



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
APRIL 15, 2009

CALL TO ORDER: 6:00 p.m.

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

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

Section 54957.6 – Conference with Labor Negotiator

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

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

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member MacGregor

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

PRESENTATIONS: Norco Chamber of Commerce 2008 Civic Awards
Woman of the Year – Velma Hickey
Man of the Year – Pastor Vernie Fletcher
Award of Merit – Dick White

PROCLAMATION: Mental Health Month – May 2009

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

Next CRA Resolution No. 2009-06

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 April 1, 2009. **Recommended Action: Approve the CRA Minutes.** (City Clerk)
 - B. Application to the Riverside County Economic Development Agency for Funding Under the Neighborhood Stabilization Program. **Recommended Action: Adopt CRA Resolution No. 2009-__.** (Housing Manager)
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: Cancel the public hearing as negotiations are still in process. (Director of Economic Development)
3. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 911
Next Resolution No. 2009-16

4. 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. 6 of the Agenda)*
 - A. City Council Minutes, Regular Meeting of April 1, 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. **Ordinance No. 910, Second Reading.** A City-Initiated Proposal to Add Title 20, Cultural Resources, to the Norco Municipal Code -- Code Amendment 2009-05. **Recommended Action: Adopt Ordinance No. 910.** (City Clerk)
 - D. 2009 Vacant Parcel Spring Weed Abatement Program. **Recommended Action: Adopt Resolution No. 2009-___, setting the public hearing for June 3, 2009.** (Fire Chief)
 - E. Approval of Quarterly Investment Report for Quarter Ended March 31, 2009. **Recommended Action: Receive and File.** (Director of Fiscal and Support Services)
 - F. Annual Adoption of City Investment Policy. **Recommended Action: Approve and Adopt Investment Policy with modification.** (Director of Fiscal and Support Services)
 - G. Making Findings and Continuing Existing Rates for Maintaining Flood Control Channels within County Service Area CSA-152. **Recommended Action: Receive and File.** (Director of Fiscal and Support Services)
 - H. Professional Services Agreement with RHA Landscape Architects Planners, Inc. of Riverside, California for Professional Design, Construction Documents and Planning Services Related to the Wayne Makin Sports Complex Lighting and Irrigation Project. **Recommended Action: Approve the Professional Services Agreement with RHA Landscape Architects Planners, Inc. in the amount of \$75,270 and authorize the City Manager to approve change orders up to 10% of the contract.** (Director of Parks, Recreation and Community Services)
 - I. Action Minutes for Planning Commission Meeting of April 8, 2009. **Recommended Action: Receive and File.** (Planning Manager)
5. CITY COUNCIL ITEMS FOR ACTION:
- A. Sheriff's Department Annual Report for 2008
The City Council's actions to increase law enforcement staffing in recent years has significantly improved safety and the quality of life in Norco. More criminals were arrested in 2006 and 2007 than in any other two-year period. As a result, only once in the last 20 years has property crime been as low as in 2008; violent crime has never been this low.
 - *Since 2005, crime has decreased by 30% and arrests have increased by 16%.*

- *Traffic safety has significantly increased; there were fewer fatal, injury, and non-injury collisions in 2008 than in any of the prior 10 years. Grant funding has been used to target alcohol and drug impaired drivers and to add two motor officers; traffic enforcement time has almost doubled and citations issued more than doubled from 3,595 in 2005 to 7,339 in 2008.*
- *The goal to reduce emergency response times has been achieved in 2008. Deputies arrived at high-priority calls for service in less than 5 minutes; 15% more quickly than they did in 2005.*

Today, citizens in Norco are less likely to be crime victims or traffic accident victims than they have been at any other time in recent history.

Recommended Action: Receive and File. (Lt. Cooper)

B. Agreement for Law Enforcement Services

This agreement extends for five years the current arrangement where the Sheriff's Department provides policing services in Norco.

Recommended Action: Authorize the Mayor to sign the agreement. (Lt. Cooper)

6. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

7. 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.

8. OTHER MATTERS - COUNCIL OR STAFF:

A. Opening of Crestview Drive and Ingalls Special Event Traffic Control Plans.

9. ADJOURNMENT -- to May 6, 2009 at 4:00 p.m., in the City Council Chambers, to discuss the Fiscal Year 2010 City and Norco Redevelopment Agency Operating and Capital Improvement Program Budgets.

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

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.

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 15, 2009

SUBJECT: Proclamation

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

Mental Health Month – May 2009

/di – 72203
Attachment: Proclamation

WHEREAS, mental health is critical to our well-being and vitality as well as that of our families and the community; and

WHEREAS, the World Health Organization found that mental illnesses are the number one cause of disability in the United States and, collectively, are the most prevalent health problems in America today - more common than cancer and heart disease combined; and

WHEREAS, one in 10 children has a serious mental disorder that can lead to school failure, physical illness, substance abuse and suicide; and

WHEREAS, according to the 2007 County of Riverside Homeless Count, there are more than 4,500 homeless adults and children on a given day; and according to the same count, nearly 20% of the homeless are children under age 18 living with a homeless parent, and nearly one-third reported symptoms of mental illness; and

WHEREAS, the Mental Health America, the National Council for Community Behavioral Healthcare and their national partners observe Mental Health Month each May to raise awareness and understanding of mental health and illness.

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

Mental Health Month

MAYOR OF THE CITY OF NORCO

and call upon all City of Norco citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness, improving the array of mental health services for consumers of all ages and expanding the supply of affordable, supportive housing for people living with mental illness.



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
APRIL 1, 2009

CALL TO ORDER: Mayor Azevedo called the meeting to order at 6:02 p.m.

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

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

Deputy City Attorney Colin Burns– **Present**

The City Manager recommended that the Agenda be amended to add Item 10.D. -- Letter in Support of SB 214 (Benoit). This item was added at this late notice due to time sensitivity.

M/S Hall/Miller to add Item 10.D. to the Agenda. The motion was carried by the following roll call vote:

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

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

Agenda Items 1.A. & 4.A.

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: With no Closed Session Items to report, Mayor Azevedo reconvened the meeting at 7:05 p.m.

PLEDGE OF ALLEGIANCE: Council Member Hanna

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

INTRODUCTION: Lt. Cooper introduced Sgt. Justin Rowan who transferred to Norco from the Jurupa Sheriff Station

PROCLAMATION: Mayor Azevedo presented a proclamation to Jessica Hodgeson, representing the Corona-Norco Unified School District, and proclaimed April 2009 as Child Abuse Prevention Month

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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

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

1. CRA CONSENT CALENDAR ITEMS:

- 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)

M/S Miller/Hanna to continue the public hearing to April 15, 2009. The motion was carried by the following roll call vote:

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

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)

Economic Development Director Oulman presented the CRA item. Director Oulman noted that when the design is submitted, it will be required to have a western design.

Chairman 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, Chairman Azevedo CLOSED the public hearing.

M/S Hall/MacGregor to Adopt CRA Resolution No. 2009-05, 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. The motion was carried by the following roll call vote:

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

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

ADJOURNMENT OF CRA: 7:17 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Mayor Pro Tem Miller pulled item 5.G. and Mayor Azevedo pulled Item 5.A. for discussion.

M/S Miller/Hanna to approve the items as recommended on the Amended City Council Consent Calendar. 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 18, 2009. **Recommended Action: Pulled for Discussion.** (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. 2009-15, 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: Pulled for Discussion.** (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)

Economic Development Director Oulman presented the Council item. Director Oulman emphasized the importance of the Mills Act. Director Oulman also noted that a correction will be made in Section 20.10.010, paragraph M, as follows: "historic district or neighborhood conservation area" will be replaced with "historic resource area."

The City's Historic Preservation Consultant, Mr. Bill Wilkman, was introduced and complimented by Mayor Azevedo.

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

Su Bacon, 111 Buckskin. Ms. Bacon stated that she is proud to be on the Historic Preservation Commission. She noted that the City will experience positive results following its receipt of CLG Status. Ms. Bacon thanked the Council for its support and she further noted that she supports this ordinance.

Gini Austerman, 1425 Hillrise. Ms. Austerman thanked the Council for its support and she further noted that she supports this ordinance.

Mayor Azevedo CLOSED the public hearing.

M/S Miller/MacGregor to Adopt Ordinance No. 910 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

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)

Director of Parks, Recreation & Community Services Petree presented the Council item.

Mayor Pro Tem Miller stressed difference between income (\$71,000) and expenditures (\$424,000) at Ingalls. He further noted that it is relevant that people be mindful of this as this issue is discussed.

Council Member Hanna confirmed with Director Petree that this Grounds Fee is for permit users at Ingalls and would not include riders at Open Arena Night.

Director Petree noted the grounds fees charged by some other cities and facilities and added that this is a very common user-charge.

Jerri Lewis, 2399 Mountain. Ms. Lewis had concerns regarding how the fee would be charged to the local horse clubs. She also had concerns regarding how the City would cover the costs for a second arena.

Beverly Dennis, 5173 Trail. Ms. Dennis stated that the fee would be a hardship for quite a few people involved in weekend events.

Director of Fiscal & Support Services Okoro explained how the City's property taxes are spent and noted that as it stands right now, property taxes for this fiscal year represent only 10% of General Fund revenues. Information was shown as provide by Hdl Companies stating that the Norco General Fund share of property taxes paid is \$0.099 on the dollar due to a mandated \$.06 shift to schools.

Pat Overstreet, 1231 Corona. Ms. Overstreet was not sure where the Council was going to go with this but wanted to make sure that all was going to be considered.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan would like to see the Redevelopment Project Area amended to remove part of the City. He noted that this would bring a lot more money into the General Fund. Mr. Sullivan also encouraged a utility tax to cover the budget deficit.

Denise Shoemaker, 1439 Detroit. Ms. Shoemaker is opposed to the fee and was concerned that there will be fees imposed for all the parks in Norco. She is in favor of a tax across board.

Robert Leonard, 4475. Mr. Leonard would like to see all athletic facility users in the City charged a fee as well.

Tom Willison, 641 Bridle. Mr. Willison is concerned that the fee is only directed at horse people and would like to see it directed across the board. He would like to see the City look at every avenue possible to close the gap and not single out horse groups.

Greg Newton, 1140 Man O' War. Mr. Newton questioned the logic of the fee and also noted that employee benefits and salaries are part of the City's budget problem.

Jeanine Adams, 3452 Broken Twig. Ms. Adams is pleased that the fee is not proposed for the free arena times available. She also noted that the reason it seems that this fee is directed towards horse people is probably because that is what Norco stands for. Ms. Adams is happy to carry this expense until we get through this difficult time together.

Raelyn Turnley. Ms. Turnley is in favor of non-residents paying the fee and believes Norco would lose people if these fees were charged to residents. She would like to see the City look at other options.

Pat Hedges, 4061 Temescal. Ms. Hedges recommended creating a task force, perhaps with citizens and the Council, in order to receive public input.

Joyce Chase, 3501 Bluff. Ms. Chase supports the philosophy and is more than willing to pay the \$10 before having her utility bill raised.

Roy Hungerford, 3201 Cutting Horse. Mr. Hungerford is concerned about the amount of taxes he pays per year and does not want to see his tax bill raised.

Pat Gesler, 1400 Fourth. Ms. Gesler does not want utility bills raised. She would like to see people who use the arena involved in this decision.

Su Bacon, 111 Buckskin. Ms. Bacon would like to see an across-the-board fee for all recreation users.

Linda Dixon, 3200 Rocking Rm. Ms. Dixon stated that this fee needs to be considered very carefully.

Council Member Hanna stated that he has had 40 years of experience in the horse business and almost 30 of those years were spent operating a public horse track. He noted that for each horse participating in the race, a \$15 grounds fee was paid and passed on to the owner. He also stated that he also operated and lived on a race track, where the same amount was charged and that is the only way the track could operate. He stated that Norco is the first place he lived at that did not charge grounds fees for horses. He further noted that the City needs to generate income some way to fill the gap at the Arena.

Council Member MacGregor stated that it is the Council's duty to look at every possibility to balance the budget. He also noted that the Council cannot impose a utility tax, but that it is brought to the vote of the people. He stated that the City needs to do something to close the gap in the General Fund and that the Council is looking at every way possible to do that. He further confirmed that the Council is required to conduct business in public, as Mayor Azevedo stated, and that is what the Council is doing.

Mayor Pro Tem Miller stated that there is no question that all of us want to preserve Horsetown USA and that if the City goes bankrupt, there will be nothing left. He would like to see Norco's equestrian heritage preserved. He further stated that the issue is serious and this is not the only way we are looking to balance the budget. He stated that if we lose our equestrian heritage, we become "any town USA." He added that the Council is not trying to destroy, but preserve the City.

Council Member Hall went over the history of Ingalls Park. He noted that it is worth discussing the grounds fee versus raising the fees for the clubs. He is in support of creating a task force to discuss a fee structure at Ingalls Park.

Mayor Azevedo stated that she loves this town and will fight to the bitter end to keep this town up and running, but noted that the Council needs to look at every possible way to continue to sustain Horsetown USA. She noted that she had first considered the option for Norco to impose a non-resident fee, but understands that there are some concerns with how that would work. She would like to see a task force formed to discuss this fee.

M/S Hall/MacGregor to form a Mayor-appointed task force to study the fee structure for Ingalls Park and bring back a recommendation to the City Council by the budget workshop. The motion was carried by the following roll call vote:

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

Mayor Azevedo recessed the Council Meeting at 8:50 p.m. and reconvened the Meeting at 9:12 p.m.

8. **ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:**

- 5.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)

Director Petree presented the Council item.

Mayor Pro Tem Miller stated that he was offended by a widely-circulated email in which Mr. Sullivan accused him of being "led" by the City Manager. He reminded Mr. Sullivan that he would much rather debate issues on their merits than engage in smear campaigns. With regard to the Animal Shelter, Mayor Pro Tem Miller felt that we needed to explore options to reduce the gap between the revenues and expenditures while maintaining the level of service to the residents. These could be achieved either through internal reorganization, or possible outsourcing. The construction of the new Animal Shelter is a perfect opportunity to explore these options.

Jerri Lewis, 2399 Mountain. Ms. Lewis stated that she is very passionate about Animal Control and has requested numerous responses from them. She is not in favor of contracting with Riverside County.

Greg Newton, 1140 Man O' War. Mr. Newton commented on the newspaper article regarding Renee Power retiring and would like to see the City hire someone to fill her position now so that they can work with her before she retires. He submitted a Grand Jury file regarding the Riverside County Animal Control.

Pat Overstreet, 1231 Corona. Ms. Overstreet is concerned about the personal attention expected from the current Animal Control. She supports Mr. Newton's suggestion to bring on someone now to work under Renee. She also stated that she would not mind paying money to support the Animal Shelter and that citizens should step forth and pay a set amount for the Animal shelter.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated he is concerned about staffing issues at Animal Control and commends Renee for the tremendous job she is doing. He noted that the City will lose volunteers if Animal Control is privately run. He also stated that he does not think it is a big deal to add \$20 a month on everybody's utility bill.

William Anderson. Mr. Anderson is the Administrator for the Hope Wildlife Rescue and stated that all animal shelters are not created equal. He also stated that the facilities in Norco and Corona are excellent and that the Friends of the Valley and Riverside are not well run. He noted that Renee and her people have established a culture in the Animal Shelter.

Sharon Meyer. Ms. Meyer is against contracting out Animal Control.

Dawn Stallmo, 2810 Bronco Lane. Ms. Stallmo stated that she had asked Animal Control if she could volunteer, but was turned down because of a lack of restroom facilities. She currently volunteers at the Riverside Animal Control facility, where they take very good care of their animals. She suggested that Norco look at other avenues, such as seeking donations and holding fund raisers.

Vern Showalter, 2345 Corona. Mr. Showalter stated that subsidizing animal control is not a good idea because of Norco's uniqueness. He noted that if we subsidize out, it will never be brought back to the City and the quality will not be the same. He also supports Renee training someone to do her job.

Dave Henderson, 3010 Corona. Mr. Henderson appreciates the problems and supports the efforts to look at alternatives. He would "opt in" on \$2 to \$3 added to his water bill.

Robin Grundmeyer, 3826 Chaparral. Ms. Grundmeyer spoke regarding the services provided to the Ag Department at Norco High School. Animal Control has provided a place where students can go and give back to the community. She stated that the petting pen area is an educational opportunity for students. She further noted that education is also facing severe cuts and she took a 10% cut in her department at Norco High School.

Tyler Mitchell, 3262 Center. Mr. Mitchell stated that Norco is so unique due to livestock.

Beverly Dennis. Ms. Dennis advocated doing what ever we need to do to keep the Norco Animal Control.

Linda Mitchell. Ms. Mitchell stated that Renee helped her son through an interview process for a college project. She further stated that the City needs to keep control of the Norco Animal Control.

Linda Lockwood. Ms. Lockwood stated that she has a professional relationship with the City. She also stated that she does not know of any animal shelter that does not work on a deficit. She added that Renee and her staff have been behind Norco for 28 years and that she has volunteered her time and her business. She stated that the City could do a donation program for Animal Control similar to the VEMS program for the Fire Department. She stated that if Norco farms out Animal Control to an outside agency, Norco will suffer.

Additional comments in support for Animal Control and its staff were stated with no names to reference.

Council Member Hall was concerned when he read the proposal at first, but then noted that the Council could stop the process at any time. He stated that this process is similar to the RFQ/P sent out for the Fire Department. He further noted that the Council would be shirking its duties if they did not go out and evaluate all the proposals. He supports sending out the proposal.

Mayor Pro Tem Miller asked Director Okoro about the volunteer donation program to the Animal Shelter. Director Okoro stated that the program has been in place for about two years and generates approximately \$7,500 a year. Mayor Pro Tem Miller stated that the sentiment gathered is that people would be willing to donate more. He would like to see attempts at greater public awareness of this program.

Council Member MacGregor stated that the Request for Proposals is very specific and he is not sure that any of the organizations will be able to provide what Norco needs. He noted that it behooves us to request proposals from non-profit agencies for comparison purposes and that the City needs to further explore better publicity regarding the donation program.

Council Member Hanna stated that it is time to send out the RFQ/P to see what the costs would be, not that we would accept any of them. He thinks that adding \$2 on the water bill should be a volunteer program and not mandatory. He would like to see a volunteer program implemented to help save the City some money.

Mayor Azevedo stated that after hearing the public comments and with some consideration, she cannot support this RFQ/P because it is too black and white. She stated that she learned tonight that this RFP/Q does not make it strong enough what the needs in Norco are in Animal Control and these needs should be added before it goes out.

M/S Azevedo/Hall to table the RFQ/P for at least 30 days to make modifications to the document before bringing it back for Council consideration. The motion was carried by the following roll call vote:

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

- 5.A.** City Council Minutes, Regular Meeting of March 18, 2009. **Recommended Action: Approve the City Council Minutes.** (City Clerk)

Mayor Azevedo recommended that the Minutes be amended with the following changes on Page 7:

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.

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

M/S Azevedo/MacGregor to approve the amended minutes. The motion was carried by the following roll call vote:

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

9. PUBLIC COMMENTS OR QUESTIONS:

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated that the City is facing tough decisions and some of them will not be popular. He further stated that the City should not continue to balance the budget on the backs of the citizens of Norco. Mr. Sullivan suggested cutting numerous staff positions in order to help balance the budget. He also stated that a utility tax should be considered and brought to the people.

Pat Overstreet, 1231 Corona. Ms. Overstreet announced the Fourth Annual Ranch Tour which will be held on May 30th.

Su Bacon, 111 Buckskin. Ms. Bacon announced that Casino Night will be held on Saturday Night and that tickets are now available for \$10 and will be \$15 at the door. She also announced that the Founders Day celebration will be held on May 9 and will include a trail ride on and around the Lake Norconian property.

Jeanine Adams, 3452 Broken Twig Dr. Ms. Adams stated that the Lake Norconian Club Foundation web site is amazing and that registration for the Founder's Day trail ride can be completed on that web site, which is *lakenorconianclub.org*.

10. OTHER MATTERS - COUNCIL OR STAFF:

- A.** Mayor Azevedo reported that Norco Intermediate School 50th Anniversary was celebrated on March 31, 2009 and thanked Council Members for attending.

- B. Mayor Azevedo invited everyone to view the Horsetown Hall of Fame display located in the City Hall Lobby and noted how beautiful the plaques look.
- C. Public Works Director Bill Thompson reported that the City is working closely with the Corona-Norco Unified School District during its fiber optics installation throughout the City. He also reported that the District has been asked to relieve the City from all responsibilities to relocate the fiber optic cables during the Hamner Avenue bridge construction and that they would do so at their own cost.
- D. Mayor Pro Tem Miller reported that the UNLOAD Committee recommends that the City Council send a letter of support for SB 214, sponsored by Senator Benoit, regarding sober living group homes.

M/S Miller/MacGregor to approve sending the letter of support to Senator Benoit regarding SB 214. The motion was carried by the following roll call vote:

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

11. ADJOURNMENT: There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 10:33 p.m.

/bj-72141

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Jeff Allred, Executive Director 

PREPARED BY: Deborah L. DeGrado, Housing Manager 

DATE: April 15, 2009

SUBJECT: Approval to Submit an Application to the Riverside County Economic Development Agency for Funding through the Neighborhood Stabilization Program

RECOMMENDATION: Adopt **CRA Resolution No. 2009-_____**

SUMMARY: The Riverside County Economic Development Agency (EDA) has issued a Notice of Funding Availability (NOFA) for the Neighborhood Stabilization Program (NSP) with monies made available by U.S. Department of Housing and Urban Development (HUD) through passage of The American Recovery and Reinvestment Act of 2009. Housing staff is submitting an application requesting **\$2.5 million** in NSP funding for the Norco Redevelopment Agency (Agency) Infill Housing Program. Approval of the attached resolution is a requirement of the submission package.

BACKGROUND/ANALYSIS: On March 17, 2009, the Riverside County EDA released a Notice of Funding Availability using funds made available through the American Recovery and Reinvestment Act of 2009. Staff has studied the Program requirements, met with County EDA officials, and determined that the Norco Redevelopment Agency may qualify for a portion of the \$20 million available for use by local public agencies and nonprofit corporations for purchase, rehabilitation and resale of vacant/foreclosed single-family residential properties in Norco.

The funding is available to cooperating cities in partnership with the Riverside County EDA that, based on population, do not qualify for direct funding from HUD. The Agency has successfully operated an Infill Housing Program since 1994. However, limited funding has prevented the Agency from aggressively purchasing vacant or foreclosed homes for resale.

After discussion with EDA representatives, staff intends to seek funding for a relatively small, manageable-sized project consisting of approximately five homes. To maximize the impact of the program, staff will seek out vacant or foreclosed houses concentrated in a particular neighborhood in the northeast quadrant of the City, which is listed as experiencing the highest foreclosure rate. If successful and additional funds are available, the Agency can reapply to the County for additional funding for another project of five or more homes.

Agenda Item 1.B.

Preparation and submission of an application in no way guarantees the Agency will receive an award of grant funding. However, if awarded, Staff would be expected to fast-track the expenditures for this program to meet the federal deadlines established for use of NSP funds. Receipt of this funding will help to leverage Agency Low-Mod Housing Fund money for other housing-related programs and administrative expenses.

FINANCIAL IMPACT: No negative impact to the Agency Low-Mod Fund; receipt of grant funds would allow the Agency use federal funds for the Infill Program to buy, renovate and resell homes to low- and moderate-income clients, and help to leverage Agency Low-Mod Housing Fund money for other housing-related programs and administrative expenses.

/dg – 77237

Attachment: CRA Resolution No. 2009-_____

Due to the length of the application, a copy is available for review in the Housing Division.

CRA RESOLUTION NO. 2009-_____

A RESOLUTION OF THE NORCO REDEVELOPMENT AGENCY AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY FOR FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE NEIGHBORHOOD STABILIZATION PROGRAM.

WHEREAS, the Norco Redevelopment Agency ("Agency"), under provision of the California Community Redevelopment Law, is engaged in activities necessary for the execution of the Redevelopment Plan for Norco Redevelopment Project Area No. One ("Project Area"); and

WHEREAS, the Norco Redevelopment Agency, a public body, corporate and politic, of the State of California, wishes to apply for and receive an allocation of funds through the Neighborhood Stabilization Program ("NSP"); and

WHEREAS, the Riverside County Economic Development Agency ("EDA") has issued a Notice of Funding Availability ("NOFA") for the Neighborhood Stabilization Program established by Title III of Division B of the Housing and Economic Recovery Act of 2008 (the "Act") funded by the American Recovery and Reinvestment Act of 2009; and pursuant to the Act, Riverside County EDA is authorized to approve funding allocations using monies made available by the United States Department of Housing and Urban Development ("HUD") for the Neighborhood Stabilization Program subject to the terms and conditions of the Program Regulations; and

WHEREAS, the Norco Redevelopment Agency wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of \$2,500,000.00.

IT IS THEREFORE RESOLVED THAT:

1. The Norco Redevelopment Agency shall submit to the Riverside County EDA an application to participate in the Neighborhood Stabilization Program in response to the NOFA issued on March 17, 2009, which will request a funding allocation for the **Norco Infill Program located in Norco within Riverside County**. With an allocation of \$2.5 mil., the Agency could purchase, rehabilitate and resell 5-7 houses with major and minor repairs, and sustain the Community's supply of affordable housing.
2. If the application for funding is approved, the Norco Redevelopment Agency hereby agrees to use the NSP funds for eligible activities in the manner presented in the application as approved by the EDA and in accordance with program regulations cited above. It also may execute any and all other instruments necessary or required by the EDA for participation in the NSP.

April 15, 2009

3. The Norco Redevelopment Agency authorizes the Executive Director of the Agency to execute in the name of the Norco Redevelopment Agency, the application, the Standard Agreement, and all other documents required by the EDA for participation in the NSP Program, and any amendments thereto.

PASSED AND ADOPTED by the Norco Redevelopment Agency at a regular meeting held on April 15, 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 held on April 15, 2009, by the following vote of the Norco Redevelopment Agency Members:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Norco Redevelopment Agency on April 15, 2009.

Secretary, Norco Redevelopment Agency

The undersigned Secretary of the Norco Redevelopment Agency named above does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Governing Board, adopted at a duly convened meeting on the date above-mentioned, which has not been altered, amended or repealed.

Brenda K. Jacobs, Secretary
Norco Redevelopment Agency

Date

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 15, 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: Cancel the public hearing.

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 still in progress and it is unknown when the process will be completed. A public hearing will be scheduled when the negotiations have been completed and a settlement has been agreed upon with the developer.

FINANCIAL IMPACT: Unknown at this time.

/mb-71934

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

DATE: April 15, 2009

SUBJECT: DTSC Project Status Update for Wyle Laboratories Norco
Facilities Site

RECOMMENDATION: Receive and File.

Attached is the latest Former Wyle Laboratories -- Weekly Project Status Update from the Department of Toxic Substances Control (DTSC) dated April 7, 2009.

/bj-69994
Attachment



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control



Maureen F. Gorson, Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

Department of Toxic Substances Control (DTSC) Project Status Update for Former Wyle Laboratories Norco Facility Site April 7, 2009

No Further Action Remedial Action Plan for Upper Basin

DTSC plans to public notice a plan for no further action for the Upper Basin in April. The plan will be available for public review for 30 days in three repositories. DTSC will respond to all the comments received during the public comment period. Once all the comments are addressed, DTSC will approve the plan.

The 212-acre Upper Basin is located on the eastern portion of the site. In the Upper Basin, previous contaminants of concern in soil in localized areas were addressed through small, shallow excavations (interim removal action) under a Removal Action Work plan (RAW), which was successfully completed in summer 2008. The soil in these areas was impacted with polychlorinated bi-phenyls (PCB), perchlorate, and lead. The completed Remedial Action Completion Report, completed in fall 2008, provided for the attainment of regulatory closure of the Upper Basin. Additionally, groundwater is not impacted and the levels of contaminants did not exceed risk threshold concentrations. Therefore, DTSC agreed that no further action is appropriate.

Upon DTSC approval, the 212-acre Upper Basin, will be suitable for unrestricted land use.

Hydraulic Containment System (HCS)

The HCS started operations in March 2008. After operating for approximately a year, the HCS has removed approximately 175 pounds of volatile organic compounds (VOCs) from groundwater.

Activities completed last week

Onsite:

- Initiated second quarter 2009 groundwater sampling;
- Conducted routine operations and maintenance (O&M) for HCS;
- Conducted O&M activities for soil vapor extraction system;

Activities planned for this week

Onsite:

- Continue second quarter 2009 groundwater sampling;
- Continue O&M activities for soil vapor extraction system;
- Perform O&M activities for HCS.

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 15, 2009

SUBJECT: **Ordinance No. 910, Second Reading.** A City-Initiated Proposal to Add Title 20, Cultural Resources, to the Norco Municipal Code (Code Amendment 2009-05)

RECOMMENDATION: Adopt Ordinance No. 910 for second reading.

SUMMARY: The first reading of Ordinance No. 910 was held on April 1, 2009 and was unanimously adopted by the City Council. Staff is recommending that the City Council adopt Ordinance No. 910 for second reading. This code change is a City-Initiated Proposal to Add Title 20, Cultural Resources, to the Norco Municipal Code.

BACKGROUND/ANALYSIS: 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.

/bj-72201
Attachment: Ordinance No. 910

ORDINANCE NO. 910

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 resource 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 of 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 PENALTIES

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: Jack Frye, Fire Chief

DATE: April 15, 2009

SUBJECT: 2009 Vacant Parcel Spring Weed Abatement Program

RECOMMENDATION: Staff recommends adoption of **Resolution No. 2009-_____** declaring that weeds and hazardous vegetation, on or in front of vacant property in the City of Norco, constitute a public nuisance; declaring the City's intent to provide for abatement and setting a public hearing.

SUMMARY: The proposed resolution declares that weeds and hazardous vegetation on vacant property are a public nuisance and must be abated and directs the Fire Chief to send property owners Notices to Abate. If adopted, Council will schedule a Public Hearing to consider the proposed abatements, and any objections property owners have to the abatement order.

BACKGROUND/ANALYSIS: The Fire Department's vacant parcel Weed Abatement Program commences each spring to ensure that property owners of vacant parcels abate weeds and hazardous vegetation that constitute a fire or safety hazard.

Notices to Abate Spring Weeds on vacant parcels will be mailed to property owners on April 16, 2009, and they will have until May 17th to comply. On May 18th inspections for abatement compliance will begin. Reminder notices to abate fall tumbleweeds on vacant parcels will be mailed to property owners in August.

A public hearing will be conducted on June 3, 2009 for Council to consider the proposed abatements, hear the objections of property owners and order commencement of the abatement. The City's weed abatement contractor can then begin abating weeds on vacant parcels that are not in compliance with the abatement notice.

FINANCIAL IMPACT: The costs of abatement are paid by the property owner directly or by property lien.

/br

Attachments: Resolution No. 2009-_____
2009 Vacant Parcel List - Attachment A

Agenda Item 4.D.

RESOLUTION NO. 2009-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING THAT WEEDS AND HAZARDOUS VEGETATION, ON OR IN FRONT OF VACANT PROPERTY IN THE CITY OF NORCO, CONSTITUTE A PUBLIC NUISANCE; DECLARING THE CITY'S INTENT TO PROVIDE FOR ABATEMENT AND SETTING A PUBLIC HEARING

WHEREAS, weeds and hazardous vegetation, on or in front of vacant parcels of land, constitute a public nuisance as provided by Chapter 13, Article 2, Section 39561 of the State of California Government Code; and

WHEREAS, weeds on these parcels of land are seasonal and recurrent nuisances within the meaning of Chapter 13, Article 2, Section 39562.1 of the State of California Government Code; and

WHEREAS, it is the intent of City Council to have the nuisances abated in accordance with Chapter 13, Articles 1 and 2, Sections 39501 through 39588, inclusive of the State of California Government Code, if the nuisances are not abated by the property owners of these parcels of land (attachment "A"); and

WHEREAS, the Fire Chief is hereby designated as the Public Officer to perform the duties imposed by Chapter 13, Article 2, Section 39560 of the State of California Government Code; and

WHEREAS, the Fire Chief is directed to have abatement notices mailed to the property owners of these parcels of land as provided in Chapter 13, Article 2, Section 39567.1 of the State of California Government Code; and

WHEREAS, the Public Hearing is set for 7 p.m. on Wednesday, June 3, 2009 in the Council Chambers, located at 2820 Clark Avenue, Norco, California, to consider the objections of property owners to the proposed abatement of the nuisances; and

WHEREAS, no other Public Hearing needs to be held for the second or any subsequent occurrence of the nuisance, including tumbleweeds, on the same parcel or parcels within the same calendar year as provided in Chapter 13, Article 2, Section 39562.1.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Norco, California, does hereby declare that weeds and hazardous vegetation, on or in front of vacant property in the City of Norco, constitute a public nuisance and does hereby declare the City's intent to provide for abatement and set a public hearing.

Resolution No. 2009-____
Page 2
April 15, 2009

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held April 15, 2009.

Mayor of the City of Norco, California

ATTEST:

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

I, Brenda Jacobs, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting held on April 15, 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 15, 2009.

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

/brr

NORCO FIRE DEPARTMENT VACANT PARCEL LIST -- 2009

PARCEL NO.	LOCATION/ADDRESS	ACREAGE	OWNER OF RECORD
119-020-009	Second St. & River Rd.	2.57	AGOURA NORTH JACOBSEN HOLDINGS 21800 BURBANK BL #330 WOODLAND HILLS CA 91367
119-020-011	Second St. & River Rd.	8.10	AGOURA NORTH JACOBSEN HOLDINGS 21800 BURBANK BL #330 WOODLAND HILLS CA 91367
119-020-013	Second St. & River Rd.	2.88	AGOURA NORTH JACOBSEN HOLDINGS 21800 BURBANK BL #330 WOODLAND HILLS CA 91367
121-074-014	betw 5373 & 5333 Roundup Rd.	0.50	AMIR & FADIA IBRAHIM 3070 SHADOW CANYON CR NORCO CA 92860
121-092-016	next to 5203 Roundup Rd.	0.47	FAYEZ & MONA SEDRAK 2337 NORCO DR NORCO CA 92860
121-310-087	SWC River Rd. & Corydon Av.	8.32	SAM & DOT DEKRUYF 8919 MERRILL AV CHINO CA 91710
121-310-090	next to 2651 River Rd.	3.18	SAM & DOT DEKRUYF 8919 MERRILL AV CHINO CA 91710
122-030-011	east of 2240 First St.	1.81	H & H PROPERTY PO BOX 910 NORCO CA 92860
122-050-027	south of 938 Hamner Av.	0.40	R & T GARCIA FAMILY LTD PARTNERSHIP C/O RONEILIO SAN DIEGO GARCIA 1947 237TH PL TORRANCE CA 90501
122-050-028	south of 938 Hamner Av.	0.07	SYED GILANI 5406 E GABRIELLE LN ORANGE CA 92867
122-050-049	next to 996 Mountain Av.	1.44	FRANK & JEANETTE VILLALOBOS 1882 PARK SKYLINE SANTA ANA CA 92705
122-061-002	517 Parkridge Av.	3.13	OMNI NORCO C/O OMNI WEST GROUP INC 23187 LA CADENA STE 102 LAGUNA HILLS CA 92653
122-080-051	south of 1375 Valley View Av.	0.22	Unknown
122-570-001	Hidden Valley Pkwy. & Corona Av.	1.10	JAMES & SANDRA OLSEN 7641 E CORTO RD ANAHEIM CA 92808
123-040-001	SEC Fifth St. & Hillside Av.	5.47	FRANCES & WILLIAM SMITH C/O WILLIAM SMITH 5170 CENTRAL AV RIVERSIDE CA 92504-1825

EXHIBIT A

123-070-003	behind 1080 & 1090 First St.	2.10	KERRY & ROBIN SULLIVAN 5445 CHICAGO AV APT 1A RIVERSIDE CA 92507
123-150-008	next to 2579 Echo Hill Dr. off Hillside Av.	4.51	SOUTHERN CALIFORNIA EDISON C/O PHYLLIS LOPEZ REAL ESTATE OPERATIONS 14799 CHESTNUT ST WESTMINSTER CA 92683
123-250-002	east of 2245 Hillside Av.	12.47	ERNEST & ALICE TAYLOR PO BOX 440 NORCO CA 92860
123-260-001	north of 666 Third St.	10.00	MANUEL & JACQUELINE CONTRERAS C/O LORETTA O'MALLEY 43145 VISTA DEL RANCHO TEMECULA CA 92592-5142
123-260-002	666 Third St.	10.00	GARRY & SUSAN STRUNK C/O LORETTA O'MALLEY 43145 VISTA DEL RANCHO TEMECULA CA 92592
123-310-021	behind 1531 Hillside Av.	0.58	ROSEMARY BUTLER C/O DANIEL SAYLOR 2825 E. CORTEZ WEST COVINA, CA 91791
123-310-025	behind 1577 Hillside Av.	1.00	VU DUONG 2235 BOWMAN AV TUSTIN CA 92782-1246
123-310-026	behind 1577 Hillside Av.	1.24	VU DUONG 2235 BOWMAN AV TUSTIN CA 92782-1246
125-030-057	north of 2140 Valley View Av.	0.96	HARLEY WEED 3287 CRYSTAL RIDGE CR CORONA CA 92882-7944
125-150-033	south of 2008 Corona Av.	0.46	EDWARD WILLITS PO BOX 19751 IRVINE, CA 92623
125-150-034	NWC Second St. & Corona Av.	0.74	EDWARD WILLITS PO BOX 19751 IRVINE, CA 92623
125-170-038	north of 1787 Hamner Av.	0.58	EDD INVESTMENT CO 173 E FREEDOM AV ANAHEIM CA 92801
125-210-026	1665 Hamner Av.	0.99	JOE & ANTONIO BARRETO 8510 NOB HILL CORONA CA 92882
125-270-012	First St. & Valley View Av.	1.08	EUGENE EUSTAQUIO 3 DOGWOOD SOUTH IRVINE CA 92612
125-270-030	on Hamner Av. behind CDF Station	0.61	ADRI PROPERTIES C/O ALL MAGIC PAINT & BODY 1461 HAMNER AV NORCO CA 92860

125-270-035	behind 1411 Hamner Av. (Sit-N-Sleep)	0.52	MATWORLD 1411 HAMNER AV NORCO CA 92860
125-300-018	east of 1365 First St.	0.39	MAGDALENA OLVERA 1611 GARRETSON AV CORONA CA 92879-2429
125-322-006	1110 First St.	2.41	VARUGHESE & SUSIE ZACHARIAH 1347 BIRDSONG LN CORONA CA 92881
126-020-002	south of 2001 Third St.	41.07	RIVERSIDE COMMUNITY COLLEGE DISTRICT 4800 MAGNOLIA AV RIVERSIDE CA 92506
126-020-004	south of 2001 Third St.	2.81	RIVERSIDE COMMUNITY COLLEGE DISTRICT 4800 MAGNOLIA AV RIVERSIDE CA 92506
126-050-002	SW Corner of Third St. & Hamner Av.	7.94	EDDIE FISCHER C/O LE BARON INVESTMENTS 2020 E ORANGETHORPE AV FULLERTON CA 92831
126-050-004	behind flood channel on Hamner Av.	8.22	EDDIE FISCHER C/O LE BARON INVESTMENTS 2020 E ORANGETHORPE AV FULLERTON CA 92831
126-050-017	north of 2200 Hamner Av.	0.43	D W AUGUST INC 1331 TIFFANY RANCH RD ARROYO GRANDE CA 93420
126-060-001	west of 2093 Paddock Ln.	1.90	BERNARD & HELEN SWART 423 MAGNOLIA BREA CA 92621
126-180-003	behind 1745 Pacific Av.	1.50	H & H PROPERTY PO Box 910 NORCO CA 92860
126-200-013	south of 1492 Mountain Av.	2.56	H & H PROPERTY PO Box 910 NORCO CA 92860
126-200-018	between 1475 & 1515 Pacific Av.	1.25	H & H PROPERTY PO Box 910 NORCO CA 92860
126-200-021	2300 block First St.	5.08	H & H PROPERTY PO Box 910 NORCO CA 92860
126-240-001	1635 Mountain Av.	2.00	H & H PROPERTY PO Box 910 NORCO CA 92860
126-250-010	behind 1775 & 1865 Acre St.	0.97	ALL MAGIC AUTO & PAINT C/O ELLIE ADRI 1461 HAMNER AV NORCO CA 92860
126-250-013	1775 Acre St.	0.44	ALL MAGIC AUTO & PAINT C/O ELLIE ADRI 1461 HAMNER AV NORCO CA 92860

126-250-015	west of 1865 Acre St.	0.34	ALAN & SUSAN WAKEFIELD 3064 DALES DR NORCO CA 92860
126-250-055	1865 Acre St.	0.43	ALL MAGIC AUTO & PAINT C/O ELLIE ADRI 1461 HAMNER AV NORCO CA 92860
126-250-056	1466 Hamner Av.	0.16	ALL MAGIC AUTO & PAINT C/O ELLIE ADRI 1461 HAMNER AV NORCO CA 92860
127-020-030	3275 Hamner Av.	0.82	AJIT SHAH PO BOX 4509 PALOS VERDES PENNISULA CA 90274
127-020-032	3361 Hamner Av.	1.78	ALLEN ANTOYAN JR 1050 W KATELLA AV STE J ORANGE CA 92867
127-030-022	3265 Hamner Av.	0.43	YAO TING HSU C/O INVESERVE INC 29129 DISCOVERY RIDGE DR SANTA CLARITA CA 91390
127-030-043	3231 Hamner Av.	0.67	YAO TING HSU C/O INVESERVE INC 29129 DISCOVERY RIDGE DR SANTA CLARITA CA 91390
127-030-045	south of 3231 Hamner Av.	0.56	YAO TING HSU C/O INVESERVE INC 29129 DISCOVERY RIDGE DR SANTA CLARITA CA 91390
127-040-025	north of 3119 Hamner Av.	1.44	3131 HAMNER HOLDING LLC 3185 HAMNER AV NORCO CA 92860
127-040-027	3119 Hamner Av.	1.29	3131 HAMNER HOLDING LLC 3185 HAMNER AV NORCO CA 92860
127-040-036	north of 3001 Hamner Av.	2.18	JIRAIR SARALON 13338 GOLDEN VALLEY LN GRANADA HILLS CA 91344-5146
127-050-002	behind 2957 Hamner Av.	0.45	GARY & GLENDA HUDDLESTON 4032 ODESSA DR YORBA LINDA CA 92886-1626
127-050-016	3001 Hamner Av.	1.77	VICTOR & NICHOLETTA MELEO PO BOX 98 LINDSAY CA 93247
127-200-040	between I-15 & Fourth St.	0.08	ROY JOLLY 11357 SNOW VIEW CT YUCAIPA CA 92399
127-200-042	between I-15 & Fourth St.	1.02	ROY JOLLY 11357 SNOW VIEW CT YUCAIPA CA 92399
127-210-020	2655 Hamner Av.	0.62	GLENN SCHOEMAN 8304 LIMONITE AV SUITE D106 RIVERSIDE CA 92509

127-300-015	between 2630 & 2682 Reservoir Dr.	0.98	ROBERT SPANGLER 2756 SWEET RAIN WY CORONA CA 92881
127-331-012	2830 Reservoir Dr.	0.20	PAT & EMMA ALVARADO C/O ROLLIE ALVARADO 7840 BAYSINGER ST DOWNEY CA 90241
129-230-018	SWC Town & Country Dr. & Hamner Av.	1.13	KEVIN CHAN 5352 NEWFIELD CR HUNTINGTON BEACH CA 92649-3687
129-230-037	north of 2900 Hamner Av.	2.45	CHRIS BONORRIS 1630 COACHWOOD LA HABRA CA 90631
129-240-004	south side of Third St. at Hamner Av.	2.42	STRATA REALTY LLC 2433 POMONA RINCON RD CORONA CA 92880-5450
129-262-011	2438 Hamner Av.	0.40	STRATA REALTY LLC 2433 POMONA RINCON RD CORONA CA 92880-5450
130-100-002	behind Quiet Hill Ct.	41.58	ALTFILLISCH CONSTRUCTION CO 13200 CITRUS ST CORONA CA 92880-9214
130-134-002	1853 Pali Dr.	0.22	THOMAS & SHARON MCKIERNAN 11463 MAGNOLIA AV #710 RIVERSIDE CA 92505
130-240-007	behind 3490 Hamner Av.	6.87	ROBERT GREGORY 4328 CORONA AV NORCO CA 92860
130-240-019	south of 2191 Fifth St.	1.65	MAR VISTA CBA C/O DOUG CROUSE 2191 FIFTH ST STE 200 NORCO CA 92860
130-240-020	NWC Fifth St. & Norconian Dr.	0.22	MAR VISTA CBA C/O DOUG CROUSE 2191 FIFTH ST STE 200 NORCO CA 92860
130-240-021	Norco Dr. west of ARCO	7.20	DAVID LUCE 2551 HAVEY LN STOUGHTON WI 53589
130-240-022	behind 3646 Hamner Av.	25.36	FISERV ISS & CO C/O DAVID LUCE NORCO BEACON HILL DEV 2551 HAVEY LN STOUGHTON WI 53589
130-240-023	across from 3600 & 3636 Norconian Dr.	12.23	FISERV ISS & CO C/O DAVID LUCE NORCO BEACON HILL DEV 2551 HAVEY LN STOUGHTON WI 53589
130-240-025	Fifth St. & Norconian Dr.	0.31	MAR VISTA CBA C/O DOUG CROUSE 2191 FIFTH ST STE 200 NORCO CA 92860

130-240-031	3636 Norconian Dr.	4.10	VICKY BLAIR 129 HAYDEN WY BREA CA 92821
130-240-043	Hamner Av. surrounding ARCO	4.87	NORCO BEACON HILL ASSEMBLY OF GOD INC PO BOX 336 NORCO CA 92860
130-250-004	south of 3646 Hamner Av.	1.40	NORCO HOSPITALITY LLC 20 CAMARIN ST. FOOTHILL RANCH, CA 92610
130-250-005	north of 3490 Hamner Av.	1.88	NORCO HOSPITALITY LLC 20 CAMARIN ST. FOOTHILL RANCH, CA 92610
130-311-013	between 2737 & 2777 Shadow Canyon Cr.	0.94	TODD ESSENMACHER 601 N BATAVIA ORANGE CA 92868-1220
131-070-014	south of 4231 Valley View Av.	4.44	GEORGE SINICHAK 13814 WALNUT ST. WHITTIER, CA 90602
131-090-034	north of 4191 Corona Av.	1.17	ALVA & HELEN BLAKE PO BOX 1030 KOLOA, HI 96756
131-101-010	Hamner Av./Taft St./Old Hamner Rd.	3.40	PETER & GABRIELLA GIOVANNONI C/O BROOKHURST INN MOTEL 701 S BROOKHURST ST ANAHEIM CA 92804
131-150-024	between 4081 & 4191 Valley View Av.	3.39	JUDITH METZGER 10920 PARISE DR WHITTIER CA 90604
131-160-003	NWC Valley View Av. & Sixth St.	0.87	HENRIK MARCINIAK 3140 W STONYBROOK DR ANAHEIM CA 92804
131-180-035	1025 Sixth St.	0.41	BRADLEY RUSIN C/O DAVID TAYLOR 2901 LADRILLO AISLE IRVINE CA 92606
131-192-021	north of 3838 Sierra Av.	1.02	HANUMANTHA REDDY 23 CASTLEROCK IRVINE CA 92603-0148
131-200-002	north of 3821 Sierra Av.	0.44	BARRY MANES C/O DANIEL YARUSSI 32158 CAM CAPISTRANO SAN JUAN CAPO, CA 92675
131-210-025	SWC Sixth St. & Corona Av.	0.37	DAVE & REBBECAH GONZALES 2269 HAMNER AV NORCO CA 92860
131-230-019	Hamner Av. betw Fifth & Sixth Streets	0.91	CHAPARRAL PARTNERS C/O CHARLES GOSNELL 5951 SYCAMORE CT CHINO CA 91710
131-230-020	Hamner Av. betw Fifth & Sixth Streets	1.03	TSAIS BIG BOY 21090 E COLIMA RD DIAMOND BAR CA 91789

131-230-021	Hamner Av. betw Fifth & Sixth Streets	0.95	CHAPARRAL PARTNERS C/O CHARLES GOSNELL 5951 SYCAMORE CT CHINO CA 91710
131-310-017	Hamner Av. betw Fifth & Sixth Streets	3.04	CHAPARRAL PARTNERS C/O BILL WEST 5951 SYCAMORE CT CHINO CA 91710
131-320-025	Hamner Av. betw Fifth & Sixth Streets	0.99	CHAPARRAL PARTNERS C/O CHARLES GOSNELL 5951 SYCAMORE CT CHINO CA 91710
131-330-016	3516 Valley View Av.	3.72	RICHARD & REBECCA LEWIS PO BOX 670 UPLAND CA 91785
133-052-036	south of 4397 California Av.	0.59	JENNIFER WAGGONER 4397 CALIFORNIA AV NORCO CA 92860
133-052-037	south of 4397 California Av.	0.59	JENNIFER WAGGONER 4397 CALIFORNIA AV NORCO CA 92860
133-090-009	south of 4210 Crestviw Dr.	2.35	PAULETTE FREDERICK 4200 CRESTVIEW DR NORCO CA 92860
133-090-010	south of 4232 Crestview Dr.	2.18	GEORGE CALLAWAY C/O TOM ROHDE 2058 N MILLS AV CLAREMONT CA 91711-2812
133-141-006	3951 Temescal Av.	0.21	DAMON DIGREGORIO 7616 E LOCKMONT CR ANAHEIM HILLS CA 92808
133-141-018	NEC Sixth St. & Temescal Av.	1.51	EQUINE VETERINARY SPECIALISTS INC 20022 DANIEL LN ORANGE CA 92869
133-150-022	623 Sixth St.	0.38	ALAN HASSO 389 AVENUE MARGARITA ANAHEIM CA 92807
133-150-027	633 Sixth St.	0.48	WAYNE WICKSTROM CORONA GENERAL FUND INC 517 W. RAMONA #301 CORONA CA 92879
133-160-026	east of 433 Sixth St.	0.40	MADISON GARDENS INV GROUP 23811 WASHINGTON AV MURRIETA CA 92562
133-160-031	east of 405 Sixth St.	0.81	LARRY & CATHERINE EYE 351 SIXTH ST NORCO CA 92860
133-181-010	Center Av. south of 818 Sixth St.	0.42	STANLEY & LINDA SCOTT 42131 SAN JOSE DR SAN JACINTO CA 92583

133-190-009	3861 Hillside Av.	0.57	CRC FEDERAL CREDIT UNION PO BOX 129 NORCO CA 92860
133-190-044	682 Sixth St.	0.10	CRC FEDERAL CREDIT UNION PO BOX 129 NORCO CA 92860
133-190-046	688 Sixth St.	0.13	CRC FEDERAL CREDIT UNION PO BOX 129 NORCO CA 92860
133-222-018	between 3721 & 3759 Center Av.	0.55	ROBERT KLING & DOROTHY BUTTS 531 MAIN ST #211 EL SEGUNDO CA 90245
133-250-033	110 Buckskin Ln.	0.59	MILTON & TERRY HARRISON 212 E 19TH ST COSTA MESA CA 92627
133-270-002	3631 Hillside Av.	1.83	HECTOR YANEZ PO BOX 1174 MONTEBELLO CA 90640
133-280-009	behind 3528 & 3540 California Av.	1.78	DICK & SANDRA MAC GREGOR 3541 PEDLEY AV NORCO CA 92860
133-330-003	California Av. at Fifth St.	0.73	SOUTHERN CALIFORNIA EDISON C/O PHYLLIS LOPEZ REAL ESTATE OPERATIONS 14799 CHESTNUT ST WESTMINSTER CA 92683
133-340-018	off East St. & South Fork Dr.	0.94	SOUTHERN CALIFORNIA EDISON C/O PHYLLIS LOPEZ REAL ESTATE OPERATIONS 14799 CHESTNUT ST WESTMINSTER CA 92683
133-340-019	south of 3540 South Fork Dr.	0.57	JOSEPH & MARGARET RULLO PO BOX 481 SURFSIDE CA 90743
133-340-021	south of 3540 South Fork Dr.	0.57	JOSEPH & MARGARET RULLO PO BOX 481 SURFSIDE CA 90743
133-340-022	south of 3540 South Fork Dr.	0.57	JOSEPH & MARGARET RULLO PO BOX 481 SURFSIDE CA 90743
133-340-023	south of 3540 South Fork Dr.	0.57	JOSEPH & MARGARET RULLO PO BOX 481 SURFSIDE CA 90743
153-030-007	near Grulla Ct.	1.00	HARD CORP C/O SANTA ANA VALLEY IRRIGATION CO 2555 3RD ST SACRAMENTO CA 95818
153-030-008	near Grulla Ct.	1.20	SOUTHERN CALIFORNIA EDISON C/O PHYLLIS LOPEZ REAL ESTATE OPERATIONS 14799 CHESTNUT ST WESTMINSTER CA 92683

153-030-009	near Grulla Ct.	0.40	SOUTHERN CALIFORNIA EDISON C/O PHYLLIS LOPEZ REAL ESTATE OPERATIONS 14799 CHESTNUT ST WESTMINSTER CA 92683
153-030-011	California Av. & Grulla Ct.	9.80	SOUTHERN CALIFORNIA EDISON C/O PHYLLIS LOPEZ REAL ESTATE OPERATIONS 14799 CHESTNUT ST WESTMINSTER CA 92683
153-180-020	behind 4645 Pedley Av.	1.25	VINCENT & PEGGY LARIVIERE 5581 INNER CIRCLE DR RIVERSIDE CA 92506
153-222-003	behind 4591 Crestview Dr.	1.59	ERIK CAMPBELL C/O GLISTENS 1441 POMONA ROAD UNIT 21 CORONA CA 92882
153-222-009	behind 4521 & 4535 Crestview Dr.	2.19	FRANCES VAUGHAN 3806 HIGHWAY 90 WEST DEL RIO TX 78840
153-222-012	behind 128 All View Pl.	1.12	ERIK CAMPBELL C/O GLISTENS 1441 POMONA ROAD UNIT 21 CORONA CA 92882
153-231-010	next to 4409 California Av.	0.51	BLANCA RODRIGUEZ 13059 NINE STREET RANCHO CUCAMONGA CA 91739
153-232-007	across from 4460 thru 4490 Crestview Dr.	4.67	ADOLFO PONCE 1010 FIRST ST NORCO CA 92860
168-021-003	west of 190 Mt. Rushmore Dr.	0.45	TERRY FRIZZEL 11290 ARLINGTON AV RIVERSIDE CA 92505
168-023-007	north of 4011 Mt. Tobin Ct.	0.42	ELVA HERNANDEZ 1235 MARINA RD CORONA CA 92880
168-023-008	SEC Mt. Tobin Ct. & Mt. Shasta Dr.	0.38	FIRST PACIFIC COAST CONST & DEV INC C/O CORREAFIRST PACIFIC CONST & DEV 10834 HOLE AV RIVERSIDE CA 92505
168-060-003	next to 4221 Crestview Dr.	38.19	ARLINGTON CEMETERY ASSN INC C/O PIERCE BROS CRESTLAWN MEMORIAL PARK 11500 ARLINGTON AV RIVERSIDE CA 92505

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager 

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

DATE: April 15, 2009

SUBJECT: Approval of Quarterly Investment Report for Quarter Ended March 31, 2009

RECOMMENDATION: Staff recommends that the City Council receive and file the Quarterly Investment Report for the Quarter Ended March 31, 2009.

SUMMARY: Staff is recommending that the City Council receive and file the City's quarterly investment report for the quarter ended March 31, 2009. This report has been prepared to meet the requirements of the applicable sections of the Government Code.

BACKGROUND/ ANALYSIS: The City's Investment Policy requires the Treasurer or Chief Fiscal Officer of a local agency to render a quarterly report to the legislative body of the local agency consistent with Government Code Section 53646 (b)(1) containing detailed information on all securities, investments, and monies of the local agency, a statement of compliance of the portfolio with the Statement of Investment Policy, and a statement of the local agency's ability to meet its cash flow requirements for the next six months. The law further requires that the quarterly report be submitted to the legislative body within 30 days from the end of the quarter. This report meets the requirement of the Government Code and covers the City as well as the Norco Redevelopment Agency.

The attached schedules (attachments 1 through 4) for the quarter ended March 31, 2009 have been prepared to meet the detailed requirements of the Government Code and the City's Investment Policy as approved by the Council on April 16, 2008. It is to be noted that the Investment Policy excludes certain investments of the City (bond proceeds) from these requirements. This means that funds from bond proceeds are invested in accordance with the provisions of the bond indentures rather than the provisions of the Investment Policy. Consequently, in determining whether the portfolio holdings are in compliance with the Government Code and the approved Investment Policy, investments of bond proceeds have been excluded.

Attachment 1 provides a summary schedule of the City's portfolio holdings by type as of March 31, 2009. This summary also provides information on whether or not each investment category complies with the limitations imposed by law and the City's Investment Policy. Investments that are subject to the Statement of Investment Policy are operating/idle funds managed by the Treasurer within the provisions of the approved Investment Policy. During the quarter ended March 31, 2009, operating portfolio increased by a total of \$2.2 million from previous quarter as a result of cash disbursement exceeding cash receipts. This was expected as there were receipts from property tax increment, other assessed taxes and vehicle license fees during the quarter.

Attachment 2 provides a graphical breakdown of the portfolio holdings by investment type as of March 31, 2009 for those investments that are subject to the Investment Policy.

A summary of investments not subject to the provisions of the Investment Policy (bond proceeds and debt service reserve funds) is also presented on Attachment 1. These funds are invested in accordance with applicable bond indenture provisions. During the quarter ended March 31, 2009, bond proceeds and debt service reserve fund portfolio increased by a net amount of \$15.6 million due to \$19.3 million receipt from the issuance of 2009 Water and Sewer Enterprise Revenue Bonds offset by disbursements of \$3.7 million to pay for capital project expenditures during the quarter.

Attachment 3 provides a detailed listing of the City's portfolio holdings as required by the Government Code. In this listing, "N/A" is used to denote that the information is not available or applicable. The market value of LAIF has been reported to equal cost because the City's investments in LAIF are readily liquid and the market value of these investments approximates cost. Agency Securities issued by United States Government Sponsored Entities carry standard ratings of "AAA" from Moody's and Standard and Poors Investor Service.

Attachment 4 provides the required cash flow and compliance statement by the Chief Fiscal Officer/Treasurer

FINANCIAL INPACT: This is an informational item. There is no fiscal impact.

/jk-72174

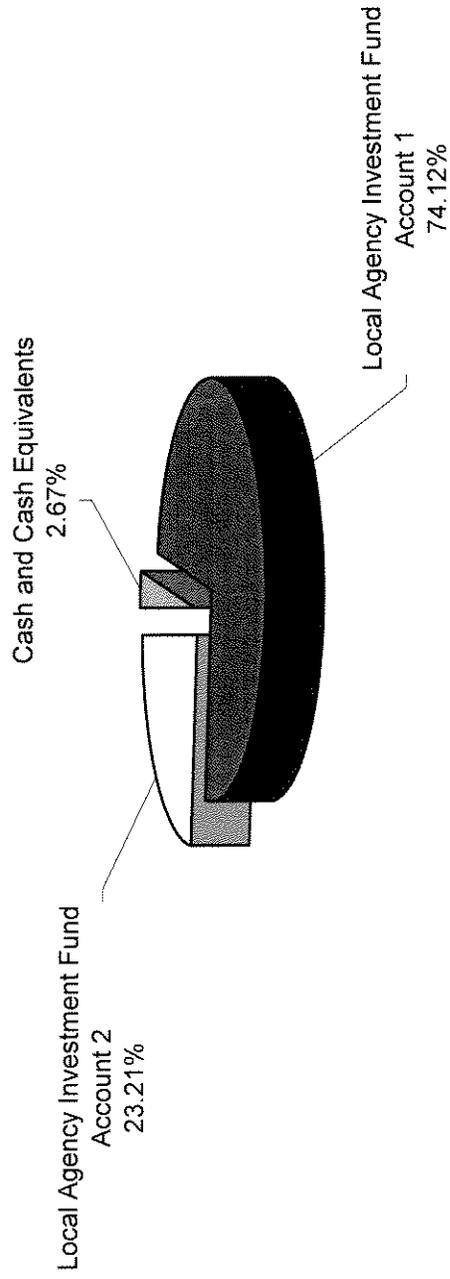
Attachments: 1) Portfolio Summary
2) Summary Graph
3) Portfolio Details – "Investments Not Subject..."
4) Certification Form

City of Norco, California
 Portfolio Summary
 As of March 31, 2009

<u>City Investments Subject to Investment Policy</u>	<u>Market Value</u>	<u>Percentage</u>	<u>Policy Maximum</u>	<u>Compliance</u>
Cash and Cash Equivalents	\$ 1,117,915	2.67%	15.00%	In Compliance
Local Agency Investment Fund Account 1	31,018,184	74.12%	\$40.0 Million	In Compliance
Local Agency Investment Fund Account 2	9,715,000	23.21%	\$40.0 Million	In Compliance
Total	<u>\$ 41,851,099</u>	<u>100.00%</u>		

<u>City Investments Not Subject to Investment Policy</u>	<u>Market Value</u>	<u>Percentage</u>
Community Facilities Districts	\$ 3,548,472	7.16%
Sewer and Water System	21,800,589	43.96%
Assessment Districts	389,858	0.79%
Refunding Tax Allocation Bonds	23,847,823	48.09%
Total	<u>\$ 49,586,742</u>	<u>100.00%</u>

**Summary of City Portfolio
(Investments Subject to Investment Policy)
As of March 31, 2009**



City of Norco, California
 Portfolio Details
 As of March 31, 2009
 Investments Subject to Policy

Cash & Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Checking Accounts	Wells Fargo	N/A	N/A	0.000%	N/A	1,117,915	1,117,915
			Subtotal	Wells Fargo					1,117,915	1,117,915

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 1	State of California	N/A	N/A	N/A	N/A	31,018,184	31,018,184
N/A	N/A	N/A	Local Agency Investment Fund Account 2	State of California	N/A	N/A	N/A	N/A	9,715,000	9,715,000
			Subtotal						40,733,184	40,733,184
Total Investments Subject to Policy									41,851,099	41,851,099

City of Norco, California
 Portfolio Details
 As of March 31, 2009
 Investments Not Subject to Policy (Bond Proceeds)
 Community Facilities Districts

Cash and Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	First American Treasury Obligation	94466600 US Bank	N/A	N/A	0.000%	N/A	4	4
N/A	N/A	N/A	First American Treasury Obligation	94496801 US Bank	N/A	N/A	0.530%	N/A	14	14
N/A	N/A	N/A	First American Treasury Obligation	94496805 US Bank	N/A	N/A	0.530%	N/A	158,802	158,802
N/A	N/A	N/A	First American Treasury Obligation	94644000 US Bank	N/A	N/A	0.530%	N/A	2	2
N/A	N/A	N/A	First American Treasury Obligation	94644004 US Bank	N/A	N/A	0.530%	N/A	189,445	189,445
N/A	N/A	N/A	First American Treasury Obligation	791884000 US Bank	N/A	N/A	0.000%	N/A	160,208	160,208
N/A	N/A	N/A	First American Treasury Obligation	791884004 US Bank	N/A	N/A	0.530%	N/A	515,766	515,766
N/A	N/A	N/A	First American Treasury Obligation	794148002 US Bank	N/A	N/A	0.530%	N/A	20	20
N/A	N/A	N/A	First American Treasury Obligation	794148003 US Bank	N/A	N/A	0.530%	N/A	44,499	44,499
Subtotal									1,068,760	1,068,760

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 1 (CFD)	97-1 State of California	N/A	N/A	N/A	N/A	791,442	791,442
Subtotal									791,442	791,442

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
6/30/2006	6/30/2011	3133XFUK0	Federal Home Loan Bank	794148002 US Bank	AAA	5.390%	5.400%	1,670,000	1,670,000	1,688,270
Subtotal									1,670,000	1,688,270
Total Community Facilities Districts									3,530,202	3,548,472

Investments Not Subject to Policy (Bond Proceeds)
Sewer and Water System

Cash and Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
3/26/2009	N/A	31846V708	First American Prime Obligations	130584001 US Bank	AAA	N/A	0.203%	N/A	1,432,035	1,432,035
3/26/2009	N/A	31846V708	First American Prime Obligations	130584004 US Bank	AAA	N/A	0.203%	N/A	17,866,362	17,866,362
3/26/2009	N/A	31846V708	First American Prime Obligations	130584005 US Bank	AAA	N/A	0.203%	N/A	35,100	35,100
Subtotal									19,333,497	19,333,497

City of Norco, California
 Portfolio Details
 As of March 31, 2009

Local Agency Investment Fund

Purchase Date	Maturity Date	Description of Security	CUSIP #	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	Local Agency Investment Fund Account 1 (Sewer/Water)	1998	State of California	N/A	N/A	N/A	N/A	2,467,092	2,467,092
		Subtotal							2,467,092	2,467,092
		Total Sewer and Water System							2,467,092	2,467,092

*Investments Not Subject to Policy (Bond Proceeds)
 Assessment Districts*

Cash and Cash Equivalents

Purchase Date	Maturity Date	Description of Security	CUSIP #	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	First American Treasury	95459622	US Bank	N/A	N/A	0.530%	N/A	389,858	389,858
		Subtotal							389,858	389,858
		Total Assessment Districts							389,858	389,858

*Investments Not Subject to Policy (Bond Proceeds)
 Refunding Tax Allocation Bonds*

Cash & Cash Equivalents

Purchase Date	Maturity Date	Description of Security	CUSIP #	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	First American Treasury Obligations	94416782	US Bank	N/A	N/A	0.65%	N/A	1	1
N/A	N/A	First American Treasury Obligations	94416781	US Bank	N/A	N/A	0.68%	N/A	73	73
N/A	N/A	First American Treasury Obligations	94416783	US Bank	N/A	N/A	0.68%	N/A	167,875	167,875
N/A	N/A	First American Treasury Obligations	94432432	US Bank	N/A	N/A	0.53%	N/A	286	286
N/A	N/A	First American Treasury Obligations	94432433	US Bank	N/A	N/A	0.53%	N/A	1	1
N/A	N/A	First American Treasury Obligations	94432435	US Bank	N/A	N/A	0.53%	N/A	143	143
N/A	N/A	First American Treasury Obligations	94432438	US Bank	N/A	N/A	0.53%	N/A	112	112
N/A	N/A	First American Treasury Obligations	94432440	US Bank	N/A	N/A	0.53%	N/A	2	2
N/A	N/A	First American Treasury Obligations	94432441	US Bank	N/A	N/A	0.00%	N/A	2	2
N/A	N/A	First American Treasury Obligations	94432445	US Bank	N/A	N/A	0.53%	N/A	319	319
N/A	N/A	First American Treasury Obligations	94662500	US Bank	N/A	N/A	0.53%	N/A	15	15
N/A	N/A	First American Treasury Obligations	94662503	US Bank	N/A	N/A	0.53%	N/A	308	308
N/A	N/A	First American Treasury Obligations	94662504	US Bank	N/A	N/A	0.53%	N/A	1,401,288	1,401,288
N/A	N/A	First American Treasury Obligations	94662507	US Bank	N/A	N/A	0.53%	N/A	403	403
N/A	N/A	First American Treasury Obligations	787891004	US Bank	N/A	N/A	0.53%	N/A	1,381	1,381
N/A	N/A	First American Treasury Obligations	792126003	US Bank	N/A	N/A	0.53%	N/A	2,041	2,041
N/A	N/A	First American Treasury Obligations	792126004	US Bank	N/A	N/A	0.53%	N/A	1,504	1,504
		Subtotal							1,575,752	1,575,752

City of Norco, California
 Portfolio Details
 As of March 31, 2009

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 2	2001 TABs State of California	N/A	N/A	N/A	N/A	2	2
N/A	N/A	N/A	Local Agency Investment Fund Account 2	2003 TABs State of California	N/A	N/A	N/A	N/A	9,991,420	9,991,420
			Subtotal						9,991,422	9,991,422

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
5/21/2008	5/21/2010	31398ARKO	FNMA	94662506 US Bank	AAA	3.250%	3.220%	7,494,000	7,494,000	7,515,058
3/23/2009	3/23/2012	3136FHEV3	FNMA M T N	792126003 US Bank	AAA	2.375%	2.375%	1,515,000	1,515,000	1,522,575
			Subtotal					9,009,000	9,009,000	9,037,633

Investment Agreements

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	3/1/2030	N/A	Guaranteed Investment Contract	94432433 US Bank	N/A	N/A	5.71%	N/A	2,161,566	2,161,566
N/A	3/1/2030	N/A	Guaranteed Investment Contract	94432443 US Bank	N/A	N/A	5.16%	N/A	347,000	347,000
N/A	2/27/2015	N/A	Guaranteed Investment Contract	787891003 US Bank	N/A	N/A	3.41%	N/A	734,450	734,450
			Subtotal						3,243,016	3,243,016

Total Refunding Tax Allocation Bonds

23,819,189

23,847,823

Total Investments Not Subject to Policy

49,539,839

49,586,742

Attachment 4

Quarterly Investment Portfolio

For the Quarter Ended March 31, 2009

As required by the Government Code, the Director of Fiscal and Support Services certifies that the investments reported in the accompanying schedules (Attachments 1 through 3) comply with the City of Norco Investment Policy and that sufficient liquidity along with anticipated revenues are available to meet the City and Redevelopment Agency budgeted expenditure requirements for the next six months ending September 30, 2009.



Andy Okoro, Director of Fiscal and Support Services

/jk-72175

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Jeff Allred, City Manager 
PREPARED BY: Andy Okoro, Director of Fiscal and Support Services 
DATE: April 15, 2009
SUBJECT: Annual Adoption of City Investment Policy.
RECOMMENDATION: Approve and Adopt Investment Policy With Modification

SUMMARY: Annual review of the policy governing investment of surplus funds for the City is required by the City of Norco Investment Policy.

BACKGROUND/ANALYSIS: Section 53646(a)(2) of the Government Code states that the treasurer or chief fiscal officer of the local agency may annually render to the legislative body of that local agency a Statement of Investment Policy. Attached is the City Investment Policy. It is to be noted that state law no longer requires annual review and approval of the Investment Policy by the legislative body of the City. In addition, quarterly investment reports are no longer required to be presented to the legislative body. However, staff is recommending that the current process of annual review and quarterly reporting of the investment portfolio be continued. This year's Investment Policy has been amended to expand investments in negotiable certificates of deposit to include investments made under the Certificate of Deposit Account Registry Service (CDARS) program as approved by State law.

Staff recommends approval of this Investment Policy.

FINANCIAL IMPACT: None.

/jk-72176

Attachment: Investment Policy – Annual Adoption 2009



CITY OF NORCO ADMINISTRATIVE POLICY STATEMENT

CATEGORY: FISCAL & SUPPORT SERVICES

POLICY NO. 8

SUBJECT: INVESTMENT POLICY

DATE ISSUED: June 7, 2000

LAST DATE MODIFIED: April 15, 2009

PURPOSE:

The purpose of this policy is to provide guidelines to the City Treasurer, or a designated representative, for the investment of surplus funds not required for immediate necessities of the City of Norco. All investment of such surplus funds is governed by state law and by this policy.

INTRODUCTION:

The City Treasurer, or a designated representative, is responsible for administering the City of Norco investments. State law and this policy shall determine the type of investments in which the City Treasurer may participate with idle City funds. The City Treasurer shall issue and administer detailed investment instructions which may change periodically and which will supplement, but conform to the provisions of, this Investment Policy. The investment of bond or Certificates of Participation (COP) proceeds will be further restricted by the provisions of relevant bond or COP documents.

POLICY:

It is the policy of the City of Norco, and the Norco Redevelopment Agency, (together, the "CITY") to meet the short and long term cash flow demands of the City in a manner which will provide for the safety of principal and sufficient liquidity, while providing a reasonable return on the City's investment. The purpose of the Statement of Investment Policy ("Investment Policy") is to outline a process for the investment of City funds in a prudent manner in order to meet City objectives. This Investment Policy will also govern all funds held in trust by the City.

This Investment Policy applies to all investment activities and financial assets of the City, hereinafter, the "funds." Bond and Certificates of Participation (COP) proceeds shall be invested in accordance with the requirements and restrictions outlined in the bond and COP documents and are not considered part of the funds nor subject to this Investment Policy. However, bond and COP proceeds will be included in the monthly report to the City Council per California Government Code Section 53646(b).

PROCEDURE:

I. DELEGATION OF AUTHORITY

The City Treasurer is authorized to invest the City's and Redevelopment Agency's funds in accordance with City of Norco Resolution 79-25 and California Government Code Sections 53600, 16429.1 and 53684 et seq. For the purposes of this policy "Treasurer" shall mean the City Treasurer or the Director of Fiscal and Support Services.

II. PRUDENCE

Investments shall be made in the context of the "Prudent Investor Standard" which states:

"When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City within the limitations of this section, and considering individual investments as authorized by law."

All investments purchased shall have daily liquidity or final stated maturity date, upon which the full principal value of the security will be received. Although the investment will mature at full principal value, it is recognized the market value will vary throughout the life of the security. In a diversified portfolio it must be further recognized that occasional measured losses are inevitable in a diversified portfolio due to economic, bond market, or individual security credit analysis. These occasional losses must be evaluated and considered within the context of the overall investment return.

The "Prudent Investor" standard shall be applied in the context of managing the funds. The Treasurer, acting within the intent and scope of the Investment Policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

III. INVESTMENT PORTFOLIO OBJECTIVES

The objective of the investment portfolio is to meet the short and long-term cash flow demands of the City. To achieve this objective, the portfolio will be structured to provide safety of principal and liquidity, while providing a return on investments.

- A. Safety of Principal: Investments of the City shall be undertaken in a manner that seeks to ensure that capital losses are minimized, whether from institution default, broker-dealer default, or erosion of the market value of securities. The Treasurer

shall seek to preserve principal by mitigating two types of risk: Credit Risk and Market Risk.

1. Credit Risk – Credit risk, defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by purchasing U.S. Treasury Securities, or high-grade securities. All investments beyond Treasury securities will be diversified so that the failure of any one issuer would not unduly harm the City's cash flow. Credit risk shall also be mitigated by pre-qualifying financial institutions, broker/dealers, intermediaries and advisors with which the City Conduct its business.
2. Market or Interest Rate Risk – Interest rate risk is the risk the market value of securities in the portfolio will decline due to changes in general interest rates. Interest rate risk may be mitigated by structuring the funds so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities. The cash flow is updated on a daily basis and will be considered prior to the investment of securities, which will reduce the necessity to sell investments for liquidity purposes.

Long-term securities shall not be purchased for the sole purpose of short-term speculation. Securities shall not be sold prior to maturity with the following exceptions: 1) a declining credit security should be sold early to minimize loss of principal; 2) a security swap would improve the quality, yield, or target duration in the portfolio; or 3) liquidity needs of the portfolio require that the security be sold.

- B. Liquidity: The funds shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the funds will maintain a liquidity buffer and invest primarily in securities with active secondary or resale markets (dynamic liquidity).
- C. Return on Investments (Yield): The funds shall be designed to attain a return on investment through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk assumed.

IV. ETHICS AND CONFLICTS OF INTEREST

The Treasurer and Director of Fiscal and Support Services shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair their ability to make impartial investment decisions. The Treasurer and Director of Fiscal and Support Services shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio and shall refrain from undertaking personal investment transactions with the same individual or financial institution with whom business is conducted on behalf of the City.

The Treasurer and Director of Fiscal and Support Services are required to file an annual State of California Form 700 "Statement of Economic Interest Disclosure," as required by the Fair Political Practices Commission ("FPPC"). During the course of the year, if there is an event subject to disclosure that could impair the ability of the Treasurer or the Director of Fiscal and Support Services to make impartial decisions, the City Manager will be notified in writing within 10 days of the event.

V. SAFEKEEPING OF SECURITIES

To protect against fraud, embezzlement, or losses caused by collapse of individual securities dealers, all securities owned by the City shall be held in safekeeping by the City's custodial bank or a third party bank trust department, acting as agent for the City under the terms of a custody agreement. This provision will not be applicable for certain investments held as a result of credit agreements entered into by the City. Such custodial bank must be a federal or state association (as defined by Section 5102 of the Financial Code), a trust company or a state or national bank located within this state or with the Federal Reserve Bank of San Francisco or any branch thereof within this state or with any Federal Reserve Bank or with any state or national bank located in any city designated as a reserve city by the Board of Governors of the Federal Reserve System.

All securities will be received and delivered using standard delivery versus payment ("DVP") procedures which ensures that securities are deposited with the third party custodian prior to the release of funds. Securities will be held by a third party custodian as evidenced by safekeeping receipts. Investments in the State Pool or money market mutual funds are undeliverable and are not subject to delivery or third party safekeeping. The Treasurer shall not be responsible for securities delivered to and receipted for by a financial institution until they are withdrawn from the financial institution by the Treasurer.

VI. FINANCIAL REPORTING

The Treasurer shall render a report (the "Report") to the City Council and the City Manager containing detailed information on all securities, investments, and monies of the City. The Report will be submitted on a quarterly basis and be provided to the City Manager and City Council within 30 days following the end of the quarter.

The Report will contain the following information on the funds that are subject to this Investment Policy: 1) the type of investment, name of the issuer, date of maturity, par and cost of each investment, 2) the market value and source of the valuation, 3) a description of the compliance with the statement of investment policy, 4) a statement denoting the City's ability to meet its expenditure requirements for the next six months, and 5) if any City monies are invested in the County Pool, the investment report provided by the County Treasurer pursuant to Government Code Section 53684.

VII. INTERNAL CONTROLS

The Treasurer shall maintain a system of internal investment controls and a segregation of responsibilities of investment functions in order to assure an adequate system of internal control over the investment function. Internal control procedures shall address wire transfer controls, separation of duties, delivery of securities to a third party for custodial safekeeping, and written procedures for placing investment transactions.

VIII. EXTERNAL CONTROLS

The independent City auditor will review and verify the City's investment activity, holdings and compliance with this Investment Policy as part of the City's annual independent audit and submit a report to the City Council relating thereto as part of their annual report on internal controls.

IX. QUALIFIED DEALERS AND INSTITUTIONS

The City shall transact business only with banks, savings and loans, and registered investment securities dealers. The purchase of any investment, other than those purchased directly from the issuer, shall be purchased either from an institution licensed by the State as a broker-dealer, as defined in Section 25004 of the Corporation Code, who is a member of the National Association of Securities Dealers, or a member of a federally-regulated securities exchange, a national or state-chartered bank, a federal or state association (as defined by Section 5102 of the Financial Code), or a securities dealer designated as a Primary Government Dealer by the New York Federal Reserve Bank. Regional dealers may also qualify under the Securities and Exchange Commission Rule 15-3-1 (uniform net capital rule).

The Treasurer shall investigate all institutions that wish to do business with the City, in order to determine if they are adequately capitalized, make markets in securities appropriate to the City's needs, and agree to abide by the conditions set forth in this Investment Policy. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must provide a current audited financial statement. Public deposits shall be made in qualified public depositories as established by California Government Code. The purchase of an authorized investment subject to the limitations of this Policy can be purchased directly from issuers in compliance with California Government Code 53603 and 53635.5.

X. COLLATERAL REQUIREMENTS

California Government Code Sections 53652 through 53667 require depositories to post certain types and levels of collateral for public funds above the Federal Deposit Insurance Corporation ("FDIC") insurance amounts. The collateral requirements apply to bank deposits, both active (checking and savings accounts) and inactive (non-negotiable time certificates of deposit).

XI. AUTHORIZED INVESTMENTS

The investments set forth in this section are authorized investments pursuant to Section 53601 of the Government Code and are authorized investments for the City subject, however, to the prohibitions set forth in Section XII of this Investment Policy.

1. City Issued Debt: Bonds issued by the City, or the Norco Redevelopment Agency, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the City or by a department, board, agency, or authority of the City.
2. United States Treasury Securities: United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.
3. State of California or Municipal Debt: Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state.
4. United States Government Agency Securities: Obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participation, or other instruments of, or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or in guaranteed portions of Small Business Administration notes; or in obligations, participation, or other instruments of, or issued by, a federal agency or a United States government-sponsored enterprise.
5. Bankers Acceptances: Bills of exchange or time drafts drawn on and accepted by major commercial banks in California. Purchases of bankers' acceptances may not exceed 180 days maturity or 40 percent of the agency's surplus money that may be invested pursuant to this section. However, no more than 30 percent of the City's surplus funds may be invested in the banker's acceptances of any one commercial bank pursuant to this section.

6. Commercial Paper: Commercial paper of "prime" quality of the highest ranking or of the highest letter and numerical rating as provided for by Moody's Investors Service, Inc., or Standard and Poor's Corporation. Eligible paper is further limited to issuing corporations that are organized and operating within the United States and having total assets in excess of \$500,000,000 and having an "A" or higher rating for the issuer's debt, other than commercial paper, if any, as provided for by Moody's Investors Service, Inc., or Standard and Poor's Corporation.

Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10 percent of the outstanding paper of an issuing corporation. Purchases of commercial paper may not exceed 25 percent of the agency's surplus money that may be invested pursuant to this section and must be of the highest rating (A-1 or P-1) as rated by Moody's or Standard and Poor's Investors Service.

7. Negotiable Certificates of Deposit: Negotiable certificates of deposits issued by a U.S. national or state-chartered bank or a state or federal association (as defined by Section 5102 of the Financial Code) or by a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed 30 percent of the City's surplus money that may be invested pursuant to this section. For purposes of this section, negotiable certificates of deposits do not come within Article 2 (commencing with Section 53630), except that the amount so invested shall be subject to the limitations of Section 53638. **Investments in negotiable certificates of deposits shall include investments made under the Certificate of Deposit Account Registry Service (CDARS) Program as approved by State law.**
8. Medium Term Notes: Medium-term notes of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service. Purchases of medium-term notes may not exceed 30 percent of the City's surplus money that may be invested pursuant to this section.
9. Money Market Mutual Funds: Shares of beneficial interest issued by diversified management companies investing in the securities and obligations as authorized by Government Code Section 53601 subdivisions (a) to (j) or (m) or (n), and that comply with the investment restrictions of Government Code Section 53600 and Section 53630. To be eligible for investment pursuant to this subdivision, these companies must carry the highest ranking or the highest letter and numerical rating provided by not less than two of the three largest nationally recognized rating services.

The purchase price of shares of beneficial interest purchased pursuant to this subdivision shall not include any commission that these companies may charge and shall not exceed 20 percent of the City's surplus money that may be invested pursuant to this section. However, no more than 10 percent of the City's funds may be invested in shares of beneficial interest of any one mutual fund.

10. Receivable-Backed Securities: Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond of a maximum of five years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having an "A" or higher rating for the issuer's debt as provided by a nationally recognized rating service and rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service. Purchase of securities authorized by this subdivision may not exceed 20 percent of the City's surplus money that may be invested pursuant to this section
11. Repurchase Agreements: Investments in repurchase agreements of any securities authorized by this section, so long as the agreements are subject to this subdivision, including, the delivery requirements specified in this section.

Investments in repurchase agreements may be made, on any investment authorized in this section, when the term of the agreement does not exceed one year. The market value of securities that underlay a repurchase agreement must be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be adjusted no less than quarterly.

- A. "Repurchase agreement" means a purchase of securities by the City pursuant to an agreement by which the counter-party seller will repurchase the securities on or before a specified date and for a specified amount and the counter-party will deliver the underlying securities to the City by book entry, physical delivery, or by third party custodial agreement. The transfer of underlying securities to the counter-party bank's customer book-entry account may be used for book-entry delivery.
- B. "Securities," for purpose of repurchase securities of the same issuer, under this subdivision, means description, issue date, and maturity.
- C. Repurchase agreements shall only be made with primary dealers of the Federal Reserve Bank of New York.

12. Local Agency Investment Fund: The City may invest in the Local Agency Investment Fund (LAIF) established by the State Treasurer for the benefit of local agencies up to the maximum permitted by state law.
13. Riverside County Investment Fund: The City may invest in the Riverside County Investment Pool established by the County Treasurer for the benefit of cities.

XII. INVESTMENT RESTRICTIONS AND PROHIBITED TRANSACTIONS

The following types of transactions are restricted or prohibited:

1. Reverse Repurchase Agreements, as defined by California Government Code Sections 53601(5)(c) and 53635(i) or otherwise are prohibited.
2. Instruments known as "Structured Notes" (e.g. inverse floaters, leveraged floaters, structured certificates of deposit, equity-linked securities) and "Derivatives" (e.g. options, futures, swaps, caps, floors, collars) are prohibited. For the purpose of identifying ineligible securities, the definition of prohibited Structured Notes and Derivatives includes all floating-rate, adjustable-rate or variable-rate securities in which a change in interest rates or other variables that can reasonably be foreseen to occur during their term would result in their market value not returning to par at the time of each interest rate adjustment as defined by California Government Code Section 53601.6.

Simple "floating rate notes," whose periodic coupon adjustment is based on a short-term (one-year or less) rate index (such as Treasury bills, federal funds, prime rate of LIBOR) and which have a reasonable expectation of maintaining a value of par at each interest rate adjustment through final maturity, are considered an eligible investment. Eligible floating rate notes (U.S. Government Agencies, Certificates of Deposit, Medium-Term Notes, etc.), must meet all quality, maturity and percent limitations assigned to their respective security category.

Callable securities, which otherwise meet the quality, maturity and percent limitations assigned to their respective security category, are considered to be an acceptable investment. U.S. Treasury zero-coupon bonds, U.S. Treasury strips and Resolution Funding Corporation (REFCORP) strips are considered to be an acceptable investment. No investment prohibited by California Government Code Sections 53601.6 or 53631.5 shall be permitted herein.

3. The average maturity of all instruments, on a dollar-weighted basis, will not exceed 365 days.

4. The maximum maturity of any portfolio instrument will be 5 years or less. The maturity of a variable-rate security may be considered to be its next interest rate reset date, if there is a reasonable expectation that the security will maintain an approximate value of par upon each adjustment of the security's interest rate at any time until final maturity.
5. All investments will be U.S. dollar denominated.
6. Any investment transactions, credit risk criterion, or market valuation that are not in compliance with this Investment Policy must be documented and approved by the Treasurer in writing. Thereafter, action shall be taken by the Treasurer to advise the City Manager.
7. Securities that are downgraded below the minimum acceptable rating levels must be reviewed for possible sale within a reasonable amount of time.

It is acknowledged that investment pools in which the City invests may invest funds in any of the securities set forth in Government Coded Section 53601.

XIII. POLICY REVIEW

This Investment Policy shall be reviewed at least annually by the Treasurer, Director of Fiscal and Support Services, City Manager and City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return, and its relevance to current law, financial and economic trends, and to meet the needs of the City. The Investment Policy shall be presented to and annually reviewed and approved by the City Council in an open session.

XIV. LEGISLATIVE CHANGES

Any State of California legislative action that further restricts allowable maturities, investment type or percentage allocations will, upon effectiveness, be incorporated into the City's Investment Policy Statement and supersede any and all previous applicable language.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM:: Jeff Allred, City Manager 

PREPARED BY: 
Olivia Hoyt, Accounting Supervisor

DATE: April 15, 2009

SUBJECT: Making Findings and Continuing Existing Rates for Maintaining Flood Control Channels within County Service Area CSA-152

RECOMMENDATION: Adopt **Resolution 2009-___**, making findings and continuing existing rates for maintaining flood control channels within County Service Area CSA-152.

BACKGROUND/ANALYSIS: Riverside County requires an annual resolution authorizing the County to levy a County Service Area (CSA) parcel charge. The proceeds of the charge are used to maintain and operate the City's storm drains and flood control channels into the Santa Ana River. This service area assessment is exempt from the requirements of Prop. 218. Below is an excerpt from Prop. 218:

Section 5, Paragraph (a) of Proposition 218 reads as follows:

“Section 5. Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 2001, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4...”

Our City Attorney supports a “declaration of exemption” for Norco in this case because the assessment was established before November 6, 1996 and is used exclusively for flood control purposes, an exempt category under Section 5 (a). The cities of Corona

Rates for Maintaining Flood Control Channels CSA-152.

Page 2

April 15, 2009

and Moreno Valley have also taken the position that the levy does not fall within the purview of Proposition 218.

The County has cautioned that they will continue to collect the fee for us, but if we have to pay the money back to the residents at some future time, they will charge us \$15 for each check plus the refund amount to each resident.

FINANCIAL IMPACT: City will receive an estimated \$60,000 from these parcel charges that will be used exclusively for drainage improvements and NPDES permit compliance. The annual charge per parcel is \$5.78.

/jk-72197

Attachment: Resolution 2009-____

RESOLUTION NO. 2009-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO MAKING FINDINGS AND CONTINUING EXISTING RATES FOR MAINTAINING FLOOD CONTROL CHANNELS WITHIN COUNTY SERVICE AREA CSA- 152.

WHEREAS, the City of Norco is a co-permittee of Permit No. CSA-618033 with the County of Riverside and the incorporated cities therein; and

WHEREAS, the City must have a valid NPDES Permit in order to discharge runoff from properties within the boundaries of the City through its storm drain and flood control channels directly into the Santa Ana River or through Riverside County's channels into the Santa Ana River; and

WHEREAS, the City uses revenues from the CSA-152-Norco assessments solely for the purpose of maintaining and operating the City's storm drain and flood control system, including complying with the Permit.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Norco as follows:

SECTION 1: Based upon the facts set forth herein, the City Council finds that CSA-152-Norco charges are assessments that confer benefits upon each parcel of property subject to the assessments. Pursuant to Section 5(a) of Article XIID of the California Constitution, the CSA-152-Norco assessments are exempt from the procedures and approval process of Section 4 of Article XIID of the California Constitution because CSA-152-Norco assessments existed before November 6, 1996, and the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for the flood control and drainage system in the City.

SECTION 2: The City Council entered into an agreement with the County of Riverside on April 6, 1994 to participate in the County Service Area 152 to facilitate collection of funds in implementing the federally mandated NPDES program. A yearly rate of \$5.78 per benefit assessment unit was added to residents' property tax bill following a public hearing on May 18, 1994.

SECTION 3: The City Council elects to continue existing rates.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held 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 Resolution was regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on the 15th day of April, 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 seal of the City of Norco, California this 15th day of April 2009.

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

/jk-72199

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 15, 2009

SUBJECT: Professional Services Agreement with RHA Landscape Architects Planners, Inc. of Riverside, California for Professional Design, Construction Documents and Planning Services Related to the Wayne Makin Sports Complex Lighting and Irrigation Project

RECOMMENDATION: Staff recommends approval of the Professional Services Agreement in the amount of \$75,270 with RHA Landscape Architects Planners, Inc. of Riverside, California for professional design, construction documents and planning services related to the Wayne Makin Sports Complex Lighting and Irrigation Project and authorize the City Manager to approve change orders up to 10% of the contract.

SUMMARY: During the 2008/2009 fiscal year Capital Improvement Program (CIP) budget process, the Department of Parks, Recreation and Community Services proposed a project which was approved by the City Council to provide funds for the Wayne Makin Sports Complex Lighting and Irrigation Project. Based on the review of proposals received, staff is recommending that the City Council award a Professional Services Agreement to RHA Landscape Architects Planners, Inc. for the design, construction documents and planning services related to the Wayne Makin Sports Complex Lighting Project. The project is identified in the current CIP. Total cost of this design/planning portion of the project, including 10% contingency funds, is \$82,797.

BACKGROUND ANALYSIS: Understanding the existing lighting conditions at the highly used sports facility have become antiquated, and inefficient. The City identified the project during the 2008-2009 budget process. Through a Request for Proposal and Qualifications (RFP/Q) process, the City invited RHA Landscape Architect of Riverside, California, into negotiations whereas RHA Landscape Architect was selected as the firm for the project to complete an assessment of the lighting along with irrigation issues at the Wayne Makin/Shearer Sports Complex.

Through further discussions regarding scope of work, it was recommended that the project be phased-in to have the least impact on the users of the facility. Phase One will concentrate on the east side of the facility known as Wayne Makin; while Phase Two will reflect improvements to the west side known as Shearer.

The project will consist of installing new energy efficient lighting fixtures throughout the facility, which will provide state-of-the-art technology such as Musco to minimize off-site spill and glare as well as provide energy savings of more than 50% over a standard lighting system. An important feature provided by the manufacturer is the warranty and maintenance program that eliminates 100% of maintenance costs for 25 years, including labor and materials.

Additionally, improvement of landscape irrigation for more efficient water control and conservation by retrofitting the park for reclaimed water throughout the turf areas is a goal, as well as the installation of walkways to designated playing fields to provide needed handicap accessibility. Attention to parking lots will also be addressed. Project construction will be scheduled to have the least impact on youth sports organizations who utilize this complex.

Staff is asking the Council to approve the Professional Services Agreement in the amount of \$75,270 with RHA Landscape Architects Planners, Inc. for the design, construction documents and planning services for the Wayne Makin/Shearer Sports Complex Lighting project and authorize the City Manager to approve change orders up to 10% of the contract.

FINANCIAL IMPACT: This design/planning work for the Wayne Makin Sports Complex Lighting and Irrigation Project is funded in the 2008/9 Capital Improvement Budget.

/ma-71563

Attachment: Exhibit "A" - Professional Service Agreement

CITY OF NORCO

CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT

This Agreement is made by and between the **CITY OF NORCO**, a municipal corporation of the State of California, hereinafter referred to as '**City**' and, **RHA Landscape Architects Planners, Inc.**, hereinafter referred to as '**Consultant.**'

WITNESSETH:

WHEREAS, City desires architectural services to be performed to provide Consultant services for the design, planning services and construction documents for the Wayne Makin Lighting Project through the City of Norco; and

WHEREAS, Consultant, by reason of its qualifications, experience, and facilities for performing the type of services contemplated herein, has proposed to provide the requested services;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, City and Consultant agree as follows:

1. SCOPE OF SERVICE

- A. The scope of service covered by this Agreement includes all requested services, hereto and by this reference incorporated into this Agreement.
 - 1. Exhibit "A" consists of Consultant's proposal (the 'Proposal') dated March 30, 2009

2. TERM OF AGREEMENT

- A. This Agreement shall be effective as of the date executed by all parties and approved as to form by the City Attorney and shall continue until all services provided for this Agreement have been performed unless otherwise terminated as set for in Paragraph 27 of this Agreement.

3. SCHEDULE FOR PERFORMANCE

- A. City and Consultant agree that time is of the essence in the performance of this work, and Consultant agrees to produce documents in the times stated in the Proposal.
- B. Deviations from time schedule stated in the Proposal may be made with the approval of the City Parks and Recreation Director, or his/her authorized representative.

4. COMPENSATION

- A. The maximum compensation for the services specified in Paragraph 1 is \$75,270 (seventy five thousand two hundred seventy dollars) with a contingency of \$7,527 (seven thousand five hundred twenty seven dollars) for a total of \$82,797 (eighty two thousand seven hundred ninety seven dollars) and shall be paid on time and materials not to exceed basis at the hourly rates stated in Attachment 1.
- B. In the event the cost for services exceeds this maximum amount, Consultant agrees to complete all services, enumerated in his proposal, at no additional expense to City, unless agreed to in writing as an Addendum to this Agreement.

5. INVOICING, PAYMENT, NOTICES

- A. Consultant shall submit periodic invoices, not more frequently than monthly, for the services rendered during the preceding period; invoices shall describe the services performed and costs incurred.

- B. Consultant shall transmit invoices and any notices required by this Agreement, to City as follows:
 - City of Norco
 - Attn: Parks, Recreation and Community Services Department
 - 2870 Clark Avenue
 - Norco, CA 92860
- C. City shall transmit payments on invoiced amounts, and any notices required by this Agreement to Consultant as follows:
 - RHA Landscape Architects Planners, Inc.
 - 6216 Brockton Avenue, Suite 212
 - Riverside, CA 92506
- D. The City shall have the right to review all books and records kept by the Consultant and any subcontractors concerning the operation and services performed under this Agreement.
- E. The City shall withhold payment for any expenditure not substantiated by Consultant's or subcontractor's books and records.
- F. In the event the City has made payment for expenditures that are not allowed, as determined by the City's audit, the Consultant shall reimburse the City for the amount of the disallowed expenditures.
- G. City shall make no payment for any services not specified in Paragraph 1 of this Agreement unless such additional services and the price thereof are agreed to in writing and approved by the City Manager, prior to the time that such additional services are rendered.

6. PROFESSIONAL SERVICES

- A. Consultant is a professional Landscape Architect licensed by the State of California.
- B. Consultant agrees that services shall be performed and completed in the manner and according to the professional standards observed by competent practitioner of the profession in which Consultant and its subcontractors or agents are engaged.
- C. Consultant shall not, either during or after the term of this Agreement, make public any reports or articles, or disclose to any third party and confidential information relative to the work of City or the operations or procedures of the City without the prior written consent of City.
- D. Consultant further agrees that it shall not, during the term of this Agreement, take any action that would affect the appearance of impartiality or professionalism.

7. INDEPENDENT CONTRACTOR

- A. It is understood and agreed that Consultant (including Consultant's employees) is an independent contractor and that no relationship of employer-employee exists between the parties hereto.
- B. Consultant's assigned employees of City personnel shall not be entitled to any benefits payable to City employees.
- C. City is not required to make any deductions or withholdings from the compensation payable to Consultant under the provisions of the Agreement, and is not required to issue W-2 Forms for income and employment tax purposes for any Consultant's assigned personnel.
- D. Consultant, in the performance of its obligation hereunder, is only subject to the control or direction of City as to the designation of tasks to be performed and the results to be accomplished.
- E. Any third persons employed by Consultant shall be entirely and exclusively under the direction, supervision and control of Consultant.

- F. Consultant hereby indemnifies and holds City harmless from any and all claims that may be made against City based upon any contention by and third party that an employer-employee relationship exists by reason of this Agreement.

8. AUTHORITY OF CONSULTANT

- A. Consultant shall possess no authority with respect to any City decision and no right to act on behalf of City in any capacity whatsoever as agent or to bind City to any obligations whatsoever.

9. CONFLICT OF INTEREST

- A. Consultant certifies that it has disclosed to City any actual, apparent or potential conflicts of interest that may exist relative to the services to be provided pursuant to this Agreement.
- B. Consultant agrees to advise City of any actual, apparent or potential conflicts of interest that may develop after the date of execution of this Agreement.
- C. Consultant further agrees to complete any statements of economic interest required by either City ordinance or State law.

10. ASSIGNMENT AND SUBCONTRACTING

- A. Consultant's obligations under this Agreement are not assignable or transferable, and Consultant shall not subcontract any work, without the written approval of City.

11. OWNERSHIP OF WORK PRODUCT

- A. All technical data, evaluations, reports, plans and other work products of Consultant provided hereunder shall become the property of City and shall be delivered to City upon completion of the services authorized hereunder; Consultant may retain copies thereof for its files and internal use.
- B. City representatives shall have access to work products for inspection and determining that the services are being performed in accordance with the terms of the Agreement.
- C. Publication of the information derived from work performed or data obtained concerning services rendered under this Agreement must be approved in writing by City.

12. INDEMNIFICATION

- A. Consultant agrees to hold harmless and indemnify City, its officers, agents and employees from and against any and all losses, liability or damages arising out of, in consequence of or resulting from the negligent acts and/or omissions of Consultant, its subcontractor, consultants, agents or employees.
- B. Consultant assumes no responsibility to indemnify City for the negligent acts or omissions of City, its officers, agents and employees.

13. INSURANCE

- A. During the term of this Agreement, Consultant shall maintain in full force and effect policies of insurance as set forth herein:
 - 1. General Liability: Comprehensive general liability insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
 - 2. Automobile Liability: Automobile liability insurance with coverage of not less than \$1,000,000 combined single line limit per accident for bodily injury and property damage.
 - 3. Worker's Compensation: Worker's Compensation Insurance that complies with the terms of the law of California concerning Worker's Compensation.
 - 4. Errors and Omissions; Malpractice: Errors and omissions or malpractice insurance with coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage.

B. Other Insurance Provisions:

1. The policies are to contain, or be endorsed to contain, the following provisions: a.

General Liability and Automobile Liability Coverage:

- (1) The City, its officials, employees, and volunteers are to be covered as additional insured as respects:
- (i) liability arising out of activities performed by or on behalf of the Consultant; (ii) products and completed operations of the Consultant; premises owned, leased, or used by the Consultant; (iii) or automobiles owned, leased, hired, or borrowed by the Consultant.
- (2) The coverage shall contain no special limitations on the scope of protection afforded to the City, its officials, employees, or volunteers.
- (3) The Consultant's insurance coverage shall be primary insurance as respects the City, its officials, employees, and volunteers.
- (4) Any insurance or self-insurance maintained by the City, its officials, employees or volunteers shall be excess of Consultant's insurance and shall not contribute with it.
- (5) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officials, employees, or volunteers.
- (6) Coverage shall state that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

b. Workers' Compensation and Employers' Liability Coverage:

- (1) The insurer shall agree to waive all rights of subrogation against the City, its officials, employees and volunteers for losses arising from work performed by Consultant for the City.

c. All Coverage: Acceptance of Insurers

- (1) Insurance is to be placed with insurers with Bests' rating of no less than A: VII; this requirement may, however, be waived in individual cases for Errors and Omissions Coverage only, provided however, that in no event will carrier with rating below B: IX be acceptable.

2. Verification of Coverage

- a. Consultant shall furnish the City with certificates of insurance and with original endorsement effecting coverage required by this exhibit.
- b. Consultant shall furnish prior to or contemporaneously with the execution of this Agreement certificates of Insurance and endorsements.
- c. The Certificates of Insurance shall provide that there will be no cancellation, reduction or modification of coverage without prior written notice to City.
- d. The certificates and endorsements for each insurance policy are to be signed by person authorized by the insurer to bind coverage on its behalf.
- e. The certificates and endorsements are to be on forms acceptable to the City Attorney.

3. Subconsultants:

- a. Consultant shall include all sub consultants as insured under its policies or shall furnish separate certificates and endorsements for each sub consultant.
- b. All coverage for sub consultant shall be subject to all of the requirements stated herein.

14. EMPLOYMENT PRACTICES

- A. Consultant, by execution of this Agreement, certifies that it does not discriminate against any person upon the basis of race, color, creed, national origin, age, sex, disability or marital status in its employment practices.

15. LICENSES, PERMITS, ETC.

- A. Consultant represents and warrants to City it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession.
- B. Consultant represents and warrants to City that Consultant shall, at its sole costs and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits and approvals which are legally required for Consultant to practice its profession at the time the services are performed.

16. RECORDS

- A. Consultant shall maintain records, books, documents and other evidence directly pertinent to the performance of work under this Agreement in accordance with generally accepted accounting principles and practices.

17. RECORD RETENTION

- A. The Consultant agrees to keep proper books of records and account in which complete and correct entries will be made of payroll costs, travel, subsistence, and field expenses.
- B. Said books shall, at all times, be available for at least three (3) years after final payment for reasonable examination by the City.

18. ACCURACY AND COMPLETENESS

- A. The Consultant has total responsibility for the accuracy and completeness of the investigations, calculations, reports, plans and related designs, specifications and estimates prepared for the Project and shall check all such material accordingly.
- B. The plans will be reviewed by City for conformity with Project objectives and compliance with City Standards.
- C. Reviews by City DO NOT include the detailed review or checking of major design components and related details or the accuracy with which such designs are depicted on the plans.
- D. The responsibility for accuracy and completeness of such items remains solely with the Consultant.

19. REQUEST FOR INFORMATION OR CLARIFICATION

- A. In the event that the items requiring interpretation in the drawings or specification are discovered during the bidding period, said items shall be analyzed by the Consultant for decision by City as to the proper procedure to be followed at no addition cost to the City.
- B. Corrective action taken will either be in the form of an addendum prepared by the Consultant and issued by City, or by covering change order after the award of the construction contract.
- C. During construction, the Consultant shall furnish all necessary additional drawings for supplementing, clarifying, and/or correcting purposes and for change orders resulting from errors and omissions of the Consultant.
 - 1. Such drawings shall be requested in writing from the Consultant by City and shall be furnished at no additional cost to City.
 - 2. The original tracing(s) of the drawings and contract wording for change orders shall be submitted to City for duplication and distribution.

20. PROFESSIONAL SEAL

- A. The title sheet for specifications and reports, and each sheet of plans, shall bear the professional seal, certificate number, registration classification, expiration date of the certificate, and signature of the professional engineer responsible for their preparation.
- B. The signature and registration number of the checker shall also appear on all sheets.

21. SOLE SOURCE MATERIALS OR EQUIPMENT

- A. The Consultant or its subcontractors shall not incorporate in the design any materials or equipment of single or sole source origin without prior written approval of the City.

22. DOCUMENTATION

- A. The Consultant shall document the results of all work to the satisfaction of the City. This may include, but not limited to, calculations, plans, specifications and estimates.

23. OWNERSHIP OF DOCUMENTS

- A. Tracings, plans, specifications, maps and as-builts plans prepared or obtained under this Agreement shall be delivered to and become the property of the City.
- B. The basic survey notes and sketches, charts, computations, and other data prepared under this Agreement shall be made available upon request to the City without restriction or limitation on their use.

24. COPYRIGHTS

- A. The City shall have the right to use reports, designs, details or products developed as part of this Agreement for purposes of maintenance, remodeling or reconstruction of existing facilities or construction of new facilities without additional compensation to the Consultant or without restriction or limitation on its use.
- B. The City will hold harmless the Consultant for any use or reuse of these reports, designs, or details for purposes other than the project associated with this Agreement unless the City obtains validation of that use or reuse from the Consultant.

25. CONSTRUCTION PLANS AND SPECIFICATIONS

- A. All construction plans prepared in accordance with this agreement shall be plotted in ink on 3 mil-thick mylar; library files associated with the plans shall be included with this submittal.
- C. All final construction plans prepared in accordance with this Agreement, including those of sub consultants, shall be submitted in final form to the City on CD-ROM using the release of AutoCAD that is compatible with the City's release at the time of completion of this Agreement.
- D. All final specifications prepared in accordance with this Agreement, including those of sub consultants, shall be submitted in final form to the City on the same CD-ROM in Microsoft Word 97 format.
 - 1. Specifications shall be prepared in the outline format as specified by the City for incorporation into the Project Manual to be prepared by the City.

26. COMPLIANCE WITH LAW

- A. Consultant shall prepare plans and constructions documents in compliance with all applicable requirements of all federal, state, and local laws, codes, rules, regulations, ordinances, and standards, including, but not limited to, the requirements of The American Disabilities Act.

27. TERMINATION

- A. City may terminate this Agreement by providing thirty (30) days written notice prior to the effective termination date to Consultant.
- B. In this event of such termination, City shall pay Consultant for all services actually rendered up to and including the date of termination.
- C. Consultant shall deliver to City copies of all drawings, reports, analyses, and investigate whether completed or not, that was prepared or was being prepared under the provisions of this Agreement.

28. AMENDMENTS

- A. Modifications or amendments affecting the work hereunder shall be in writing and executed by both parties.

29. ENTIRE AGREEMENT

- A. This instrument and any attachments hereto constitute the entire Agreement between the City and Consultant concerning the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, April 15, 2009.

CONSULTANT:

(Must be signed by an officer of the Corporation)

Date _____

Signature _____

Print Name _____

Title _____

Tax ID Number
California Corporation _____

SS ID Number _____

**CITY OF NORCO,
a Municipal Corporation:**

Date: _____

City Agent: _____
Jeff Allred, City Manager

City Agent Representative: _____
Brian K. Petree, Director
Parks, Recreation & Community Services

/ma-72137

RHA Landscape Architects Planners, Inc.
6216 Brockton Avenue, Suite 212
Riverside, CA 92506

Hourly Billing Rate Chart

Sr. Principal per hr.....	\$190.00
Principal Landscape Architect per hr.....	\$150.00
Associate Landscape Architect / Planner per hr... ..	\$130.00
Landscape Architect/Proj. Manager/Sr. Designer per hr... ..	\$ 95.00
Designer II/CAD Operator II/Project Captain per hr.....	\$85.00
Designer/CAD Operator/Administrative Personnel per hr.....	\$75.00
Clerical/Professional Staff per hr.....	\$65.00

Outside Consultants

Services of outside consultants **not listed in this proposal**, at our direct cost, plus 15% of the actual cost of their services for coordination.

Reimbursable Items

Reimbursable items, such as the cost of blueprinting, graphic reproduction, plotting, FAX and photo copying, at our direct cost plus 15%. Auto travel will be charged at \$0.585 cents per mile. Where we are able to utilize direct billing to establish Owner accounts the "plus 15%" is not applicable.

Overtime Requests

It is RHA's responsibility to schedule the project's completion under normal conditions without the use of the staff on an overtime basis. If the owner adjusts the deadline or requests that work be completed earlier than originally scheduled and thus requires overtime, the fees shall be adjusted to cover the increased costs incurred by RHA. The hourly rates for overtime will be one and one-half times the hourly rates above.

Conditions of Payment

We will bill on a monthly basis in proportion to the time spent on the project to date. All billing statements are due within 15 days of Engineers receipt of payment from client. Interest will be charged at a rate of 1 ½% per month on the past due balance thirty days and over. RHA shall have the right to stop work should accounts become past due.



ACTION MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
APRIL 8, 2009

-
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, Executive Secretary Dvorak, Senior Engineer Askew
4. PLEDGE OF ALLEGIANCE: Vice-Chair Jaffarian
5. APPEAL NOTICE: Read by staff
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: Pat Overstreet asked how 57 palm trees were allowed to appear at the Norco Plaza commercial complex.
7. APPROVAL OF MINUTES: Minutes of March 25, 2009. **Approved 5-0.**
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARING: Resolution No. 2009-___, A request for approval to allow a temporary mobile home for the elderly on a .54-acre parcel located at 2445 Kips Korner Road, within the A-1-20 zone. Conditional Use Permit 2009-03 (Armstrong) Recommendation: Approval. (Senior Planner Robles). **Approved 5-0 with changes. This action is final unless appealed to the City Council.**
10. BUSINESS ITEMS: Discussion of a Proposed Amendment in Residential and Animal-Keeping Zones Regarding the Size of Permitted Accessory Buildings. Recommendation: Give Direction and Set for Public Hearing (Planning Manager King) Continued from March 11, 2009. **Agreed with the main points of draft regulations to control the size of accessory buildings and directed staff to set a zone code amendment for public hearing. This will be advertised for a public hearing with the Planning Commission on April 29, 2009, and then with the City Council once a recommendation has been made by the Planning Commission.**

11. CITY COUNCIL:
 - A. City Council Action Minutes dated April 1, 2009
 - B. City Council Minutes dated March 18, 2009
Received and filed.
12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions
Commission member Harris reported that he will no longer be on the Economic Development Advisory Council after April.
13. STAFF: Current Work Program. **Received and filed.**
14. OTHER MATTERS:
 - A. Oral Report: Sale of Vehicles at Sixth Street and Valley View (PM King)
It was reported that a letter with a "Trespass Agreement" for the owner to submit to the Sheriff's Department was sent to the registered property owner and that the City cannot take action to remove the vehicles without the agreement and without posted "No Trespassing" signs on the property.
 - B. Oral Report: Wall Design and Use of 1308 Sixth Street (SP Robles)
It was reported that staff has discussed the issue and plans on meeting with the business owner prior to the next Planning Commission meeting.
 - C. Oral Report: Horse boarding facility at California Avenue/North Drive (SP Robles).
It was reported that the house is vacant (and for sale) and that there is a current valid business license for the boarding facility which is an allowed use and so it is legal.
 - D. **Commission member Newton asked that the Planning Commission start reviewing the Design Manual to update some inconsistencies with current design policies.**
 - E. **Commission member Newton asked about the "wagon wheel" in the hole above the row shops in the Stater Bros shopping center.**
 - F. **Commission member Newton asked for a report on the landscaping plan review for the Norco Plaza center, whether the plan was reviewed by the Planning Commission, and how the palm trees got there.**
 - G. **Commission member Newton asked about the status of a conditional use permit that was issued for a temporary mobile home for mature relatives at 2010 Parkridge Avenue.**

- H. Vice-Chair Jaffarian asked that the report also include an update for all conditional use permits that have been issued for the same reason.
 - I. Vice-Chair Jaffarian asked whether the parking for Bob's Big Boy met code requirements since there are so many customers parking in the dirt. It was reported that the restaurant does meet its parking requirement and that people were parking in the dirt because it is closer than the north end of the improved parking area.
15. **URGENCY ITEM:** The Planning Commission added as an urgency item an appeal of staff's denial of a building permit for the reconstruction of a roof on a non-conforming residence in the C-4 zone and voted 5-0 to overturn staff's denial to allow the roof to be re-constructed*.
- * Since the residence is a non-conforming use major improvements such as replacement of roof structures on the associated building is not allowed since it extends the life of the structure which is not the intent for a non-conforming use. If a calamity or "act of God" destroys less than 50 percent of the value of a structure associated with a non-conforming use it can be repaired. However, if the damage is more than 50 percent of the value, the structure cannot be rebuilt. Staff had determined that the roof replacement which included the ceiling and all of the electrical components represented more than 50 percent of the value of the structure, the building permit could not be issued. The applicant appealed on the premise that the value was not more than 50 percent and that he had just purchased the home for the purpose of moving his family into it but was having some landscaping work done while he was out of town. The landscaping work inadvertently caused a tree to fall into the roof causing the damage and he was just hoping to continue with his original plans to move in.
16. **ADJOURNED: 9:00 p.m.**

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 15, 2009

SUBJECT: Sheriff's Department Annual Report for 2008

RECOMMENDATION: Receive and file

SUMMARY: The City Council's actions to increase law enforcement staffing in recent years has significantly improved the safety and the quality of life in Norco. More criminals were arrested in 2006 and 2007 than in any other two-year period. As a result, only once in the last 20 years has property crime been as low as in 2008; violent crime has never been this low.

- Since 2005, crime has decreased by 30% and arrests have increased by 16%.
- Traffic safety has significantly increased; there were fewer fatal, injury, and non-injury collisions in 2008 than in any of the prior 10 years. Grant funding has been used to target alcohol and drug impaired drivers and to add two motor officers; traffic enforcement time almost doubled and citations issued more than doubled from 3,595 in 2005 to 7,339 in 2008.
- The Council's goal to reduce emergency response times has been achieved. In 2008, Deputies arrived at high-priority calls for service in less than 5 minutes; 15% more quickly than they did in 2005. Today, citizens in Norco are less likely to be crime victims or traffic accident victims than they have been at any other time in recent history.

BACKGROUND/ANALYSIS: The crime rate across the nation and in Norco rose through the 1980s and leveled off between 1990 and 1995. Major reductions in crime followed the Council decisions to start the Norco Citizen's Patrol in 1995, and to add a two-deputy Community Oriented Policing team in 1998. Citizen's Patrol helps suppress crime by providing high visibility patrol; our two-man Community Oriented Policing team works on addressing the root-causes of crime and on problems before they result in crime. Crime fell 20% in 1996, which followed the start of Norco Citizen's Patrol; crime fell another 20% in 1998 following the implementation of the Community Oriented Policing team. Crime began to increase again at a rate of about 7% per year from 2000 to 2005.

The City Council adopted a Strategic Plan for 2004 and 2005 to address the City's significant law enforcement needs. The first goal of this plan was to: "Improve police service staffing levels and response times." The Strategic Plan was updated for 2006 and

Agenda Item 5.A.

2007. It included the goal to: "Increase law enforcement staffing and support for existing staffing levels." Council directed staff to research and apply for grants and to explore the potential for construction of a Sheriff's station.

The staffing goals were achieved over the last four years when two deputies were added to the midnight patrol shift, one deputy was added to the evening traffic shift, two motor officers were added to the daytime traffic shift, and a sergeant was added. As a result, since 2005 crime is down 30%, response times to calls for service improved by 15%, traffic enforcement time doubled, and arrests increased by more than 16%.

The City Council again updated the Strategic Plan for 2008 and 2009. The law enforcement goals include managing the Sheriff's Station expansion in the Civic Center, increasing the law enforcement "presence" in Norco by inviting county deputies assigned to neighboring jurisdictions to share office space in the Civic Center, enhancing traffic safety through grant funding, and reducing underage drinking.

The attached charts provide a historical perspective on crime, traffic, and Sheriff's services. They are followed with a review of current challenges and opportunities. The first chart shows the total number of incidents handled by Sheriff's staff. Traffic citations are excluded from this chart because the number of citations issued depends on the amount of time dedicated to traffic enforcement and including citation numbers in this chart can cause a misperception of incident trends in Norco. Total incidents handled remained relatively unchanged from 2006 through 2008 at about 16,000 incidents per year or 1,300 incidents per month or 45 incidents per day. The long term trend of a 5% increase in the number of incidents handled per year since 1999 ended and leveled-off in 2006.

Charts 2 through 4 are based on statistics reported to the U.S. Department of Justice and published in the "Crime in the United States - Uniform Crime Reports." The crime index total includes only specific crimes as defined by the U.S. Department of Justice. Violent crime includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault; property crime includes burglary, larceny-theft, motor vehicle theft, and arson.

Chart 2, "Uniform Crime Report – Crime Index Total for Norco" shows the 21% decrease in crime from 2007 to 2008. This chart shows the 20-year crime trends; that property crime has only been this low once and that violent crime has never been as low as it was in 2008. Crime reached its lowest level in a decade in 2000 and then began to increase an average of 7% per year until 2005. That five-year trend of increasing crime was reversed in 2006 following City Council's action of adding sheriff's deputies to address the crime and traffic needs.

Chart 3, "UCR Part I Violent Crimes" shows the 39% drop in violent crime from 95 crimes in 2007 to 58 crimes in 2008. Violent crime decreased 59% compared to 2003; violent crime decreased 62% from its high of 152 violent crimes in 1991.

Chart 4, "UCR Part I Property Crimes" shows the 19% drop in total property crime from

2007 to 2008. Property crime is down 29% compared to 2005; property crime is down 34% compared to 1991. Compared to 2005, vehicle theft declined by 52% and larceny-theft which is 65% of this crime index decreased 31%.

Charts 5 through 8 show the average amount of time it takes deputies to arrive at calls for service. Total response times have two parts: 1) the dispatch time, which is the amount of time it takes from when the dispatch center receives the phone call until an available patrol unit is found and assigned to the incident, and 2) the response time, which is the amount of time it takes the responding patrol unit from being assigned to the incident to arriving at the incident location.

Responses are prioritized so that citizens in life-threatening situations are helped prior to those with less urgent needs. Priority 1 calls are the most critical and include situations where there is imminent threat to life, serious injury, or in-progress serious property crimes like burglaries. Priority 2 calls are comprised of robbery alarms and serious felonies that have just occurred where the suspect has recently fled and a quick response may help in identification or apprehension. Priority 3 calls include loud parties and disturbing the peace calls where physical violence has not been reported. Priority 4 calls include all past calls - situations where the crime or incident is over. Examples include: a person returned home from vacation and found his garage was broken into, property stolen, and the suspect was no longer present; or a person went to the mailbox and found it broken open, the mail had been stolen sometime in the past, and there were no suspects or suspicious people in the area.

Norco's average response times were increasing through 2003 when residents were waiting, on average, 6.9 minutes for a deputy to arrive at their Priority 1 life-threatening situation. As the city population and calls for service increased, and the number of patrol deputies stayed constant, response times increased. The City Council addressed this issue in the 2004 and 2005 Strategic Plan and added three patrol deputies to the staffing level. As a result, average response times to all calls for service improved.

Chart 8, "Response Times In Minutes - Priority 1 Calls" shows calls for service to our most serious, life-threatening, incidents averaged 4.8 minutes in 2008 which is 14% quicker than in 2005 and 30% quicker than in 2003.

Chart 9, "Norco Traffic Citations" shows the decrease in the number of citations issued, from 9,278 citations in 2007 to 7,339 citations in 2008. This 21% decrease is primarily related to the reduction in productive enforcement hours because motor officers are now sent to testify in traffic court during regular work hours to reduce overtime expenditures. Additional productive enforcement hours were lost when a motor officer was promoted and it took time to locate and train a new motor officer.

In addition to the reduction in productive enforcement hours, staff adopted the Office of Traffic Safety funded traffic consultant's recommendation to change our enforcement strategy from simply a high volume of hazardous moving violations to targeting the

"Primary Collision Factor" violations in areas with a higher than average collision rate. Although the number of citations issued decreased by almost 2,000 last year, the number of citations issued in 2008 was still 4% more than in 2006 and 104% more than in 2005. The increase in citations issued occurred after the third and fourth motor officers were added in 2006.

Chart 10, "Norco Traffic Collisions" shows that what had been a long-term trend of traffic collisions increasing by 10% per year through 2005 was reversed in 2006. City Council's action to add two motor officers in 2006 and to reduce speed limits on several roadways has resulted in 226 fewer traffic collisions in Norco in 2008 than in 2005, a 41% decrease. Without Council's intervention, staff would have expected reported collisions to continue to increase as the surrounding population swells and commuters seek alternative routes to congested freeways. There were two fatal collisions (a vehicle vs. intoxicated pedestrian on Hamner Avenue near Fifth Street, and an intoxicated motorcyclist vs. fixed object on Tandem Way near Horseless Carriage Road) and 40 serious injury traffic collisions in Norco in 2008.

Chart 11, "Traffic Citations By Location of Violation" shows more than one-quarter of all citations issued were in 25 MPH residential areas. Excluding the Office of Traffic Safety grant funded seat-belt enforcement program, about one-third of the citations were issued on Hamner Avenue. About one-tenth of the citations issued were on 6th Street, the remaining one-quarter of the citations were issued on roadways that did not fit into these categories.

Chart 12, "Traffic Citations By Type of Violation" shows more than one-third of all citations issued were for speeding. The Office of Traffic Safety has provided grant funding (which is used to increase patrol deputy time in Norco) to increase seat-belt enforcement; 16% or 1,336 citations included a seat-belt violation. Our traffic enforcement priority continues to emphasize speeding vehicles and hazardous moving violations; 74% of all citations were for hazardous violations. One-quarter of the citations were for non-hazardous violations such as registration or equipment violations; 18% of all citations included more than one violation.

Chart 13, "Traffic Citations By Violator's City Of Residence" shows that only 27% of the violators live in Norco; 73% of the violators live outside of Norco, confirming resident suspicions that out-of-towners are speeding through Norco.

Chart 14, "Adult DUI Arrests In Norco" shows the 103% increase in DUI arrests from 125 in 2005 to 254 in 2008. This increase is a direct result of the City Council's action to increase staffing by five full-time deputy sheriffs, two assigned to midnight patrol, one assigned to evening traffic duties and two assigned as motor officers. The City Council also partnered with the Office of Traffic Safety who provided grant funding for DUI checkpoints and additional patrol time during the evenings which is dedicated to DUI enforcement.

Chart 15, "Adults Arrested And Booked For New Offenses" shows the number of adults

arrested and booked by Norco deputies for new (non-DUI) felony and misdemeanor crimes. Norco deputies arrested more suspects for crimes in 2006 and in 2007 than in any other two-year period. This resulted in a 30% reduction in total crime in 2008 compared to 2005. Violent crime was reduced by 39% in just the last year. Norco's lower crime rate is directly related to the increase in the number of arrests and the increase in deputy staffing.

In summary, thanks in large part to the activities of Norco Citizen's Patrol, Council's direction to implement Community Oriented Policing Programs, the addition of five deputy sheriffs, and a second patrol sergeant, the crime rate has been reduced by 21% from 2007 and by 37% from 1991. The most arrests in a single year in 2007 significantly reduced crime in 2008. Traffic enforcement doubled resulting in fewer traffic collisions. The safety of motorists, equestrians, and pedestrians has increased. Average response times have decreased to all calls for service, including Priority 1 calls. Deputies arrived at life-threatening calls for service in 4.8 minutes which is 14% more quickly than in 2005 and 30% more quickly than in 2003.

City Council has achieved its law enforcement goals of improving police staffing and reducing response times. As a result citizen safety has been significantly increased.

However, the Norco Sheriff's Office is confronting several significant challenges:

1. Staff reductions
2. Response time pressure
3. Economic pressure on the crime rate
4. Traffic safety concerns
5. Youth access to alcohol and drugs
6. Current station is undersized

Staff reductions and response time pressure: We should expect that, absent some kind of intervention, as incidents increase and staffing stays constant or is reduced, response times will increase.

City Council and staff studied this problem over the last several years and developed a staffing model which includes a patrol force with a minimum of two deputies on duty on each of the three shifts for emergency responses. These patrol deputies are supported by civilian staff (Community Service Officers) who work from 10:00 am to 8:00 pm to help keep the deputies available for serious in-progress crimes by handling prisoner transportation to the county jail and by investigating non-violent, less serious criminal and traffic incidents. Patrol deputies are also supported by four motor officers who handle traffic incidents during the day, two traffic deputies who handle traffic incidents during the evening, and two Community Oriented Policing deputies who handle repeat or longer-term community problems that patrol deputies do not have the time or resources to solve.

The elimination of three of the five patrol Community Service Officer full-time positions and

reduction in overtime hours has saved the General Fund \$235,000 in FY2009 and will save and additional \$385,000 in FY2010. However, these reductions result in deputy sheriffs more frequently leaving the city to transport prisoners to the jail or detainees to psychiatric facilities.

Ten patrol deputies have picked up the workload these three former employees used to handle leaving less time available for their own case follow up and pro-active patrol. Traffic citations will decline while motor officers, instead of Community Service Officers, wait for tow trucks for impounded vehicles and complete required paperwork. Citizens will wait longer for lower priority calls for service since there are fewer patrol staff to handle them and these fewer staff are sharing a work load that was not reduced.

Economic pressure on the crime rate: Crime, in many areas, increases as the economy worsens. It is too early to determine if this will happen in Norco. However, the impact of a worsening economy will be compounded by the proposed early release of criminals from both county jails and state prisons.

Traffic safety concerns: Residents continue to be concerned with speeding and stop sign violations, much of which is attributed to cut-through traffic by non-Norconians who do not understand, or choose to ignore, their responsibilities when driving near equestrians. The City Council's action to have the California Vehicle Code amended to permit considering equestrian issues when setting speed limits has been used to set more appropriate speed limits. City Council's acceptance of Office of Traffic Safety grant funding to add two motor officers has increased traffic enforcement and made Norco safer. Deputies aggressively enforce speed limit, stop sign, seatbelt and other hazardous violations. This targeted enforcement has resulted in the 41% decrease in traffic collisions over the last four years.

In a nine-month period (between April 25, 2005 and January 1, 2006) there were five fatal traffic collisions in Norco resulting in six deceased victims and one additional collision where the driver sustained massive injury and brain trauma. Of these six collisions, four involved a driver who was under the influence of alcohol; these collisions resulted in four deceased victims and one victim with brain trauma. Four of the six deceased victims were between the ages of 14 and 19 and either attended Norco High School at the time of their death or were recent graduates. The City Council's action to add deputies for increased enforcement has had several positive results including fewer injury and fatal traffic collisions, fewer crimes, quicker responses to calls for service, and only two alcohol-involved fatal collisions in the last three years.

To address our higher-than-average alcohol-involved collision rate, City Council accepted additional Office of Traffic Safety grants which fund DUI checkpoints, DUI probation compliance checks and warrant service operations, training for deputies in traffic collision and DUI investigations, and fund the purchase of related equipment. In addition to arresting 254 impaired drivers in 2008, deputies are working to prevent repeat DUI drivers from causing additional collisions.

UC Berkeley staff conducted an analysis of Sheriff's operations in June 2007 and issued a report titled "An Enforcement and Engineering Analysis of Traffic Safety Programs". The law enforcement chapter concludes, "The City of Norco and the Sheriff's Department have an extraordinary commitment towards traffic safety."

Christopher Murphy, Director of California Office of Traffic Safety, recently reviewed Norco's police traffic services programs, noted the increase in DUI arrests, seatbelt enforcement, vehicle impounds, and the development of the video "Fatal Decision", and presented the Department with the "Outstanding Achievement Award" in April 2008.

Although past grants have included funding for full-time staff, future grant opportunities are being directed at more short-term "best practices" programs including DUI checkpoints, saturation patrols, warrant operations, DUI probation compliance checks, habitual offender monitoring, vehicle impound programs, and seatbelt enforcement. Staff is seeking grant funding to increase traffic safety through programs rather than full-time staff.

Youth access to alcohol and drugs: The table below shows that Norco continues to experience a significant problem with people both over and under the age of 21 who drive while under the influence of alcohol or drugs.

Year	Underage DUI Arrests (age 16-20)	Adult DUI Arrests (age 21+)	Total DUI Arrests
2005	13	104	117
2006	33	198	231
2007	41	297	338
2008	22	232	254

Sheriff's deputies arrested two 17-year-old, three 18-year-old, five 19-year-old, and twelve 20-year-old suspects for driving under the influence of alcohol or drugs in 2008. Nine percent of all DUI arrests in 2008 were for people not even legally old enough to purchase alcoholic beverages.

The number of DUI arrests made each year is related to the increased attention and enforcement directed to this on-going problem. The Sheriff's Office requested an additional grant of \$266,391 from the Office of Traffic Safety to continue to combat this problem.

Sheriff's staff helped the United Norconians for Life Over Alcohol and Drugs (UNLOAD) meet its mission in the area of educating young people, increasing parental knowledge and awareness, and serving as an information clearinghouse. At UNLOAD's recommendation, staff made low-cost home-use drug and alcohol test kits available for purchase by parents. Staff also worked with UNLOAD, the Corona-Norco Unified School District, and other

organizations to hold Town Hall Meetings where youth and adults were educated. Deputy Marker was the Executive Producer of "Fatal Decision", an impactful 22-minute video about prior Norco High School students killed in alcohol-involved collisions. It includes a staged party scene, subsequent traffic collision, and interviews with a Norco mother whose daughter was killed in an alcohol-involved collision, and a Norco father whose son was killed in an alcohol-involved collision. "Fatal Decision" is used to educate students at Norco High School. More than 300 copies of this video have been distributed to residents. Deputy Marker and the City of Norco were recognized by the MADD California State Organization for the production of "Fatal Decision".

While we still have a full-time School Resource Officer assigned at Norco High School, our ability to impact youth access to alcohol and drugs has been significantly reduced with the elimination of the full-time deputy sheriff position assigned to the Youth Accountability Team at Norco Intermediate School. This deputy and the Youth Accountability Team worked with at-risk juveniles in an attempt to get them to turn their lives around and remain outside of the criminal justice system.

Current station is undersized: When the Sheriff's Office in the Civic Center was first constructed it was intended to house special team's staff, not patrol deputies. As the commute time from the Jurupa Valley Station, located 10 miles away, increased, we began moving patrol deputies to the Civic Center. The men's locker room, designed for 10 lockers, had six more added prior to the completion of construction. Three more lockers were added and placed in the hallway three years ago. Six half size lockers replaced the three hallway lockers two years ago in an attempt to accommodate current staff. Although there are 22 lockers, there is not enough space for more than three people to change clothes in the locker room at the same time, leaving staff to change at home, in shifts, or to use the motor or sergeant's office as changing rooms.

The Redevelopment Agency has allocated funding for the Norco Sheriff's Station Expansion Project within the Civic Center, which has gone through several revisions in an effort to reduce the amount of the expansion and to keep costs as low as possible. Although the current plan will no longer encroach into the Finance area, it will impact the Parks & Recreation area requiring a redesign of their front counter, and encroach into the City Hall employee kitchen and break room. The men's locker room in the Sheriff's area will be expanded. The women's locker room will be expanded into the break room.

Prisoner and public safety will be improved by constructing a prisoner bathroom within the Sheriff's area. This will eliminate the need to escort prisoners to the employee and public restrooms in the middle of the Civic Center.

A new report writing area will be created to supplement the existing report writing counter which is in the main hallway where staff, Norco Citizen Patrol and prisoners enter and leave the building. A logistics and evidence room will be constructed. The Norco Citizen Patrol "Office", which is a cubicle, will be changed to an office with solid walls. The fenced parking area will be expanded to include the 16 stalls west of the current fence where

Norco Citizen Patrol, city-owned and employee vehicles are parked.

Keeping the Norco Sheriff's Office in the Civic Center is much more cost effective than building a new station. This expansion project will serve the City's current law enforcement facility needs and allows for expansion should the City and County agree on a plan to deploy county deputies from City Hall.

Future Staffing Needs: Public safety has been and continues to be the City Council's highest priority. In order to more thoroughly review and understand policing options and operations, City Council created the Law Enforcement Task Force in 1994, the Police & Fire Safety Commission in 1996, and most recently the "Blue Ribbon" Law Enforcement Advisory Committee in 2004. Each of these bodies helped us get to the staffing level and deployment that Norco now enjoys in 2008.

However, the need to reduce total City General Fund expenditures included the Sheriff's Department and resulted in implementing my recommendation to eliminate three civilian Community Service Officer positions at the end of 2008, and to reduce overtime expenditures by not filling behind motor officers, traffic or community oriented policing deputies when their shifts were vacant. Patrol deputy shifts have remained at a minimum staffing level of 2 deputies on duty on each of the 3 shifts; however, vacancies are filled by the Jurupa Valley Station with already on-duty deputies who are not on overtime.

Given the condition and spending priorities of the state and local budgets, it appears that staffing increases are not financially feasible. However, as we look into the future, consideration should be given to meet the following needs:

- re-funding the three Community Service Officer positions recently eliminated;
- re-funding \$85,000 in overtime to fill behind vacant motor officers, traffic and community oriented policing deputies;
- re-funding the Youth Accountability Team deputy position;
- adding one Community Service Officer for evenings;
- adding two traffic cars for evenings;
- adding two Community Oriented Policing deputies; and,
- adding two patrol deputies for day shift.

In summary, future response time challenges might be mitigated by offering office space to county deputies; facility improvement needs can be funded through the Redevelopment Agency; traffic safety challenges can be met with aggressive targeted enforcement while using grants to help fund programs that emphasize arresting impaired and repeat DUI drivers; youth access to alcohol challenges will continue to be addressed through UNLOAD, education and enforcement; and we will continue to attempt to meet increased staffing needs through grant funded programs.

Norco's policing needs have been successfully met with a one deputy per 1,000 residents ratio which, although it is below the average in California and the nation, has been sufficient to meet resident needs because:

- Norco has a low crime rate;
- Civilian staff (three Community Service Officers and a secretary) complete tasks that other agencies assign to sworn officers;
- Norco Citizens Patrol supports Sheriff's operations;
- Norco has access to many specialized police services at no cost or at a minimal hourly cost, which only needs to be paid when the service is used in Norco;
- Office of Traffic Safety funded traffic programs not only improve traffic safety but also increase the number of deputies working the streets reducing crime;
- Norco's patrol operations can be, and are, staffed in a fiscally conservative manner because additional resources can be obtained from the Jurupa Valley Station when needed.

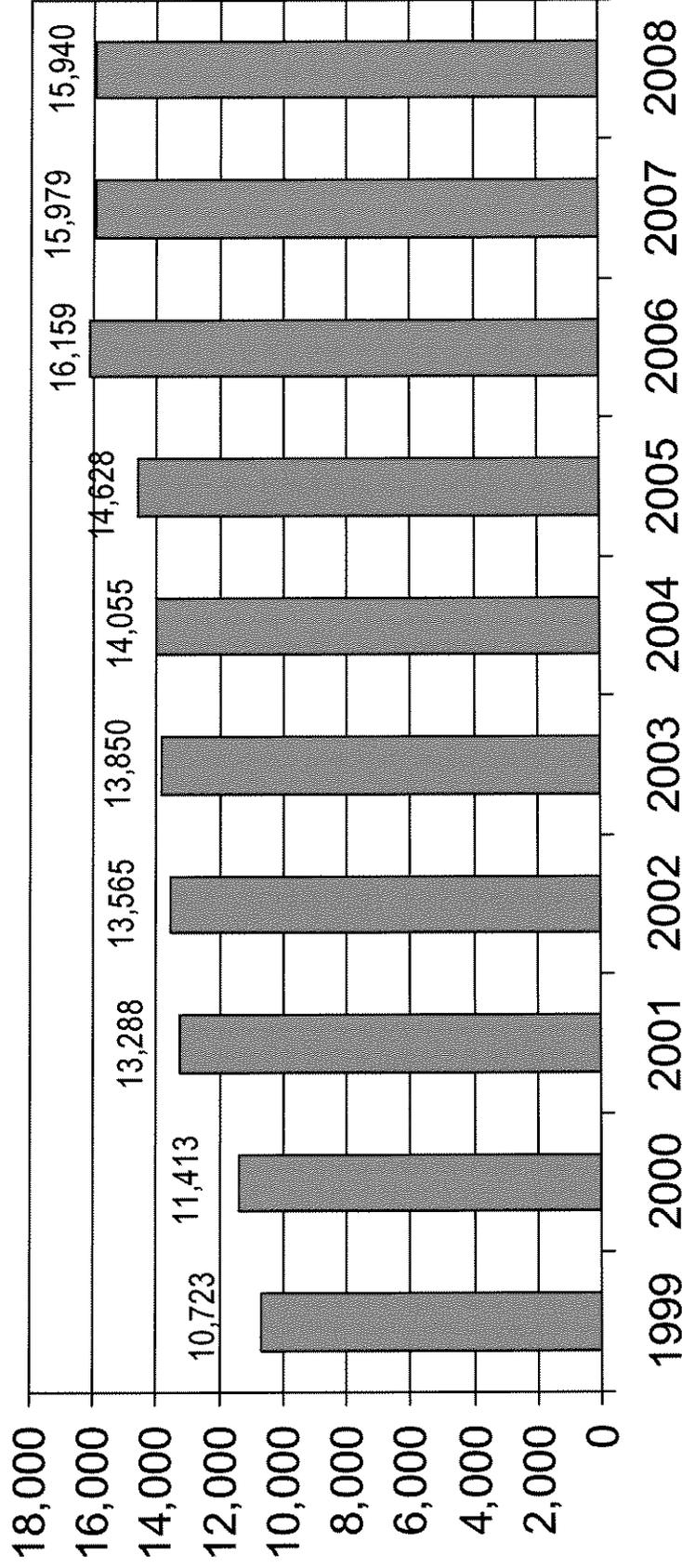
The City Council and Sheriff's deputies have achieved significant improvements in 2008 in safety and quality of life in Norco. In spite of challenges; response times have never been so quick; traffic safety has improved dramatically; and crime is lower than at almost anytime in the last 20 years.

FINANCIAL IMPACT: None

/rlf - 72206

Attachment: 15 charts

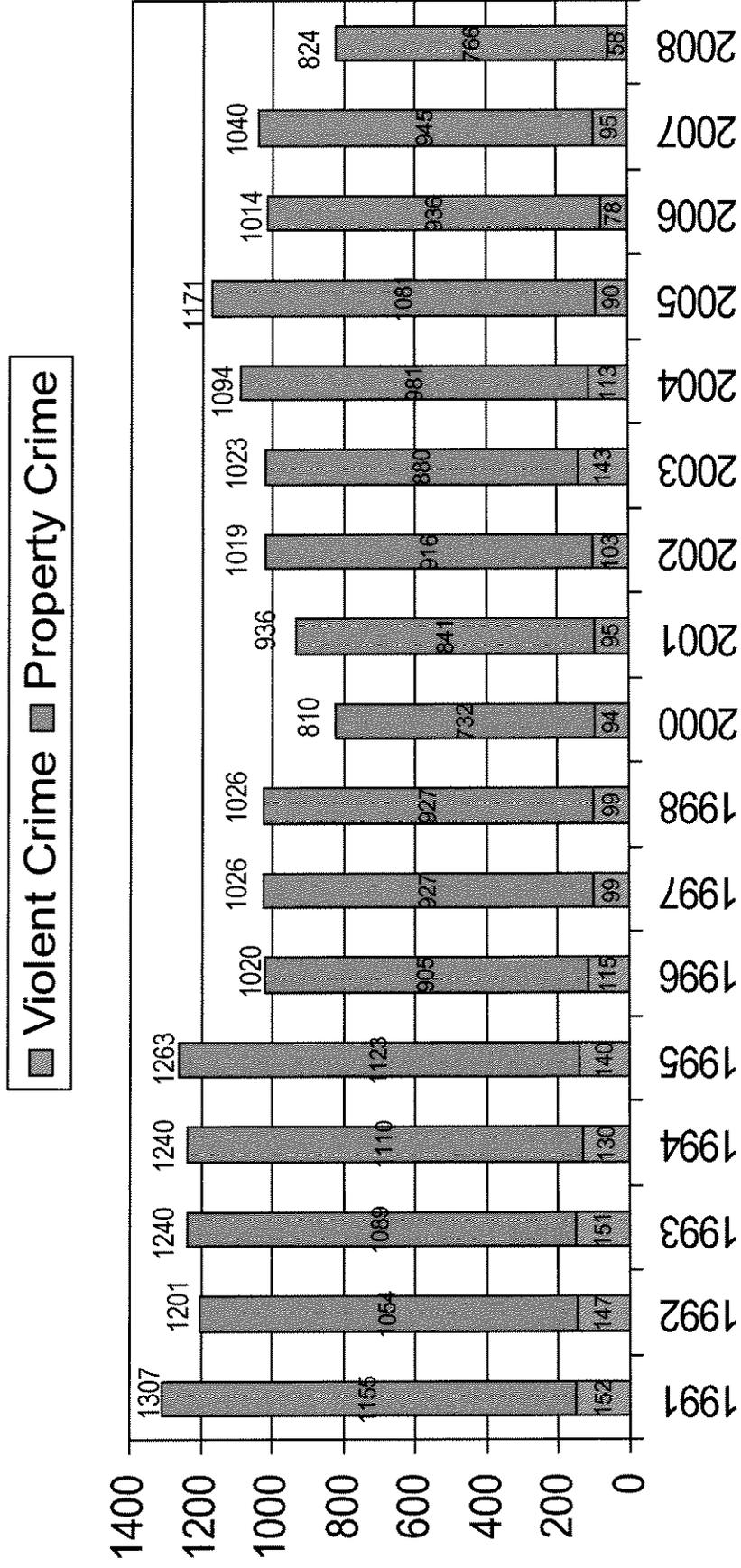
TOTAL NORCO SHERIFF INCIDENTS EXCLUDING TRAFFIC CITATIONS



- Almost 50% increase in incidents since 1999
- The long term trend of a 5% increase per year ended in 2006

Chart 1

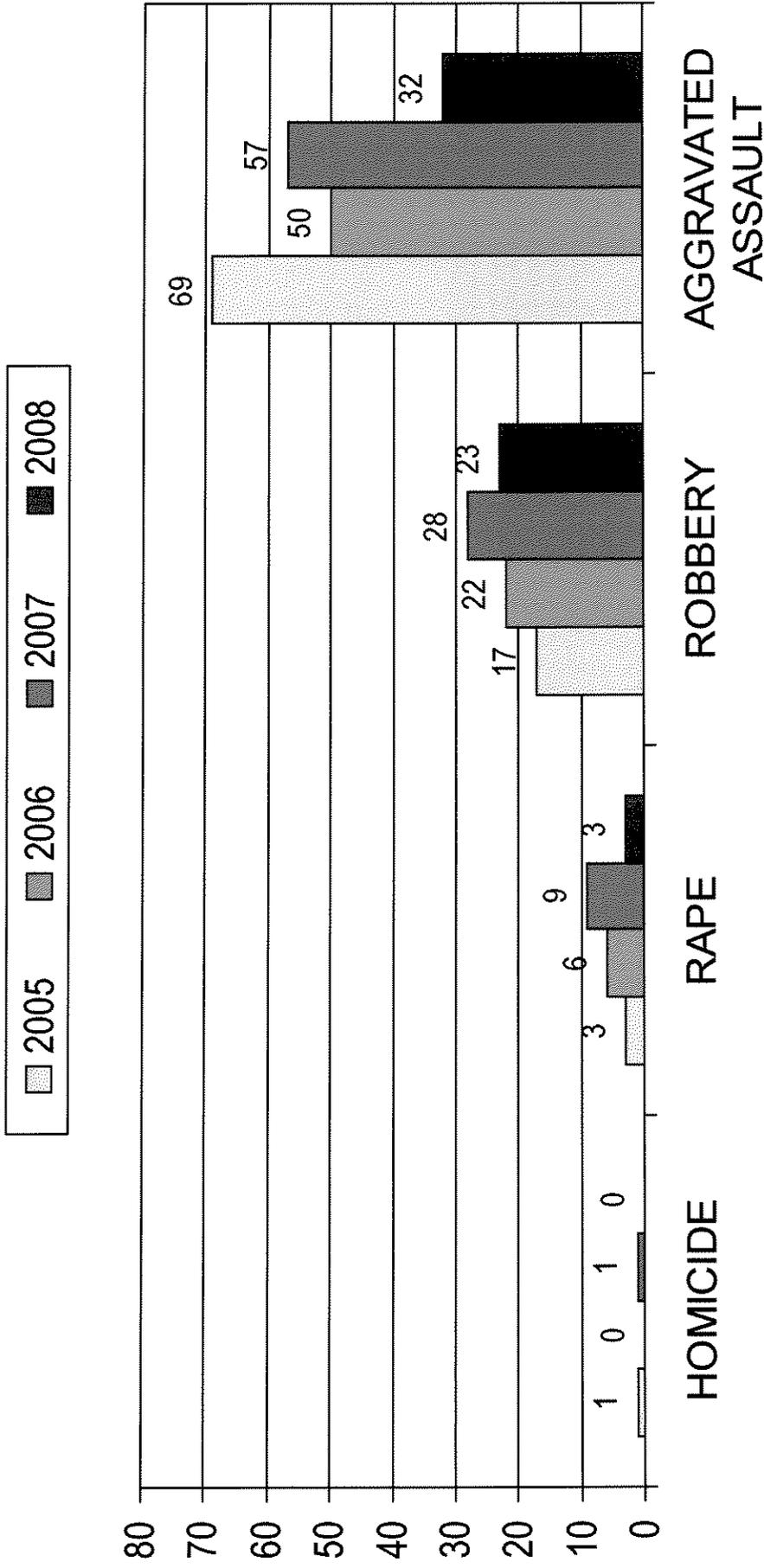
UNIFORM CRIME REPORT CRIME INDEX TOTAL FOR NORCO



•5-year trend of increasing crime has been stopped even though calls for service have been increasing

Chart 2

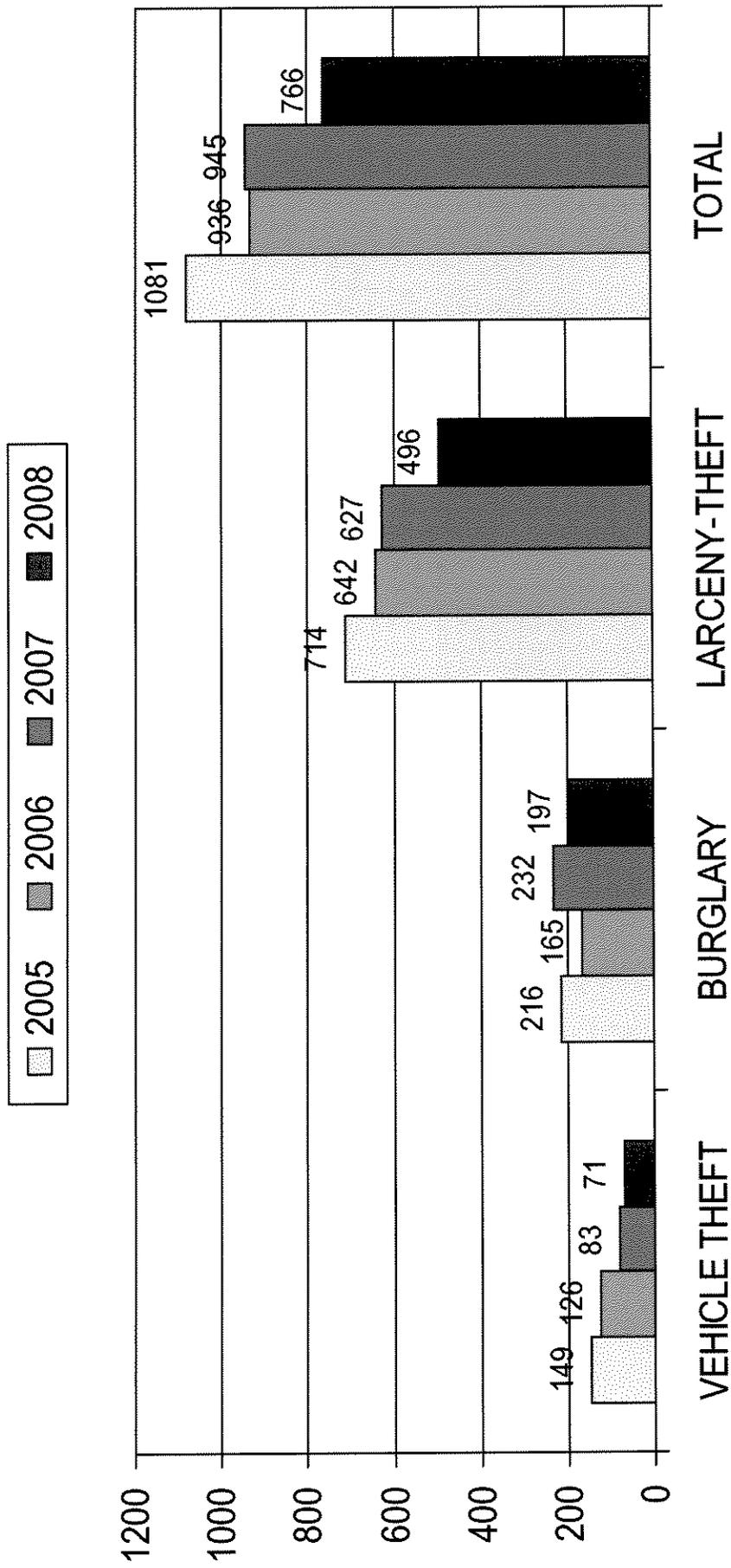
UCR PART 1 VIOLENT CRIMES



- Violent crime is down 35% from the high in 2005
- Violent crime is down 39% from last year

Chart 3

UCR PART 1 PROPERTY CRIMES

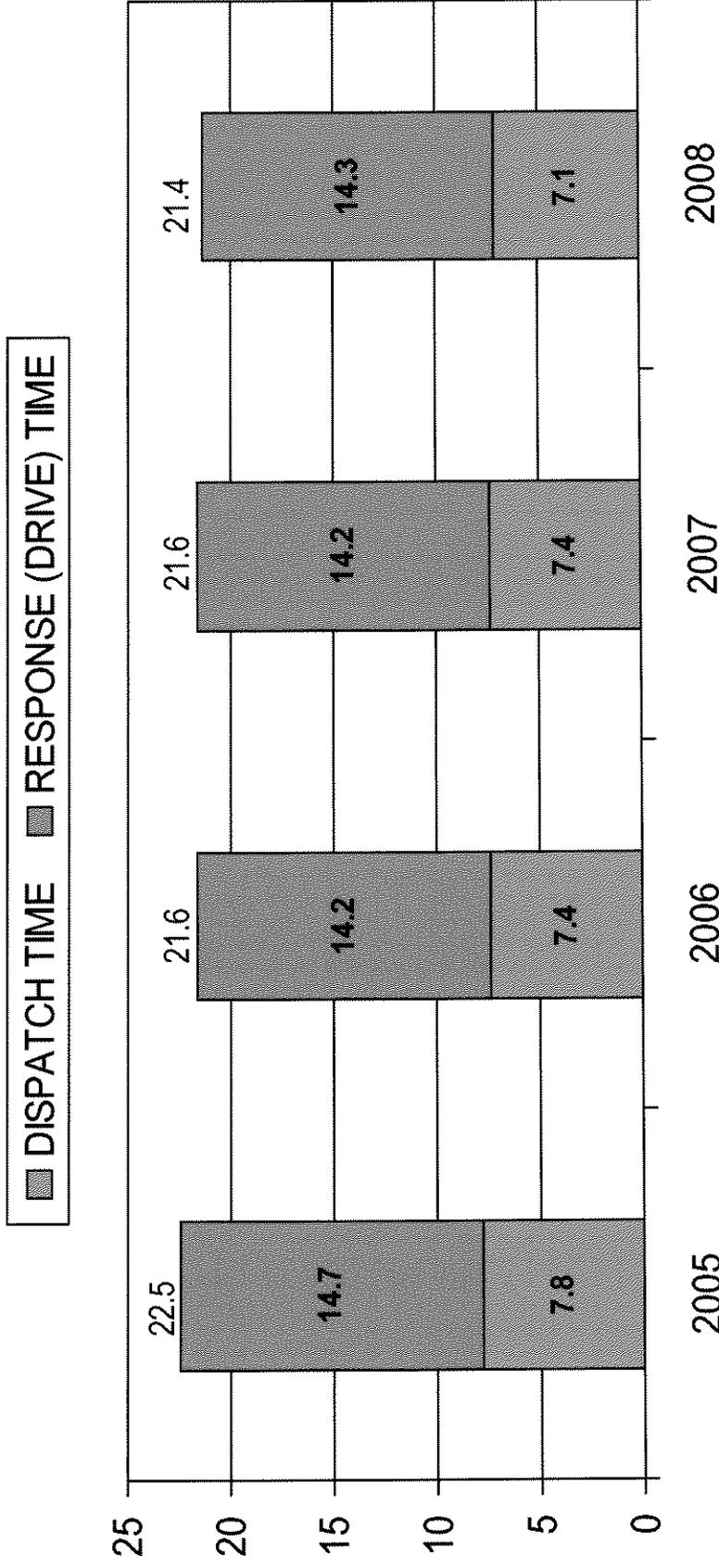


- Property crime is down 29% from 2005
- Property crime is down 19% from last year
- NCP's high visibility patrol impacts property crimes

Chart 4

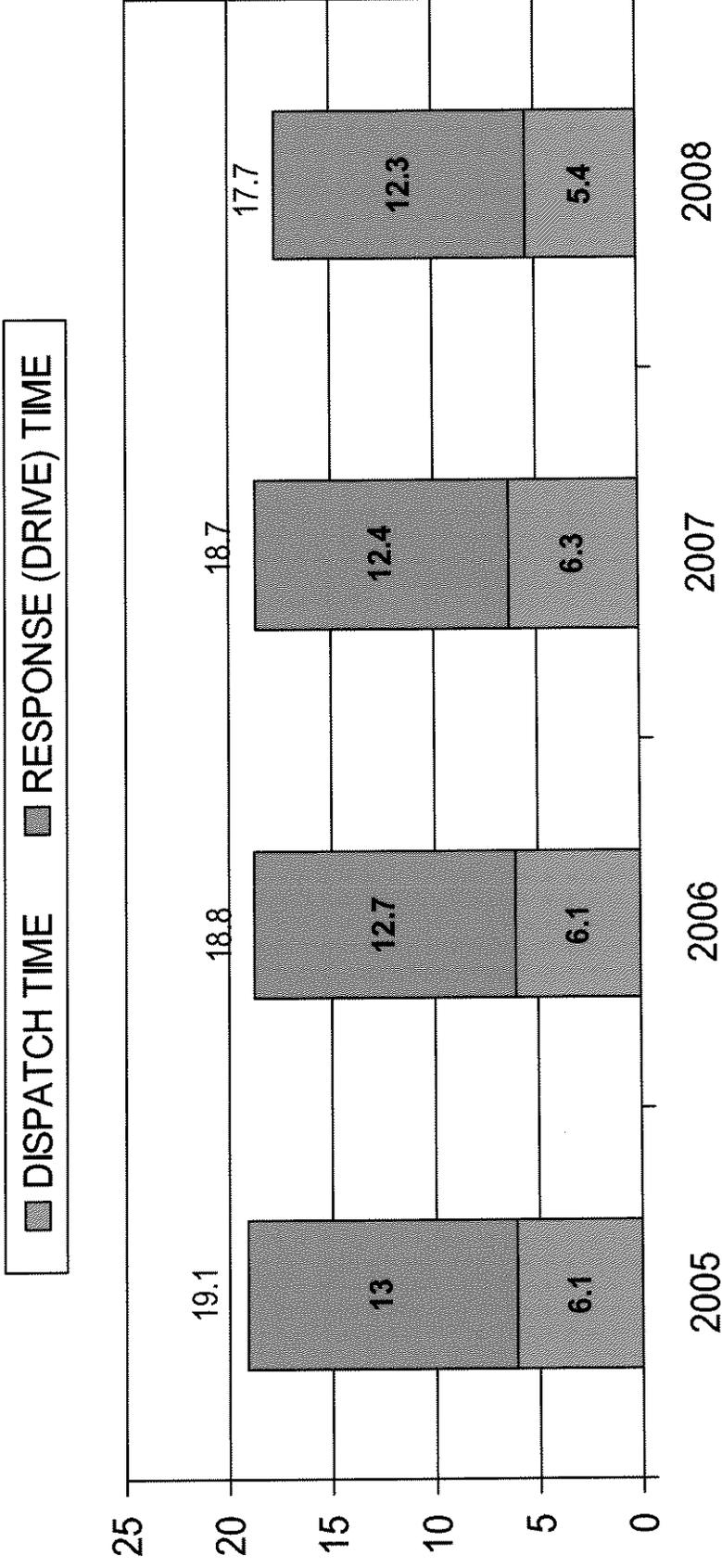
RESPONSE TIMES IN MINUTES

PRIORITY 4 CALLS



•Includes past calls – situations where crime or incident is over

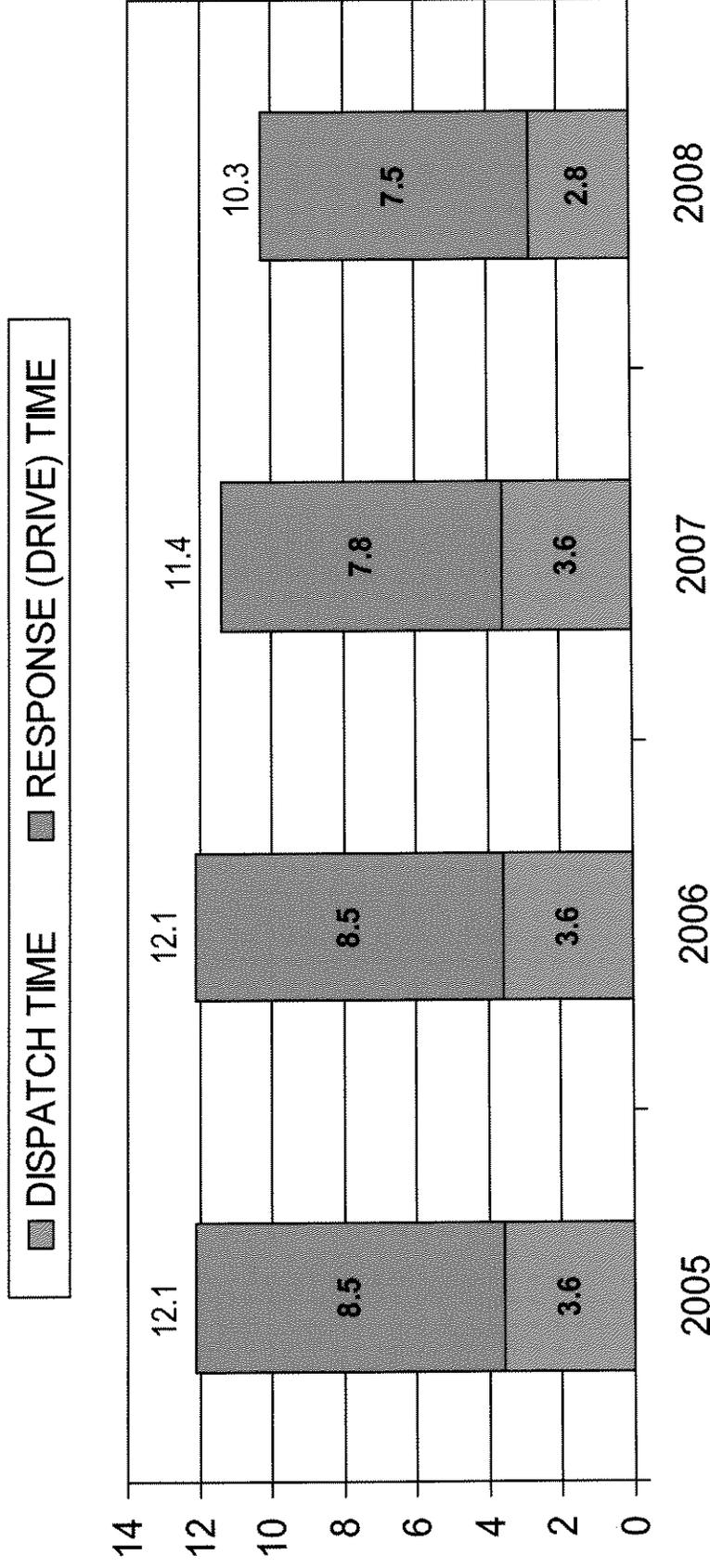
RESPONSE TIMES IN MINUTES PRIORITY 3 CALLS



•Includes loud parties and disturbing the peace calls where violence has not been reported

RESPONSE TIMES IN MINUTES

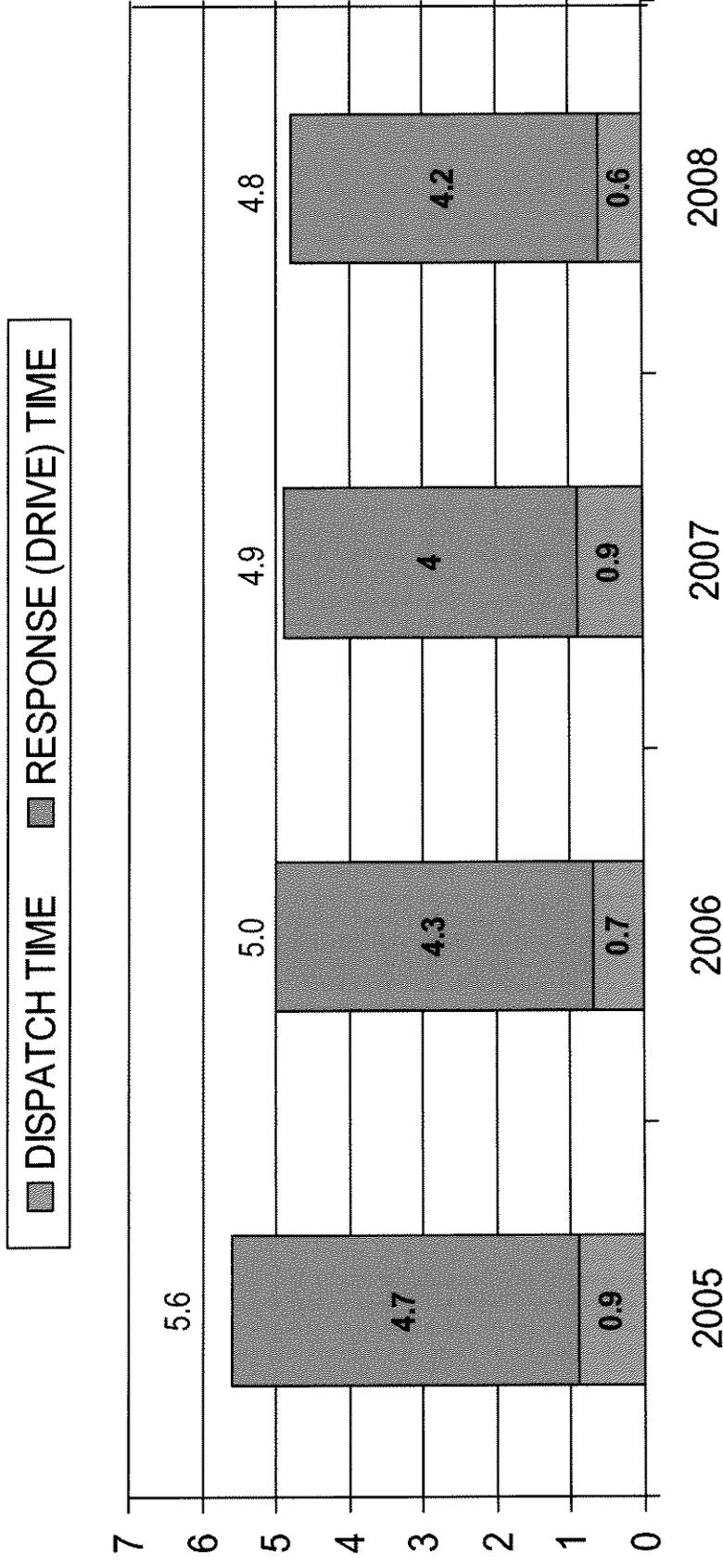
PRIORITY 2 CALLS



• Includes robbery alarms and serious felonies that have just occurred where the suspect has recently fled and a quick response may help in identification or apprehension

RESPONSE TIMES IN MINUTES

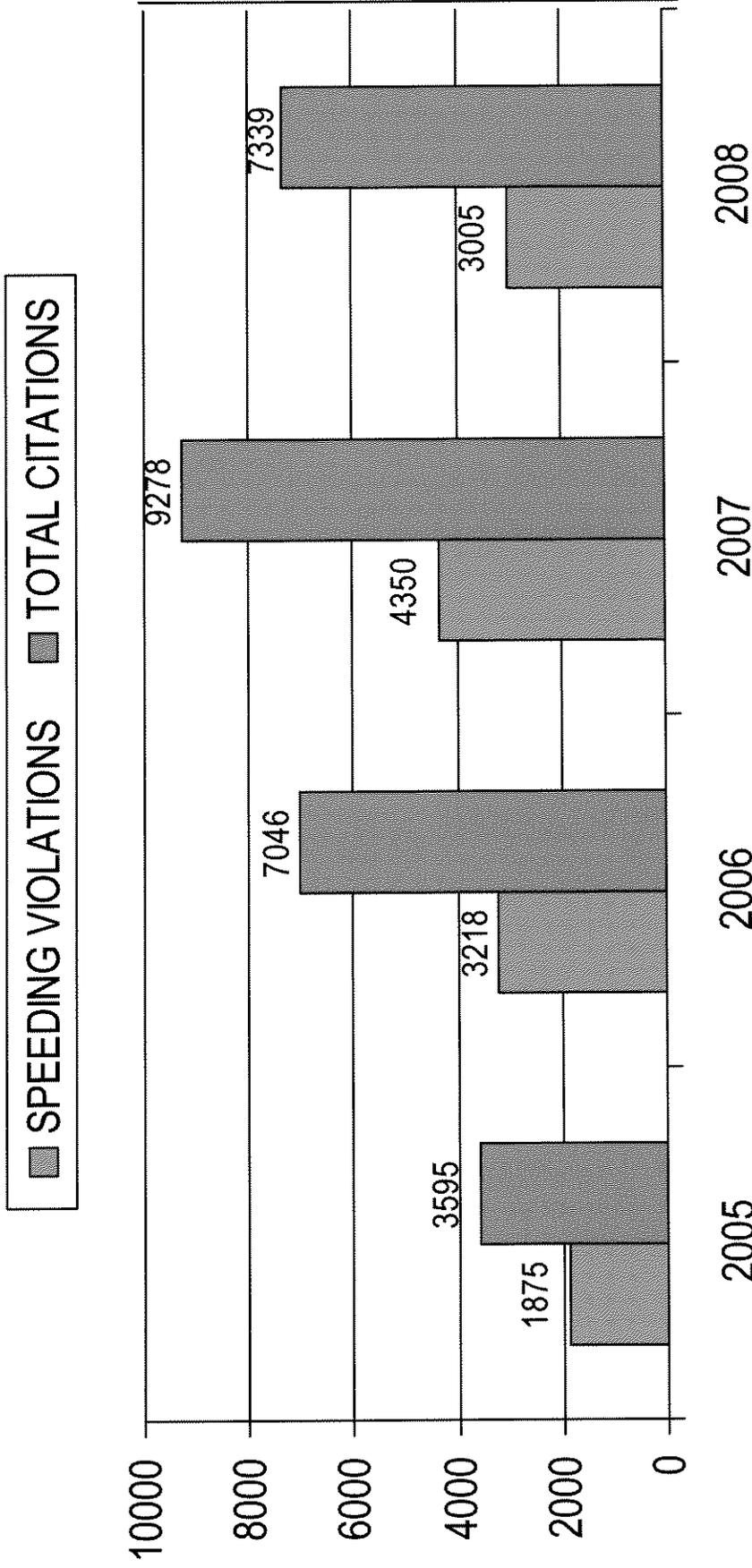
PRIORITY 1 CALLS



- Most critical calls, including situations with imminent threat to life or serious injury
- Responses are quicker because of improved staffing levels

Chart 8

NORCO TRAFFIC CITATIONS



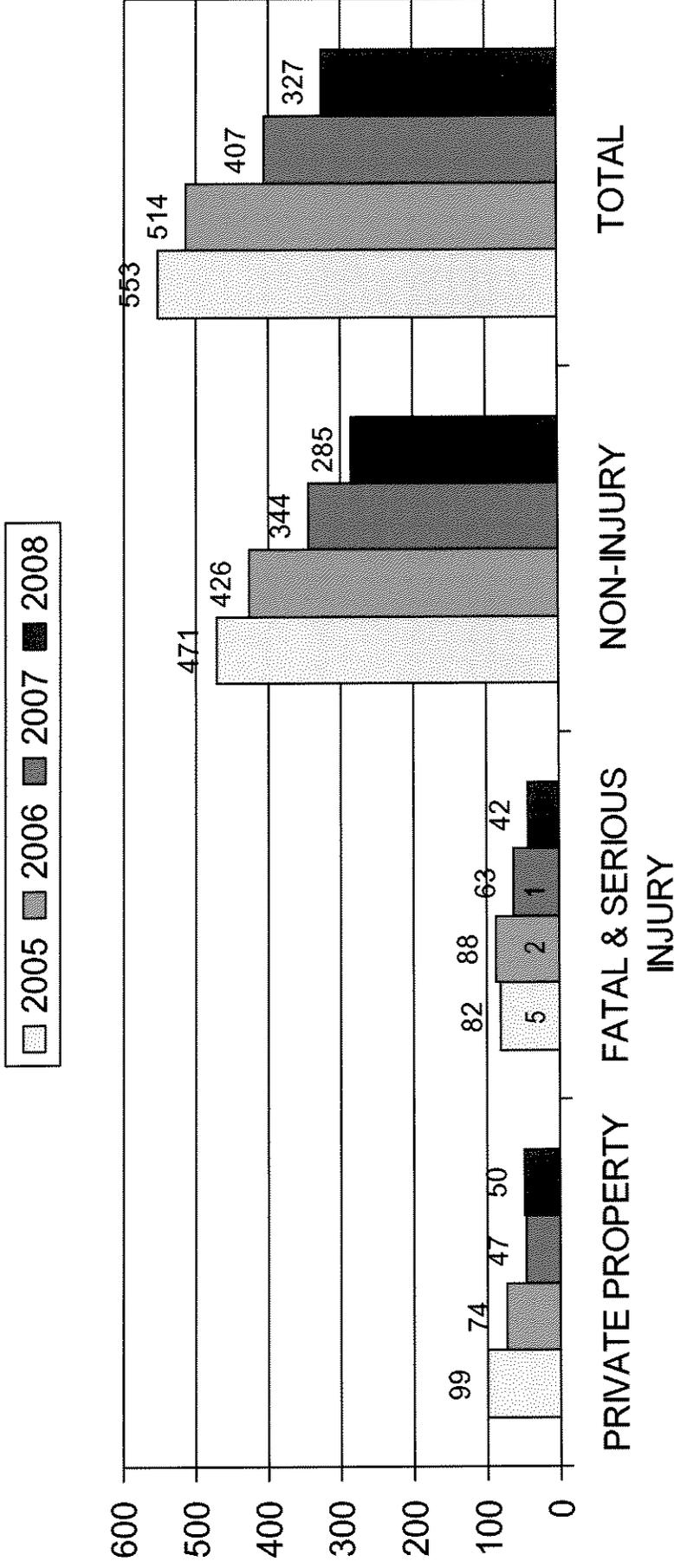
- Most citations ever issued was after 3rd & 4th motor officers were added

- Motor Officers are now scheduled to attend traffic court during on-duty, not overtime, hours

- Promotion of a motor officer in 2008 left the position temporarily vacant

Chart 9

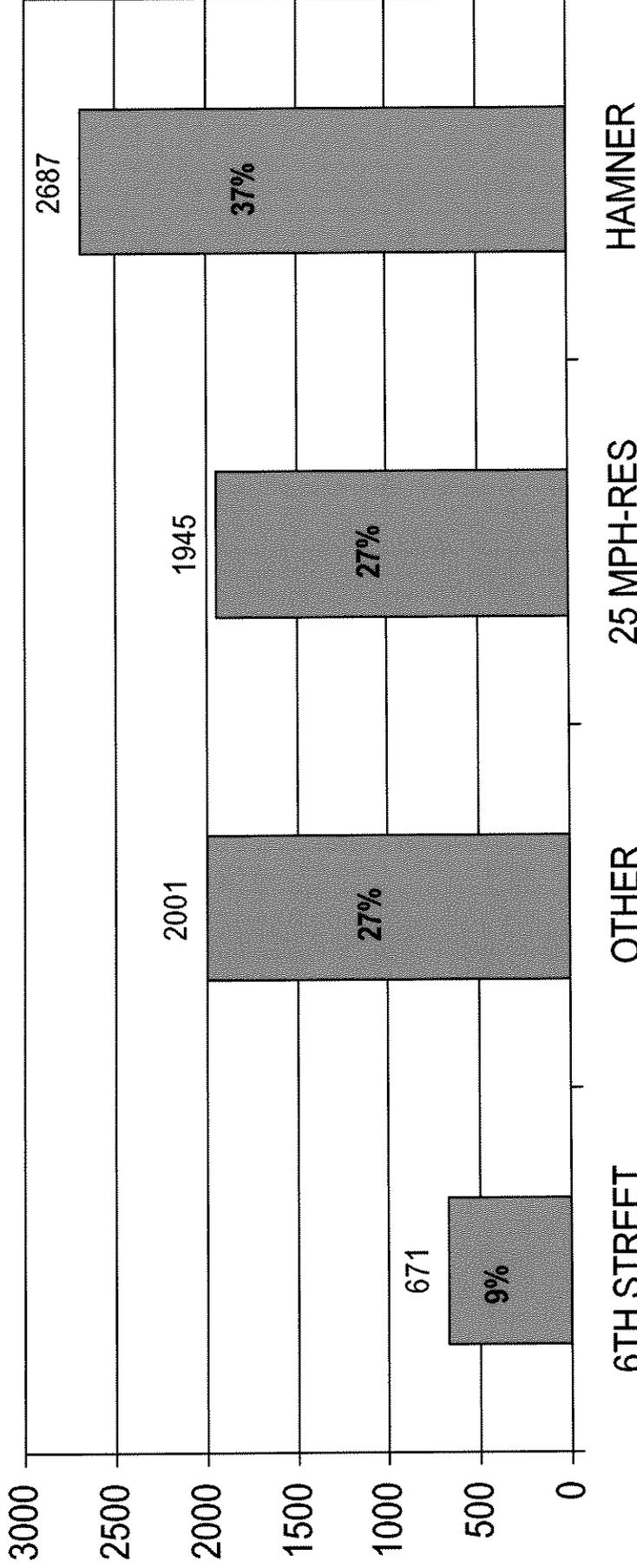
NORCO TRAFFIC COLLISIONS



- The long-term trend of a 10% increase in collisions per year was reversed in 2005
- More traffic usually means more traffic collisions
- Aggressive enforcement of primary collision factor violations reduced collisions 41% over 4 years

Chart 10

2008 TRAFFIC CITATIONS BY LOCATION OF VIOLATION

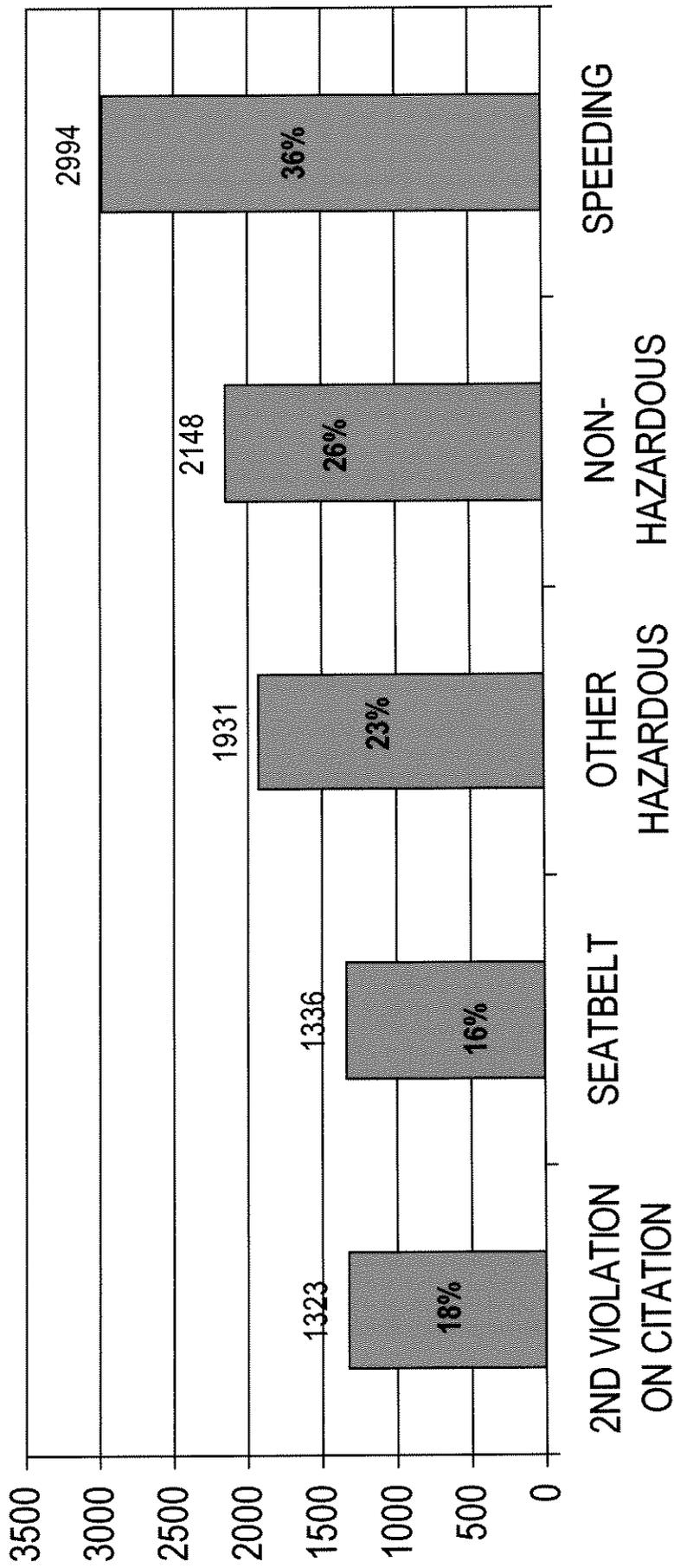


- Spend much of our enforcement time on residential streets

- Hamner includes grant funded location-specific seatbelt enforcement

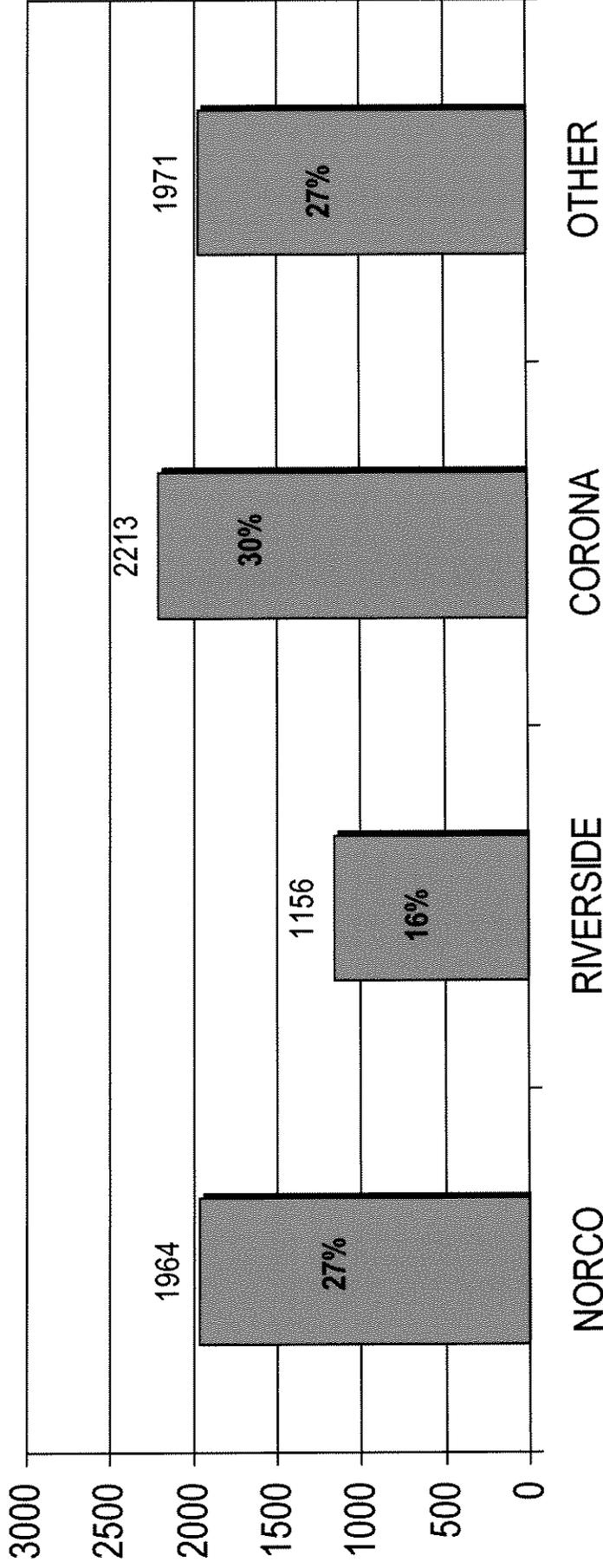
- OTHER includes Corydon, Norco Dr, California, Hidden Valley, River Rd, Norco Hills, 2nd, 5th, Parkridge, Mountain, as well as additional streets.

2008 TRAFFIC CITATIONS BY TYPE OF VIOLATION



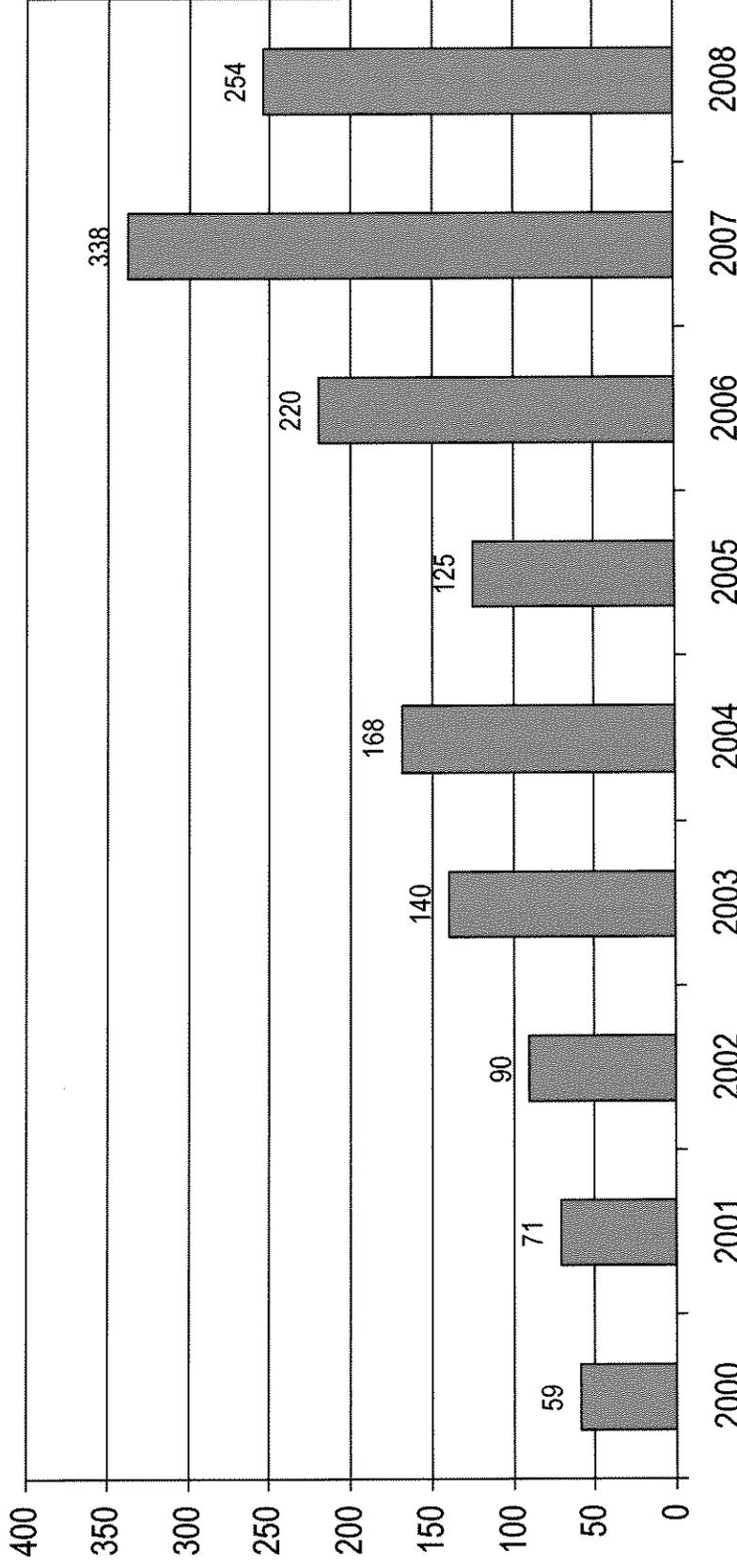
•Speeding, stop sign and other hazardous violations account for 74% of all citations

2008 TRAFFIC CITATIONS BY VIOLATOR'S CITY OF RESIDENCE



•73% of all violators live outside of Norco

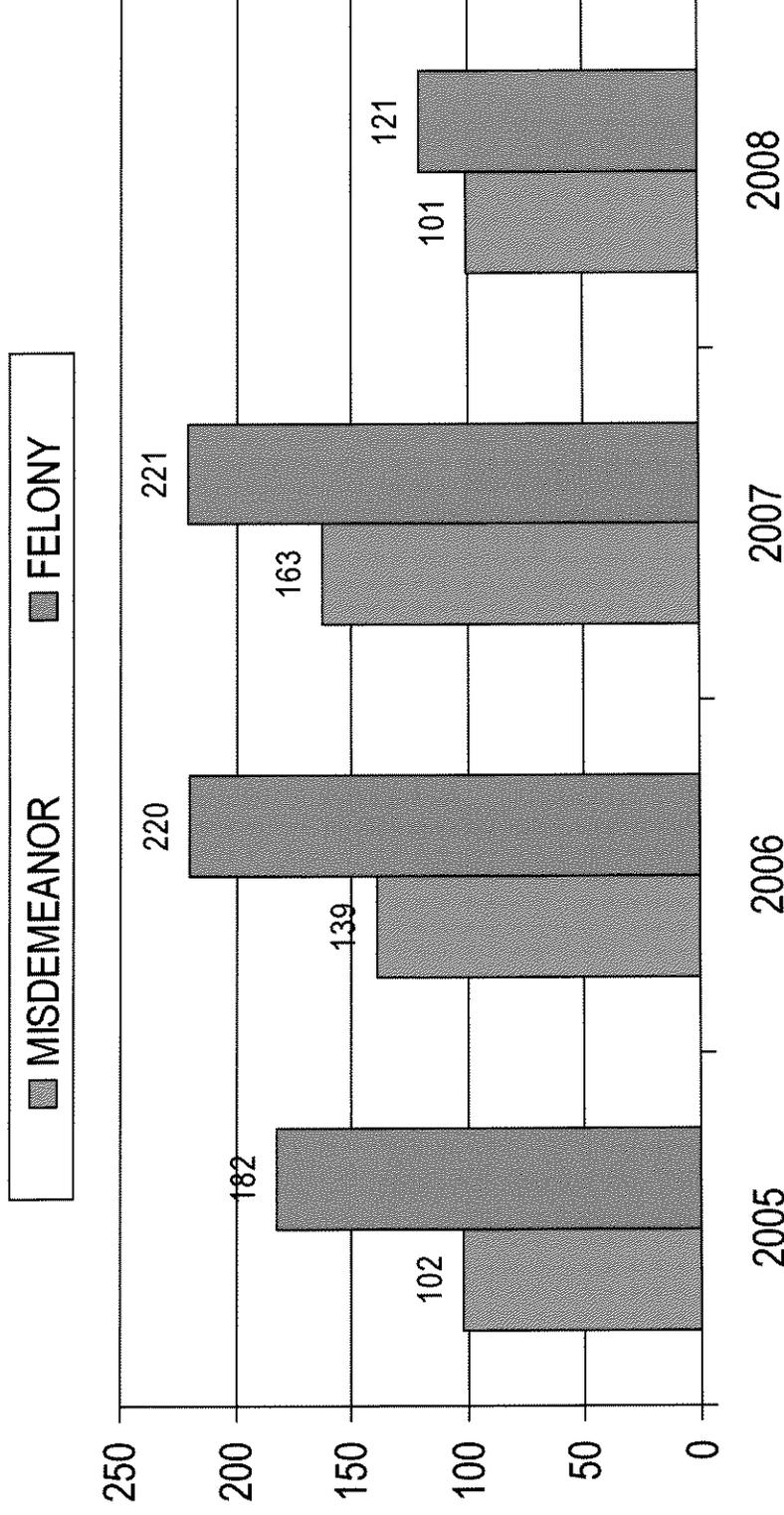
ADULT DUI ARRESTS IN NORCO



•100% increase in DUI arrests from 2005 to 2008

•Related to the OTS Grant Funding for DUI Checkpoints, Saturation Patrols, and the added night time traffic car

ADULTS ARRESTED AND BOOKED FOR NEW OFFENSES EXCLUDING DUI



- Total crime is down 30% from 2005; non-DUI arrests are down 22% from 2005
- Total arrests (Felony, Misdemeanor and DUI) are up 16% from 2005
- Violent crime is down 39% from 2007; felony arrests are similarly down

Chart 15

Critical Issues or Challenges

- Staff reductions
 - Loss of 3 CSO's
 - Loss of overtime
 - YAT
 - Additional staff reductions?
- Response Time pressure
- Economic pressure on crime rate
- Traffic Safety Concerns
 - Equestrian-Vehicle potential conflicts
 - Speeding & Stop signs
 - Collisions
 - DUIs
 - Cut-through traffic
- Youth access to alcohol/drugs
- Current station is undersized
- Staffing Model:
 - Patrol: Emergency response with minimum 2 deputies on-duty
 - Teams support Patrol: 2 CSOs, 4 Motors, 2 Traffic Cars, 2 COP & Office Operations
 - Staff promotions/turnover

Opportunities or solutions

- Grants: programs vs full time staff
- Expand NCP and Neighborhood Watch
- Target repeat criminals with other agencies
- Traffic: Grant funding
 - Aggressive & targeted enforcement
 - Public awareness, traffic calming
 - Target repeat DUIs
 - Col Inv Trng, Radar Trng, TUMF
- UNLOAD, SRO
- Remodel Sheriff Station in City Hall
- Increase staffing, long term needs:
 - Replace 3 eliminated CSO positions
 - Replace overtime funding
 - Replace eliminated YAT Deputy
 - Add 1 CSO for evenings
 - Add 2 Traffic Cars for evenings
 - Add 2 COP Deputies
 - Add 2 Patrol Deputies for day shift

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 15, 2009

SUBJECT: Agreement for Law Enforcement Services

RECOMMENDATION: Authorize the Mayor to sign the agreement.

SUMMARY: This agreement extends for five years, the current arrangement where the Sheriff's Department provides policing services in Norco.

BACKGROUND/ANALYSIS: The current Agreement for Law Enforcement Services between the City of Norco and the County of Riverside is effective for five years and expires on June 30, 2009. This recommended new agreement provides the same staffing level that we currently have and is effective for five years, expiring on June 30, 2014.

This agreement includes the standard provisions that the County has with 13 other cities that contract for policing services. These agreements differ in Attachment A, the level of service that each city funds. The agreement preserves the City's ability to increase or decrease staffing levels, or to terminate the agreement upon written notice 12 months prior to the termination date.

FINANCIAL IMPACT: The cost for Sheriff's services are included in the City's annual budget.

/rlf – 72172

attachment: Agreement for Law Enforcement Services between City of Norco and County of Riverside

AGREEMENT FOR LAW ENFORCEMENT SERVICES

BETWEEN THE CITY OF NORCO

AND THE COUNTY OF RIVERSIDE

THIS AGREEMENT is made and entered into by and between the CITY OF NORCO, a Charter City, hereinafter "City," and the COUNTY OF RIVERSIDE, a political subdivision of the State of California, on behalf of the Riverside County Sheriff's Department, hereinafter "County."

IT IS THEREFORE AGREED AS FOLLOWS:

1. TERM

1.1 Effective Dates. This Agreement shall be effective from July 1, 2009 through June 30, 2014.

1.2 Renewal. In the event City desires to terminate this Agreement at the end of any current five (5) year period, the City Council, not later than twelve (12) months preceding the expiration date of the current term of this Agreement, shall notify the Sheriff and the Board of Supervisors that it wishes to terminate the same; otherwise, this Agreement shall be automatically renewed for an additional five (5) year period at the level of service then currently in effect. As a matter of convenience to the parties hereto, and in order to facilitate continuity of the law enforcement services provided to City, the parties may mutually approve and ratify any automatic renewal of this Agreement retroactively to the effective date of such automatic renewal.

1.3 Termination. Notwithstanding the provisions of Paragraphs 1.1 and 1.2 herein, either party may terminate this Agreement upon notice in writing to the other party of not less than twelve (12) months prior to the effective termination date.

2. SCOPE OF SERVICE

2.1 Services. The County agrees, through Sheriff thereof, to provide municipal police protection within the corporate limits of City to the extent and in the manner hereinafter set forth. The services shall encompass duties and functions of the type falling under the jurisdiction of and customarily rendered by a police department of the City under State statutes. Such services shall include the enforcement of State statutes and the City codes and ordinances. Services shall also include traffic enforcement and related services to the extent possible given the size of the force provided for in this Agreement. County agrees to provide all investigative support necessary to complete criminal investigations conducted hereunder.

2.2 California Identification System (CAL-ID) and Records Management System (RMS) City agrees as a condition of receiving services hereunder to participate in CAL-ID and RMS under the terms and conditions set forth in this Section.

2.2A Definitions. For purposes of this agreement the following definitions shall apply:

- a) Records Management System (RMS) Functions shall mean the software functions provided to City by County, which are supplied by the RMS. These functions shall include inquiry and case entry into the RMS, access to the Master Name Index, Warrant and Master Location Index and Jail Locator databases.
- b) The California Law Enforcement Telecommunications System Access (CLETS) shall mean that access to the Department of Justice computers provided by County to City.
- c) Work Station shall mean those County devices and software, which are used by City to access RMS functions and the CLETS.
- d) LAWNET shall mean the County's law enforcement telecommunications network consisting of County provided data circuits, digital service units, routers, hubs and other County provided hardware and software that is used by City to connect work stations to RMS services as defined below.
- e) County Services shall mean the collective hardware and software, work LAWNET, stations, RMS functions and CLETS.

2.2B Scope of RMS Services. County agrees to provide to City full access to the RMS and CLETS systems. CLETS access will be provided within the scope of CLETS access rules and regulations as established by the California State Department of Justice.

2.2C Provision of RMS Supervision, Labor and Equipment. Supervision over the provision of County Services, the standards of performance and other matters incident to the performance of such services, shall remain with County. Security of the host system and control of LAWNET shall remain with County. The County shall furnish all labor and equipment for the host system necessary to maintain the level of service rendered hereunder. In the event City chooses to provide PC-based equipment for services defined herein, the equipment must be configured in accordance with County specifications. Further, City shall not alter the configuration of any PC-based equipment used to provide services herein without the permission of Sheriff's Information Technology Officer.

2.2D Establishment of RMS Rates and Payment of Costs. Establishment of RMS rates and payments for provided services shall be as specified in Sections 7.2 and 7.3 of this Agreement.

2.3 Records. County shall maintain adequate records to discharge its responsibilities under this Agreement, and shall permit inspection of County's appropriate records that relate to City services under this Agreement, as allowed by law. County shall provide City access to

appropriate records pertaining to City services for approval, funding or auditing services, upon reasonable notice. County shall maintain such records for periods of time as provided by law or records retention schedules duly adopted by the appropriate legislative body. Covenants under this Section shall survive the termination of this Agreement.

3. LEVEL OF SERVICE

3.1 Level of Service Specified. County shall provide law enforcement services at the level specified in Attachment A, attached hereto and incorporated herein by this reference.

3.2 Variation in Level of Service. Variation in the level of service shall be made by amendment, as provided for in Section 11 of this Agreement, and under the following terms:

If City requests an increase in the level of service to be provided under this Agreement, County agrees to provide such increased level of service as soon as is practicable, consistent with the ability of the Sheriff to do so.

If City elects to reduce the level of service provided herein by ten percent (10%) or greater, City must give notice in writing to County not less than twelve (12) calendar months prior to the effective date of such reduction. If City elects to reduce the level of service provided herein by less than ten percent (10%), County agrees to reduce the level of service accordingly as soon as it is practicable. The level of service, however, may not be reduced to below the minimum level, as determined by County, required to ensure public and officer safety.

4. CHIEF OF POLICE

The Sheriff will, to the extent practical, coordinate appointment of a Police Chief with City and consult with City on final selection for the position.

5. PROVISION OF SUPERVISION, LABOR, AND EQUIPMENT

5.1 Supervision. Supervision over the rendition of law enforcement services, the standards of performance, the discipline of officers, and other matters incident to the performance of such services and the control of personnel so employed, shall remain with County. The Sheriff or a designated representative will meet and confer with the City Manager or a designated representative on questions related to the provision of services.

5.2 Labor and Equipment. For the purpose of performing said services, County shall furnish and supply all labor, supervision, equipment, communication services, and supplies necessary to maintain the level of service to be rendered hereunder. Location of the above will not necessarily be within City limits. Notwithstanding anything herein contained, it is agreed that in all instances where specific equipment used solely to support specialized enforcement activities within the City not normally provided by the Sheriff is to be used, or where special supplies,

stationery, notices, forms, and the like related to law enforcement are to be issued in the name of City, such equipment and materials shall be supplied by City at its own cost and expense. Any such special equipment or materials so purchased by City shall meet with the Sheriff's specifications shall remain within the City limits, and ownership title thereto shall remain with City.

5.3 City-Owned Motorcycles and Vehicles. In the event City chooses to provide motorcycles or vehicles for use in providing services hereunder, the motorcycles or vehicles shall meet minimum specifications furnished by County, shall be adequately equipped and ready for use, and shall be registered in the name of City. City shall bear the cost of maintenance, fuel, licensing, and any and all expenses associated with use of the vehicle for the provision of services hereunder, which is inclusive of responsibility for any and all cost for physical damage to the City-owned motorcycles or vehicles. However, County shall be responsible for the cost of all third party liability caused by the operation of the City-owned motorcycles or vehicles, including the property damage caused by the negligence or wrongful acts of County officers and employees while operating City-owned motorcycles and vehicles. Motorcycles and vehicles owned by City shall be used only for City-approved functions.

5.4 Vehicle Insurance. City shall maintain insurance for any physical damage to the City-owned vehicles in an amount equal to the replacement value of all vehicles provided to the County under this agreement. Policy shall, by endorsement, name the County of Riverside, its Departments, Districts, Agencies and Special Districts, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents, or representatives as Additional Insureds. Such insurance may be provided through a program of self-insurance.

General Insurance Provisions - All lines:

- a. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A.M. BEST rating of not less than an A: VIII (A: 8) unless such requirements are waived, in writing, by the County Risk Manager. If the County's Risk Manager waives a requirement for a particular insurer such waiver is only valid for that specific insurer and only for one policy term.

- b. The Contractor shall cause their insurance carrier(s) to furnish the County of Riverside with 1) a properly executed original Certificate(s) of Insurance and certified original copies of Endorsements effecting coverage as required herein; or, 2) if requested to do so orally or in writing by the County Risk Manager, provide original Certified copies of policies including all Endorsements and all attachments thereto, showing such insurance is in full force and effect. Further, said Certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that shall provide no less than thirty (30) days written notice be given to the County of Riverside prior to any material modification or cancellation of such insurance. In the event of a material modification or cancellation of coverage, this Agreement shall terminate forthwith, unless the County of Riverside receives, prior to such effective

date, another properly executed original Certificate of Insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto evidencing coverages and the insurance required herein are in full force and effect. Individual(s) authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the Certificate of Insurance. If County is utilizing City-owned vehicles, operations shall not commence until the County of Riverside has been furnished original Certificate (s) of Insurance and certified original copies of endorsements or policies of insurance including all endorsements and any and all other attachments as required in this Section.

c. It is understood and agreed by the parties hereto and the Contractor's insurance company(s), that the Certificate(s) of Insurance and policies shall so covenant and shall be construed as primary insurance, and the County's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.

6. EMPLOYMENT STATUS OF PERSONNEL

6.1 Employment Status. Any person employed by County for the performance of services and functions pursuant to this Agreement shall remain employees of County on special assignment to City for the purposes of this Agreement, and shall not be considered employees of City. No such County employee shall have any entitlement to workers' compensation coverage, pension, or civil service benefits from City.

6.2 Labor Shortage. In the event of a work slow-down, strike, or any other form of job action by those individuals assigned to City, County agrees to provide only that level of service which may be available through mutual aid, pursuant to Government Code Section 8615, et seq. City shall be billed only for the actual hours of service received.

7. COMPENSATION

7.1 Payment Basis. City shall reimburse County the cost of rendering services hereunder at rates established by the County Board of Supervisors, which rates shall include all items of cost and expense to the Sheriff for providing the services hereunder. "Cost" as used herein shall not include items of expense attributable to services normally provided or available to all territory within the County as part of County's obligation to enforce State law. In addition to any other fees or costs set forth herein, County may impose on City, and City shall pay upon receipt of an invoice from County, a criminal justice administrative fee consistent with Government Code Section 29550 with respect to arrests made by County employees pursuant to this Agreement just as if such arrests had been made by City employees. Pursuant to Government Code Section 51350, County shall not charge City for services it would provide to any city in the County free of charge. These services, which are provided at the discretion of County, could typically include

the services of the Sheriff's Special Investigations Bureau, Emergency Services Team, Canine Unit, and Aviation Unit.

7.2 Establishment of Costs. The rates to be charged City shall be adjusted periodically, but not more than once each fiscal year, to reflect any changes in the cost to County for providing services hereunder. City shall be notified of any change in the rates to be charged City prior to submittal of the proposed change to the County Board of Supervisors for adoption, and City shall be given the opportunity to review the proposed change with County personnel. City shall, thereafter, be notified of adoption by County of the rates to be charged City, and said new rates shall take effect on the same date as County incurs the associated costs. Should City, subsequent to a rate adjustment, choose not to appropriate or expend any additional monies needed to support the level of service theretofore supplied, County reserves the right to reduce the level of service in accordance with the amount City is willing to expend.

7.3 Payment of Costs. County, through the Sheriff's Department, shall provide to City within 30 days of the conclusion of each billing period, an itemized statement of the costs for services being charged for said billing period. Billing statements for RMS services will be provided quarterly for services being charged for said quarter. City shall remit payment to the invoicing department within 30 days after receipt of such statements. If such payment is not received by the County within thirty (30) days after presentation of billing, County may satisfy such indebtedness from any funds of the City on deposit with County as provided by law pursuant to Government Code Section 907.

7.4 Field Training Costs. Should City elect to add additional Deputy Sheriff positions to the level of service described herein, there will be an associated field training cost for each additional position. City will be billed, on a separate invoice, up to a maximum of sixteen (16) weeks of training on a one-time basis for each additional Deputy position. Said cost will be charged at the Unsupported Deputy hourly rate as approved by the County Board of Supervisors. Billing will be provided within 30 days of the Board of Supervisors approval of any new positions. Field training costs will not apply to supervisory or classified positions added to the level of service.

8. INDEMNIFICATION AND HOLD HARMLESS

8.1 Indemnification by City. City shall indemnify and hold County, its officers, agents, employees and independent contractors free and harmless from any claim or liability whatsoever, based or asserted upon any act or omission of City, its officers, agents, employees, volunteers, subcontractors, or independent contractors, for property damage, bodily injury or death, or any other element of damage of any kind or nature arising out of the performance of this Agreement to the extent that such liability is imposed on County by the provisions of California Government Code Section 895.2 or other applicable law, and City shall defend at its expense, including attorney fees, County, its officers, agents, and employees and independent contractors in any legal action or claim of any kind based upon such alleged acts or omissions.

8.2 Indemnification by County. County shall indemnify and hold City, its officers, agents, employees and independent contractors free and harmless from any claim or liability whatsoever, based or asserted upon any act or omission of County, its officers, agents, employees, volunteers, subcontractors, or independent contractors, for property damage, bodily injury or death, or any other element of damage of any kind or nature arising out of the performance of this Agreement to the extent that such liability is imposed on City by the provisions of California Government Code Section 895.2 or other applicable law, and County shall defend at its expense, including attorney fees, City, its officers, agents, employees and independent contractors in any legal action or claim of any kind based upon such alleged acts or omissions.

9. MEMORANDA OF UNDERSTANDING

If requested by City or by County, a memorandum of understanding will be entered into by and between City (or its administrative designee) and County (or its administrative designee) with respect to any question relating to the provision of services under this Agreement. Such memorandum shall set forth the questions raised and such terms and conditions as have been agreed upon between City and County in resolution of the question. The intent and purpose of such memorandum shall be to implement, interpret, or clarify one or more provisions of this Agreement. No such memorandum shall have the effect of altering any of the provisions of this Agreement, unless executed in the form of an Amendment as provided for under Section 11 of this Agreement. In the event of any inconsistency between the terms of such memorandum and the terms of this Agreement, the terms of this Agreement shall govern.

10. ADMINISTRATION

The City Manager of City shall administer this Agreement on behalf of City, and the Sheriff shall administer this Agreement on behalf of County.

11. ALTERATION OF TERMS

No addition to, or alteration of, the terms of this Agreement, whether by written or verbal understanding of the parties, their officers, agents, or employees, shall be valid unless made in the form of a written amendment to this Agreement which is formally approved and executed by both parties. No waiver of any term or condition of this Agreement by either party shall be a continuing waiver thereof.

12. NOTICES

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties as set forth below:

County

City

Stanley L. Sniff, Jr., Sheriff
Riverside County Sheriff's Department
Post Office Box 512
Riverside, California 92502

City of Norco
2870 Clark Avenue
Norco, CA 92860
Attn: City Manager

or to such other addresses as from time to time may be designated by the respective parties.
An information copy of any notice to County shall also be sent to:

Clerk of the Board of Supervisors
County of Riverside
4080 Lemon Street, 1st Floor
Riverside, California 92501

13. SEVERABILITY

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect.

14. STANDARD OF CARE

In performing the police services required by this Agreement, County agrees to use that degree of care and skill ordinarily exercised under similar circumstances by law enforcement officers in performance of the duties required by this Agreement.

15. JURISDICTION AND VENUE

This Agreement shall be construed under the laws of the State of California. In the event any action or proceeding is filed to interpret, enforce, challenge, or invalidate any term of this Agreement, venue shall lie only in the state or federal courts in or nearest to Riverside County.

16. ENTIRE AGREEMENT

This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith.

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IN WITNESS WHEREOF, the City of Norco, by minute order or resolution duly adopted by its City Council, has caused this Agreement to be signed by its Mayor and attested and sealed by its Clerk, and the County of Riverside, by order of its Board of Supervisors, has caused this Agreement to be subscribed by the Chairman of said Board and sealed and attested by the Clerk of said Board, all on the dates indicated below.

CITY OF NORCO

Dated: _____

By: _____

Kathy Azevedo, Mayor

ATTEST:

Brenda K. Jacobs
City Clerk

By: _____

COUNTY OF RIVERSIDE

Dated: _____

By: _____

Jeff Stone, Chair
Riverside County Board of Supervisors

ATTEST:

Nancy Romero
Clerk of the Board

By: _____

Deputy

ATTACHMENT A

CITY OF NORCO

LEVEL OF SERVICE

Average Patrol Services

60 supported hours per day. (Equivalent of 12.3 Deputy Sheriff positions @ 1780 annual productive hours per position)

Dedicated Positions

One (1) Sheriff's Lieutenant position

Two (2) Deputy Sheriff (fully supported) positions – Traffic Officers

Four (4) Deputy Sheriff (fully supported) positions – Motor Officers

Two (2) Deputy Sheriff (fully supported) positions-Community Oriented Policing

Three (3) Community Service Officer positions