February 11, 2009 (disk)