AGENDA
CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
APRIL 1, 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 54956.8 – Conference with Real Property Negotiator

Street Address or Parcel Number:	APN 125-100-036
Negotiating Parties:	Norco Redevelopment Agency, City Engineer MIlano, Economic Development Director Oulman, Executive Director Allred; and Property Owner James Ro, et. al.
Points Under Negotiation:	Price and Terms of Payment for Acquisition of Right-of-Way

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties:	City Manager Allred, Director of Fiscal & Support Services Okoro and Human Resources Analyst Paakkonen
Employee Organization:	Norco General Employees Association Norco Public Works & Parks Maintenance Workers Association
RECONVENE PUBLIC SESSION:	7:00 p.m.
PLEDGE OF ALLEGIANCE:	Council Member Hanna
INVOCATION:	Pastor Vernie Fletcher *Grace Fellowship Church*
PROCLAMATIONS:	Child Abuse Prevention Month *Jessica Hodgeson, CNUSD*

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

Next CRA Resolution No. 2009-05

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 18, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)

2. CRA CONTINUED 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

   Recommended Action: Continue the Public Hearing to April 15, 2009. (Director of Economic Development)

3. CRA PUBLIC HEARING:

   A. Owner Participation Agreement With the Daniel W. Hinson Family Trust, as part of the Norco Façade Improvement Program

   The Daniel W. Hinson Family Trust, the owner of the building located at 1809 Lampton Lane, has submitted a request to participate in the Façade Improvement Program. The proposed Owner Participation Agreement funds the project for an amount not-to-exceed $60,000 and will be used for the renovation and updating of the existing building to serve as the professional offices for HC&D Architects. The Façade Improvement Program will help the City/Agency meet strategic objectives and promote the Western theme of Horsetown USA.

   Recommended Action: Adopt CRA Resolution No. 2009-____, approving an Owner Participation Agreement by and between the Norco Redevelopment Agency and the Daniel W. Hinson Family Trust for a building located at 1809 Lampton Lane. (Director of Economic Development)

4. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 910
Next Resolution No. 2009-15

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 18, 2009. **Recommended Action: Approve the City Council Minutes.** (City Clerk)

   B. Procedural Step to Approve Ordinance after Reading of Title Only. **Recommended Action: Approval**. (City Clerk)

   C. **Ordinance No. 908, Second Reading.** 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. **Recommended Action: Adopt Ordinance No. 908.** (City Clerk)

   D. **Ordinance No. 909, Second Reading.** 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. **Recommended Action: Adopt Ordinance No. 909.** (City Clerk)

   E. Acceptance of the Pedley Booster Station Project, as Complete and the Appropriation of Additional Funds for the Pedley Booster Station Project. **Recommended Action: Accept the Pedley Booster Station Project as complete, instruct the City Clerk to file the Notice of Completion with the County Recorder's Office; and Adopt Resolution No. 2009-____, appropriating additional funds in the amount of $31,000 for the Pedley Booster Station Project.** (City Engineer)

   F. Acceptance of Bureau of Justice Assistance Grant of $41,687 to Fund Sworn Officer Time in Fiscal Year 2010. **Recommended Action: Authorize staff to apply for and accept the grant.** (Lt. Cooper)

   G. Request for Qualifications and Proposals (RFQ/P) for Animal Control and Shelter Operations Services. **Recommended Action: Authorize the distribution of an RFQ/P to qualified agencies for animal control and shelter operations services**. (Director of Parks, Recreation & Community Services)

H. Action Minutes for Planning Commission Meeting of March 25, 2009. **Recommended Action: Receive and File** (Planning Manager)

6. CITY COUNCIL PUBLIC HEARING:

A. City-Initiated Proposal to Add Title 20, Cultural Resources, to the Norco Municipal Code (Code Amendment 2009-05)

A goal of the City's 2008-2009 Strategic Plan is to attain Certified Local Government (CLG) status for its historic preservation program. Among other benefits, CLG status qualifies the City to seek federal historic preservation grants administered by the State of California. A critical prerequisite to obtaining CLG status is a Cultural Resources Ordinance that conforms to state guidelines.

Recommended Action: Adopt Ordinance No. ____ for first reading. (Director of Economic Development)

7. CITY COUNCIL ITEMS FOR ACTION:

A. Conceptual Discussion of an Amendment to the Fee Resolution to Add a Grounds Fee for the Permit Users of the George Ingalls Equestrian Event Center

Currently, the City incurs significant "grounds costs" (site supervision, arena grooming, utilities, equipment and infrastructure maintenance, etc.) to facilitate weekend events sponsored by private organizations at the Ingalls Equestrian Events Center. As a result, the City's General Fund regularly subsidizes private "permit user" events that often involve a high percentage of participants who are not Norco residents. In an effort to partially cover the City's costs, all sponsoring "permit users" of the show arena could be required to collect a $10 City "grounds fee" from participants.

Recommended Action: No City Council action is required at this time. Direction for future consideration is requested. (Director of Parks, Recreation & Community Services)

8. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

9. 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.

10. OTHER MATTERS - COUNCIL OR STAFF:

    A. Norco Intermediate School 50th Anniversary.

    B. Horsetown Hall of Fame Display in City Hall Lobby.

    C. Fiber Optics Installation by the Corona-Norco Unified School District.

11. ADJOURNMENT:

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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).

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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.

/bj-71811

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

PREPARED BY: Brenda K. Jacobs, City Clerk

DATE: April 1, 2009

SUBJECT: Proclamation

SUMMARY: Attached for your review and consideration is the following proclamation:

Child Abuse Prevention Month, April

/di – 72006
Attachment: Proclamation

WHEREAS, children deserve a safe, stable and permanent home in order to become productive members of our society; and

WHEREAS, child abuse is found in families of all social and economic classes and every racial and ethnic group; and

WHEREAS, child abuse impacts the entire community and finding solutions depends on community involvement to nurture family growth and inspire future generations; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies and the business community; and

WHEREAS, through the continued work of volunteers, parents, community partners, policy makers and professionals, child abuse may be eradicated, giving our children a bright, successful future; and

WHEREAS, Prevent Child Abuse Riverside County works in collaboration with the Department of Public Social Services to educate the public to reduice the incidence of child abuse and provide other services to help alleviate its effects.

NOW, THEREFORE, I, KATHY AZEVEDO, MAYOR OF THE CITY OF NORCO, ON BEHALF OF THE CITY COUNCIL, do hereby proclaim the month of April 2009 as

Child Abuse Prevention Month

_____

MAYOR OF THE CITY OF NORCO

and urges all Norco residents to become more aware of this Nationwide problem and to take necessary actions to prevent child abuse in their community, and become more involved in supporting parents to raise their children in a safe nurturing environment.

MINUTES
CITY OF NORCO

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

CALL TO ORDER: Mayor Azevedo called the meeting to order at 6:05p.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, Petree and Thompson

City Attorney John Harper -- **Present**

The City Manager recommended that the Agenda be amended to add a presentation on the newly published Retail Hospitality Opportunities brochure.

M/S Hall/Miller to amend the Agenda adding the presentation on the newly published Retail Hospitality Opportunities brochure. The motion was carried by the following roll call vote:

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

Economic Development Director Brian Oulman presented the *Retail Hospitality Opportunities* brochure ("Look Book") and stated that it will be used to promote Norco to hotels, restaurants and other hospitality businesses in conjunction with the proposed Silverlakes development, as well as Ingalls Park. The brochure identifies available sites (7) that the City believes are prime sites for development in Norco. The City Manager noted that Chick's Sporting Goods announced that it will be closing and will possibly be reopening as Dick's Sporting Goods. This brochure will be used to attract another business to that site if necessary.

THE CITY COUNCIL/CRA 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:	With no Closed Session Items to report, Mayor Azevedo reconvened the meeting at 7:11 p.m.
PLEDGE OF ALLEGIANCE:	Council Member Hall
INVOCATION:	Pastor Bill Koster *Church on the Hill*
PROCLAMATION:	Mayor Azevedo presented Sgt. John Magnan with a Proclamation honoring his time of service with the Riverside Sheriff's Department in Norco
PRESENTATION:	Mayor Azevedo and Director of Parks, Recreation & Community Services Brian Petree presented the California Park & Recreation Society (CPRS) 2008 Award of Excellence for Pikes Peak Park in the Park Development and Design category received from the California Park & Recreation Society (CPRS).

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

M/S Hall/Hanna to approve the items as recommended on the CRA Consent Calendar with the revisions and corrections made to the CRA Minutes of March 4, 2009. The motion was carried by the following roll call vote:

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

1. CRA CONSENT CALENDAR ITEMS:

   A. CRA Minutes, Regular Meeting of 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)

M/S Hanna/MacGregor to continue the public hearing to April 1, 2009. The motion was carried by the following roll call vote:

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

3. OTHER CRA MATTERS: **No Other Matters**

REGULAR JOINT CITY COUNCIL/CRA AGENDA AS FOLLOWS:

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

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

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. 2009-10 and CRA Resolution No. 2009-04, 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: 7:27 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

M/S Azevedo/Hanna to approve the items as recommended on the City Council Consent Calendar with the revisions and corrections made to the City Council Minutes of March 4, 2009. The motion was carried by the following roll call vote:

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

5. CITY COUNCIL CONSENT CALENDAR ITEMS:

   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. 2009-11** (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. 2009-12** (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. 2009-13** (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)

Director Thompson presented the Council item.

Mayor Azevedo OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak. With no public comments, Mayor Azevedo CLOSED the public hearing.

M/S Hall/Miller to Adopt Resolution No. 2009-14 amending the TUMF. The motion was carried by the following roll call vote:

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

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)

Director Okoro presented the Council item.

Council Member MacGregor inquired if the notice would be sent by certified or regular mail. In response to his question, Director Okoro stated that they would be sent by regular mail, which is an accepted use of delivery. Director Okoro noted that the envelope will state the need for immediate response.

Mayor Pro Tem Miller inquired if sending by certified mail would create a hardship time wise. In response, Director Okoro stated that it would take a lot of time to process all the certified mail envelopes. In response to Mayor Pro Tem Miller's question, Director Okoro stated that the customer could say they did not receive the notice, but that would not be an acceptable excuse to not pay their bill.

Mayor Azevedo OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak. With no public comments, Mayor Azevedo CLOSED the public hearing.

M/S Hanna/MacGregor to Adopt Ordinance No. 908 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

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)

Director Thompson presented the Council item.

Lt. Cooper concurred with the engineers survey results and noted that this segment is significantly different from other segments along Hidden Valley Parkway.

Mayor Azevedo noted that her concerns about the horse trail were alleviated following the explanations by staff and believes that they would not be impacted. She further noted that this modification to the speed limit is the best thing for the citizens of Norco.

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

Pat Overstreet, 1231 Corona Ave. Ms. Overstreet stated her concerns regarding the 45 mph speed limit.

Mayor Azevedo CLOSED the public hearing.

Council Member Hall noted that this segment on Hidden Valley Parkway is similar to the Fifth Street segment by the Prison, where there is even more horse traffic. He further noted that the distance between the travel lane and the horse trail is much less on this segment than on the Hidden Valley Parkway segment. He states that he does not see this as a problem.

M/S Hall/Miller to Adopt Ordinance No. 909 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

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)

Planning Manager King presented the Council item.

Council Member Hanna inquired if there have been any new applicants since the temporary moratorium was passed. In response, Planning Manager King stated that there has been one applicant for a 6,500 sq, ft. accessory building.

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

Jeanine Adams, 3452 Broken Twig Dr. Ms. Adams noted that she attended the Planning Commission public hearing and heard all the scenarios discussed. She thanked the Council for taking this up and noted how important it is.

Mayor Azevedo CLOSED the public hearing.

Council Member Hall noted his disapproval of the large accessory building located on Norco Drive and fully supports this moratorium.

Council Member Hanna stated he is very much in support of this and that there needs to be some control. He noted that most of the large accessory buildings throughout the City are not used for animal keeping but are used for shops.

Mayor Azevedo stated that we are fighting to keep this Horsetown USA and what is the point if the backyards are full of large buildings. She also thanked Planning Manager King for his work on this.

M/S Azevedo/Hall to Adopt Ordinance No. 907. The motion was carried by the following roll call vote:

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

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)

The City Attorney spoke with Mr. Koziel's attorney and he stated that they have received information relevant to the Council's consideration of this matter and Mr. Koziel's attorney requested a continuation of the public hearing for 60 or maybe 75 days so that they could put this information together. The City Attorney recommended continuing the public hearing. The City Attorney noted that Mr. Koziel's attorney also stated that they would like to try and resolve this issue without having to bring this item back to the Council.

M/S Hall/MacGregor to continue the public hearing to June 3, 2009. The motion was carried by the following roll call vote:

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

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

8. PUBLIC COMMENTS OR QUESTIONS:

Pat Overstreet, 1231 Corona Ave. Ms. Overstreet stated that the Norco Regional Conservancy's 4th Annual Ranch Tour will be held on May 30, 2009 from 11 a.m. -- 4 p.m.

Ann Marie Knudsen, 4234 Woodward Ave. Ms. Knudsen stated that the City should inform real estate agents about any moratoriums adopted so they can better present their properties. She also noted that she does not want to see the property at Second and Valley View rezoned for commercial development.

9. OTHER MATTERS - COUNCIL OR STAFF:

Council Member Hall went to Washington D.C., along with others from the Riverside Transit Authority, seeking money mainly for a new transit center in Temecula. He hopes that they brought some money back! While in D.C., he spoke with Mr. David Turch regarding securing money for the City of Norco.

Mayor Pro Tem Miller thanked staff for the monthly updates provided to the Council. He asked Parks, Recreation & Community Services Director Brian Petree to expand on Ingalls Park section from his update. In response, Director Petree stated that Phase I, including the south pad, will be noticed to receive bids on approximately April 6th. Phase I includes the construction of the infrastructure (grading, water, sewer, rest rooms, roads and trails). Staff will be meeting with the Public Works Director on Thursday, March 19th to review water design and hydrology. Director Petree noted that the second arena is a separate project similar to the Moreno Arena. He noted that the City Engineer is hoping to bring back the award of contract to the Council in August for that phase of the development. Director Petree stated that construction will begin right after the Fair and should be competed by late January or early February 2010, depending on weather.

Council Member Hanna stated that at the last Northwest Mosquito Abatement District meeting he attended, it was noted that the District now provides hand-held computers, with GPS technology, to its field technicians. The technicians have the capability to enter information from any location and through the GPS technology can define the size of the body of water and determine what chemical(s) should be used.

Mayor Azevedo thanked the Parks and Recreation Department for putting on the Dedication of the Hal Clark Community Youth Facilities at Wayne Makin Park, held on Saturday, March 14th at 10:00 a.m. She further thanked all the volunteers in Norco for their help. Mayor Azevedo also wanted to remind everyone about the Norco Relay for Life, to be held at Pikes Peak Park on March 21 – 22, beginning at 9 a.m. on Saturday. She stated that Team Gerry Sassin still needs walkers and T-shirts are available. Lastly, Mayor Azevedo noted that Council Member Hanna and herself attended the School's Committee Meeting on Monday and were told that the completion of the Norco High School renovation by graduation is still on track.

10. ADJOURNMENT: There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:15 p.m.

BRENDA K. JACOBS
CITY CLERK

/bj-72013

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: April 1, 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 15, 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:	Chairman and Members of the Norco Redevelopment Agency
FROM:	Jeff Allred, Executive Director
PREPARED BY:	Brian Oulman, Economic Development Director
DATE:	April 1, 2009
SUBJECT:	Owner Participation Agreement with the Daniel W. Hinson Family Trust as Part of the Façade Improvement Program
RECOMMENDATION:	Adopt CRA Resolution No. 2009-____, approving an Owner Participation Agreement by and between the Norco Redevelopment Agency and the Daniel W. Hinson Family Trust for a building located at 1809 Lampton Lane.

SUMMARY: The Daniel W. Hinson Family Trust, the owner of the building located at 1809 Lampton Lane, has submitted a request to participate in the Façade Improvement Program. The proposed Owner Participation Agreement ("OPA") funds the project for an amount not-to-exceed $60,000 and will be used for the renovation and updating of the existing building to serve as the professional offices for HC&D Architects. The Façade Improvement Program ("Program") will help the City/Agency meet strategic objectives and promote the Western theme of Horsetown USA.

BACKGROUND/ANALYSIS: On December 20, 2006, the Norco Redevelopment Agency ("Agency") adopted CRA Resolution No. 2006-20, approving the creation of the Façade Improvement Program, to be implemented by individual businesses by means of OPAs.

Daniel Hinson, President of HC&D Architects and representative of the Daniel W. Hinson Family Trust, has submitted an application to participate in the Façade Improvement Program for an amount not-to-exceed $60,000 and has agreed to enter into an OPA pending Agency Board approval. The structure owned by the applicant and scheduled for renovation is a 2,315-square foot professional office building located at 1809 Lampton Lane in Norco (the "Site"), which is visible from Hamner Avenue.

Pursuant to program guidelines, the participant was required to submit two (2) bids from general contractors. Hinson Construction, a licensed general contractor affiliated with the applicant, submitted one of the qualified bids on the project, and the applicant has decided to undertake the construction "in-house." In-house construction is allowed in

cases where an applicant has a valid general contractor's license and has submitted the lower responsible bid. The total cost of the project is $84,050.00.

Daniel W. Hinson Family Trust Obligations:

Pursuant to the Program, the Participant intends to and shall rehabilitate and redevelop the Site, including the following:

1) Western-themed architectural embellishments and articulation on the existing building;

2) Exterior lighting, signage and landscaping;

3) Painting, stucco and stone veneer exterior enhancement; and

4) Provide for the design, architecture, engineering, and permit fees.

Redevelopment Agency Obligations in Accordance:

1) Provide funding for an amount not-to-exceed $60,000 (a $20,000 grant and dollar-for-dollar matching funds for the additional costs) to cover the rehabilitation and improvement of the building located at 1809 Lampton Lane;

2) Payment to be made in three installments upon proof of work completed.

FINANCIAL IMPACT: Funding for the Façade Improvement Program has been allocated in the current Capital Improvement Program Budget.

/rg-72039

Attachments: CRA Resolution No. 2009-____
Owner Participation Agreement (OPA)

CRA RESOLUTION NO. 2009-_____

A RESOLUTION OF THE NORCO REDVELOPMENT AGENCY APPROVING AN OWNER PARTICIPATION AGREEMENT BY AND BETWEEN THE NORCO REDEVELOPMENT AGENCY AND THE DANIEL W. HINSON FAMILY TRUST AS PART OF THE FAÇADE IMPROVEMENT PROGRAM FOR AN AMOUNT NOT-TO-EXCEED $60,000 TO PROVIDE FOR THE REHABILITATION AND IMPROVEMENT OF THE PROPERTY LOCATED AT 1809 LAMPTON LANE

WHEREAS, the Norco Redevelopment Agency ("Agency"), under the provision of the California Community Redevelopment Law, is engaged in activities necessary for the execution of the Redevelopment Plan for the Norco Redevelopment Project Area ("Project Area"); and

WHEREAS, on December 20, 2006, the Agency adopted CRA Resolution No. 2006-20, establishing the Façade Improvement Program to be implemented through individual Owner Participation Agreements (OPAs): and

WHEREAS, the Agency has negotiated an OPA with the Daniel W. Hinson Family Trust for the rehabilitation and redevelopment of the building located at 1809 Lampton Lane in Norco ("Site") in an amount not-to-exceed $60,000; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed OPA and believes that the rehabilitation and improvement of the Site pursuant to the subject OPA is in the best interest of the City and Agency, and the health, safety and welfare of its residents, and is in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the Agency has received and considered the proposed development to be carried out pursuant to said OPA.

NOW, THEREFORE, the Agency does hereby find, determine, order and resolve as follows:

SECTION 1: The Agency consents to the approval of the OPA.

SECTION 2: Funding for this project, not-to-exceed $60,000, has been included in the current Capital Improvement Program Budget for the Façade Improvement Program.

PASSED AND ADOPTED by the Norco Redevelopment Agency at a regular meeting hold on April 1, 2009.

_____
Chairman, Norco Redevelopment Agency

ATTEST:

_____
Secretary, Norco Redevelopment Agency

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 hold on April 1, 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 City of Norco, California on April 1, 2009.

_____
Secretary, Norco Redevelopment Agency

/rg-72040

OWNER PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into on this _____ day of April 2009, by and among the **NORCO REDEVELOLPMENT AGENCY**, a public body corporate and politic ("Agency"), and the **DANIEL W. HINSON FAMILY TRUST** ("Participant"). The Agency and the Participant agree as follows:

I. SUBJECT OF AGREEMENT

A. Purpose of the Agreement

The purpose of the Agreement is to effectuate the Façade Improvement Program ("Program") for the Norco Redevelopment Project Area No. One ("Project Area") by providing for the rehabilitation and improvement of a portion of said Project Area (the "Site") pursuant to this Agreement, which is in the best interests of the City of Norco (the "City") and the welfare of its residents, and in accord with the public purposes and provisions of applicable federal, sate and local laws and requirements. This Agreement further meets the need to rehabilitate and revitalize commercial properties within the Project Area.

B. The Program

This Agreement is subject to the provisions of the Program which was approved and adopted by the Redevelopment Agency of the City of Norco by Resolution No. 2006-20. Said Resolution and the Program so approved are incorporated herein by this reference.

C. The Site

The Site consists of an improved parcel of real property located within the Project Area. The legal description for the Site is attached hereto as Attachment No. 1, incorporated herein by reference (the "Legal Description"). The site is currently improved with a commercial/retail building located at **1809 Lampton Lane, Norco, California** (APN 129-261-008).

D. Participant Improvements

Pursuant to the Program, the Participant intends to and shall rehabilitate and redevelop the Site, including one or more of the following:

1) Freestanding sign with western-themed frontage improvements;

2) Western-themed architectural embellishments and articulation;

3) Landscaping (may include hardscape treatment/paving);

4) Exterior or display lighting (may include decorative parking lot lights);

5) Painting/stucco or other exterior enhancement;

6) Design, architecture, engineering, and permit fees.

All are collectively referred to herein as the "Improvements" and all more specifically set out in Attachment No. 2 "Participant Improvements" attached hereto and incorporated herein by this reference.

The following items are considered ineligible for funding under the Program:

1) Interior improvements except as necessary to complete exterior work;

2) Roof repair;

3) Painting not associated with exterior wall and roof cladding;

4) Furniture;

5) Any routine, normal, or deferred maintenance;

6) Alterations and improvements made prior to entering into the Agreement;

7) Any items that are not allowed under any City of Norco Code or Ordinance.

E. Parties to the Agreement

1. The Agency

The Agency is the public body, corporate and politic, exercising governmental functions and powers, organized and existing under the Community Redevelopment Law of the State of California.

The principal office of the Agency is located at:

NORCO REDEVELOPMENT AGENCY
2870 Clark Avenue
Norco, California 92860
Attention: Economic Development Director

"Agency," as used in this Agreement, includes any assignee or successor to its rights, powers, and responsibilities.

2. The Participant

The Participant is the Daniel W. Hinson Family Trust, represented by Daniel W. Hinson, 3413 Broken Feather Drive, Norco, CA 92860. The Participant is the owner of the simple title in and to the Site. Whenever the term "Participant" is used herein, such term shall include assignees and successors in interest to the Participant.

F. Compliance with Laws

1. City Development Services

The Participant shall, at their sole expense, apply for, obtain from and effect to final inspection from all required City Development Services divisions, including the Planning Division, Building Division, and Public Works Division, and other governmental agencies or entities the approvals, permits, and authorizations, for the design/construction through completion of the Participant Improvements prior to commencing any work or improvement under this Agreement.

2. Prevailing Wages

The Participant shall carry out the construction of the Participant Improvements as described in Attachment No. 2 in conformity with all applicable, laws, including federal, state, and local labor standards. The Participant recognizes and is aware of the existence of legislation adopted by the California State Legislature in 2001 and generally referred to as SB 975 regarding prevailing wages, for which the Participant shall determine the manner of compliance required pursuant thereto as to all undertakings of Participant and Participant Affiliates pursuant to this Agreement. The Agency has made no representation nor given any assurances or warranties that this Agreement, the approval hereof or the implementation of any aspect of this Agreement in any manner complies with said SB 975 and all other prevailing wage requirements of applicable California law.

G. Property Ownership Requirement

Property owners shall prove legal title to the Site. A copy of the Site's Preliminary Title Report is included as Attachment No. 3.

H. Lease Requirement

Commercial tenants shall have a minimum of three (3) years remaining on their lease from the date the Agreement is signed and executed. A copy of the building lease indicating the lessee's authority for property renovation and repair is included as Attachment No. 4.

I. Economic/Functional Life

The Site shall have a minimum ten (10) year Economic/Functional life. The Agency shall make a finding that the Site or Participant Improvements will be usable for at least ten (10) years from project completion. Proof of ten year economic/functional life may require a building inspection.

II. AGENCY ASSISTANCE

A. Agency Assistance

Pursuant to the method of financing described in Paragraph II.D. hereof, and as an incentive to the Participant to rehabilitate and redevelop the Site with the Participant Improvements and to maintain the entire Site in accordance with the Agreement, the Agency shall fund through progress payments a portion or all of the costs of the construction and completion of the Participant Improvements. Progress payments are referred to herein as the "Agency Assistance."

B. Bids

Application for funding shall be submitted with the design review application together with a cost estimate. Two (2) bids from a contractor(s) licensed in the State of California shall be required to determine the cost of the Participant Improvements. Only the amount of the lowest bid will qualify for progress payments, unless proven to be inadequate. The selected contractor must have a valid California State Contractor's License, a business license in the City of Norco, and insurance with a minimum of $1,000,000 per incident. The Participant shall submit a Contractor Selection Form to Agency staff. The Contractor Selection Form identifies the contractor(s) that have been selected by the Applicant and states contractor requirements. The Contractor Selection Form is included as Attachment No. 5.

C. Phasing and Installment Plan

The Participant agrees that the construction and installation of the Participant Improvements will be in accordance with all provisions hereof. Participants will be awarded grant and/or match money through progress payments for work completed in construction phases ("Phase"). The Applicant and contractor(s) shall establish milestones for Agency Assistance and completion of Participant Improvements. The schedule of Agency Assistance and Phase completion is attached hereto as Attachment No. 6, incorporated herein by reference (the "Phasing and Installment Plan"). Changes to the Phasing and Installment Plan shall not be made without the approval of Agency staff.

D. Notice to Proceed

The Participant has thirty (30) days from the date the Agreement is signed and executed to execute contract with the contractor and to issue a Notice to Proceed allowing contractor(s) to begin work. If the Participant has not authorized the contractor(s) to begin work within thirty (30) days from the date the Agreement is signed and executed, the Agency shall have the right to terminate the Agreement and utilize the reserved grant funds for other projects.

E. Payment of Agency Assistance

Agency staff shall, in their sole discretion, determine the total amount of the Participant's costs which are eligible for progress payments by the Agency and shall also determine the appropriate amount of the Agency Assistance to the Participant. The amount of Agency Assistance shall be based on certain allowable costs for completion of each Phase. Payment of Agency Assistance shall follow one of the following processes:

1. Direct Payment to Contractor(s)

The contractor(s) shall promptly, upon the completion of each Phase, complete and submit to the Agency a Phase Completion Notice and all invoices, check requests, and other information evidencing the actual costs for the construction and development of each Phase. The completion of each Phase, in accordance with the milestones established in the Phasing and Installment Plan, shall be deemed to be a condition precedent to the Agency's funding of Agency Assistance. The Agency shall

directly pay the contractor(s) for eligible invoices upon receipt and review of the Phase Completion Notice and cost information and only after each Phase has been completed as solely determined by the Agency.

2. Phase Reimbursements to Participant

The Participant shall promptly, upon the completion of each Phase, complete and submit to the Agency a Phase Completion Notice and all invoices, receipts, cancelled checks, and other information evidencing the actual costs incurred for the construction and development of each Phase. The completion of each Phase, in accordance with the milestones established in the Phasing and Installment Plan, shall be deemed to be a condition precedent to the Agency's funding of Agency Assistance. Such amount shall be reimbursed to the Participant after the Phase Completion Notice and cost information has been reviewed by Agency staff and only after each Phase has been completed as solely determined by the Agency.

F. Change Orders

Contractor/architect change orders shall not be made without the approval of Agency staff. The Applicant shall be responsible for any approved change orders which may affect the approved bid price.

G. Filing of Certificate of Project Completion

The Participant shall promptly, upon the completion of all Phases, complete and submit to the Agency the Certificate of Project Completion in the form provided as Attachment No. 7.

III. USE OF THE SITE

A. Uses

The Participant covenants and agrees for itself, its successors, its assigns, and every successor in interest to the Site or any part thereof, that the Participant, such successors and such assignees, shall devote the Site to the uses specified in the Program and this Agreement for the periods of time specified therein. The foregoing covenant shall run with the land.

B. Maintenance

The Participant covenants and agrees for itself, its successors, its assigns, and every successor in interest to the Site that it shall properly maintain all improvements and keep storefronts as well as sides and back of building clean and in good condition at the Participant's own cost and expense for a minimum of five (5) years from the filing of the Certificate of Project Completion. Any damage to the façade is to be repaired immediately by the Participant so that the building remains in good condition and positively contributes to the business area. The maintenance shall include, but not be limited to: landscape maintenance, clean-up maintenance, exterior façade maintenance, all in good condition and in accordance with the custom and practice generally applicable to commercial buildings and shopping areas within the City of Norco.

C. Alterations

The Participant shall agree not to change or alter the improved façade, excluding necessary maintenance as described in Paragraph III.B. above, without prior written approval from the Agency for five (5) years from the filing of the Certificate of Project Completion.

D. Non-Discrimination

The Participant covenants by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site, nor shall the Participant itself of any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Site. The foregoing covenants shall run with the land.

The Participant shall refrain from restricting the rental, sale or lease of the property on the basis of race, color, creed, religion, sex, marital status, national origin or ancestry of any person. All such deeds, leases or contracts shall contain or be subject to substantially the following non-discrimination or non-segregation clauses:

1. In deeds: "The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the grantee himself or herself or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land."

2. In leases: "The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that this lease is made and accepted upon and subject to the following conditions:

   "There shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the premises herein leased nor shall the lessee himself or herself or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number or occupancy of tenants, lessees, subtenants, sublessees or vendors in the premises herein leased."

3. In contracts: "There shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex marital status, national origin or ancestry in the sale, lease, sublease, transfer, use occupancy, tenure or enjoyment of the premises herein leased nor shall the lessee himself or herself or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number or occupancy of tenants, lessees, subtenants, sublessees or vendees of the premises."

   The covenants established in this Agreement shall without regard to technical classification and designation, be binding for the benefit and in favor of the Agency, its successors and assign, the City, and any successor in interest to the Site or any part thereof. The covenants, contained in this Agreement shall remain in effect for a period of ten (10) years from date hereof. The covenants against racial discrimination shall remain in effect in perpetuity.

E. Access to the Site

The Agency, the City and the Participant shall have the reasonable right of access to the Site without charges or fees, at normal construction hours during the period of construction and thereafter during the term of the Program for the purpose of this Agreement, including, but not limited to, the inspection of the work being performed in constructing the Participant Improvements, and determination of compliance with the long-term covenants concerning use, maintenance, and non-discrimination.

F. Banner/Sign

The Participant agrees to post a banner or sign, provided by the Agency, on the building or in the window advertising the Facade Improvement Program. Participant agrees to post banner or sign during construction and for not less than four weeks after completion of the project.

IV. INSURANCE AND INDEMNITY

A. The Participant hereby agrees to defend, indemnify and hold harmless the City and Agency, and their offices, agents and employees, from and against any and all liability, damages, costs, losses, claims and expenses, however caused, resulting directly or indirectly from or connected with the Participant's performance of this Agreement, including, but not limited to such liability, cost, damage, loss, claim or expense arising from the death or injury to any person, or damage to real or personal property of the Participant or a contractor, or the City, or the Agency, except where such liability, damages, costs, losses, claims or expenses area caused solely by the negligent or wrongful acts of the City and/or Agency or any of their agents or employees including negligent omissions or commissions of City and/or Agency, their agents, officers or employees.

B. The Participant shall comply with all of the provisions of the Workers' Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Divisions 4 and 5 of the California Government Code, SB 975, and all amendments thereto; and all similar state or federal acts or laws applicable; and shall indemnify, defend and hold harmless City and Agency and their agents, officers

and employees from and against all claims, demands, payments, suits, actions, proceedings and judgments of every nature and description, including attorney's fees and costs presented, brought or recovered against City and/or Agency and their agents, officer and employees, for or on account of any liability under any of said acts which may be incurred by reason of any work to be performed by the Participant under this Agreement.

V. DEFAULTS, REMEDIES AND TERMINATION

A. Defaults – General

Failure or delay by either party to perform any covenant, condition, or provision of this Agreement to be observed or performed by such party within the time provided herein constitutes a default under this Agreement.

The injured party shall give written notice of default to the party in default, specifying the default complained of by the injured party. Failure or delay in giving notice shall not constitute a waiver of any default, nor shall it change the times of default. The defaulting party shall immediately commence to cure such default and shall complete such cure within thirty (30) days from the date of the notice or such longer period if the nature of the default is such that more than thirty (30) days is required to cure such default.

Except as otherwise expressly provided in this Agreement, any failure or delay by either party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or any such rights or remedies or deprive either such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

B. Legal Actions

1. Institution of Legal Actions

In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purposes of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Riverside, State of California, in an appropriate municipal court in that County, or in the Federal District Court for the Central District of California.

2. Applicable Law

The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

3. Acceptance of Service Process

In the event that any legal action is commenced by the Participant against the Agency or the City, service of process on the Agency shall be made by personal service upon the Secretary of the Agency, and on the City by personal service upon the City Clerk, or in such other manner as may be provided by law.

In the event that any legal action is commenced by the Agency or the City against the Participant, service of process on the Participant shall be made in such manner as may be provided by law, whether made within or without the State of California.

C. Rights and Remedies are Cumulative

Except as otherwise expressly stated in this Agreement, the rights and remedies of the parties are cumulative, and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same time or different times, or any other rights or remedies for the same default or any other default by the other party.

D. Conflicts of Interest

No member, official or employee of the Agency shall have any personal interest, direct or indirect, in this Agreement, nor shall any members, official or employee participate in any decision relating to the Agreement which affects his personal interests or the interests of any corporation, partnership or association in which he is directly or indirectly interested. No member, official or employee of the Agency shall be personally liable to the Participant, or any successor in interest, in the event of any default or breach by the Agency, or for any amount which may become due to the Participant or successor or on any obligation under the terms of this Agreement.

E. Non-Liability of Officials and Employees of the Commission

No member, official or employee of the Agency shall be personally liable to the Participant, or any successor in interest, in the event of any default or breach by the Agency, of for any amount which may become due to the Participant or successor or on any obligation under the terms of this Agreement.

VI. ENTIRE AGREEMENT, WAIVERS

This Agreement is executed in three (3) duplicate originals, each of which is deemed to be an original. This Agreement includes pages 1 through 11 and Attachment Nos. 1 through 7 which constitutes the entire understanding and agreement of the parties.

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the Agency and Participant, and all amendments hereto must be in writing by the appropriate authorities of the Agency and the Participant.

IN WITNESS WHEREOF, the Agency and the Participant have signed this Agreement on the respective dates set forth below.

NORCO REDEVELOPMENT AGENCY

Dated: _____

By:_____
Chairman "Agency"

ATTEST:

_____
Agency Secretary

Dated: _____

_____
"Participant"

Approved as to Form:

_____
John Harper
Agency Counsel

/rg-72041

ATTACHMENT 1

LEGAL DESCRIPTION

THAT PORTION OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF RANCHO LA SIERRA ON FILE IN BOOK 6, PAGE 70 OF MAPS, RECORDS OF SAID COUNTY RECORDER. [APN: 129-261-008-5]

ATTACHMENT 2

PARTICIPANT IMPROVEMENTS

PARTICPANT IMPROVEMENTS

1. Western-themed architectural embellishments and articulation on the existing structure;

2. Painting/stucco, stone veneer, and other exterior enhancement;

3. Approved lighting, landscaping, irrigation, paving, sidewalks, and signage;

4. Architectural and engineering fees;

5. Permit and dump fees.

ATTACHMENT 3

PRELIMINARY TITLE REPORT

RZ Title Service
8826 Ocean View Ave. #H
Whittier, CA 90605
Tel # (562) 325-8351
Fax # (714) 783-3038

Lot Book Report

Order Number: **18385**

Order Date: 11/13/2008
Dated as of: 11/11/2008
County Name: Riverside

Customer:

CITY OF NORCO
2870 Clark Avenue
Norco CA 92860

Attn: Deborah DeGrado
Reference: 129-261-008-5
IN RE: HINSON, DANIEL W

FEE(s):
Report: $70.00

Property Address: 1809 Lampton Lane
Norco CA 92860

Assessor's Parcel No. : 129-261-008-5

Assessments:

Land Value:	$135,252.00
Improvement Value:	$162,302.00
Exemption Value:	$0.00
Total Value:	$297,554.00

Tax Information

Property Taxes for the Fiscal Year	2008-2009
First Installment	$1,591.07
Penalty	$0.00
Status	OPEN NOT-PAID (DUE DATE 12/10/2008)
Second Installment	$1,591.07
Penalty	$0.00
Status	OPEN NOT-PAID (DUE DATE 04/10/2009)

Property Vesting

The last recorded document transferring title of said property

Dated	04/26/2006
Recorded	06/29/2006
Document No.	2006-0473683
D.T.T.	$314.60
Grantor	Robert L. Rinehart and Katherine Rinehart
Grantee	Daniel W. Hinson and Royce Ann Hinson, Trustees of the Daniel W. Hinson Family Trust dated September 16, 2001

Deeds of Trust

Position No.	1st
A Deed of Trust Dated	06/21/2006
Recorded	06/29/2006
Document No.	2006-0473684
Amount	$240,000.00
Trustor	Daniel W. Hinson and Royce Ann Hinson, not personally buy as Trustees on behalf of the Daniel W. Hinson Family Trust dated September 16, 2001
Trustee	First American Title Insurance Company
Beneficiary	CommerceWest Bank

Assignment of Rents as Additional Security

Recorded	06/29/2006
Document No.	2006-0473685

Hazardous Substances Certificate and Indemnity Agreement

Document No.	2006-0473686
Recorded	06/29/2006

RZ Title Service
8826 Ocean View Ave. #H
Whittier, CA 90605
Tel # (562) 325-8351
Fax # (714) 783-3038

Order Number: 18385
Reference: 129-261-008-5

Legal Description

THE LAND REFERRED TO IN THIS REPORT IS LOCATED IN AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF RANCHO LA SIERRA ON FILE IN BOOK 6, PAGE 70 OF MAPS, RECORDS OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL CONVEYED TO GULF OIL CORPORATION OF CALIFORNIA BY DEED RECORDED MAY 1, 1964 IN BOOK 3681, PAGES 570 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, SAID POINT BEING ON THE WEST LINE OF HAMNER AVENUE; THENCE NORTH 89° 58' 20" WEST ON THE SOUTH LINE OF SAID PARCEL, 302.65 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 2 DESCRIBED IN SAID DEED, THE TRUE POINT OF BEGINNING; THENCE NORTH 07° 29' EAST, 136.53 FEET; THENCE SOUTH 82° 31' EAST, 91.00 FEET; THENCE SOUTH 07° 29' WEST TO THE SOUTH LINE OF PARCEL 1 IN SAID DEED; THENCE NORTH 89° 58' 20" WEST, 91.00 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM THE SOUTHERLY 24.05 FEET THEREOF.

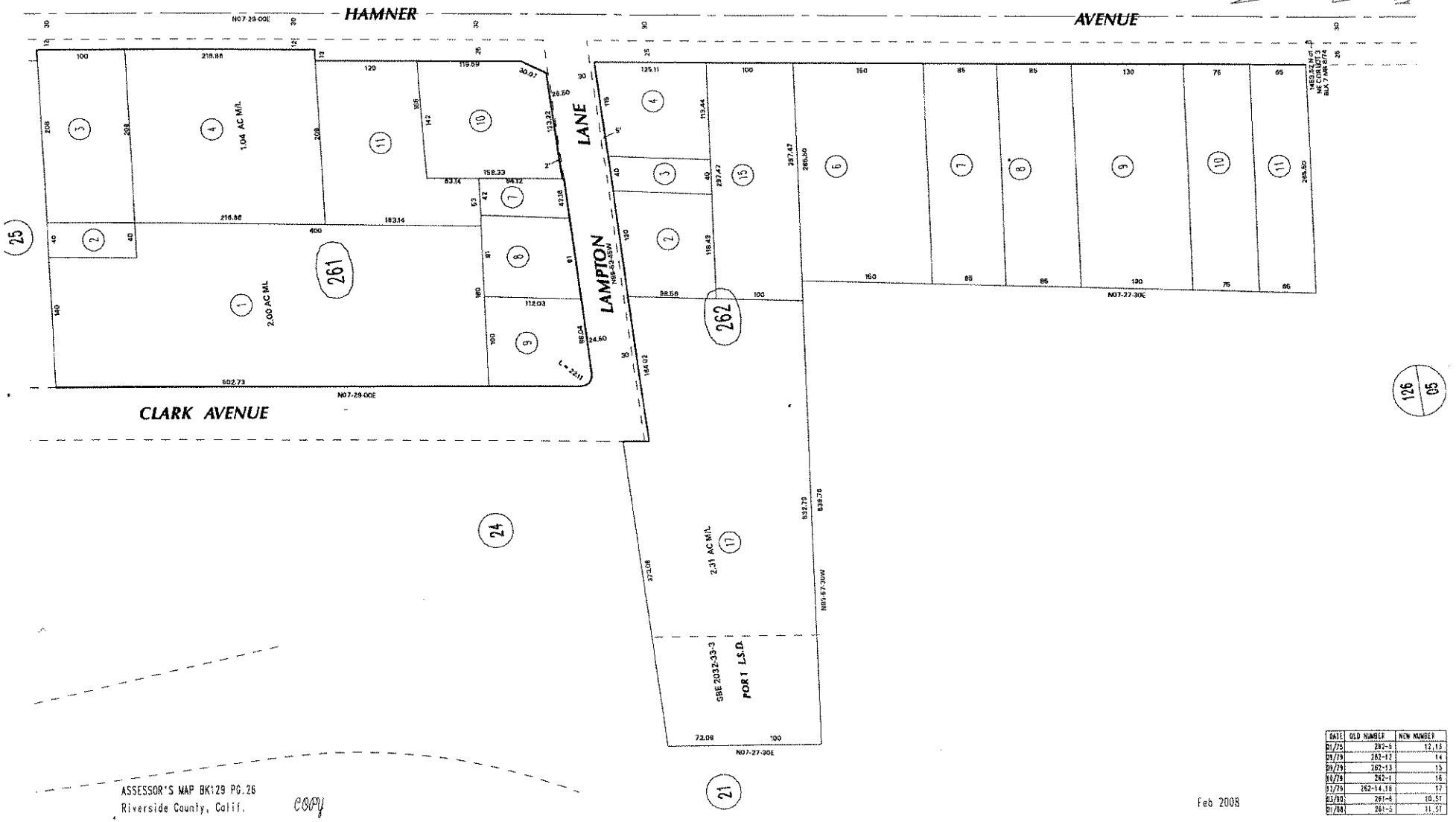
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

FEB 07 2008

POR.SEC 12 T.3S.,R.7W
CITY OF NORCO

T.R.A. 015-007

129-26
9-20-1



DATE	OLD NUMBER	NEW NUMBER
01/75	262-5	12,13
01/79	262-12	14
09/79	262-13	15
10/79	262-1	16
11/79	262-14,16	17
03/80	261-6	10,ST
01/08	261-5	11,ST

ASSESSOR'S MAP BK129 PG.26
Riverside County, Calif.

COPY

Feb 2008

DOC # 2006-0473683
06/29/2006 08:00A Fee:43.00
Page 1 of 3 Doc T Tax Paid
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:
FIRST AMERICAN TITLE CO.

AND WHEN RECORDED MAIL TO:

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
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TRA: 015
DTT: 31460

GRANT DEED

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AC

43

Title of Document

THIS AREA FOR RECORDER'S USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
($3:00 Additional Recording Fee Applies)

ACR 238P-AS4RE0 (Rev. 02/2003)

RECORDING REQUESTED BY:

AND WHEN RECORDED, MAIL TO:
Daniel W. Hinson
3413 Broken Feather Dr.
Norco, CA 92860
TITLE ORDER NO.: NCS 227609 RIV

ESCROW NO.: 31180-1
ASSESSOR'S PARCEL NO.: 129-261-008

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned Grantor(s) declare that the **DOCUMENT TRANSFER TAX IS:** $ 314.60 County City
XX computed on the full value of the interest of property conveyed, or
___ computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.
___ OR transfer is EXEMPT from tax for the following reason:

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Robert L. Rinehart and Katherine Rinehart

hereby GRANT(S) to Daniel W. Hinson and Royce Ann Hinson, Trustees of the Daniel W. Hinson Family Trust dated September 16, 2001

all that real property situated in the **City of Norco**, County of **Riverside**, State of **CA**, described as: As per the attached Exhibit "A" made a part hereof;
APN 129-261-008

Dated April 26, 2006

State of California }
County of Riverside }
On 5-3-06, Before me
Joseph C. Kastner, Notary Public, personally appeared
Robert L. Rinehart & Katherine Rinehart Personally known to me (or provided to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Joseph C. Kastner
NOTARY

Robert L. Rinehart

Katherine Rinehart

JOSEPH C. KASTNER
COMM. # 1412436
NOTARY PUBLIC • CALIFORNIA
RIVERSIDE COUNTY
Comm. Exp. APRIL 20, 2007

Official Notary Stamp or Seal

MAIL TAX STATEMENTS TO:
Daniel W. Hinson
3413 Broken Feather Dr.
Norco, CA 92860

Exhibit "A "

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

COMMENCING AT THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL CONVEYED TO GULF OIL CORPORATION OF CALIFORNIA BY DEED RECORDED MAY 1, 1964 IN BOOK 3681 PAGE 570 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID POINT BEING ON THE WEST LINE OF HAMNER AVENUE; THENCE NORTH 89 DEGREES 58' 20" WEST ON THE SOUTH LINE OF SAID PARCEL, 302.65 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 2 DESCRIBED IN SAID DEED, THE TRUE POINT OF BEGINNING; THENCE NORTH 07 DEGREES 29' EAST, 136.53 FEET; THENCE SOUTH 82 DEGREES 31' EAST, 91 FEET; THENCE SOUTH 07 DEGREES 29' WEST TO THE SOUTH LINE OF PARCEL 1 IN SAID DEED; THENCE NORTH 89 DEGREES 58' 20" WEST, 91 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM THE SOUTHERLY 24.5 FEET THEREOF;

RESERVING THEREFROM A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 11 FEET OF SAID LAND.

Public Record

ATTACHMENT 1

COPY OF BUILDING LEASE

[NOT APPLICABLE]

ATTACHMENT 5

CONTRACTOR SELECTION FORM

THE REDEVELOPMENT AGENCY OF THE CITY OF NORCO
FAÇADE IMPROVEMENT PROGRAM

CONTRACTOR SELECTION FORM

PROJECT INFORMATION

Business Name: HC&D ARCHITECTS

Business Address: 1809 LAMPTON LANE

CONTRACTOR INFORMATION

Contractor's Name: HINSON CONSTRUCTION

Contractor's License No.: 338147

Mailing Address: 4508 PALOMINO LANE
NORCO CA 92860

Telephone Number(s): (951) 371-2057

Fax Number: (951) 371-5924

Email: hinson@hcanddarchitects.com

IMPROVEMENTS

Specific improvements to be completed by the contractor:
STONE VENEER, NEW STUCCO, NEW WINDOWS, RAINGUTTERS, LANDSCAPE, PAVING, SIDEWALKS WOOD POSTS & OUTLOOKERS, PAINTING AND STONE COLUMNS

CONTSTRUCTION COST

Total Construction Cost: $84,050.00

CERTIFICATIONS

1. State of California Contractor's License

I (We) certify that the contractor has a valid State of California Contractor's License.

2. City of Norco Business License

I (We) certify that the contractor has a valid City of Norco business license.

3. Insurance

I (We) certify that the contractor has insurance with a minimum of $1,000,000 per incident.

4. Davis-Bacon Prevailing Wage Rates

I (We) certify that the contractor shall pay established prevailing wage rates to all employees performing work at the project site.

I (We) certify that the contractor shall provide the City with the necessary support documentation as required by law.

5. Equal Employment Opportunity (EEO)

I (We) certify that the contractor shall comply with EEO provisions relative to Executive Order 11246 and related acts, rules, and regulations.

I (We) certify that the contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

Wayne Hinson
SIGNATURE OF CONTRACTOR

3-9-09
DATE

WAYNE HINSON
PRINT NAME

SIGNATURE OF APPLICANT

12/8/08
DATE

DANIEL W. HINSON
PRINT NAME

APPROVED:

_____ _____

SIGNATURE OF AGENCY DATE

_____

PRINT NAME

ATTACHMENT 6

PHASING & INSTALLMENT PLAN

PHASING AND INSTALLMENT PAYMENTS

FAÇADE IMPROVEMENT PROJECT
1809 LAMPTON LANE

The project contractor may be paid in the following installments, upon acceptance of invoices by owner:

> **$18,000**, or one-third of less minus Ten Percent (10%) retention, when construction has been one-third completed.
>
> **$18,000**, or one-third of less minus Ten Percent (10%) retention, when construction has been two-thirds completed.
>
> **$18,000**, or one-third of total less Ten Percent (10%) retention, when construction has been 100 Percent (100%) completed.

In the alternative, $54,000 shall be paid when the project is 100% completed, upon acceptance of invoice by owner.

In either event, a final retention payment of **$6,000** will be released 35 days after a Certificate of Completion has been recorded with Riverside County.

ATTACHMENT 7

CERTIFICATE OF COMPLETION

CONSTRUCTION COMPLETION CERTIFICATE

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO: NORCO REDEVELOPMENT AGENCY 2870 Clark Avenue Norco, California 92860 Attn: Executive Director	This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103

The undersigned is authorized to deliver this Certificate on behalf of **DANIEL W. HINSON FAMILY TRUST** (the "Participant(s)"), and hereby certifies as follows:

1. The undersigned is familiar with the terms of that certain Owner Participation Agreement (the "Agreement") dated _____, **2009**, by and between the Norco Redevelopment Agency and the Participant concerning certain real property legally described in Exhibit "A":

2. Nature of Interest: In Fee.

3. Construction of the Improvements was substantially completed in accordance with the Agreement on _____, **2009**.

4. All labor, services, materials and supplies used in construction of the Improvements have been paid for, and all other facilities necessary in connection with the operation of the Improvements have been constructed, acquired and installed in accordance with the Agreement and the design concept drawings prepared by Participant. All costs and expenses incurred in connection with such Improvements have been paid.

5. The aggregate amount of Participation Costs, incurred in connection with the construction of the Improvements through the date of completion is **$60,000.00**.

EXECUTED this ____ day of _____, 2009, at Norco, California 92860. I declare under penalty of perjury that the foregoing is true and correct.

PARTICIPANT:

By: _____
Daniel W. Hinson
Daniel W. Hinson Family Trust

EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF RANCHO LA SIERRA ON FILE IN BOOK 6, PAGE 70 OF MAPS, RECORDS OF SAID COUNTY RECORDER. [APN: 129-261-008-5]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

On _____, before me, _____, Notary Public,
personally appeared **Daniel W. Hinson**
Daniel W. Hinson Family Trust

Print name of signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ Individual
- ☐ Corporate Officer _____
- ☐ Partner(s) ☐ Limited ☐ General
- ☐ Attorney-in-fact
- ☐ Trustee(s)
- ☐ Guardian/Conservator
- ☐ Other: _____

Signer is representing:

_____
Name of Person(s) or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

_____
Title of Type of Document

_____
Number of Pages

_____
Date of Document

_____
Signer(s) other than Named Above

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

PREPARED BY: Brenda K. Jacobs, City Clerk

DATE: April 1, 2009

SUBJECT: 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)

RECOMMENDATION: Adopt Ordinance No. 908 for second reading.

SUMMARY: The first reading of Ordinance No. 908 was held on March 18, 2009 and was adopted by a 5-0 vote by the City Council. Staff is recommending that the City Council adopt Ordinance No. 909 for second reading. This code change is 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).

BACKGROUND/ANALYSIS: This Ordinance is an amendment to modify Title 14, Section 14.04.320 of the Norco Municipal Code regarding the process for final notice to customers with delinquent utility accounts prior to discontinuance of service. The modification will improve efficiency by freeing staff time to perform other valuable services to utility customers.

/bj-72058
Attachment: Ordinance No. 908

ORDINANCE NO. 908

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

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: Brenda K. Jacobs, City Clerk

DATE: April 1, 2009

SUBJECT: 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. 909 for second reading.

SUMMARY: The first reading of Ordinance No. 909 was held on March 18, 2009 and was adopted by a 5-0 vote by the City Council. Staff is recommending that the City Council adopt Ordinance No. 909 for second reading. This code change is 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.

BACKGROUND/ANALYSIS: This Ordinance is an amendment to 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. The speed limit will be reestablished to 45 mph.

/bj-72059
Attachment: Ordinance No. 909

ORDINANCE NO. 909

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

STREET	SEGMENT	PROPOSED SPEED LIMIT
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

STREET	SEGMENT		PROPOSED SPEED LIMIT
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

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 April 1, 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: David Gilbertson, Deputy City Engineer

DATE: April 1, 2009

SUBJECT: Acceptance of the Pedley Booster Station Project, as Complete and the Appropriation of Additional Funds for the Pedley Booster Station Project

RECOMMENDATION: That the City Council accepts the Pedley Booster Station Project as complete, instruct the City Clerk to file the Notice of Completion with the County Recorder's Office at her earliest convenience, and adopt **Resolution No. 2009-____**, appropriating additional funds for the Pedley Booster Station Project

SUMMARY: The Pedley Booster Station Project consisted of the rehabilitation of the existing pump station at the intersection of Fifth Street and Pedley Avenue. The project required change orders totaling $65,434.85 for various items of work relating to changes due to utility conflicts, SCE revisions, and electrical panel modifications.

BACKGROUND/ANALYSIS: On February 20, 2008, the City Council awarded a public works contract to Inland Pacific Contracting Corporation in the amount of $347,000 with an additional 10% for change orders for the Pedley Booster Station Project. After bidding, it was determined that the supply and discharge lines needed to be relocated within Fifth street due to conflicts with other existing utilities. This necessitated additional and more costly excavation within the street. In addition, Southern California Edison required upgrades to the new electrical control panels in order to meet SCE requirements after the panel was already installed by the contractor. Therefore, after the change orders, the final contract amount is $412,434.85, which is 18.9% above the base contract award amount.

Work on the project has been completed to the satisfaction of the City Engineer and a Notice of Completion has been prepared. Staff is requesting that the City Council accept the work performed by Inland Pacific Contracting Corporation and authorize the City Clerk to record the Notice of Completion.

FINANCIAL IMPACT: A resolution has been prepared to appropriate an additional $31,000 for the required extra work from the Water Improvement Fund (Fund 144) to the Pedley Booster Station Project (Project No. 4707-02).

/wrt-72076
Attachment: Resolution No. 2009-___

Agenda Item 5.E.

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROPRIATING ADDITIONAL FUNDS FOR THE PEDLEY BOOSTER STATION PROJECT

WHEREAS, the Norco City Council ("Council"), has approved a Capital Improvement Program for the construction of public improvements for the benefit of the Community; and

WHEREAS, the improvements of the Pedley Booster Station Project will improve the water supply and fire flows to the adjacent residences; and

WHEREAS, the improvements of the Pedley Booster Station Project will reduce the need for further costly repairs; and

WHEREAS, funding is available through the Water Improvement Fund (Fund 144).

NOW THEREFORE, BE IT RESOLVED that the amount of $31,000 shall be appropriated from the Water Improvement Fund to the Pedley Booster Station Project.

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

_____
Mayor of the City of Norco, California

ATTEST:

_____
Brenda Jacobs, City Clerk
City of Norco, California

I, BRENDA 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 April 1, 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 April 1, 2009.

_____
Brenda Jacobs, City Clerk
City of Norco, California

/wrt-72077

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

PREPARED BY: Ross Cooper, Lieutenant

DATE: April 1, 2009

SUBJECT: Acceptance of a Bureau of Justice Assistance Grant of $41,681 to fund sworn officer time in FY2010

RECOMMENDATION: Authorize staff to apply for and accept a $41,681 grant.

SUMMARY: The City of Norco is eligible for a federal grant of $41,681 to help fund law enforcement. Staff is requesting Council authorization to apply for, accept, and use the grant to fund Community Oriented Policing Programs in FY2010.

BACKGROUND/ANALYSIS: The U.S. Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) has determined that Norco is eligible for a BJA FY2009 Recovery Act Edward Byrne Memorial Justice Assistant Grant (JAG) Program allocation of $41,681. Grant amounts are based on a formula which includes consideration of Part 1 Violent Crimes. The JAG grant program does not require any local matching funds.

Recovery Act JAG funds are intended to improve or enhance law enforcement programs, preserve jobs and minimize reductions in essential law enforcement services. This grant will be included in the City's FY2010 budget to help preserve one of the Community Oriented Policing Deputy positions.

FINANCIAL IMPACT: This grant will be included in the City's FY2010 budget.

/rlf - 72069

Agenda Item 5.F.

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
PREPARED BY:	Brian K. Petree, Director Parks, Recreation and Community Services Department
DATE:	April 1, 2009
SUBJECT:	Request for Qualifications and Proposals (RFQ/P) for Animal Control and Shelter Operations Services
RECOMMENDATION:	Authorize the distribution of an RFQ/P to qualified agencies for animal control and shelter operations services.

SUMMARY: The City Council will consider the distribution of a RFQ/P to invite proposals from qualified agencies for animal control and shelter operations services. Currently, the Animal Control Division provides a comprehensive level of services at an annual cost of approximately $700,000. As part of the FY 2009-10 Budget development process, the concept of exploring proposals from neighboring governmental and non-profit agencies has been advanced.

BACKGROUND/ANALYSIS: The City's Animal Control Division currently provides a comprehensive level of services to the community at an annual cost of $700,000. At its meeting of February 23, 2009, the Council discussed the national and state-wide financial crisis and its impacts on the City of Norco for the upcoming 2009-10 fiscal year. As part of these discussions, the concept of exploring contract services for animal control and shelter operations has been raised as one of several potential actions for consideration to address the City's financial challenges.

Several neighboring local government jurisdictions currently contract for animal control services including the cities of Riverside, Chino Hills, Chino, Ontario, Lake Elsinore, Murrieta, etc.

Based on the foregoing, it would be prudent for the City to solicit proposals from qualified governmental agencies and private non-profit organizations such as the Riverside County Department of Health and Animal Control Services, the Animal Friends of the Valley/SPCA based in Lake Elsinore, and the Inland Valley Humane Society/SPCA based in Pomona. Each of these agencies provides a range of animal control and shelter operations services to various cities and unincorporated areas.

A proposed RFP/Q is attached as Exhibit "A".

/bp-72081
Attachment: RFQ/P

Agenda Item 5.G.

City of Norco
Request for Qualifications & Proposals (RFQ/P)
for
Animal Control
and
Animal Shelter Operations Services
98 Sixth Street, Norco, California

City of Norco
Request for Qualifications and Proposals (RFQ/P)
Animal Control
and
Animal Shelter Operations Services
98 Sixth Street, Norco, California

I. Overview

The City of Norco is issuing this Request for Qualifications and Proposals (RFQ/P) to qualified entities for the management and operation of the City's Animal Control Division and Animal Shelter in the City of Norco. The facility is located on City-owned land adjacent to the George Ingalls Equestrian Event Center.

This RFQ/P process is intended to enable qualified agencies to submit proposals to manage and operate the City of Norco Animal Shelter and field services within the Norco City Limits through a services agreement. The services agreement will provide the successful proposer with full responsibility for the management and operation of animal control services in a suburban community that includes domestic, equine, and livestock animals both small and large.

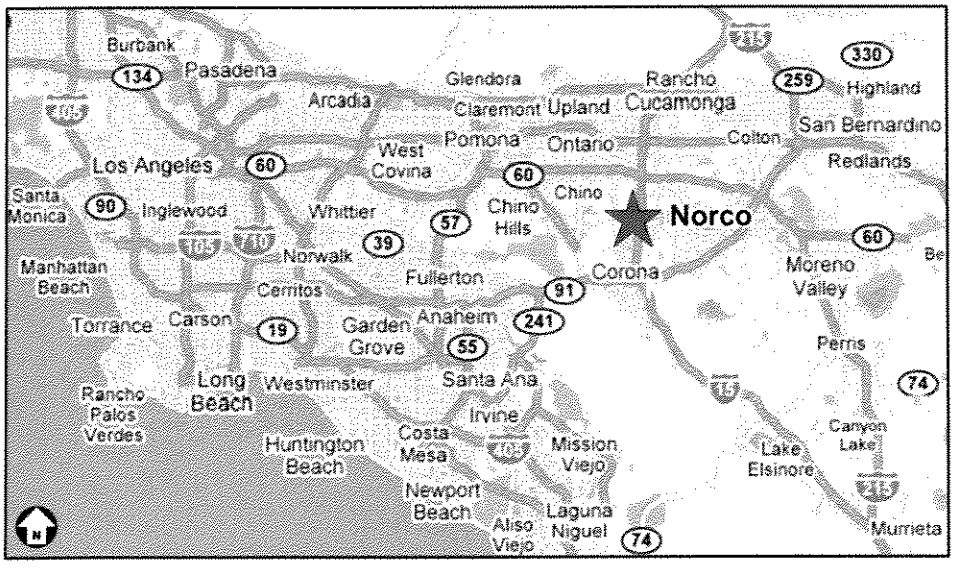
Proposals shall include all costs associated with the facility operation and maintenance, care of animals, canvassing for licensing, equipment, personnel, marketing, regulatory compliance, liability and Workers Compensation insurance. In addition, proposals that include expansion of service delivery outside of Norco (coverage to other jurisdictions) involving the Norco Animal Shelter will be subject to negotiation.

The City is soliciting proposals pursuant to its desire to continue the delivery of high quality animal control services and to manage and operate its current and future shelter. The current operation provides support to public safety when called upon. All officers respond and handle calls to the public related to both domestic and wild animals. The Norco Animal Control Division handles all investigation and code enforcement related to animal care, facilitation and regulatory compliance. This includes, but is not limited to, loose dogs, vicious dogs, all injured animals, excessive number of animal units permitted on property, illegal kennels, fowl and rooster (cock fighting investigations) compliance, 597 investigations, bites from all animal related incidents, quarantine notices, dog feces issues, unlicensed dogs, court case preparations, citation issuance, compliance notices, wild animal permits, trapping for animal nuisance, conditional use permits (CUP) investigation and report preparation, rodeo inspections, equine and animal event inspections and BLM mustang permanent registration. The Division also coordinates with the volunteer Norco Animal Rescue Team (NART) that operates under the auspices of the Norco Fire Department and includes training and use of an Anderson Sling as well as glides and sleds. The Animal Control Division also coordinates with the Public Works Department on enforcement of the City's Manure Management Ordinance. The Division responds to and investigates dog bites, cat bites and maintains patrol throughout the City for loose dogs. The City vaccinates all dogs entering the shelter for kennel cough, dogs under the age of 12 months with a 7-n-1 and all cats with a 4-n-1. All impounded livestock animals are adopted from the facility and are not taken to auction. The successful proposer must demonstrate how their proposal will maintain existing levels of service or provide alternative options for consideration in its operational plan.

II. The City of Norco

The City of Norco incorporated as a general law City in 1964 and subsequently became a Charter City in 2003 for the purpose of preserving its predominant animal-keeping lifestyle and traditions. It operates under the Council/Manager form of government and has a 5-member City

Council, with the Council also serving as the Redevelopment Agency Board. Norco is an equestrian-oriented community which is known and formally branded and trademarked as "Horsetown, U.S.A.". It is located on the western edge of Riverside County approximately 50 miles east of Los Angeles, and is surrounded by the cities of Ontario, Chino, Chino Hills, Corona, Riverside and unincorporated areas of Riverside County. Western Riverside County is among the fastest growing areas in the United States. Norco is approximately 12 miles from the Los Angeles-Ontario International Airport and is home to the U.S. Naval Surface Warfare Center, the California Rehabilitation Center and the Riverside Community College, Norco Campus.

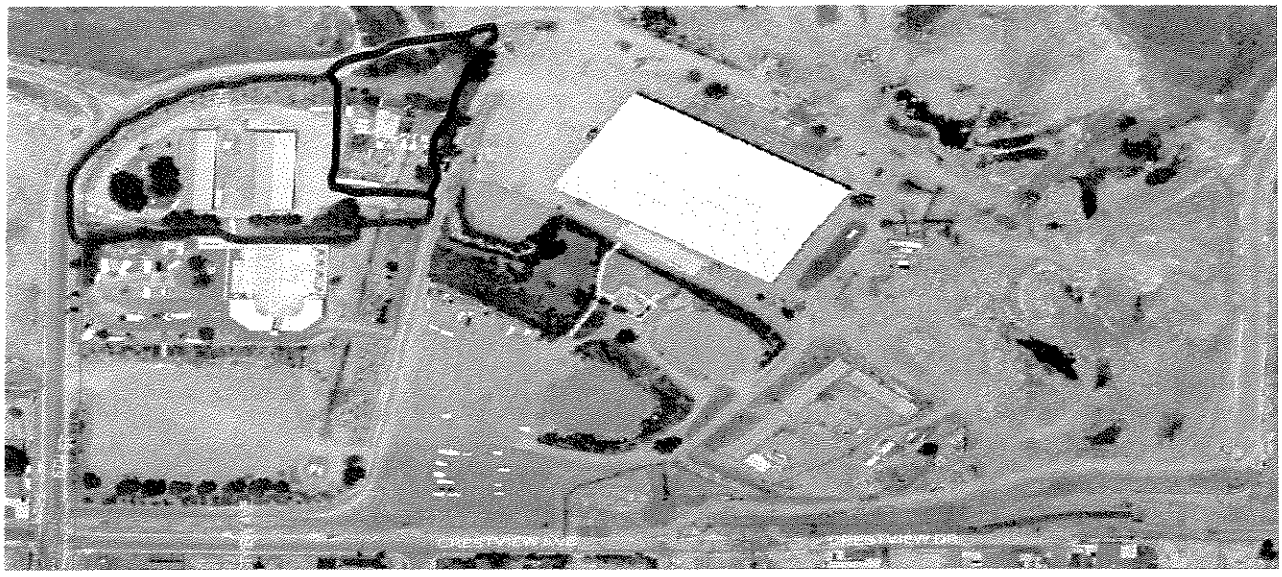


III. The Site

Norco Animal Shelter is located at 98 Sixth Street, Norco, California, and is situated on land approximately 2 acres in size. The site is adjacent to Sixth Street and Pikes Peak Road. The Shelter is approximately 2 miles east of the I-15 Freeway from the Sixth Street off ramp.

Inquiries regarding equipment or facility assets at the Norco Shelter may be made through the following contact:

Renee Power, Superintendent Animal Services
(951) 270-5649
rpower@ci.norco.ca.us

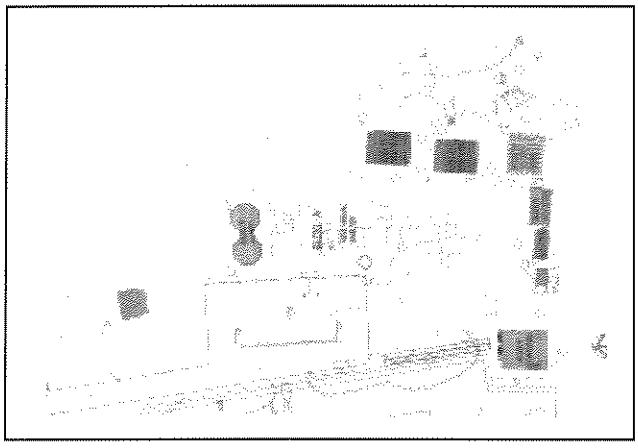


Aerial of the George Ingalls Equestrian Event Center

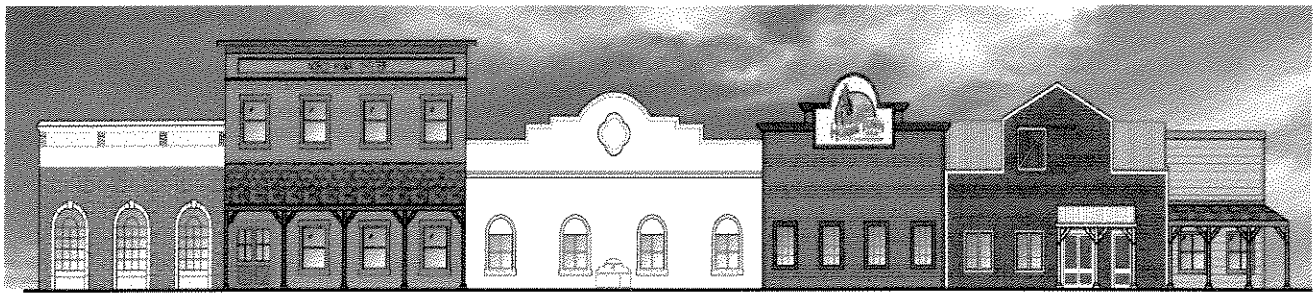
- **Red Outline depicts existing Animal Control Shelter administration and operation site**
- **Blue Outline depicts future expanded Animal Control Shelter site to be combined with Red Outline**

Current Site Plan

Future Site Plan



Architectural rendering of future Animal Shelter and Administrative/Operation Facilities



Norco Animal Shelter

Plans are currently being prepared by GMID Architects to replace the current dated facility; which was built when the purpose of the "dog pound" was merely to protect the public from rabies and control stray animals. Since then, because of legislation and changing community values, the scope of work has broadened. Additionally, because the current building is old, the systems are inefficient and frequently break down resulting in high maintenance and operation costs.

The City's planned Animal Shelter complex will include a 13,000 square foot Administration building, barn, garage, outdoor kennels, wet and dry bird aviaries, and an 8,500 square foot corral with seven covered horse stalls. The detailed construction plans include installation of outdoor exercise/play yards for the dogs to exercise, 48 individual dog kennels with extended indoor/outdoor runs with noise abatement systems; and over-size free roam cattery as well as approximately 100 individual cages for each feline; separate, fully-ventilated dog and cat quarantine areas to help control disease at the shelter; a private animal receiving area equipped with cleaning facilities; a "prep" room where the incoming animals will be examined prior to housing; a private exam room where animals will be examined and treated; a euthanasia room, and a laundry for cleaning blankets and kennel wraps. It will also include holding areas, an adoption center, a medical services room and a training/classroom for meetings and community outreach programs such as: adopt-a-thons, seminars, and other events to teach people how to take care of their pets.

The Architect has designed a shelter that is nearly three times the size of the existing facility currently serving the Norco community. The additional square footage alone will help alleviate the overcrowded conditions at the current Animal Control Shelter. The architectural design for the Animal Shelter will be constructed with a western theme, will be a true community asset and will enhance animal welfare to provide a more efficient, healthier and safer environment for the animals in our care. The facility will be constructed utilizing available energy-saving and environmental-friendly materials and concepts.

The new facility will be more than a shelter for homeless animals; we envision a resource for all animal issues including education, training and socialization, and a place to celebrate the bond between animals and humans. We will be providing a safe and comfortable haven for the care and housing of abandoned animals today, tomorrow and into the future. By providing this valuable public resource we hope to encourage residents to visit our shelter when they are looking for a new pet, volunteer and donate, and get involved with the Norco Shelter community. Construction is expected to start in September 2009 with completion in 2010.

IV. Animal Control and Shelter History

The Current Norco Animal Control Shelter was dedicated in 1984 and has served the City continuously for 25 years. Prior to 1984 the City of Norco and City of Corona shared an animal control shelter facilitating staffing from one location for both communities. Both communities soon out grew the facility and alternative sites were constructed. The Shelter today provides services to an area of approximately 15 square miles with a permanent population of approximately 22,500 residents with homes built on minimum ½ acre lots or larger, with an estimated horse population of approximately 15,000. The City is home to a wide variety of animals and livestock on each property (example 5 horses are allowed on a ½ acre parcel). The community prides itself on the rural atmosphere of residential neighborhoods, where "animal keeping" is the rule rather than the exception. The City consists of 108 miles of streets and 120 miles of equestrian/pedestrian trails. The animal shelter cares for more than 1,500

impounded animals each year and takes pride in its success as being one the shelters with the highest adoption rate for dogs and cats in the Inland Empire.

Norco Animal Control Profile

The Animal Shelter is located at 98 Sixth Street and staff is available 7 days a week for care of the animals. The City maintains a weekly work schedule for full time personnel of 36 hours a week with 9 hours shifts.

- Operational hours – Open to the public
  - Office M-Th 9:00 AM – 6:00 PM
  - Office Sat 10:00 AM – 2:00 PM

Current Table of Organization and assignment for Animal Control:

PERSONAL	Primary Functions	Status	Classification
Superintendent Animal Control Services	Administers and Oversees division function, provides backup and fill in when officers are not available. Manages shelter operation, field response, investigations, animal compliance, code enforcement and ensure all federal, state and local laws are imposed	FT	Mid-Management
Office Manager	Assist the Superintendent in clerical operation and management of the shelter and coordination of assignment and dispatching to field personnel.	FT	Mid-Management
Animal Control Supervisor	Operational Supervisor overseeing staff, field officers and kennel operations.	FT	Non-Exempt – General Employees
Animal Control Officer	Field operation, enforcement, court assignment and investigation along with CUP and kennel inspection and assist with euthanasia	FT	Non-Exempt – General Employees
Animal Control Officer	Field operation, enforcement, primary licensing and canvassing officer and adoption coordination, fills in for Kennel Officer when needed Maintains City adoption web site	FT	Non-Exempt – General Employees
Kennel Officer	Maintenance and operation of kennels, coordination and care of impound animals, medical assistance, spay and neutering, euthanasia, adoption coordination and animal transportation to veterinarian services assist in maintaining City adoption web site	FT	Non-Exempt – General Employees
Part-Time Clerk	Clerical, dispatching	PT	Seasonal (20 hrs/wk)
Kennel Attendant I PT	Inventory tracking, care and treatment of impound animals, euthanasia, assistance in adoptions, kennel maintenance, corral and aviary maintenance	PT	Year round hourly (32 hrs/wk)
Kennel Attendant I PT	Inventory tracking, care and treatment of impound animals, euthanasia, assistance in adoptions, kennel maintenance corral and aviary maintenance	PT	Year round hourly (32 hrs/wk)
Kennel Assistant PT	Cleaning, care and treatment of impound animals, janitorial service	PT	Seasonal (20 hrs/wk)
Kennel Assistant PT	Cleaning, care and treatment of impound animals, janitorial service	PT	Seasonal (20 hrs/wk)

Current staffing coverage and schedule:

Staffing	S	M	T	W	T	F	S
Superintendent Animal Control Services		◘	◘	◘	◘		
Office Manager		◘	◘	◘	◘		
Animal Control Supervisor			◘	◘	◘	◘	
Animal Control Officer		◘	◘	◘	◘		
Animal Control Officer				◘	◘	◘	◘
Kennel Officer		◘	◘	◘	◘		
Part-Time Clerk		◘	◘	◘	◘		◘
Kennel Attendant I			◘	◘	◘	◘	◘
Kennel Attendant I	◘	◘	◘	◘	◘		
Kennel Assistant	◘	◘	◘	◘			
Kennel Assistant				◘	◘	◘	◘

SB — Officers rotate Standby for after hour call outs, emergency and non-coverage days. The Superintendent provides back up and fills in as needed.

- **Standby – Overtime:** The City currently provides after hour calls on specific types of incidents as well as call for service from public safety (police/fire). The City has spent and average of $40,000 to $50,000 dollars on overtime and standby in each of the last five fiscal years.

  - **Criteria For After Hour Call Out**
    1) Injured Animal
    2) Public Safety Response (Police/Fire)
    3) Stray Dog bites
    4) Animals attacking livestock
    5) Traffic, loose livestock
    6) Non-domesticated/Wild Animal response (rattle snakes, coyote, birds of pray)
    7) Disaster – EOC call to service
    8) NART (Norco Animal Rescue Team – Fire Department) assistance

- **Call for Service and Operations 2006 - 2008**

Number of Calls for Service for Field Operation and Shelter Management	2008	2007	2006
Stray animal : Domesticated dogs:	932	989	895
Stray animal : Domesticated cats:	402	357	338
Miscellaneous stray : Livestock, wild life	176	294	246
Citations issued:	232	236	214
Lost and Found Calls:	1302	1,095	1200
Animal Quarantines:	62	48	54
Field Service Calls:	2927	2421	2117
Adoption Dogs:	429	384	365
Redemption Dogs:	389	338	356
Adoption Cats:	232	264	283
Redemption Cats:	5	5	3
Miscellaneous Adoption: (livestock)	21	36	24
Miscellaneous Redemption: (livestock)	13	10	11
Euthanasia stray/unclaimed dogs:	69	39	54
Euthanasia owner request dogs:	35	44	45
Euthanasia stray/unclaimed cats:	85	79	35
Euthanasia owner request cats:	2	7	9
Miscellaneous Euthanasia: (non-domestic)	53	44	42

❖ **Animal Control Division Vehicle and Equipment Inventory**

Quantity	Vehicles	Miscellaneous Equipment
3	ACO Trucks w/Boxes 2001 Chevy. Super Cab (w/winch) 2005 GMC 1998 Ford	Snares Catch-Alls Ropes Halters Water Buckets Feed Tubs Dog Houses Leases Snake Boxes Snake Poles
1	¾ ton Truck GMC	
2	Stock horse Trailer	
1	2005 E-150 Ford Van (Spay & Neuter – vet van)	
Quantity	**Cages**	
50	Varity of Kennels and sizes	
2	Dog Traps	
3	Cat Traps	

V. Additional Information

For answers to RFQ/P questions, contact Mr. Brian K. Petree, Director of Parks, Recreation and Community Services by telephone at (951) 270-5631 or via email at bpetree@ci.norco.ca.us. Personal or written contact can be made with Brian K. Petree, Director of Parks, Recreation and Community Services at 2870 Clark Avenue, Norco CA 92680.

VI. RFQ/P Requirements

The proposer shall demonstrate a successful, proven track record of experience in the operation and maintenance of an animal shelter and animal control services including field operations for domestic animals, non-domestic (wild animals) as well as equine and small and large livestock. Such experience will include operation of a shelter that promotes the care of all animals. Past experience conducting business exclusively as only a shelter operator for animals does not satisfy this requirement. The selected proposer will enter into negotiations for an exclusive Service Agreement that will meet the animal control and shelter objectives of the City and minimize expenses to the already burdened City General Fund budget.

The term of the Service Agreement will be for a minimum period of five (5) years with renewal clause for an additional five (5) years.

The City shall require the proposer to demonstrate:

- The ability to provide Worker's Compensation Insurance
- The ability to provide Liability Insurance – covering the City of Norco as an additional insured with minimum limits of $2 million
- Demonstrate financial and administrative ability to provide the requisite animal control services and operate and maintain a high quality animal shelter
- Prior experience in operating and managing an animal shelter
- Prior experience in managing animal control enforcement and field service in a community with a large population of equine and other domestic and non-domestic animals.

Proposers must possess documented, verifiable financial resources and capabilities necessary to fund, and finance, and deliver the services outlined in the RFQ/P.

VII. Submittal Requirements

Respondents shall submit three (3) copies of their entire RFQ/P documents. One complete set of documents shall contain original signatures, is clearly marked "ORIGINAL" and left unbound. An electronic copy of the entire RFQ/P document is desired, but not required.

Responses should contain the following items in the specified order and be organized with tabs that correspond to the sections enumerated below. The respondent may designate portions of the response, which contain proprietary data as "CONFIDENTIAL." Pages should be clearly marked as confidential, if applicable.

1. **Cover Letter.** A cover letter signed by an authorized representative of the respondent which provides a summary of the proposer's background and history.

2. **Operational Plan.** Description of the anticipated structure to include staff, administration and key contact person(s). Describe the specific role/responsibility each would play in this project as well as experience these individuals have in similar operations identified in the "Relevant Project Experience" section below.

3. **Relevant Experience.** Describe current and previous experience with operation and maintenance of animal control and shelter management. This information should include previous operation and management structure, photos, program flyers and brochures, types of facilities previously programmed and managed, and any other relevant key information. Also, include contact names, addresses, phone numbers, and other current comparable contacts. Contact persons should be verified to be certain that they are still available to respond to questions from City.

4. **Financial Data.** The proposer will need to describe the capability to provide the cash flow necessary to successfully fund and/or finance the operation and maintenance of the facility. Annual reports, banking references and other such financial data that demonstrate the financial capacity of the proposer should be included.

5. **References.** Provide an accurate list of references (name, title, entity, telephone number and contractual relationship to respondent) that may be contacted with respect to current and past experience.

6. **Legal Actions.** Provide a list and brief description of all relevant legal actions for the past seven years in which the proposer or entities in which he/she/it has had ownership interests, or has been: a debtor in bankruptcy; or a defendant in a lawsuit for deficient performance under a contract; or a defendant in an administrative action for deficient performance related to other like operation; or a defendant in any other related or relevant civil or criminal action.

7. **Equipment:** Provide a list of inventory to be used in the operation.

8. **Optional:** Proposers may propose any development or deployment within their organization of existing personnel and or equipment, or site usage combination or configurations that would meet acceptable levels of service delivery prevalent to the City of Norco.

9. **Insurance:** Prior to the beginning of and throughout the duration of the lease, Proposer will be required to maintain the following types of insurance in the amounts yet to be determined:
    - **Commercial General Liability Insurance with limits of $2 million**
    - **Workers Compensation**
    - **Business Auto Coverage**
    - **Excess or Umbrella Liability Insurance**

IX. Evaluation Criteria

The following criteria will be used to evaluate proposer responses:

- The proposer's experience in formulating and implementing a successful animal control and shelter management business that is consistent with the lifestyle of the City of Norco.
- Demonstrated track record, experience, and financial capacity to start and manage an animal control and shelter under a services agreement.
- Demonstrated financial capacity and means typically required to manage and operate an animal control and shelter function.
- Acknowledge that the City has the right to make any inquiries it deems appropriate to substantiate or supplement information supplied by the proposer, and proposer hereby grants the City permission to make these inquiries

X. Selection Process & Schedule

Three (3) copies of the RFQ/P response must be submitted to Brian K. Petree, Director of Parks, Recreation and Community Services by **6:00 p.m. (PST), on May 7, 2009.** One complete set should contain original signatures, be marked "ORIGINAL", and be left unbound.

A Screening/Selection Committee comprised of the Director of Parks, Recreation & Community Services, the City Manager and other selected individuals will review all responses to the RFQ/P. This Selection Committee will then interview selected proposers, conduct service agreement negotiations with a finalist proposer and submit recommendations to the City Council for consideration.

SCHEDULE AND DESCRIPTION OF KEY DATES/EVENTS

April 2009	**RFQ/P Issued.** Copies of the RFQ/P will be distributed to potential proposers. Interested parties may request copies of the RFQ/P by contacting Brian K. Petree, Director of Parks Recreation and Community Services, 2870 Clark Avenue, Norco CA 92680 at bpetree@ci.norco.ca.us
April 2009	**Pre-Submittal Conference and Tour:** A pre-submittal conference will be held at the Norco Animal Shelter on a date(s) and time(s) to be announced.
May 7, 2009	**RFQ/P Responses Due:** Responses are due on Thursday, May 7, 2009 at 6:00 p.m.
May 2009	**Selection Process and Negotiations**

The City reserves the right to amend the RFQ/P, reject all proposals at its sole discretion and extend time frames at its sole discretion.

bp/72061

ACTION MINUTES
CITY OF NORCO

PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
MARCH 25, 2009

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1. CALLED TO ORDER: **7:00 p.m.**

2. ROLL CALL: **Chair Wright, Vice-Chair Jaffarian, Commission Members Harris, Hedges, Newton**

3. STAFF PRESENT: **Planning Manager King, Senior Planner Robles, Senior Engineer Askew, Executive Secretary Dvorak**

4. PLEDGE OF ALLEGIANCE: **Commission Member Hedges**

5. APPEAL NOTICE: **Read by staff.**

6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **Pat Overstreet asked what ever happened to the design that was supposed to go in the "circle" in the façade of the strip center south of (and attached to) State Bros. on Hamner Avenue.**

7. APPROVAL OF MINUTES: Minutes of March 11, 2009: **Approved 4-0-1 (Hedges abstained)**

8. CONTINUED ITEMS: **None**

9. PUBLIC HEARING: Resolution No. 2009-07; A request for approval to allow development of a 3-story, 96-unit hotel at the northeast corner of Hamner Avenue and Fifth Street, located within the C-G (Commercial-General) zone. Resolution No. 2009-08; A conditional use permit is also being requested to allow the building to exceed the maximum height of 35 feet allowed by right in the C-G Zone. Conditional Use Permits 2009-02 and 2009-04: **Approved 5-0 with minor changes to architecture and conditions including an idea of the project architect to incorporate stone pilasters with western design features in the wrought iron railing around the southwest corner of the site (around the pool) since that will be highly visible to Hamner Avenue (approved elevations attached). This action is final unless appealed to City Council.**

10. BUSINESS ITEMS: Retail Hospitality Opportunity Book (Look Book), Oral Report: **Received and filed, and asked that a copy of the book be brought for the Commission to see at the next meeting.**

11. CITY COUNCIL:
    A. City Council Action Minutes dated March 18, 2009

    B. City Council Minutes dated March 4, 2009
    Action: Received and filed after asking what the reason for the continuation of the Maverick's issue regarding the outdoor deck was.

12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: **Commission Member Harris reported that there does not need to be a replacement member of the Planning Commission on the Economic Development Advisory Committee (EDAC) if he decides not to participate anymore. A Planning Commission Member could be on the EDAC but it is not required in the bylaws.**

13. STAFF: Current Work Program: **Received and filed.**

14. OTHER MATTERS:

Commission Member Hedges reported that there are even more cars on the northeast corner of Valley View Avenue and Sixth Street for sale.

Commission Member Hedges asked about a horse boarding/riding operation on property at the intersection of California Avenue and North Street on property that has a "for sale" sign on it to make sure that everything is the way it should be as far as permits and licenses are concerned so that there is no liability to the City.

Commission Member Hedges also informed staff that Wall Design has started using the property at 1308 Sixth Street.

Commission Member Newton reported that he had obtained copies of sections out of the General Plan pertaining to the preservation of animal-keeping properties in Norco and asked that they be included in upcoming discussions regarding the control on the size of accessory buildings.

15. ADJOURNED: **8:30 p.m.**

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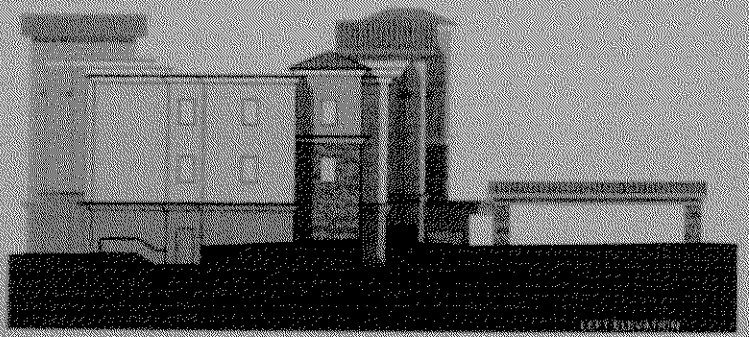

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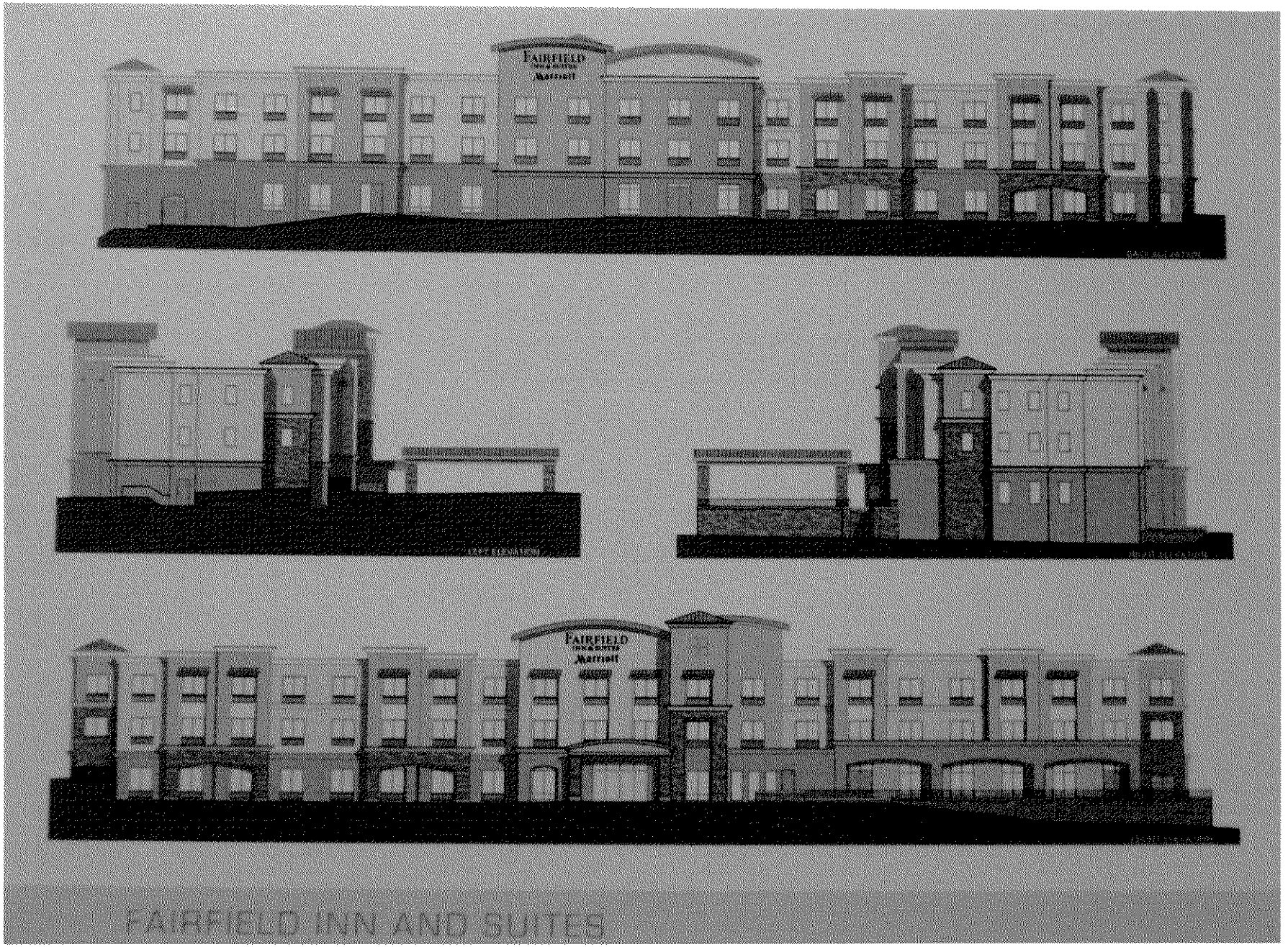
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CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
PREPARED BY:	Brian Oulman, Economic Development Director Bill Wilkman, Historic Preservation Consultant
DATE:	April 1, 2009
SUBJECT:	A City-Initiated Proposal to Add Title 20, Cultural Resources to the Norco Municipal Code (Code Amendment 2009-05)
RECOMMENDATION:	**Adopt Ordinance No. ____** for the first reading.

SUMMARY: A goal of the City's 2008-2009 Strategic Plan is to attain Certified Local Government (CLG) status for its historic preservation program. Among other benefits, CLG status qualifies the City to seek federal historic preservation grants administered by the State of California. A critical prerequisite to obtaining CLG status is a Cultural Resources Ordinance that conforms to state guidelines.

BACKGROUND/ANALYSIS: At its March 2, 2009 meeting, the Norco Historic Preservation Commission unanimously recommended that the City Council approve a comprehensive Cultural Resources Ordinance. This ordinance creates a new Title 20 in the Municipal Code, replacing in its entirety Chapter 18.58, Norco's current Historic Preservation Ordinance. The new ordinance retains the essence of Chapter 18.58, while incorporating measures intended to bring Norco's management of historic resources into alignment with state guidelines. The following are highlights of the draft ordinance:

General Principles of Application Processing: The existing ordinance calls for preservation issues to be sent directly to the City Council for disposition. In October of 2008, the City Council created a Historic Preservation Commission which started meeting in January of 2009. The new ordinance calls for most preservation matters to be directed to the Commission as a first step in the public review process. For streamlining purposes, however, some matters can be reviewed by the Cultural Resources Administrator (Economic Development Director), with no Commission or Council action necessary. The Commission is advisory to the Council, with no independent authority.

Landmarks (Chapter 20.15): The new ordinance retains the essence of the existing ordinance with regard to Landmarks. New Landmark eligibility criteria have been developed in conformance with state guidelines.

Agenda Item 6.A.

Points of Historical Interest (Chapter 20.20): The new ordinance retains the Point of Historical Interest designation as an "honorary" category of historic resource. The designation process would be the same as that for a Landmark. In keeping with its "honorary" status, the obligations and incentives applicable to Landmarks would not apply to Points of Historical Interest. Regarding incentives, Points of Historical Interest would not qualify for Mills Act property tax reductions or the State Historical Building Code. With regard to obligations, alterations to a Point of Historical Interest would be reviewed at a staff level only and recommended changes would be advisory only. The demolition of a Point of Historical Interest would, however, be subject to CEQA. Some property owners will see Point of Historical Interest designation as an entry level designation. In this regard, a property owner with a property that qualifies for Landmark status could opt for Point of Historical Interest. This designation could also be applied to a resource that would not qualify for Landmark status.

Certificates of Appropriateness (Chapter 20.30): Like the existing ordinance, the new ordinance creates a process for reviewing alterations. Uniform standards for evaluating alterations are included in this section of the ordinance, based upon recognized federal standards. To help streamline the process, "ordinary maintenance and repair" work is exempted. Further, minor alterations, as listed in the draft ordinance, are subject to staff review only. The Cultural Resources Administrator can refer a staff review matter to the Historic Preservation Commission if he/she feels the item merits a more public review. This chapter also establishes basic standards for property maintenance. Any action of the staff or Historic Preservation Commission is appealable to the City Council. Time limits assure the timely processing of applications. A substantial adverse change, such as a demolition, is subject to CEQA. However, structures determined to be unsafe by the Building Official can be demolished or secured with no review required.

Incentives (Chapter 20.35): This chapter gives the City Council the authority to create incentives to help promote historic preservation. Specifically listed in this chapter is the Mills Act. The City does not presently have a Mills Act program.

Enforcement and Penalties (Chapter 20.40): This chapter establishes sanctions for persons found in violation of the Cultural Resources Ordinance. It gives the City flexibility to choose civil or criminal consequences.

FINANCIAL IMPACT: N/A

/mb-71855
Attachment: Ordinance No. ____

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA ADDING TITLE 20, CULTURAL RESOURCES, TO THE NORCO MUNICIPAL CODE (CODE AMENDMENT 2009-05)

WHEREAS, on April 2, 2008 the City Council approved the Strategic Plan for 2008 and 2009, including Goal 2, to create a Historic Preservation Commission as a step in securing Certified Local Government (CLG) status for the City's historic preservation program; and

WHEREAS, to obtain CLG status the City must have an ordinance that follows basic state guidelines for such an ordinance; and

WHEREAS, on March 2, 2009, the Norco Historic Preservation Commission reviewed and recommended approval of a new Cultural Resources Ordinance which was written to comply with state guidelines.

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

SECTION 1: Norco Municipal Code Chapter 18.58 (Historic Preservation) is replaced in its entirety by the addition of Title 20 (Cultural Resources) to read as follows:

Title 20
CULTURAL RESOURCES

Chapters:

20.05 PURPOSE
20.10 DEFINITIONS
20.15 LANDMARKS
20.20 POINTS OF HISTORICAL INTEREST
20.30 CERTIFICATE OF APPROPRIATENESS PROCESS
20.35 PRESERVATION INCENTIVES
20.40 ENFORCEMENT AND PENALTIES
20.45 SEVERABILITY

Chapter 20.05
PURPOSE

Section 20.05.010 Purpose. The purpose of this Title shall be as specified in Chapter 2.26 of the City of Norco Municipal Code.

Chapter 20.10
DEFINITIONS

20.10.010 Definitions. For the purposes of this Title, in addition to the definitions in Chapter 2.26, the following words and phrases shall have the meanings respectively ascribed to them by this Chapter:

A. "Alteration" means any change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this Title. In the case of cultural resources that are buildings or structures, "alteration" shall include any demolition or changes to the exterior unless otherwise designated per the designating resolution or per the requirements of the Secretary of Interior's Standards for the Treatment of Historic Properties. Such changes may be: changes to, or modifications of, structural or architectural details or visual characteristics; grading; surface paving; the addition of new structures; the cutting or removal of designated trees, landscapes or other natural features; the disturbance of archaeological sites or areas; or the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the significant visual and/or historical qualities of the cultural resource.

B. "Certificate of Appropriateness" means a certificate issued by the City Council upon recommendation of the Historic Preservation Commission, or by the Cultural Resources Administrator, approving plans, specifications, and/or statements of work involving any proposed alteration, restoration, rehabilitation, construction, removal, relocation or demolition, in whole or in part relating to a designated Landmark or Point of Historical Interest.

C. "Character-defining feature" means the natural and/or manmade elements of a cultural resource, including its design, general arrangement, components, site placement, height, scale, and setback; the kind, color, and texture of its building materials; and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement. Unless otherwise specified in the documentation for a cultural resource, the "Character-defining features" of buildings or structures will be those associated with the exterior of such resources.

D. "Contributing or contributor" means a building, site, structure, improvement, natural feature, or object that contributes to the historic architectural qualities, historic associations, or archaeological values for which a cultural resource is significant because:

1. It represents a period of historic importance, and possesses historic integrity reflecting its architectural character at that time or is capable of yielding important information about that period; or

2. It independently meets the designation criteria as defined in this Title.

E. "Days" means calendar days, including weekends and holidays.

F. "Design guidelines" means the principles contained in a document approved by the City Council upon recommendation of the Historic Preservation Commission which illustrate appropriate and inappropriate methods of rehabilitation, alteration and

construction. The purpose of using design guidelines is to promote appropriate design and decision-making and to ensure the preservation of the integrity and character-defining features of cultural resources. The Secretary of the Interior's Standards for the Treatment of Historic Properties shall serve as design guidelines where there exist no other approved design guidelines.

G. "Determined eligible" means any cultural resource which has been determined by the City Council upon recommendation of the Historic Preservation Commission, or pending the Commission's or Council's action, by the Cultural Resources Administrator, to meet the established criteria for designation pursuant to this Title as a Landmark or Point of Historical Interest in accordance with a survey completed by a professional meeting the Secretary of the Interior's Qualifications.

H. "Historic Preservation Overlay Zone" means a geographically defined area possessing a concentration or continuity of cultural resources of which fifty percent or more of the total retain integrity of location, design, setting, materials, workmanship, and association or a thematically related grouping of cultural resources which contribute to each other and are unified aesthetically by plan or physical development and which has been adopted as a Historic Preservation Overlay Zone by the City Council upon recommendation of the Historic Preservation Commission.

I. "Improvement" means any building, structure, place, fence, gate, landscaping, tree, wall, parking facility, work of art, or other object constituting a physical feature of real property, or any part of such feature which is not a natural feature.

J. "Integrity" means the ability of a cultural resource to convey its significance. To have integrity a cultural resource must be largely intact or be readily restorable through the removal of non-original coverings, facades, additions, or minor reconstruction. Integrity includes historical location, design, setting, materials, workmanship, feeling, and association. Of these elements, historical location and setting are not essential if the other standards of integrity are or can be met.

K. "Landmark" means any cultural resource representative of the historical, archaeological, cultural, architectural, community, aesthetic, or artistic heritage of the City that meets one or more of the criteria in Chapter 20.15 and is approved for designation by the City Council upon recommendation of the Historic Preservation Commission.

L. "Natural feature" means any tree, plant life, habitat, geographical or geological site or feature.

M. "Non-contributing" means an improvement or natural feature that does not add to the historic architectural qualities, historic associations, or archaeological values for which a historic district or neighborhood conservation area is significant because the resource:

1. Was not present during the cultural resource's period of historic significance; or

2. No longer possesses historic integrity due to significant alterations, disturbances, additions, or other changes; or

3. Does not independently meet the designation criteria as defined in this Title.

N. "Object" means any material thing of functional, aesthetic, cultural, symbolic, or scientific value.
O. "Ordinary maintenance and repair" means any work, excluding window replacement, exterior wall resurfacing and re-roofing, where the purpose and effect of such work is to prevent or correct any cosmetic deterioration of or damage to a structure or any part thereof and to restore in style, kind, and material the same to its condition prior to the occurrence of such damage or deterioration.
P. "Point of Historical Interest" means improvements, buildings, structures, signs, sites, landscape features, or other objects within the City of Norco which are of historical interest to the citizens of the City of Norco. Point of Historical Interest is purely an honorary designation. Properties designated a Point of Historical Interest do not qualify for any city incentives available to Landmarks and are subject to only advisory review by the Cultural Resources Administrator with regard to exterior alterations.
Q. "Preservation" means the identification, study, protection, restoration, rehabilitation, and/or acquisition of cultural resources.
R. "Secretary of Interior's Standards for the Treatment of Historic Properties" means the guidelines prepared by the National Park Service for preserving, rehabilitating, restoring, and reconstructing historic buildings and the standards for historic preservation projects prepared by the National Park Service with the most current Guidelines for Applying the Standards.
S. "Secretary of the Interior's Qualifications" means the requirements used by the National Park Service to define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities for cultural resources as published in the Code of Federal Regulations, 36 CFR Part 61.
T. "Structure" means a building intended for any use or occupancy.
U. "Substantial adverse change" means any demolition, destruction, relocation or alteration activities that would impair the significance of a cultural resource.

Chapter 20.15
LANDMARKS

20.15.010 Landmark Designation Criteria. An improvement, object, or natural feature may be designated a Landmark by the City Council upon recommendation of the Historic Preservation Commission if it is determined eligible, retains integrity and meets one or more of the following criteria:

A. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history; or
B. Is identified with persons or events significant in local, state or national history; or
C. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
D. Represents the work of a notable builder, designer or architect; or

E. Has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood community or of the City; or
F. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning; or
G. Has yielded or may be likely to yield, information important in history or prehistory.

A Landmark shall include all improvements, objects, or natural features named in the Landmark designation resolution. To qualify for Landmark status, an improvement, object, or natural feature must be at least 50 years old or older.

20.15.020 Landmark Designation Initiation. The designation of a Landmark may be initiated by the Historic Preservation Commission, the City Council, or by any person, organization, or entity. Application shall be made upon such forms and accompanied by such data and information as may be required for that purpose by the Cultural Resources Administrator so as to assure the fullest practical presentation of the facts for proper consideration of the request.

20.15.030 Landmark Designation Meeting Date. Upon the filing of a complete application, the matter shall be set for consideration before the Historic Preservation Commission. The date of such meeting shall be not more than sixty (60) days from the date of filing of a complete application.

20.15.040 Landmark Designation Meeting Notice. Notice of the date, time, place and purpose of the meeting before the Historic Preservation Commission shall be given by at least one publication of a notice in a newspaper having general circulation in the City not less than ten (10) days prior to the date of such meeting and by depositing in the United States mail, at least ten (10) days prior to the date of the meeting, a notice addressed to the owner(s) or other person(s) having legal custody and control of the subject property being considered for Landmark designation and to property owners within a three hundred-foot radius of the subject property. When the property being considered is not real property, notice shall be given to the owner(s) or other person(s) having legal custody and control of the real property where the improvement or object is situated. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or the non-receipt of any notice mailed pursuant to this Title shall not invalidate any proceedings in connection with the proposed designation.

20.15.050 Landmark Designation Meeting. A public meeting shall be conducted before the Historic Preservation Commission at the time and place so fixed and noticed. The Commission may establish rules for the conduct of its meetings. Subsequent to the

Historic Preservation Commission meeting, a public hearing shall be conducted before the City Council for final decision on the Landmark application.

20.15.060 Landmark Designation Investigation. The Historic Preservation Commission shall cause to be made by any of its own members or by the Cultural Resources Administrator, such investigation of facts bearing upon such application as in the opinion of the Commission will serve to provide the necessary information to assure Commission action consistent with the intent and purposes of this Title.

20.15.070 Landmark Designation Process. The Historic Preservation Commission shall forward to the City Council its recommendation and findings in writing regarding the designation of a Landmark, in whole or in part, based on the criteria set forth in Chapter 20.15 of this Title and the facts presented in connection with the application. The City Council, on the recommendation of the Historic Preservation Commission, shall make the final determination as to whether the purposes of this Title are met by such designation. The City Council may continue such hearing to a time and place certain when such action is deemed necessary or desirable.

20.15.080 Landmark Designation Resolution. A Landmark shall be designated by a numbered resolution of the City Council, which provides facts and findings based on the criteria for designation as set forth in this Chapter. The Council shall adopt the resolution by a majority of the members present and voting.

20.15.090 Notice of Landmark Designation. Notice of the designation of a Landmark by the City Council shall be transmitted to all City departments, the Assessor and the Recorder of Riverside County, and any other departments and governmental agencies the Cultural Resources Administrator deems appropriate. Each City department and division shall incorporate the notice of designation as a Landmark into its records, so that future decisions or permissions regarding or affecting any Landmark made by the City or an official of the City will have been made with the knowledge of the Landmark designation, and in accordance with the procedures set forth in this Title. The City Clerk shall record all designating resolutions in the Office of the Riverside County Recorder.

20.15.100 Appeal of Commission's Recommendation on Application for Landmark Designation. Any person aggrieved or affected by a recommendation of the Historic Preservation Commission for the designation, repeal, modification, or denial of an application for a Landmark designation may appeal to the City Council at any time within fifteen (15) days after the date upon which the Historic Preservation Commission announces its recommendation. An appeal to the City Council shall be taken by filing a letter of appeal with the Cultural Resources Administrator. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within ten (10) days after the receipt of the letter of appeal, the Cultural Resources Administrator shall transmit to the City Council the letter of appeal, copies of the application and all other papers

constituting the record upon which the action of the Commission was taken. The City Clerk shall give notice of a public hearing upon receipt of the appeal. The date of such hearing shall be not more than thirty (30) days from the date of filing of the appeal. Upon the hearing of such appeal, the City Council shall affirm, reverse or modify the recommendation of the Commission. The City Council may continue such hearing to a time and place certain when such action is deemed necessary or desirable.

20.15.110 Landmark Repeal or Modification. The City Council, with the recommendation of the Historic Preservation Commission, shall consider a repeal or modification of a previously approved Landmark designation in the same manner provided by this Title for the designation of Landmark if the resource no longer meets the criteria by which it was designated.

Chapter 20.20
POINT OF HISTORICAL INTEREST

20.20.010 Point of Historical Interest Designation Criteria. An improvement, object, or natural feature may be designated by the City Council upon the recommendation of the Historic Preservation Commission as a Point of Historical Interest pursuant to this Title if it meets one or more of the following criteria:

A. The resource qualifies for designation as a Landmark; however, the property owner prefers designation as a Point of Historical Interest.
B. The resource is less than 50 years old, but otherwise qualifies for designation as a Landmark.
C. The resource otherwise qualifies for designation as a Landmark, but does not retain sufficient integrity.

20.20.020 Point of Historical Interest Designation Initiation. Point of Historical Interest designation shall be initiated in the same manner as that for a Landmark, per Chapter 20.15.020.

20.20.030 Point of Historical Interest Designation Meeting Date. Point of Historical Interest designation meeting date shall be established in the same manner as that for a Landmark, per Section 20.15.030.

20.20.040 Point of Historical Interest Designation Meeting Notice. Point of Historical Interest designation meeting notice shall be carried out in the same manner as that for a Landmark, per Section 20.15.040.

20.20.050 Point of Historical Interest Designation Meeting. Point of Historical Interest designation meeting shall be conducted in the same manner as that for a Landmark, per Section 20.15.050.

20.20.060 Point of Historical Interest Designation Investigation. Point of Historical Interest designation investigation shall be carried out in the same manner as that for a Landmark, per Section 20.15.060.

20.20.070 Point of Historical Interest Designation Process. Point of Historical Interest designation process shall be the same as that for a Landmark, per Section 20.15.070.

20.20.080 Point of Historical Interest Designation Resolution. Point of Historical Interest designation resolution shall be adopted in the same manner as that for a Landmark, per Section 20.15.080.

20.20.090 Notice of Point of Historical Interest Designation. Notice of Point of Historical Interest designation shall be carried out in the same manner as that for a Landmark, per Section 20.15.090.

20.20.100 Appeal of Commission's Recommendation on Application for Point of Historical Interest Designation. An appeal of a Point of Historical Interest designation shall be processed in the same manner as that for a Landmark, per Section 20.15.100.

20.20.110 Repeal of Point of Historical Interest Designation. The Historic Preservation Commission shall consider the repeal of a Point of Historical Interest designation in the same manner provided by this Title for designation of a Point of Historical Interest, providing one of the following circumstances apply:

A. The Point of Historical Interest no longer meets the criteria by which it was designated.
B. The property owner(s) submit a notarized written request for repeal of a designation for any reason. A copy of the most current deed shall be submitted in conjunction with the request to repeal the designation in order to verify that all property owners have signed the written request.

20.20.120 Redesignation to Landmark. The Historic Preservation Commission shall consider redesignation of a Point of Historical Interest to a Landmark in the same manner as provided in Chapter 20.15.

20.20.130 California Environmental Quality Act. A Point of Historical Interest shall be treated as a resource included in a local register of historical resources as defined in the California Environmental Quality Act.

Chapter 20.30
CERTIFICATE OF APPROPRIATENESS PROCESS

20.30.010 Approval Required. No City permit shall be issued for any purpose regulated by this Title for a Landmark until the proposed work or development has been approved or granted conditional approval by the City Council upon recommendation of the Historic Preservation Commission, the Cultural Resources Administrator, or the City Council on appeal, and then shall be issued only in conformity with such approval or conditional approval. Any exterior alteration that would require a Certificate of Appropriateness for a Landmark shall require a Certificate of Appropriateness for a Point of Historical Interest; however, the review process shall be conducted solely by the Cultural Resources Administrator and any resulting recommendations shall be non-binding. All recommendations and decisions regarding Certificates of Appropriateness shall be made with the advice and counsel of a professional who meets the Secretary of the Interior's Qualifications.

20.30.020 Certificate of Appropriateness.

A. No demolition permit shall be granted for any structure fifty (50) years old or older until it has been evaluated and determined eligible or not eligible for designation as a Landmark by a professional meeting the Secretary of Interior Qualifications for such determinations. Should the structure be determined eligible for designation as a Landmark, a Certificate of Appropriateness shall be processed in accordance with this Title. Costs, if any, for such evaluation shall be born by the property owner.

B. No person, owner or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the appearance of any Landmark or Point of Historical Interest without first having applied for and been granted a Certificate of Appropriateness by the City Council upon recommendation of the Historic Preservation Commission, or an Administrative Certificate of Appropriateness by the Cultural Resources Administrator, or by the City Council on appeal.

C. Notwithstanding the language in the above paragraph, nothing in this Chapter shall prevent the construction, alteration, repair, restoration, stabilization or demolition of a Landmark or Point of Historical Interest if the Building Official has determined the cultural resource creates an unsafe or dangerous condition that constitutes an imminent threat as defined in the California Building Code, and the proposed action is necessary to mitigate the unsafe or dangerous condition. In such event no Certificate of Appropriateness shall be required. However, the Building Official shall make all reasonable efforts to consult with the Cultural Resources Administrator or his/her designated representative to determine if there are feasible alternatives to the proposed action that will adequately protect the public health and safety.

D. The following types of projects affecting a Landmark may be reviewed and approved or conditionally approved for an Administrative Certificate of Appropriateness by the Cultural Resources Administrator:

1. The in-kind replacement of historically correct architectural features or building elements, including windows, doors, exterior siding, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or missing.
2. The in-kind replacement of historically correct site or landscape features that are deteriorated, damaged beyond restoration, or missing.
3. The replacement or repair of roof covering materials.
4. Fences and walls.
5. Awnings and building mounted signs.
6. Landscape alterations and installations, including the removal of trees not specifically designated or listed as contributing to a designated resource.
7. Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches.
8. Exterior colors.
9. Exterior lighting.
10. The removal of non-historic additions to restore the historic appearance of a structure.

E. All other projects affecting a Landmark shall be subject to review and approval or conditional approval by the City Council upon recommendation of the Historic Preservation Commission.

F. Unless the interior of a Landmark or contributing or non-contributing structure within a Historic Preservation Overlay Zone is specifically included in its designation, the provisions of this Title shall apply only to exterior alterations and any interior alterations that would affect the exterior of a cultural resource.

G. A Certificate of Appropriateness shall not be required for the ordinary maintenance and repair of a Landmark or Point of Historical Interest.

H. The requirements of this Chapter are in addition to any and all other City permit requirements.

20.30.030 Referral to the Historic Preservation Commission. The Cultural Resources Administrator may refer an Administrative Certificate of Appropriateness application to the Historic Preservation Commission when he/she believes the importance of the Landmark or the discrepancies between the proposal and the findings and standards of this Chapter would justify a more public review. Any such referral shall be made within ten (10) days of the acceptance of a complete application by the Cultural Resources Administrator and shall be placed on the next available Historic Preservation Commission agenda.

20.30.040 Duty to Maintain.

A. All Landmarks and Points of Historical Interest shall be preserved against decay and deterioration, kept in a state of good repair, and free from structural defects. The purpose of this Section is to prevent an owner or other person having legal custody and

control over a property from facilitating demolition of a cultural resource by neglecting it and by permitting damage to it by weather and/or vandalism.

B. Consistent with other state and city codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a Landmark or, Point of Historical Interest shall repair such building or structure in accordance with the standards and procedures of this Title if it is found to have any of the following defects:

1. Building elements so attached that they may fall.
2. Deteriorated or inadequate foundations.
3. Deteriorated or inadequate flooring.
4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
5. Members of ceilings or roofs which sag, split, or buckle due to defective materials or deterioration.
6. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
7. Deteriorated, crumbling, or loose exterior plaster.
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, floors, windows or doors.
9. Defective or lack of weather protection for exterior wall coverings, including lack of paint or other protective coverings.
10. Any fault, defect, or deterioration in the building which renders it structurally unsafe or not properly watertight.

C. If the Commission has reason to believe that a Landmark or Point of Historical Interest is being neglected and subject to damage from weather and/or vandalism, the City Council upon recommendation of the Historic Preservation Commission may direct the Cultural Resources Administrator to meet with the owner or other person having legal custody and control of the cultural resource and to discuss with them the ways to improve the condition of the property. The Cultural Resources Administrator shall provide a written record to the owner or other person having legal custody and control of the cultural resource of the deficiencies noted, the remedies discussed, and a timeline for accomplishing the repairs. If insufficient effort is made to correct any noted conditions thereafter, the Commission with the concurrence of the City Council may, at a noticed public hearing, make a formal request that the City take action to require corrections of defects in the cultural resource in order that such cultural resource may be preserved in accordance with this Title.

20.30.050 Application of the State Historic Building Code. Pursuant to the State of California Health and Safety Code the Building Official shall apply the State Historic Building Code in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a designated Landmark.

20.30.060 Application for Certificate of Appropriateness. The Certificate of Appropriateness or Administrative Certificate of Appropriateness application shall be made on forms provided by the Cultural Resources Administrator. The application shall be accompanied by such fee as is required by resolution of the City Council. Applications shall include plans and specifications showing the design, materials, colors, landscaping, and irrigation relating to the proposed improvements. Where appropriate and required by the Cultural Resources Administrator, applications shall also show the relationship of the proposed work to the surrounding area. The Cultural Resources Administrator may require any additional information deemed necessary to make an informed judgment of the proposed work.

20.30.070 Principles and Standards of Site Development and Design Review.

A. The Historic Preservation Commission, City Council, and/or Cultural Resources Administrator shall apply any adopted design guidelines and adhere to the following principles, which are based on the Secretary of Interior's Standards for the Treatment of Historic Properties, when reviewing applications for Certificates of Appropriateness or Administrative Certificates or Appropriateness:

1. The anticipated use for the property remains that for which it was originally intended or requires minimal alteration for the proposed reuse.

2. The distinguishing original qualities or character of a cultural resource and its environment shall not be compromised. The removal or alteration of any historic material or distinctive features should be avoided when possible.

3. All cultural resources shall be recognized as products of their own time. Alterations that have no historical basis and which seek to recreate an earlier appearance shall be discouraged.

4. Certain alterations which may have taken place in the course of time are potentially significant to understanding the history and development of a cultural resource and its environment. If such historic alterations have acquired significance in their own right, this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a cultural resource shall be retained.

6. Deteriorated features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair and replacement of missing features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different elements from other sources.

7. Surface cleaning of cultural resources shall be undertaken with proven methods that will avoid damage to historic materials.

8. Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not compromise significant historical, architectural or cultural material, and such design is compatible with the size scale, color, material and character of the cultural resource and its environs.

9. Whenever possible, new additions or alterations to the cultural resource shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the resource would be unimpaired.

10. Archaeological resources should be protected and preserved in place. If such resources will be disturbed, mitigation measures shall be undertaken in accordance with the California Environmental Quality Act (CEQA).

11. Any other Secretary of the Interior's Standards for the Treatment of Historic Properties may also be applied as appropriate.

B. The Historic Preservation Commission or Cultural Resources Administrator shall make the following findings, as applicable, in considering whether a Certificate of Appropriateness or Administrative Certificate of Appropriateness should be granted or denied:

1. The proposed project is consistent or compatible with the architectural period and the character-defining features of the historic building.

2. The proposed project is compatible with existing adjacent or nearby cultural resources and their character-defining features.

3. The colors, textures, materials, fenestration, decorative features, details, height, scale, massing, and methods of construction proposed are consistent with the period and/or compatible with adjacent cultural resources.

4. The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features.

5. Such other standards as are adopted by resolution of the City Council upon recommendation of the Historic Preservation Commission.

20.30.080 Application Processing Time Limits. The application shall be considered and acted upon by the Historic Preservation Commission within forty-five (45) days for Certificates of Appropriateness or by the Cultural Resource Administrator within twenty-one (21) days for Administrative Certificates of Appropriateness. Such time periods shall be calculated from the date on which a complete application is accepted by the Cultural Resources Administrator. However, such time periods shall be extended when necessary to comply with the provisions of the California Environmental Quality Act (CEQA) or with the written concurrence of the applicant. A public hearing shall be scheduled and notice provided per this Title and CEQA, when applicable.

20.30.090 Decision Authority. When the application is for permission to restore, rehabilitate, alter, develop, construct or change the appearance of any Landmark the City Council, upon recommendation of the Historic Preservation Commission, the Cultural Resources Administrator, or the City Council on appeal may approve, grant conditional approval, or deny the application.

20.30.100 Review of Substantial Adverse Changes. When the application is for an action that may cause a substantial adverse change to a Landmark or Point of Historical Interest, the application will be reviewed to determine if the proposed change would have a substantial adverse change to a cultural resource as defined by the

California Environmental Quality Act (CEQA). If it is determined that potentially substantial adverse changes to a cultural resource cannot be effectively mitigated to a level of insignificance, no approval of any work which may cause a substantial adverse change to a cultural resource may be granted unless:

1. It is determined pursuant to adopted City and State processes, that an immediate safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or
2. It is determined by the City Council through the CEQA process that, taking into account the value of all available incentives and costs of rehabilitation and adaptive reuse alternatives, the property retains no substantial remaining market value or reasonable use. Costs of alterations made in violation of this Chapter and thus without the benefit of an approved Certificate of Appropriateness, or by failure to maintain the property required by this Title, shall not be included in the calculation of rehabilitation costs.

20.30.110 Appeal. Any person aggrieved or affected by a recommendation of the Historic Preservation Commission or Cultural Resources Administrator to approve, conditionally approve or deny an application, or by the failure of the Commission to act within the required time limits may appeal to the City Council any time within fifteen (15) days after the date the Commission or Cultural Resources Administrator announces its decision or is required to announce its decision. An appeal shall be taken by filing a letter of appeal with the Cultural Resources Administrator and by concurrently paying to the City a fee in an amount established by City Council resolution. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within ten (10) days after the receipt of the letter of appeal and the filing fee, the Cultural Resources Administrator shall transmit to the City Council the letter of appeal, copies of the application and all other papers constituting the record upon which the action was taken. The City Council may affirm, reverse or modify the decision of the Cultural Resources Administrator or the recommendation of the Historic Preservation Commission. Such action by the City Council shall be final.

Chapter 20.35
PRESERVATION INCENTIVES

20.35.010 Preservation Incentives. The City Council may by resolution establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve a Landmark.

20.35.020 Mills Act Program. Pursuant to California Government Code, Article 12, Section 50280 (known as the Mills Act), the City Council may establish a Mills Act Program providing for contractual agreement with an owner of a Landmark for the purpose of preservation, rehabilitation, and maintenance of such historic property. The terms of the Mills Act Agreement allow the owner of a historic property to receive a

reduction in property taxes in exchange for the property owner's commitment to specific repair, restoration and/or rehabilitation improvements and satisfactory maintenance of the Historic Property. The Agreement shall include, but not be limited to, the contract provisions as required under state law, and shall extend for a minimum period of ten (10) years, renewed annually, until and unless a notice of non-renewal or cancellation is filed. The application process, review procedures, and required contract provisions for Mills Act Agreements shall be established by separate resolution of the City Council and shall be implemented by the Cultural Resources Administrator or his/her designee.

Chapter 20.40
ENFORCEMENT AND PENALITIES

20.40.010 Enforcement and Penalties.

A. Any action to enforce this Title may be initiated by the City or any other interested party by filing a letter of complaint with the Cultural Resources Administrator.

B. Any person who violates a requirement of this Title or fails to obey an order issued by the City or comply with a condition of approval of any certificate or permit issued under this Title shall be subject to misdemeanor prosecution and/or civil remedy.

C. Any person who constructs, alters, removes or demolishes a Landmark or Point of Historical Interest in violation of this Title shall be required to restore the building, object, site, natural feature, or structure to its appearance or setting prior to the violation to the extent such restoration is physically possible.

D. In the case of demolition, the civil penalty may be equal to up to one-half the fair market value of the property prior to the demolition. In the case of alteration, the civil penalty may be equal to one-half the cost of restoration of the altered portion of the cultural resource based on an estimate obtained by the City at the cost of the offender. Once the civil penalty has been paid, building and construction permits and/or a Certificate of Occupancy may be issued in accordance with an approved Certificate of Appropriateness.

E. The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of a cultural resource demolished, partially demolished, or altered in violation of this Title. The City Attorney may also pursue any other action or remedy authorized under the Norco Municipal Code, state statutes and/or in equity for any violation of this Title.

Chapter 20.45
SEVERABILITY

20.45.010 Severability. If any Chapter, Section, subsection, sentence, clause, or phrase of this Title is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The City Council declares that it would have passed this ordinance and adopted this Title, and each Chapter, Section, subsection, sentence, clause, or

phrase thereof, irrespective of the fact that any one or more Chapters, Sections, subsections, sentences, clauses or phrases be declared invalid.

Section 2: EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days after final passage thereof.

Section 3: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within fifteen (15) days of its passage to be posted at no less than five (5) public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on April 15, 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 April 1, 2009 and thereafter at a regular meeting of said City Council duly held on April 15, 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 15, 2009.

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

/mb-71856

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

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

DATE: April 1, 2009

SUBJECT: Conceptual Discussion of a Grounds Fee Collected by Permit Users of the George Ingalls Equestrian Event Center to Partially Cover City Costs

RECOMMENDATION: No City Council action is required at this time. Direction for future consideration is requested.

SUMMARY: Currently, the City incurs significant "grounds costs" (site supervision, arena grooming, utilities, equipment and infrastructure maintenance, etc.) to facilitate weekend events sponsored by private organizations at the Ingalls Equestrian Events Center. As a result, the City's General Fund regularly subsidizes private "permit user" events that often involve a high percentage of participants who are not Norco residents. In an effort to partially cover the City's costs, all sponsoring "permit users" of the "show" Arena could be required to collect a $10 City "grounds fee" from participants.

BACKGROUND ANALYSIS: The City incurs significant "grounds costs" (site supervision, arena grooming, utilities, equipment and infrastructure maintenance, etc.) to facilitate weekend events sponsored by private organizations at the George Ingalls Equestrian Events Center. As a result, the City's General Fund regularly subsidizes "permit user" events that often involve a high percentage of participants who are not Norco residents. (Attachment "A" is a spreadsheet entitled George Ingalls Equestrian Center Revenue and Cost and Analysis.)

Alternatives have been considered in an effort to cover the City's costs. These potential alternatives have included: 1) a "pull-in" fee for truck and trailer combinations for Group 2 Users of Moreno Arena; 2) elimination of any City subsidies to Group 2 Users (local organizations and businesses); and 3) a grounds fee for all who participate in permit user equestrian events.

The "pull-in" fee alternative is generally deemed to be problematic due to the ability of non-resident users to ride together to events or park their trucks and trailers in close proximity to the facility to avoid paying the fee. Conversely, a $10 per participant City grounds fee collected by all permit users appears to be more equitable and workable. This participant grounds fee would be charged to all individuals entered in events sponsored by the permit user organization. Such grounds fees are common in covered equestrian center rental facilities throughout Southern California. (Attachment "B" is a Covered Equestrian Arena Comparison Rental Rates chart.)

If a grounds fee were to be implemented, the Facility Use Policy for the Parks and Recreation Department would be amended to include the following language under the Ingalls Equestrian Events Center Moreno Arena Policy Provisions/Regulation section as follows:

> A $10 per participant Grounds Fee will be charged to all individuals entered in equestrian events at the show arena(s) located in the George Ingalls Equestrian Event Center. The Show Manager of the event is responsible for the collection of the fees and will include, along with payment due to the City, a list of the participants that were entered in the event. Payment of the participant Grounds Fee is due and payable to the City of Norco within 14-days of the event.

Staff is requesting additional conceptual discussion and direction from the City Council.

Jd/71787
Attachments: "A" -- George Ingalls Equestrian Center Revenue and Cost and Analysis
"B"-- Covered Equestrian Arena Comparison Rental Rates

George Ingalls Equestrian Center Revenue Cost and Analysis

Service Level Codes	Permitted Arena	N.W.H.	4-H	General Services	B.L.M.	C.F.R.	N.M.P.	N.H.W.	N.V.F.	
	Regular Events				Lease Agreements					
Personnel and Benefits										
41101 Salaries, Full Time	$62,809	$22,239	$5,839	$25,913	$1,378	$3,945	$3,547	$5,196	$3,200	
41102 Salaries, Part Time	$94	$2,604	$1	$0	$0	$0	$0	$240	$0	
41103 Salaries, Overtime	$2,283	$155	$57	$333	$0	$0	$0	$0	$0	
41104 Sick Leave Buy back	$1,155	$322	$73	$375	$0	$0	$0	$0	$0	
41107 Vacation Pay Out	$821	$219	$112	$496	$0	$0	$0	$0	$0	
41501 PERS Retirement	$19,552	$5,450	$1,431	$6,351	$0	$0	$0	$0	$0	
41502 Employee Group Insurance	$25,968	$5,977	$1,367	$7,260	$0	$0	$0	$0	$0	
41503 Worker Compensation	$0	$0	$0	$0	$0	$0	$0	$0	$0	
41504 Deferred Compensation	$0	$0	$0	$0	$0	$0	$0	$0	$0	
41505 Unemployment	$0	$0	$0	$0	$0	$0	$0	$0	$0	
41506 Medicare Insurance 1.75% of Salary	$1,144	$240	$84	$375	$0	$0	$0	$0	$0	
Subtotal - Salaries and Benefits	*$113,826*	*$37,206*	*$8,964*	*$41,103*	*$1,378*	*$3,945*	*$3,547*	*$5,436*	*$3,200*	*$218,605*
43101 Conference and Meetings	$0	$0	$0		$0	$0	$0	$0	$0	
Pest Control Training	$0	$0	$0	$240	$0	$0	$0	$0	$0	
45223 Employee Hiring Costs	$0	$0	$0	$600	$0	$0	$0	$0	$0	
45243 Uniform & Safety Gear	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Hard Hats, Boots, Uniforms, Harness, safety	$0	$0	$0	$0	$0	$0	$0	$0	$0	
glasses, gloves, ear protection	$0	$0	$0	$1,458	$0	$60	$60	$60	$60	
45253 Dues, Memberships and Subscriptions	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Papa Dues	$0	$0	$0	$120	$0	$0	$0	$0	$0	
Subtotal - Employee Related	*$0*	*$0*	*$0*	*$2,418*	*$0*	*$60*	*$60*	*$60*	*$60*	*$2,658*
Supplies and Services										
45121 Special Departmental	$0	$0	$0		$0	$0	$0	$0	$0	
Chemicals- roundup	$0	$0	$0	$1,000	$0	$0	$0	$0	$0	
Office drinking water	$0	$0	$0	$200	$0	$0	$0	$0	$0	
45131 Office Supplies	$0	$0	$0	$100	$0	$0	$0	$0	$0	
Computer paper	$0	$0	$0	$0	$0	$0	$0	$0	$0	
46138 Small Tools	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Misc. Hand Tools	$0	$0	$0	$200	$0	$0	$0	$0	$0	
46139 Office Equipment	$0	$0	$0	$0	$0	$0	$0	$0	$0	
	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Subtotal - Supply and Services	*$0*	*$0*	*$0*	*$1,500*	*$0*	*$0*	*$0*	*$0*	*$0*	*$1,500*
Maintenance and Rentals										
45335 Building and Ground Maintenance										
Toiletries, trash bags	$188	$562	$0	$750	$0					
Footing Material Sand and Wood Chips	$5,000	$0	$0	$0	$0	$1,250	$1,250	$1,250	$1,250	
Subtotal - Maintenance and Rentals	*$5,188*	*$562*	*$0*	*$750*	*$0*	*$1,250*	*$1,250*	*$1,250*	*$1,250*	*$11,500*
Operations and Utilities										
45541 Utilities										
Electricity	$19,125	$25,000	$3,000	$0	$205	$920	$720	$1,100	$2,900	
Gas	$0	$500	$0	$0						
Subtotals-Operations and Utilities	*$19,125*	*$25,500*	*$3,000*	*$0*	*$205*	*$920*	*$720*	*$1,100*	*$2,900*	*$53,470*
42220 Contractual and Professional Services										
Ansel Hood Fire Alarm	$0	$500	$0	$0						
Campesino- Bleachers	$100	$0	$0	$0	$100	$200	$200	$200	$200	
Campesino- Slopes	$0	$0	$0	$25,000						
Sonitrol- Sound Booth	$250	$0	$0	$0						
Plant Services 6th and Crestview	$0	$2,000	$0	$0						
Sonitrol Alarm	$0	$750	$0	$0						
Ice House/2 machines	$0	$2,500	$0	$0						
Lazering @ 2 times per year @ $500	$1,000	$0	$0	$0						
Sound Contractor	$1,000	$0	$0	$0	$0	$1,000	$1,000	$1,000	$1,000	
Handicap Lift	$0	$1,000	$0	$0	$0	$0	$0	$0	$0	
Emergency lights	$310	$0	$0	$0	$390	$1,000	$800	$1,000	$1,000	
Portable Toilets	$3,000	$0	$0	$0						
Lighting Contractor	$2,500	$0	$0	$0						
Security Guards	$0	$17,332	$0	$0						
Electrical Contractor	$3,000	$8,750	$0	$0						
Everclean Janitorial Services	$0	$10,000	$0	$0						
Subtotal Contractual and Professional Services	*$11,160*	*$42,832*	*$0*	*$25,000*	*$490*	*$2,200*	*$2,000*	*$2,200*	*$2,200*	*$88,082*
Internal Services Fund Charge										
45333 Vehicle Operations and Maintenance										
Bobcat	$2,675	$0	$0	$0	$65	$65	$65	$65	$65	
Dodge Pickup	$1,650	$90	$60	$600	$67	$130	$115	$155	$133	
Ford F150 Pickup	$2,250	$90	$60	$600	$0	$0	$0	$0	$0	
Natural Gas 2001 F150	$1,450				$10	$10	$10	$10	$10	
Forklift	$970				$4	$7	$5	$6	$8	
Rotto Harrow	$2,376	$0	$0	$0	$16	$24	$20	$32	$32	
TR3 Rake	$2,376	$0	$0	$0	$16	$24	$20	$32	$32	
Tractor	$5,053	$0	$0	$0	$35	$78	$78	$78	$78	
Water Truck	$5,273	$0	$0	$0	$35	$23	$23	$23	$23	
Subtotal-Vehicle Operations and Maintenance	*$24,073*	*$180*	*$120*	*$1,200*	*$248*	*$361*	*$336*	*$401*	*$381*	*$27,300*
46136Vehicle Replacement Amortization										
Bobcat	$0	$0	$0	$2,102	$8	$8	$8	$8	$8	
Dodge Pickup	$2,055	$78	$52	$514	$4	$110	$130	$150	$122	
Ford F150 Pickup	$2,900	$78	$52	$514	$0	$0	$0	$25	$25	
Rotto Harrow	$339	$0	$0	$0	$2	$4	$4	$4	$4	
Natural Gas 2001 F150	$4,119				$8	$8	$8	$8	$8	
TR3 Rake	$339	$0	$0	$0	$2	$4	$4	$4	$4	
Tractor	$6,105	$0	$0	$0	$41	$72	$72	$72	$72	
Water Truck	$3,237	$0	$0	$0	$7	$14	$14	$14	$25	
Subtotal -Vehicle Replacement Amortization	*$19,094*	*$156*	*$104*	*$1,028*	*$72*	*$220*	*$240*	*$285*	*$268*	*$21,467*
Total for Expenditures	*$192,466*	*$106,436*	*$12,188*	*$72,999*	*$2,393*	*$8,956*	*$8,153*	*$10,732*	*$10,259*	*$424,223*
56105 Ingalls North	*$0*	*$25,000*	*$1,101*	*$0*	*$0*	*$0*	*$4,098*		*$5,291*	*$35,490*
56106 Ingalls South	*$29,000*	*$0*	*$0*	*$0*	*$350*	*$0*	*$4,098*		*$5,291*	*$38,739*
56128 Security Guards @ $23 per hour	*$0*	*$20,000*	*$0*	*$0*	*$0*	*$0*			*$0*	*$20,000*
56129 Everclean Janitorial NWH	*$0*	*$10,000*	*$0*	*$0*	*$0*	*$0*			*$0*	*$10,000*
56138 Everclean - Restrooms Outside	*$0*	*$1,300*	*$0*	*$0*	*$0*	*$0*			*$0*	*$1,300*
Total Revenue George Ingalls Equestrian Cente	*$29,000*	*$56,300*	*$1,101*	*$0*	*$350*	*$0*	*$8,196*	*$0*	*$10,582*	*$105,529*

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COVERED EQUESTRIAN ARENA COMPARISON RENTAL RATES

Building, Ground Facility Rates	*Arena	**Heavy Equipment	Parking Lots	Show Office	Stall Rental	Grounds Fee	Managed	Source
Covered Equestrian Arena Locations	*8-12 Hours*	*Hourly*	*Per Day*	*Per Day*	*Per Day*	*Per Horse*	*Operated*	*Data*
Del Mar Fair Fairgrounds, San Diego	$3,400	$58	$1,800	$550-$3800	$50	$30-40	22nd DAA (State)****	Internet
Earl Warren Show Grounds, Santa Barbara	$875-$1300***	$45	By Quote	Included	$20	$15	19nd DAA (State)****	Internet
George Ingalls Event Center, Norco	$292 Group 2 $872 Group 3	$20-$28	$26-$37	Included	$13	ZERO	City	Facility Fees
Industry Hills Grand Arena, City of Industry	$950	$35	By Quote	Included	$25	ZERO	Contract with City "A"	Carol Perez
Los Angeles Equestrian Center, Burbank	$900	zero	By Quote	Included	$15	$15	Contract with City	G. Chatagny

* Arena rental includes basic utilities, use of PA and phone, show office, restrooms, 2 drags and water.

** Heavy Equipment Operator (Tractor, forklift, water truck, etc.)

*** 20% discount is given to Non-Profit Groups

**** Concession to operate by State/special Assessment District

"A" January 2009, went to no grounds fee - charging and collecting fees for all concessions for events. Facility ran by a Contract/Operator.