



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 her concerns about the safety of the horse trail. Following the explanations by staff, she 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 support 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 completed 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

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