



**AGENDA**  
**CITY OF NORCO**  
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
MAY 20, 2009

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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

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Hall

INVOCATION: Pastor Vernie Fletcher  
Grace Fellowship Church

**REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:**

Next CRA Resolution No. 2009-07

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, Workshop and Regular Meeting of May 6, 2009.  
**Recommended Action: Approve the CRA Minutes.** (City Clerk)

2. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

Next Ordinance No. 911  
Next Resolution No. 2009-20

3. 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.5 of the Agenda)*
- A. City Council Minutes, Workshop and Regular Meeting of May 6, 2009. **Recommended Action: Approve the City Council Minutes.** (City Clerk)
  - B. Approval and Adoption of the Annual Appropriation Limit for the Fiscal Year 2009-2010. **Recommended Action: Adopt Resolution No. 2009-\_\_\_\_.** (Director of Fiscal and Support Services)
  - C. Agreement between the City and the California Pro Rodeo Circuit Board to Co-Host the California Pro Rodeo Circuit Finals Rodeo. **Recommended Action: Approval** (Director of Parks, Recreation & Community Services)
  - D. Authorization to Install a Three-Way Stop Condition at Alhambra Street and Rocky View Drive. **Recommended Action: Authorize the installation of the three-way stop condition.** (Director of Public Works)
  - E. Action Minutes for Planning Commission Meeting of May 13, 2009. **Recommended Action: Receive and File** (Planning Manager)

4. CITY COUNCIL ITEMS FOR ACTION:

- A. Resolutions Calling the 2009 General Municipal Election and Placement on the November 3, 2009 General Municipal Election Ballot of a Measure Relating to the Transient Occupancy Tax (TOT)

*Three Resolutions are required in order to hold a General Municipal Election on November 3, 2009. At this election, the voters will consider candidates for two seats on the Norco City Council. A resolution is also required and proposed to place on the November 3, 2009 ballot a measure to increase the existing transient occupancy tax from 8% to 11%, which is charged only to persons who occupy hotel or motel rooms in the City of Norco.*

**Recommended Actions: That the City Council adopt:**

- a) **Resolution No. 2009-\_\_\_, requesting the County of Riverside to conduct the November 3, 2009 Election;**
  - b) **Resolution No. 2009-\_\_\_, calling and giving notice of the Election;**
  - c) **Resolution No. 2009-\_\_\_, adopting regulations for the candidates for elective office; and**
  - d) **Resolution No. 2009\_\_\_\_, placing on the November 3, 2009 ballot a measure to increase the existing transient occupancy tax from eight percent (8%) to eleven percent (11%) which is charged only to persons who occupy hotel or motel rooms in the City of Norco. (City Clerk)**
- B. Amendment to the Fire Department Automatic Aid Agreement

*A review of the Automatic Aid Agreement between the City of Norco and the City of Corona is conducted on a regular basis. In order to affect faster response times, the Norco Fire Department initiated a change in the current agreement to have the City of Corona provide automatic aid to the southeast hills area of Norco. Both agencies have modified the response areas for their respective jurisdictions, which now designates the southeast section of Norco as the primary area covered by the Corona Fire Department in this First Amendment to the Automatic Aid Agreement.*

**Recommended Action: Adopt Resolution No. 2009-\_\_\_, approving the First Amendment to the Automatic Aid Agreement between the City of Norco and the City of Corona, which will provide for improved fire and emergency medical responses to the southeast section of the City located south of the Hidden Valley Golf Course. (Fire Chief)**

- C. Appointment of Interim City Manager, Allocation of Duties and Responsibilities, and Related Classification and Compensation Adjustments

*The City Council will consider the appointment of an Interim City Manager to serve until the position of City Manager is filled, as well as allocation of duties and related classification and compensation adjustments. The appointment of the Interim City Manager will become effective on June 15, 2009.*

**Recommended Action: Adopt Resolution No. 2009\_\_\_, appointing an Interim City Manager, allocating duties and responsibilities, and making related classification and compensation adjustments. (Mayor Azevedo)**

- 5. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:
- 6. 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.
- 7. OTHER MATTERS - COUNCIL OR STAFF:
  - A. Conceptual Discussion of Palm Trees in Commercial Landscaping Plans. (Planning Manager)
- 8. ADJOURNMENT -- to June 3, 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.

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

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



## MINUTES CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY  
WORKSHOP/REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
MAY 6, 2009

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**CALL TO ORDER:**

Mayor Azevedo called the Budget Workshop to order at 4:10 p.m.

**ROLL CALL:**

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

**Staff Present** – Allred, Cooper, Frye, Jacobs, King, Okoro, Oulman, Petree and Thompson

City Attorney Harper – **Present**

The City Manager stated that this is the first of two Budget Workshops, the second to be held on June 3, 2009 when the Capital Improvement Program Budget will be discussed. Director of Fiscal and Support Services Okoro presented the following in the form of a PowerPoint presentation.

**BUDGET CHALLENGES:**

The City's General Fund faces significant financial stress due to rapid revenue decline as well as expenditures that are difficult to control. The City has many budget challenges to face and will continue to have a "structural budget imbalance" as we go into Fiscal Year 2010. This "cyclical budget imbalance" began in Fiscal Year 2009 due to economic conditions. Sales tax is the main General Fund revenue source to the General Fund, representing 39% of total General Fund ongoing revenues. In Fiscal Year 2009, sales tax receipts are projected to be approximately \$4.4 million and this amount is not expected to change in Fiscal Year 2010. In fact, new information has been received reporting that sales tax receipts will most likely be reduced even further in Fiscal Year 2010.

The General Fund balance continues to decrease with the initial General Fund operating budget deficit of \$2.9 million. The remaining fund balance at the end of the current Fiscal Year will be \$5.6 million, which makes it difficult to rely on reserves to fund the budget shortfall. Several one-time and ongoing budget actions are proposed to reduce the General Fund budget deficit. The General Fund will continue to fully fund public safety without reduction in engine company staffing. Healthcare costs and pension contribution rates will continue to increase, along with the pending fire safety pension contract amendment in 2011, the other infrastructure capital needs, and expansion of parks and other facilities likely to be supplemented from the operating funds.

The General Fund currently receives only 9 cents on a dollar of property tax. Tax receipts for property tax in fiscal year 2010 are expected to decline by 10%. Development related revenues represent a net revenue loss of \$1.6 million to the General Fund, or a 73% decline.

Rates for the Water and Sewer Enterprise funds will need to be reviewed and adjusted. The water shortage in California is causing significant increase in the cost of purchased water.

**BUDGET HIGHLIGHTS:**

There are several one-time and ongoing budget actions proposed to reduce the General Fund budget deficit including continued organizational re-structuring and personnel reductions implemented through Fiscal Year 2009, additional personnel changes and organizational changes, and the establishment of two new funds – Benefits and Insurance and Non-Enterprise Irrigation Water Funds.

The good news is that except for the General Fund, all operating funds are balanced. The total Operating Budget for all funds is \$49.8 million, compared to \$53.2 million for Fiscal Year 2009.

**PROPOSED ACTIONS TO BALANCE FISCAL YEAR 2010 GENERAL FUND BUDGET:**

With the estimated deficit of \$2.9 million, the following are the proposed actions:

Re-organizations and personnel reductions	\$300,000 (still under negotiations)
Fire safety employees labor concessions	\$155,000
Elimination of Motor Officer (net savings)	\$150,000
Suspend contributions to IT Fund	\$100,000
Suspend funding for equipment replacement	\$190,000
Implement AB 1389 transfer from RDA	\$663,000
Sale of Irrigation Water	\$500,000 (still under negotiations)
Additional cuts from departments	\$ 50,000 (need to identify)
To be determined!	\$792,000

**GENERAL FUND REVENUE ASSUMPTIONS:**

Property tax revenues will be based on the current assessed values and information from the County Assessor and is expected to drop by 10% from Fiscal Year 2009 due to reassessments and continuing foreclosures. The economic conditions are not expected to change and sales tax from new businesses is likely to be offset by decreased sales tax from existing businesses. It is predicted that the City will not ever again see the amount of sales tax received from auto sales as far back as 2007, when they peaked.

A very small portion of Motor Vehicle License Fees are allocated to the City based on its population and valuation of real property located within the City. This amount is allocated by the State to each jurisdiction and is estimated that the amount received by the City will remain essentially the same.

**GENERAL FUND EXPENDITURE DETAILS:**

Today the Department of Finance reported that they have presented a May Revision budget option to the Governor that he consider borrowing 8 percent of city, county and special district property tax revenues, estimated at just over \$2 billion, to help close its FY 2009-10 deficit. It is the equivalent of 8% of the fiscal 2008-09 property tax receipts, including the triple-flip and VLF-property tax swap amounts. In response to Mayor Azevedo, Director Okoro stated that under Proposition 1A this amount borrowed will accrue interest and will be repaid to the City over a 3-year period. Director Okoro stated that the estimated amount borrowed from the City would be approximately \$400,000.

There is proposed to be no increases in salaries and most of the increase to this line item is due to \$99,000 designated to fund compensated absences. The Contractual and Professional Services line item is estimated to increase from Fiscal Year 2009 by \$159,000 and primarily consists of contracted services for law enforcement, landscape maintenance, custodial services, and recreation instructors. The net increase to the law enforcement contract is \$122,000, compared to the Fiscal year 2009 year-end amount.

A transfer of \$500,000 is proposed to establish a Benefits and Insurance Fund, currently set aside as part of the General Fund reserve. This will ensure future payment of workers' compensation, general liability and workers' compensation claim settlements. Also new this year is a \$380,000 GASB 45 post-retirement medical contributions amount from Supplies and Services.

In order to reduce the General Fund Budget expenditures, the City will need to reduce services in critical areas.

**WATER FUND OVERVIEW:**

The last of the rate increases is scheduled to be implemented on July 1, 2009. The estimated consumption is projected to be flat with increased expenses of \$0.6 million over Fiscal Year 2009 because of debt service to fund Capital Improvement Program projects, which will ultimately reduce purchased water costs. Rates will need to be reviewed during the fiscal year and adjustments may need to be made. The working capital deficit of \$1.7 million has been eliminated and is estimated to be positive by \$0.3 million by the end of Fiscal Year 2009.

**SEWER FUND OVERVIEW:**

Total revenues are estimated to increase by \$0.5 million due to a rate increase. Total expenses are projected to increase by \$0.4 million due to the issuance of new debt for capital projects and pass-through costs for treatment plant operations.

**RDA OPERATING BUDGET OVERVIEW:**

The Norco Redevelopment Agency is a separate legal entity and its resources are segregated from City financial resources for accounting purposes. Fiscal Year 2010 revenues are projected to be \$1.9 million below the amount estimated to be received in Fiscal Year 2009. Most of this decrease is \$1.8 million projected in tax increment receipts due to the declining property values. Total expenditures are \$3.7 million below the estimated Fiscal Year 2009 estimated total expenditures.

**LOW-MOD HOUSING FUND OVERVIEW:**

The receipt of 20% of the tax increment received is set aside for low-to-moderate income housing assistance. Revenues are expected to decrease by \$0.4 million due to lower projected tax increment receipts. Total projected expenditures of \$5.6 million include \$3.2 million in development incentives for affordable housing projects, \$300,000 for deferred home loans, \$300,000 for home improvement grants, \$140,000 for the first time homebuyer program, and \$140,000 for miscellaneous housing assistance.

**SPECIAL ASSET REVENUE FUND:**

This fund was established as an Endowment Fund from the proceeds of one-time sales of land and other assets. The current balance is \$1,275,000. Interest earned during the year are transferred to the General fund.

**STAFF/CITY COUNCIL COMMENTS:**

**City Manager Allred** stated that in summary, all funds are in balance and healthy, except for the General Fund. Many one-time and several ongoing revenues are proposed to fill the General Fund deficit. He further stated that in the current fiscal year, 9 full time positions have been eliminated.

**Council Member Hanna** inquired about the strike team reimbursement and how the City was reimbursed. In response, the Fire Chief stated that at a very minimum, we recover our costs including overtime.

**Council Member Hall** pointed out that a couple of years ago we anticipated additional retail on Hamner and Sixth Street to help fill this gap, which did not occur at the level hoped for, and that is why the structural imbalance is still present. He added that there are several nice retail buildings on Hamner and we can expect that as the economy improves, those buildings will be filled and will help to increase sales tax revenue. Hopefully, we can hang on to our auto dealers. He commended the entire staff on painting a clear picture on the situation we are in and cautioned not to make any decisions that would be irreversible.

**Mayor Pro Tem Miller** inquired about the River Trails Lease and thought it was cancelled in April. Parks, Recreation & Community Services Director Petree stated that the City still collects \$1,000 per month, which may be amended in the future when results of the RFQ/P are brought to the Council. In response to Mayor Pro Tem Miller's question, Director Petree stated that three parties are being interviewed as a result of the RFQ/P. Mayor Pro Tem Miller also inquired about the amount proposed for the Chamber of Commerce and in response to his question the City Manager stated that that amount includes money for the Norco Chamber of Commerce and the Corona Chamber of Commerce.

**Council Member MacGregor** stated that the presentation provided a clear picture.

**Mayor Azevedo** stated that she is looking for ways to balance this budget and that we need to look at ways to generate income to the General Fund. She suggested looking at facilities in Norco to find ways to generate income such as the Scout House, Senior Center, meeting room at Fire Station, etc. In response, the City Manager stated that the Parks and Recreation Commission would place this on its agenda to discuss. Mayor Azevedo asked Housing Manager DeGrado about funding for low-mod housing clients and if there are strict guidelines. In response, Housing Manager DeGrado stated that yes, they are all income restricted.

**PUBLIC COMMENTS:**

**Harvey Sullivan, 4561 Hillside.** Mr. Sullivan inquired about salary freezes. The City Manager stated that all salary ranges will be frozen, including management positions. Mr. Sullivan asked about the Endowment Fund and if it was separate from the Reserve Fund. The City Manager stated that yes, it is a separate fund for the purpose of using the interest earnings. The City Manager also stated that one parcel of land, at the intersection of the 60 and 15 freeways, is available for sale with its proceeds to go into this fund. Mr. Sullivan asked Mayor Azevedo about renting out the meeting room at the Senior Center and stated that it is not the citizens fault that we are in this budget condition and they should not have this taken away. He further stated that the Council needs to stand up to the plate and that the Redevelopment Agency is stealing revenues that could go to the General Fund. Mayor Azevedo stated that she receives many calls from residents looking to rent facilities, some that are not residents, and even our residents would gladly pay to hold an event in our City facilities. She added that the Senior Center would only be rented on nights and weekends that seniors weren't using it. She further noted that because we do not have enough smaller venues to rent, many residents end up paying more to rent Nellie Weaver Hall and the availability of additional small venues could be a service to our residents. Mr. Sullivan stated that he would like the Council to look at a utilities tax rather than nickel and diming residents and further stated that at least 50% of the residents would agree. Mayor Azevedo responded that because of these economic times, it would be a last resort to add an additional tax to residents.

**Vern Showalter, 2345 Corona.** Mr. Showalter commended Director Okoro on the report. He inquired on realigning the Redevelopment Agency Project Area to help increase General Fund. He would like to see the Council look at bringing in big boxes to the City, which no one wants, but they bring in the money. He also inquired about the line-of-credit loan made to the Mazda dealership. The City Attorney clarified that the loan was made to the owner of the Mazda dealership and secured by his own personal assets.

**STAFF/CITY COUNCIL COMMENTS:**

**City Manager Allred** stated that the issues being discussed regarding shrinking the boundaries of the Project Area of the Redevelopment Agency hold many implications, as when a redevelopment agency seeks to change boundaries it opens up to the county, state, community college, etc. the ability to access more property tax dollars. The City Attorney also noted that another problem is that there is currently outstanding debt and we cannot reduce the boundaries when there is outstanding debt. The City Manager stated that a substantial amount of Public Works projects are completed using Redevelopment Agency money and that bond proceeds are used for capital projects and there would not be any other legal entity to pay for those projects. Economic Development Director

Oulman stated that the City has received property tax revenues from all of the housing tracts in the Norco Hills which are located outside the Redevelopment Agency; except for Western Pacific which is located in the Project Area.

**Mayor Azevedo** stated that Norco is trying to embrace Horsetown USA and once Belstarr is located at Silverlakes, with its 5,000 parking spaces, it will bring in people. She further noted that TOT from hotels provides income to the General Fund. Mayor Azevedo stated that the hotel on the Q-Tip property is coming along well and that the City is taking active measures to promote hotels. Mayor Azevedo asked Director Oulman to bring the Look Book to the Council Meeting, which is being used to aggressively attract hotels and restaurants to the City. The City Attorney stated that Silverlakes is a great example of what Redevelopment Agency funds can be used for and will result in revenue to the General Fund. Mayor Azevedo thanked staff for the huge sacrifice each department has made in staffing reductions and that it takes team work to get through these times.

**Mayor Pro Tem Miller** inquired from Director Okoro the difference between a utilities tax and a parcel tax. In response Director Okoro stated that is a utilities tax on utilities such as water, electric, and gas; and a parcel tax is tax that is attached to real property.

**Council Member Hall** pointed out that the voters needed to approve a utilities tax. Placing a tax measure on the ballot is an expensive proposition and should only be done if there is a reasonable likelihood of approval. He stated that the property just north of City Hall, where the Post Office is currently located, was zoned to bring in big boxes and was later rezoned to bring in industrial. Council Member Hall stated that the problem is that most big boxes do not want to come into Norco. He further stated that we would not have Silverlakes if it was not for the Redevelopment Agency.

**Lt. Cooper** summarized the effect on the Norco Sheriff's Department with the prior elimination of the DARE-Youth Accountability Team Deputy, the elimination of 3 CSOs this year and the anticipated elimination of a motor officer in Fiscal Year 2010. He stated that the Sheriff's Department would continue to investigate and solve crimes, but the response to lower priority calls will take longer. He also stated that they would probably not have motor officer coverage on Sunday and would not be able to maintain 7-day coverage, resulting in citations and revenue being reduced. Lt. Cooper requested direction from the City Council regarding the elimination of one motor officer.

**PUBLIC COMMENT:**

**Harvey Sullivan, 4561 Hillside.** Mr. Sullivan stated that he wasted his time coming to the Workshop, as he came to voice information that he thought was helpful. He further stated that he would appreciate it if the Council would just listen to him and not try to make him feel stupid in their responses.

**THE CITY COUNCIL/CRA RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS: 5.56 p.m.**

**Section 54956.9(b)(2)(A) – Conference with Legal Counsel - Anticipated Litigation**

Number of Potential Cases: 1

**Section 54957.6 – Conference with Labor Negotiator**

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

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

RECONVENE PUBLIC SESSION: With no Closed Session Items to report, Mayor Azevedo reconvened the meeting at 7:08 p.m.

PLEDGE OF ALLEGIANCE: Mayor Azevedo

INVOCATION: Pastor Vernie Fletcher  
*Grace Fellowship Church*

PROCLAMATIONS: Proclamation for Poppy Week  
Received by the Norco American Legion  
Celebrated *May 10 – 17, 2009*

MERITORIOUS SERVICE COMMENDATIONS: Roger Lang, retired from the Orange County Sheriff's Department, and Theo Joseph, a 16-year law enforcement veteran employed by the Pomona Police Department, placed themselves in harm's way on April 4, 2009 to come to the aid of a female business owner in Norco. An adult male suspect entered the female's tanning salon, brandished a large knife at her, and forced her to the ground with the intent to sexually assault her. Mr. Lang and Mr. Joseph entered the tanning salon and the suspect turned towards them and attacked them with the knife in an attempt to escape. Although Mr. Lang sustained several serious stab wounds, he continued his attempt to detain the suspect who fled on foot, but was ultimately captured and restrained by Mr. Joseph until Norco deputies arrived and took him into custody. Mr. Lang and Mr. Joseph prevented the suspect from completing an assault on the female, and they aided in the suspect's arrest for burglary, assault to commit rape, assault with a deadly weapon and attempted murder. On behalf of the Norco City Council, Mayor Azevedo commended, honored and thanked both of these fine men. The female business owner was also present and was asked to stand up and be acknowledged.

**REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:**

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

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

Mayor Azevedo added an item regarding the discussion of the Look Book. Economic Development Director Oulman stated that attempts are being made to attract hotels and restaurants into the City of Norco in preparation for the development of the Silverlakes property. The Look Book provides information so that companies can make decisions if Norco is a place that they would like to consider. The Look Book was passed around the audience for their review.

**1. CRA CONSENT CALENDAR ITEMS:**

- A. CRA Minutes, Regular Meeting of April 15, 2009. **Recommended Action: Approve the CRA Minutes.** (City Clerk)
- B. CRA Minutes, Special Meeting of April 28, 2009. **Recommended Action: Approve the CRA Minutes.** (City Clerk)

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

**ADJOURNMENT OF CRA: 7:27 p.m.**

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

**M/S Hall/Hanna to approve the items as recommended on the 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**

**3. CITY COUNCIL CONSENT CALENDAR ITEMS:**

- A. City Council Minutes, Regular Meeting of April 15, 2009. **Recommended Action: Approve the City Council Minutes.** (City Clerk)
- B. City Council Minutes, Special Meeting of April 28, 2009. **Recommended Action: Approve the City Council Minutes.** (City Clerk)

- C. Project Status Update for Wyle Laboratories Norco Facilities Site.  
**Recommended Action: Receive and File** (City Manager)
- D. Acceptance of Riverside County Anti-Terrorism Approval Authority Grant in the Amount of \$20,000 for the Purchase of Hand-Held Radios.  
**Recommended Action: Adopt Resolution No. 2009-18.** (Fire Chief)
- E. Temescal Avenue – Second Street to South Norco Channel Storm Drain Feasibility Study. **Recommended Action: Award a professional services contract to Armstrong & Brooks Consulting Engineers in the Amount of \$8,825 and authorize the City Manager to approve change orders up to 10% of the contract amount.** (Senior Engineer)
- F. Annual Special Tax for Community Facilities District No. 93-1R for the Fiscal Year 2009-2010. **Recommended Action: Adopt Resolution No. 2009-19.** (Director of Fiscal and Support Services)
- G. Fiscal Year 2009 Third Quarter Budget Performance Report.  
**Recommended Action: Receive and File.** (Director of Fiscal and Support Services)
- H. Request for Qualifications and Proposals (RFQ/P) for Animal Control and/or Shelter Operations Services. **Recommended Action: Authorize the distribution of an RFQ/P to qualified agencies.** (Director of Parks, Recreation & Community Services)
- I. Action Minutes for Planning Commission Meeting of April 29, 2009.  
**Recommended Action: Receive and File** (Planning Manager)

4. CITY COUNCIL ITEMS FOR ACTION:

- A. Memorandum of Agreement Between the Naval Weapons Station Seal Beach Detachment Corona, the California Department of Corrections and Rehabilitation and the City of Norco

*The development of a Memorandum of Agreement between the Naval Weapons Station Seal Beach Detachment, the California Department of Corrections and Rehabilitation, and the City of Norco has been drafted to identify specific points of understanding to provide potable water distribution, waste water collection and treatment and to accomplish individual and regional benefits.*

**Recommended Action: Authorize the City Manager to Execute the Memorandum of Agreement between the Naval Weapons Station Seal Beach Detachment Corona, the California Department of Corrections and Rehabilitation, and the City of Norco.** (Director of Public Works)

**Public Works Director Thompson** presented the Council Item and stated that once the property is transferred, the City will provide water to Lake Norconian to maintain its water levels. Once the Navy and the State get copies of their signed Agreement back to the City, it is recommended that the City Manager execute the Agreement.

**Mayor Pro Tem Miller** inquired if the City will have to dredge the lake. In response, Director Thompson stated that no, the City will only deliver water to maintain the required water levels of the lake.

**M/S Azevedo/MacGregor to authorize the City Manager to Execute the Memorandum of Agreement between the Naval Weapons Station Seal Beach Detachment Corona, the California Department of Corrections and Rehabilitation, and the City of Norco. The motion was carried by the following roll call vote:**

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

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

6. PUBLIC COMMENTS OR QUESTIONS:

**Su Bacon, 111 Buckskin.** Ms. Bacon encouraged the Council and staff to attend the Founders Day event on Saturday. She presented Founders Day t-shirts to the City Council. Mayor Pro Tem Miller asked if he had to go to the Community Center. Ms. Bacon responded that yes, you need to follow the procedure and go to the Community Center and get a wrist band for entrance to the Navy Base.

**Harvey Sullivan, 4561 Hillside.** Mr. Sullivan thanked the City Council for the tireless and thankless job that they do and that this is appreciated by the citizens. He also went over the events for the Norco Extreme Mustang Challenge and thanked the City Council and the City Manager for their support for this event.

**Kevin Russell, Norco Chamber of Commerce.** Mr. Russell provided the Spring Chamber Report and that the Chamber membership is now 228 and growing. A new membership drive will begin next week and new and updated publications are available at the Chamber. On Wednesday May 13<sup>th</sup> from 5 – 7 p.m. there will be a Mixer at the Black Horse Tavern; on Thursday, May 21<sup>st</sup>, beginning at 10 a.m. the Chamber will host Melissa Mullins. representing Belstarr, which will include a tour of Norco, lunch and a business meeting; on Tuesday, May 26<sup>th</sup> at 8:30 a.m. there will be a New Member Breakfast and Orientation, and the May General Membership Meeting will be a tribute to the Military.

7. OTHER MATTERS - COUNCIL OR STAFF:

- A. Council Member Hall stated that Charlie Tyo passed away and that graveside services will be held on Friday in Corona. His wife, Mary, passed away a number of years ago and the Mary Tyo Trail Head in Mira Loma was named in memory of her.
- B. Council Member Hanna thanked Director Thompson for fixing the trail fence in preparation for the trail ride on Saturday. He commended Lt. Cooper and his officers for controlling Fun Night. Last month, he went to Pocatello, Idaho to represent Horsetown USA and attended the National Finals Rodeo. Danny Azevedo attended with Council Member Hanna to assist with this event. Council Member Hanna noted that the entire event is put on by volunteers from all over the United States. He also spoke with PRCA representatives regarding NART and demonstrated some of the NART maneuvers for them.
- C. Council Member MacGregor stated that over the years, Public Works has completed the infrastructure to use reclaimed water in our parks. He noted that this will be a substantial savings to the City.
- D. Mayor Pro Tem Miller provided a presentation updating the City's Renewable Energy Project and noting the potential sites for the project. He stated that "good neighbor" meetings had been held with the JCSD/Eastvale residents and also with Supervisor Tavaglione. The local and regional benefits were noted as 1) a reliable outlet for horse manure that will stabilize costs, 2) electricity production to stabilize sewer rates, and 3) future potential for sludge disposal. Odors could be eliminated by a proposed anaerobic digester and the traffic impacts should be minimal if any. The next steps were highlighted, along with the potential of the use of Stimulus Funds for the project. Mayor Pro Tem Miller emphasized in the conclusion of the presentation that it is important for "good neighbors to work together." In response to Mr. Sullivan, Mayor Pro Tem Miller stated that shovel ready means "ready to build". In another response to Mr. Sullivan, the City Manager stated that this could be a private-public enterprise. Mayor Azevedo added that this should also help to stabilize the Eastvale sewer rates.
- E. Mayor Azevedo stated that she, accompanied by the City Manager, will be meeting with the Corona/Norco Board of Realtors tomorrow to highlight Norco. She also stated that the Concert in the Park last weekend at Pikes Peak Park was a great event and the highlight was Chief Frye conducting the band.

8. ADJOURNMENT:

There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:23 p.m.

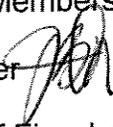
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BRENDA K. JACOBS  
CITY CLERK

/bj-72484

**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: May 20, 2009

SUBJECT: Approval and Adoption of the Annual Appropriation Limit for the Fiscal Year 2009-2010

RECOMMENDATION: Adopt Resolution No. 2009-\_\_\_\_, approving the annual appropriation limit for Fiscal Year 2009-2010.

**SUMMARY:** The City is required by Article XIII of the State Constitution to adopt an annual appropriations limit which sets the maximum appropriation for the General Fund. Staff is recommending that Council adopt the attached resolution approving \$31,649,607 as the appropriation limit for Fiscal Year 2009-2010.

**BACKGROUND/ANALYSIS:** Attached is a resolution, as required by state law, approving the appropriation limit for the 2009-2010 fiscal year in the amount of \$31,649,607. The proposed preliminary 2009-2010 General Fund budget is approximately \$17,500,000. Based on the calculated appropriation limit for 2009-2010, the proposed preliminary General Fund Budget represents 55% of the allowable appropriation. This calculation is made using the change in City population of 1.12% and the state change in per capita personal income of 0.62% as provided by the State of California Department of Finance. The information from the State is attached.

2009-2010 Appropriation Limit Calculation

FY 2008-2009 Appropriation Limit (Per Resolution 2008-34)	\$31,106,182
Change in Per Capita Personal Income	0.62%
Change in Population	1.12%
Calculation Factor (1.0429 x 1.001)	<u>1.01747</u>
FY 2009-2010 Appropriation Limit	<u>\$31,649,607</u>

FINANCIAL IMPACT: None

/jk-72533

Attachment: Resolution No. 2009-\_\_\_\_  
Dept. of Finance – Price and Population Information

## RESOLUTION NO. 2009-\_\_

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATION LIMIT FOR THE FISCAL YEAR 2009-2010

WHEREAS, the voters of California, on November 6, 1979, added Article XIII-B to the State Constitution placing various limitations on the appropriation of the state and local governments; and

WHEREAS, Article XIII-B provides that the appropriation limit for the Fiscal Year 2009-2010 is calculated by adjusting the base year appropriation of the Fiscal Year 1978-1979 for changes in state per capita personal income statistics and population; and

WHEREAS, the City has selected the change in state per capita personal income and the annual percentage change in population for the City of Norco supplied by the State Department of Finance to set the appropriation limit; and

WHEREAS, the City of Norco has complied with all the provisions of Article XIII-B in determining the appropriation limit for Fiscal Year 2009-2010.

NOW, THEREFORE, BE IT RESOLVED that the appropriations limit in Fiscal Year 2009-2010 shall be \$31,649,607 for the City of Norco.

APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 2009.

\_\_\_\_\_  
Mayor of the City of Norco, California

ATTEST:

\_\_\_\_\_  
Brenda K Jacobs, City Clerk  
City of Norco, California

Resolution No. 2009-\_\_

Page 2

May 20, 2009

I BRENDA K 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 thereof held on May 20, 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 May 20, 2009.

---

Brenda K Jacobs, City Clerk  
City of Norco, California

/jk-72534

**City of Norco, California**  
**FY 2009-2010 Appropriations Limit Calculation**

FY 2008-2009 Appropriations Limit (Per Resolution 2008-34)	\$ 31,106,182
Change in Per Capita Personal Income	0.62%
Change in City Population	1.12%
Calculation Factor (1.0062 x 1.0112)	1.01747
FY 2009-2010 Appropriations Limit	<u>\$ 31,649,607</u>

May 2009

Dear Fiscal Officer:

**Subject: Price and Population Information**

**Appropriations Limit**

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2009, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2009-2010. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2009-2010 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county and incorporated areas summed population percentage changes. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228, for further information regarding the appropriation limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "[http://www.leginfo.ca.gov/const/article\\_13B](http://www.leginfo.ca.gov/const/article_13B)" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2009.**

**Please Note:** Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

MICHAEL C. GENEST

Director

By:

ANA J. MATOSANTOS

Chief Deputy Director

Enclosure

May 2009

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2009-2010 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2009-2010	0.62

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2009-2010 appropriation limit.

**2009-2010:**

Per Capita Cost of Living Change = 0.62 percent  
 Population Change = 1.11 percent

Per Capita Cost of Living converted to a ratio:  $\frac{0.62 + 100}{100} = 1.0062$

Population converted to a ratio:  $\frac{1.11 + 100}{100} = 1.0111$

Calculation of factor for FY 2009-2010:  $1.0062 \times 1.0111 = 1.0174$

**Enclosure II**  
**Annual Percent Change in Population Minus Exclusions**  
**January 1, 2008 to January 1, 2009 and Total Population, January 1, 2009**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2008-2009	1-1-08	1-1-09	1-1-2009
<b>Riverside</b>				
Banning	1.10	28,148	28,457	28,457
Beaumont	3.47	31,317	32,403	32,403
Blythe	1.43	13,774	13,971	21,329
Calimesa	1.01	7,423	7,498	7,498
Canyon Lake	1.22	10,994	11,128	11,128
Cathedral City	0.91	51,922	52,394	52,447
Coachella	1.69	40,317	41,000	41,000
Corona	1.29	146,698	148,597	148,597
Desert Hot Springs	2.36	25,939	26,552	26,552
Hemet	1.58	73,205	74,361	74,361
Indian Wells	1.86	5,000	5,093	5,093
Indio	1.57	80,962	82,230	82,230
Lake Elsinore	1.43	49,556	50,267	50,267
La Quinta	2.42	42,743	43,778	43,778
Moreno Valley	1.83	182,945	186,301	186,301
Murrieta	1.14	99,576	100,714	100,714
Norco	1.12	22,539	22,791	27,160
Palm Desert	1.62	50,686	51,509	51,509
Palm Springs	1.24	47,019	47,601	47,601
Perris	1.84	53,340	54,323	54,323
Rancho Mirage	1.21	16,975	17,180	17,180
Riverside	1.43	296,191	300,430	300,430
San Jacinto	2.78	35,491	36,477	36,477
Temecula	2.73	99,873	102,604	102,604
Unincorporated	0.86	553,345	558,099	558,214
<b>County Total</b>	<b>1.44</b>	<b>2,065,978</b>	<b>2,095,758</b>	<b>2,107,653</b>

(\*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

## 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: May 20, 2009

SUBJECT: Agreement between the City and the California Pro Rodeo Circuit Board to Co-Host the California Pro Rodeo Circuit Finals Rodeo

RECOMMENDATION: Staff recommends that the City Council approve the Agreement between the City and the California Pro Rodeo Circuit Board.

**SUMMARY:** The City Council is requested to approve of the Lease Agreement between the California Pro Rodeo Circuit Board and the City of Norco. Over the last 5 years Norco has been the host City for the California Circuit Finals Rodeo. The California Pro Rodeo Circuit Finals Board has asked the City to again partner with them through an Agreement to co-host the Circuit Finals rodeo.

**BACKGROUND/ANALYSIS:** The Circuit Finals have been held at Ingalls Park for the last 5 years. During that time, the California Pro Rodeo Circuit Board has been the local co-host for the Circuit Finals.

The Circuit Finals includes twelve geographic regions, California being its own regional circuit. In 1975 the Pro Rodeo Cowboy Association identified what would be a positive outcome for development of a circuit rodeo system that recognizes the hard work of cowboys who participate all year but may never make it to the Wrangler National Finals Rodeo. As a result of this effort, the Circuit Finals were created. The California Pro Rodeo Circuit Board has made Norco its home for the Annual Championship. The request by the State Pro Rodeo Circuit Board for the City of Norco to continue to be the co-host of the Circuit Finals comes from the belief that the City of Norco with its unique life-style, picturesque backdrop, excellent facilities, and its strong community involvement with rodeo traditions, makes Norco an ideal location and support venue for the California Circuit Finals.

For the City of Norco to continue to co-host this event, a commitment has been made by the Circuit Board and an Agreement developed that would require the Circuit board to take full responsibility for logistics, event coordination, publicity administrative support, and all financial responsibility by way of its proceeds earned during the year and through major corporate sponsorships.

The Board is asking the City to facilitate the event and would share the net revenues to the City with a fifty-fifty split after City's direct costs have been paid (i.e., Sheriff cost, staff overtime, and any direct out of pocket expenses the City would incur).

The Circuit Board will also offer event venues to local organizations for fund raising. The Circuit Board has made some initial contacts with local non-profit groups to determine interest so that resources and manpower can be identified.

In evaluating past events and with the primary financial burden born by the Circuit Board, it is believed the City at worst could break even or generate a small surplus. However, the regional and local benefits are greater along with the knowledge that the City of Norco, "Horsetown USA" is the "Home of the PRCA California Pro Rodeo Finals." Staff recommends the Council approve the City of Norco co-hosting the California Pro Rodeo Circuit Finals with the California Pro Rodeo Circuit Board.

/bp-69942

Attachment: California Pro Rodeo Circuit Board Lease Agreement

**CITY OF NORCO  
PARKS, RECREATION AND COMMUNITY SERVICES  
LEASE AGREEMENT**

THIS INDENTURE OF LEASE made and entered into on the day and year as set forth below, by and between the **CITY OF NORCO**, a municipal corporation of the State of California, hereinafter called "**LESSOR**," and the **CALIFORNIA PRO RODEO CIRCUIT** of the State of Colorado, a non-profit Colorado Corporation, doing business in the State of California as a Foreign Non-Profit Corporation, hereinafter called "**LESSEE**".

**WITNESSETH:**

Lessor, subject to the covenants and agreement hereinafter contained by the Lessee to be kept and performed, demises, leases and lets unto said Lessee and Lessee does lease from Lessor those certain premises in the City of Norco, County of Riverside, State of California, described as follows:

The real property known as "George Ingalls Equestrian Event Center," including all areas and parking lots, on and off site,

To have and to hold unto said Lessee on the following terms and conditions:

**1. TERMS**

This Lease covers a three (3) year period from November 2009 Through November 2011. Terms and conditions of the Lease will be reviewed by Lessor and Lessee annually one hundred and twenty (120) days prior to each annual Lease.

The event use for Ingalls Event Center to include both North and South George Ingalls Event Center area shall be for a period of three days falling on the third weekend in November each year, with a maximum preparation of five days prior to the first rodeo and post clean up time not to exceed the third day after the last rodeo. Clean up shall include but not be limited to all areas identified by the Lessor. Lessee post clean-up to include all equipment and policing of trash and debris by 5:00 P.M. of the third day following the closure of the event or the Lessor will remove all equipment and begin clean up at the sole expense of the event and Lessee.

The Main Arena portion of South George Ingalls Event Center will be watered and prepared by Lessor prior to the commencement and through the scheduled events of the annual lease term. Lessee will have full control of areas of George Ingalls Event Center as defined herein including any and all activities of the Park for the duration of the California Pro Rodeo Circuit Finals.

Lessee will have full control of George Ingalls Event Center on and off site during the Rodeo. Lessee will direct the parking of vehicles during the Rodeo. Lessee recognizes that Ingalls Event Center is a publicly owned facility and, subject to Lessee's admission charges and reasonable rules governing conduct upon admission, may not refuse admission to any member of the public at large.

**2. LESSEE'S CONSIDERATION**

Lessee covenants and agrees that it will be responsible for administrative support and fiscal support to include but not limited to logistics, event coordination, Insurance publicity, coordination and payment to stock contractors, contract personnel, purses, circuit stipends, Riverside County Sheriff and Security cost and all other cost associated and borne by the Californian Pro Rodeo Circuit Finals. The Lessor will facilitate the California Pro Rodeo Circuit Finals by providing Ingalls Event Center to include, Moreno Arena and bleachers, Nellie Weaver Hall and areas of the park as approved by the Lessor. The Facilities will be prepared, cleaned, groomed and ready for use prior to the event

Rental for the aforementioned premises shall be relinquished except for all direct cost associated with the event activities and operations that are mutually agreed upon prior to and/or during the event. The Lessor shall share in the net revenues of the event after all expenses including City expenses are paid. The net share revenues shall be split fifty (50) to the Lessee and fifty (50) to the Lessor. Said rental and to be paid except as identified in this agreement to the City of Norco at the Department Parks, Recreation and Community Services located at 2870 Clark Avenue, Norco, California.

### 3. PURPOSE

Lessee shall have sole control of the aforementioned premises for the term of this Lease and may use said premises solely for the purpose of conducting the CALIFORNIA PRO RODEO CIRCUIT FINALS, said Rodeo to include event for entertainment for people of all ages. Eating and drinking concessions are a part of the Rodeo Activity. Alcoholic beverages may be sold or allowed to be consumed with appropriate ABC, Sheriff's and City permits on said premises during the term of this Lease.

### 4. INDEMNIFICATION AND INSURANCE FOR LIABILITY

Lessee agrees and covenants that as part of its consideration to Lessor for leasing said premises it shall hold and save Lessor and Lessor's officers, agents, City Council Members, City employees and Riverside County Sheriff's Department free, clear and harmless from any all demands, claims, actions, causes of action by any person or persons whatsoever, loss, cost or damage that may arise out of or in connection with Lessee's sponsorship of said California Pro Rodeo Circuit Finals and/or use of the aforementioned premises by Lessee, its Officers, Agent and Employees or any other person during the term of this Lease. Lessee further agrees to deliver to Lessor upon the execution of this Lease two (2) executed copies of a continuing Public Liability and Property Damage Insurance Policy, satisfactory to Lessor indemnifying and holding Lessor, its Officers, Agents, City Council Members, City Employees and Riverside County Sheriff's Department harmless against any and all claims, in the amount of One Million Dollars (\$1,000,000.00) for injury to any one person in any one incident and Two Million Dollars (\$2,000,000.00) for injuries sustained by more than one person in a single incident and One Hundred Thousand Dollars (\$100,000.00) for property damage sustained by any one person in a single incident and shall keep the same in full effect and force during the term of this Lease.

### 5. REPAIRS AND MAINTENANCE

Lessee represents that it has inspected and examined the demised premises and accepts them in their present condition as of the effective date of the term of this lease contingent upon a re-inspection and acceptance to be conducted prior to the annual lease term. Lessor agrees that all electrical, plumbing and drainage facilities will be in complete operating condition to allow full utilization of said premises. Lessee agrees that Lessor shall not be required to make any improvements whatsoever in or upon the premises hereby demised or any part thereof. Lessor agrees to make any repairs deemed necessary to place the facility in a safe operating condition prior to the start of the lease period. Lessee agrees to make all necessary repairs to said premises during the lease term, at Lessee's sole cost and expense. Lessee further agrees to keep said premises safe and in good condition and order at all times during the lease period and upon expiration of this Lease or at any sooner termination thereof, the Lessee will quit and surrender possession of said premises quietly and peaceable and in as good order and condition as the same at the commencement hereof, reasonable wear, tear and damage by the elements excepted. Lessee further agrees to keep and lease said premises free from all nuisance and dangerous and defective conditions.

Lessee further covenants and agrees to keep at its own expense any and all building grounds and structures clean and free of garbage, refuse and debris. Said cleaning operations shall be properly supervised and subject to the continuing approval of Lessor.

Lessee will furnish on an on-call basis, during the Lease term of the Rodeo, a licensed electrician and plumber to handle any electrical or plumbing problems that may arise during the Lease period. At no time will any major changes be made with regard to electrical and plumbing implementation without approval of the Parks, Recreation and Community Services Director.

Lessee will be responsible for the supervision of all cleaning of the facilities which includes the arena area, 4-H area, parking lots, surrounding streets, and grounds in and around the George Ingalls Event Center. Failure to return the facilities within Event Center and surrounding grounds and streets back to an acceptable standard as set by the Lessor, the Lessor shall correct all areas at the sole cost and expense of the Lessee.

It is the responsibility of the Lessee to provide adequate lighting in the parking area and to provide for operation and maintenance.

#### 6. SANITATION FACILITIES

Lessee agrees to provide no less than Health Department Standards and Uniform Building Code (UBC) requirement for sanitation facilities on said premises, during the term of this lease. City staff shall have the discretion to require additional toilets if needed for the health and safety and welfare of the public. The particular location of each toilet shall be determined by Lessee with final approval by the Lessor. Lessee further agrees to keep at its' own expense, said toilets and those sanitation facilities provided by the Lessee clean and continually operational and properly maintained as to necessary supplies. Upon failure to return facilities back to an acceptable standard by Lessee, the Lessor shall correct all areas at the sole cost and expense of the Lessee and event.

#### 7. FENCING

Lessee shall provide at its own expense fencing for security as well as perimeter fencing as deemed necessary by Lessor to protect persons using the demised premises of the purposed of which said property is leased and the structures and improvements on said premises. Lessee is required 45 days prior to the event to provide the Lessor's designated representatives a fencing plan to be reviewed by the Norco Riverside County Sheriff's Department and the Norco Department of Parks and Recreation approval prior to use is required.

#### 8. IMPROVEMENTS

Lessee may, subject to prior written approval of Lessor (Director, Department of Parks, Recreation and Community Services), at Lessee's sole cost and expense, make such changes, temporary alteration or improvements as may be necessary to fit said premises for the purpose stated herein and improvements of every kind and nature, wherever installed by Lessee, shall remain the property of Lessee, who shall remove the same upon the termination of this Lease, provided that such removal shall be done in such a manner as not to injure or damage the demised premises and provided, further, that should Lessee fail to remove said improvements as above provided, Lessor, at its option, may require Lessee to remove the same. In the event that said Lessee shall fail to remove said improvements after receipt of Notice from Lessor, Lessor may remove the same and dispose of the same as it sees fit, as it may become property of the Lessor after notice. Lessee further agrees, that should Lessor remove said improvements as above provided, that Lessee will pay Lessor upon demand the cost of such removal, plus the cost of transportation and disposition thereof.

#### 9. ALCOHOLIC BEVERAGE CONCESSION

All alcoholic beverage concession must be operated following the Alcohol Beverage Control Guidelines. The following conditions must be met:

- A. At least one representative from the Lessee will be available to check identification cards from those attempting to purchase or in possession of alcoholic beverages. An additional Sheriff will be made available for this purpose if demand exists.
- B. The Sheriff's Department force will be increased at the discretion of the Sheriff's Department upon consultation with the Executive Board Members of the California Pro Rodeo Circuit in non-emergency situations.

10. PROHIBITION AS TO ASSIGNMENT AND SUB LEASING

Neither the demised premises nor any portion thereof shall be sublet, nor shall this Lease, or any interest therein, be assigned, hypothecated or mortgaged by Lessee and any such attempt shall be of no force or effect and shall confer no rights upon any assignee, sub-Lessee, mortgagee or pledge.

- A. Exception, for temporary assignment of Lessees, Concessionaires or Vendors
- B. The Lessee must be in possession of an annual City business license or obtain a "Special Event/Swap Meet Permit" from the City.

11. COMPLIANCE WITH THE LAW

Lessee shall comply with all federal, state and local laws, policies and ordinances pertaining to the operations and activity to be conducted upon said described premises by Lessee and shall not commit or allow violation of any law or ordinance on said premises.

12. LIABILITY FOR INJURIES TO PERSONAL PROPERTY

Lessor shall not be liable to Lessee or Lessee's Officers, Agents, Employees, Members, Guests, Vendors or Concessionaires for any damage caused to his or their persons or property by water, rain, fire storms and accidents, or by breakage, stoppage, or leakage of water, gas, heating and sewer pipes or plumbing upon, about or adjacent to said premises.

13. LIABILITY FOR PROPERTY DAMAGE TO LESSOR'S FACILITIES

Lessee agrees to pay for any and all damages caused to any facilities, buildings, structures and improvements of Lessor on said described property, if said damages are a direct result of Lessee's use of the described premises during the lease term. Said payment shall be made within thirty days after receipt from Lessor of an itemized invoice delineating damage and cost to repair such.

14. INSPECTION BY LESSOR

Lessor and its duly authorized representatives shall have the right at all times to inspect said demised premises to determine whether or not the provisions of the Lease are being complied with by Lessee.

15. POLICE PROTECTION

Lessee shall provide at its own expense that law enforcement and police protection which Lessor deems necessary to protect persons using the demised premises of the purpose of which said property is leased and the structures and improvements on said premises. Lessee is required annually or when requested by Lessor, to provide the Lessor's designated representative a security plan which the Riverside County Sheriff's Department (Norco) will review and approve prior to use. Lessee agrees to pay the Riverside County Sheriff's Department for said services no later than 14 days following Sheriff invoicing. Lessor may at any time during the term of this lease on reasonable notice require Lessee to provide additional law enforcement protection at its own expense.

- A. Lessee will not be charged the Jail Access Fee for persons who arrive at the rodeo intoxicated and who are detained by the security service provided by the California Circuit Final Committee at one of the entry gates. However, the California Circuit Final Committee will pay the City of Norco \$400 for each person who is arrested at the rodeo and booked for a misdemeanor crime.

#### 16. PUBLIC WORKS/ ENGINEERING

Lessee is required 30 day prior to the event to provide the Lessor's designated representative a traffic handling plan which the Public Works/Engineering Department will review and approve prior to activity. The approval will include the Public Works/Engineering Department requirements for a plan to move vehicle traffic, in and out of Ingalls Event Center safely, as well as addressing event parking. Any cost for the Public Works/Engineering assistance, i.e. traffic control, equipment, or staff that is not provided in the Lessee's plan will be billed to the Lessee. Lessee agrees to pay the City of Norco for said services within 14 days of receiving the invoice.

#### 17. FIRE PROTECTION

Lessee shall provide that fire protection service, which Lessor deems necessary to protect the improvements and structures on said premises during the term of this Lease. Lessor's City Manager Fire Chief or other designated representative shall advise Lessee no later than 30 days prior to the event as to the fire protection services which must be provided by Lessee. Lessor may at any time during the term of this Lease advise Lessee that it must provide at its own expense additional fire protection services. Any cost for Fire Services assistance, i.e. paramedics on site, fire equipment, or staff that is not provided in the Lessee's plan will be billed to the Lessee. Lessee agrees to pay the City of Norco for said services within 14 days of receiving the invoice. City of Norco Animal Rescue Team (NART) will be provided at no cost to the California Rodeo Association Circuit Finals event.

#### 18. RETURN OF PREMISES

Lessee shall return to City the said described premises and all structures and improvements thereon in the same condition as they were at the time of the execution of this Lease, normal wear and tear excepted. A mandatory Pre Walk-thru must take place before the Lessee takes possession of the facility along with a mandatory Post Walk-thru taking place prior to the Lessee returning the facility to the Lessor.

#### 19. TERMINATION BY LESSOR

Lessor may terminate this Lease at any time should it be determined by the City Council that the public peace, health, safety and welfare of the citizens of Norco requires it to do so by serving upon Lessee in the manner hereinafter provided, a written notice of its election to so terminate, which said notice shall be served at least twenty-four hours prior to the date in said notice named for such termination.

#### 20. DEFAULT

In the event that Lessee shall be in default or fail to perform any of the terms or conditions herein agreed to be kept and performed by the Lessee, Lessor may terminate and end this Lease forthwith and Lessor may enter upon said premises and remove all persons and property there from. Lessee shall not be entitled to any money paid hereunder or any part thereof.

#### 21. WAIVER

Waiver by Lessor of any default in performance by Lessee of any of the terms, covenants or conditions contained herein, shall not be deemed a continuing waiver of the same or any subsequent default herein.

## 22. ATTORNEY'S FEES

Should Lessor bring any legal action for the purposes of protecting or enforcing its rights under this Lease, Lessor shall recover from Lessee in addition to all other relief, its attorney's fees and court costs in an amount fixed by the Court.

## 23. TIME OF PERFORMANCE

TIME IS OF THE ESSENCE IN THIS AGREEMENT. All covenants must be performed promptly and payment made on the date herein provided. If any default shall be made in any of the covenants on the part of the Lessee, Lessor may declare said tenancy terminated and may enter upon the premises and repossess the same for which purpose the consent of Lessee is hereby expressly given.

## 24. CONDUCT OF RODEO PERFORMANCE

The guidelines and procedures of the Department of Parks, Recreation and Community Services and Animal Control are intended to ensure the humane treatment of rodeo animals and shall be in effect for all Rodeos or Rodeo-type performances at any City of Norco facility.

Non-Conformance of the following will result in:

- A. Animal removed from competition.
- B. Exhibitor may be subject to fines, confiscation of property and all fees associated thereto.
- C. Participant could be removed from competition.
- D. Forfeiture of deposits and/or approval to hold future competitions.

### • Sore, Lamé, Sick or Injured Animals

Animals for all events will be inspected before the draw. No sick, lame, sore or injured animal will be permitted to perform, nor will any animal with defective eyesight be permitted to perform. Should an animal become sick or injured after the draw, that animal will not be used and a new animal is to be drawn for that event.

### • Animal Control Inspection

Norco Animal Control staff will be assigned to review livestock and to make periodic visits throughout the event. Animal Control is to be notified before the unloading of any livestock. Many injuries occur during the unloading and if the unloading is monitored by an Animal Control Office some accidents may not happen. Before livestock is to be used for an event, the stock must be thoroughly inspected by an Animal Control Officer to determine if for any reason it cannot be used for a Rodeo event. Animal Control will be on call during all Rodeo performances and slack time. Animal Control should be notified 30 days in advance of the event each year regarding which Stock Contractor(s) will be used, in order for Animal Control to do a background check to make sure the contractor has a good track record with other Animal Control agencies. All PRCA rules governing the proper branding and identification of livestock will be enforced as per PRCA Rule 8.2.

### • Veterinarian

It is understood that the use of a veterinarian with a Norco business license will be required during all performances as well as any slack time, or Norco Animal Control will be retained and required during all performances including slack time. If the latter option is chosen, a veterinarian will be kept on call. The name, address and telephone number of the veterinarian will be supplied to the Department of Parks, Recreation and Community Services Norco Animal Control.

- Removal of Injured Animals

A conveyance must be available, and shall be used where practicable, supplied by the stock contractor who is responsible for the humane removal of injured animals from the arena, before continuing with the rodeo performance. The conveyance must be large enough to remove a horse or bull. Injured calves shall be removed from the arena in a pick up truck, calf stretcher or by conveyance. An animal injured in a catch chute shall remain in the catch chute until an Animal Control Officer and or veterinarian can examine it. Injured animals shall be removed with care, placed in an isolated area, and be made as comfortable as possible in order to reduce stress and additional injury.

- Electric Prods

Standard electric prods / hot shots shall be used only when necessary. Cattle prods are to be used as an aid in moving the livestock - not to make them perform. Animals shall be touched only on the hip or shoulder area, where nerve endings are less dense. Excessive use of the prod is not allowed on animals down in the chute being prepared for roping. If the animal will not rise, the gate will be opened to allow the animal to escape. The use of electric prods in bull riding is prohibited without exception. Electric prods will be allowed to assist in the safe movement of the bulls through the control alleys with the approval and under the supervision of an animal control officer.

- Caustic Ointments

The use of caustic ointments to enhance performance of rodeo animals is prohibited.

- Construction of Chutes and Livestock Holding Areas

Personnel must be available to assist with removal of any animal should it become necessary.

- Animals Excessively Excited in Chute

Any animal that becomes excessively excited and lies down in the chute repeatedly, or tries to repeatedly jump out of the chute, or in any way appears to be in danger of injuring itself, must be released immediately.

- Confinement and Transportation

No stock shall be confined or transported in vehicles longer than a period of 24 hours without being unloaded, properly fed and watered.

- Abuse of an Animal

If a contestant or a member of the rodeo function abuses an animal by any unnecessary non-competitive or competitive action, he/she may be disqualified from the remainder of the rodeo.

Any PRCA and/or California Circuit member(s) caught using unnecessary roughness or abusing an animal may be immediately disqualified from the rodeo and fined. This holds true whether it is in the competitive arena or elsewhere on the rodeo grounds.

- Mistreatment of an Animal

If any person, contestant or member of the rodeo is found guilty of mistreatment of an animal, he/she can be asked to leave the rodeo grounds and be cited for Cruelty to Animals (State Penal Code 597).

- Roping Regulations

In calf roping, neck ropes must be tied with string. No metal snaps, elastics or hardware shall be used

on neck ropes in the timed events. Adjustable slides shall be used on all neck ropes for cattle used in the timed events. No "Jerk Down" rule for calf roping will apply. "Jerk Down" will be defined as over backwards, with the calf landing on his back or head with all four feet in the air. All team roping cattle shall be protected by horn wraps and their blunted to the size of a dime (PRCA Rule 8.9.4). Timed-event cattle will meet the following weight restrictions: roping calves shall be a minimum of 220 pounds and a maximum of 280 pounds with fresh calves not to exceed a maximum of 260 pounds (Rule 8.12.1); steer wrestling steers must weigh a minimum of 450 pounds and a maximum of 600 pounds per head (Rule 8.12.2); the minimum weight for steers to be used in the team roping is 450 per head with maximum weight of 650 pounds for each animal, the steers must have a minimum of 8 inch horns on both sides of the steer's (Rule 8.12.3). Steer Roping is not an approved event held at the California Circuit Finals Rodeo.

- Bull Riding

In bull riding events, no bull tails will be allowed under flank straps. The use of sharp spurs or the placing of spurs or chaps under the rope when the rope is being tightened on the bull is prohibited. Again, the use of electric prods in bull riding is prohibited without exception.

All bulls with horns used in the riding events will have their horns blunted to the size of a half dollar (R8.9.5.1).

- Equipment

Any person using equipment deemed inappropriate, inhumane or considered to be mistreatment of an animal by Animal Control and with mutual consent of the Stock Contractor and Event Organizer will be subject to removal from competition or result in the equipment being confiscated. Confiscated equipment will be returned to the participant or contractor at the conclusion of the event. Refusal to submit equipment for confiscation will be grounds for expulsion from the event and/or a citation for Cruelty to Animals (State Penal Code Sec 597).

- Death of an Animal

Animal Control will be contacted regarding the death of any animal involved in the rodeo performance. Dead animals will be kept from the public view at all times until the dead animal is removed. Animal Control must be consulted regarding the removal of any dead animal from the grounds.

- PRCA Rules and Guidelines or Adopted Changes as per section Part 8 and Part 9 of the PRCA Rule Book will be adhered to.

Any rules or guidelines adopted or changed by the PRCA in reference to the humane treatment of rodeo livestock or animals, will take precedence over the previous guidelines established by PRCA.

The above guidelines and procedures for governing rodeo livestock are intended to ensure the humane treatment of rodeo livestock. The guidelines and procedures outlined follow the PRCA (Pro Rodeo Cowboy Association) effort for humane treatment of livestock in many respects. The intent of the City of Norco guidelines is not to hamper any organization's efforts for a successful event but to create responsibility for how animals are treated during a rodeo event through the conduct of participants, owners, promoters, contractor and all those persons associated with rodeos.

25. NOTICES

Any notices which are required hereunder or which either Lessor or Lessee may desire to serve upon the other, shall be writing and shall be deemed served when delivered personally or when deposited in the United States Mail, postage prepaid, addressed as follows:

City of Norco:  
2870 Clark Avenue  
Norco, California, 92860

To Lessee:  
c/o Theodore Hoffman  
350 Wild Horse Lane  
Norco, CA 92860

26. SUCCESSORS OF THE PARTIES

This Lease shall bind the successors of the parties hereto unless notice of termination as hereinabove agreed upon is given.

Either Party has the right to terminate this lease by written notice one hundred eighty (180) days prior to the event. Written notice must be sent by Certified Mail.

IN WITNESS WHEREOF, the parties hereto have caused this Lease Agreement to be executed.

CITY OF NORCO, CALIFORNIA  
A Municipal Corporation

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

CALIFORNIA PRO RODEO CIRCUIT  
A Non-Profit Colorado Corporation

By: \_\_\_\_\_  
President/Representative

By: \_\_\_\_\_  
Secretary

\_\_\_\_\_  
Non Profit I.D. Number

\_\_\_\_\_  
Date

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

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

DATE: May 20, 2009

SUBJECT: Authorization to Install a Three-Way Stop Condition at Alhambra Street and Rocky View Drive

RECOMMENDATION: Authorize the installation of a three-way stop condition at Alhambra Street and Rocky View Drive.

**SUMMARY:** The installation of stop signs at the intersection of Alhambra Street and Rocky View Drive would create a three-way or multi-stop condition at this intersection to enhance pedestrian and equestrian safety. It is within the City Council's jurisdiction to authorize the installation of a multi-stop at an intersection that generates equestrian and pedestrian conflicts that need to be controlled for the safety of the pedestrian/equestrian and motoring public. Residents have requested that the City install a new stop condition at this intersection based on the proximity of Highland Elementary School and the traffic conflict at the west driveway. The Streets, Trails and Utilities Commission unanimously support the recommended action.

**BACKGROUND/ANALYSIS:** A City-wide traffic study was completed by Albert Grover and Associates in 2006. On April 15, 2009, staff retained Car Counts Inc. to perform a specific traffic study at the above mentioned intersection to determine if there was adequate justification for placement of stop signs at this intersection based on traffic volumes. The traffic volumes at this intersection (3,255 total vehicles in a 24-hour period, with a single hour maximum hour of 663 vehicles) did not meet the minimum volume requirements to warrant a stop condition based on Section 2B.07 of the Manual on Uniform Traffic Control Devices (MUTCD).

Option B of the multi-stop warrant process does provide for a stop warrant if the need to control vehicle, pedestrian and equestrian safety conflicts at an intersection exists. This solution was proposed primarily for the safety of equestrian and pedestrian traffic at this intersection. This section of Alhambra Street is bounded on the north by Highland Elementary School has an equestrian trail located on the south side of the street. The west driveway becomes impacted with vehicular and bus traffic during school start and finish times.

Staff prepared a summary of the stop sign warrant process for City Council review. Once the decision has been made to install two-way stop control, the decision regarding the appropriate street to stop should be based on engineering judgment. In most cases, the street carrying the lowest volume of traffic should be stopped. A stop sign should not be installed on the major street unless justified by a traffic engineering study.

The following are considerations that might influence the decision regarding the appropriate street upon which to install a stop sign where two streets with relatively equal volumes and/or characteristics intersect:

- A. Stopping the direction that conflicts the most with established pedestrian/equestrian crossing or horse riding activity or school walking routes;
- B. Stopping the direction that has obscured vision, dips, or bumps that already require drivers to lower operating speeds;
- C. Stopping the direction that has longest distance of uninterrupted flow approaching the intersection; and
- D. Stopping the direction that has the best sight distance to conflicting traffic.

The guidance for a decision to install multi-way stop control should be based on an engineering study. Support regarding multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclist, and all other road users expecting other road users to stop. Section 2B.07 describes the criteria that should be considered in the engineering study for a multi-way stop sign installation.

- E. Where traffic controls signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while signal is being installed
- F. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right and left turn collisions as well as right angle collisions.
- G. Minimum volumes: including vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and the combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches averages at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but if the 85th percentile approach speed of the major street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.
- H. Where no single criteria is satisfied, but where criteria B, and C are satisfied to 80 percent of the minimum values, criteria regarding the 85th percentile may be excluded from this condition.

Other options that may be considered in the engineering study include;

- A. The need to control left-turn conflicts;
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to stop; and

Approval of the Installation of Stop Signs

Page 3

May 20, 2009

- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.

/wrt-72571

Attachments: Map of Intersection  
Car Counts Volumes of Intersection

Volumes for: Wednesday, April 15, 2009

City: Norco

Daily Totals

NB	SB	EB	WB	Total
0	0	865	876	1,741

Location: Alhambra St (E-leg)WB@ Rockyview Dr Project: 09-6018-003

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB			
00:00			4	2	12:00			7	4			
00:15			0	0	12:15			34	22			
00:30			0	2	12:30			26	25			
00:45			0	4	0	4	8	38	105	55	106	211
01:00			0	0	13:00			77	57			
01:15			0	0	13:15			9	18			
01:30			0	0	13:30			11	7			
01:45			0	0	13:45			2	99	5	87	186
02:00			0	0	14:00			5	4			
02:15			0	1	14:15			5	20			
02:30			1	0	14:30			9	6			
02:45			4	5	0	1	6	4	23	4	34	57
03:00			0	0	15:00			11	4			
03:15			0	0	15:15			10	19			
03:30			0	0	15:30			5	16			
03:45			0	0	15:45			9	35	11	50	85
04:00			0	1	16:00			13	21			
04:15			0	0	16:15			3	10			
04:30			2	0	16:30			4	2			
04:45			2	4	1	2	6	7	27	4	37	64
05:00			0	1	17:00			3	2			
05:15			1	0	17:15			7	8			
05:30			1	0	17:30			18	7			
05:45			1	3	0	1	4	4	32	14	31	63
06:00			2	2	18:00			4	7			
06:15			1	0	18:15			14	11			
06:30			4	1	18:30			15	15			
06:45			2	9	2	5	14	5	38	6	39	77
07:00			10	5	19:00			9	10			
07:15			7	1	19:15			6	3			
07:30			12	3	19:30			9	3			
07:45			14	43	16	25	68	6	30	7	23	53
08:00			2	11	20:00			6	20			
08:15			24	22	20:15			11	8			
08:30			56	49	20:30			7	2			
08:45			127	209	115	197	406	4	28	7	37	65
09:00			52	65	21:00			1	6			
09:15			8	20	21:15			6	6			
09:30			7	10	21:30			5	0			
09:45			30	97	35	130	227	0	12	3	15	27
10:00			3	3	22:00			0	2			
10:15			3	4	22:15			0	0			
10:30			2	2	22:30			4	0			
10:45			4	12	11	20	32	1	5	0	2	7
11:00			4	0	23:00			0	0			
11:15			7	9	23:15			2	1			
11:30			26	12	23:30			0	2			
11:45			5	42	6	27	69	1	3	0	3	6

<b>Total Vol.</b>	428	412	840				437	464	901	
					<b>Daily Totals :</b>	<b>NB</b>	<b>SB</b>	<b>EB</b>	<b>WB</b>	<b>Total</b>
						0	0	865	876	1,741

Split %	AM			PM		
	51.0%	49.0%	48.2%	48.5%	51.5%	51.8%
<b>AM</b>				<b>PM</b>		
Peak Hr.	08:15	08:15	08:15	Peak Hr.	12:15	12:15
Volume	259	251	510	Volume	175	159
P.H.F.	0.510	0.546	0.527	P.H.F.	0.568	0.697
<b>7 - 9 Vol.</b>	252	222	474	<b>4 - 6 Vol.</b>	59	68
Peak Hr.	08:00	08:00	08:00	Peak Hr.	16:45	16:00
Volume	209	197	406	Volume	35	37
P.H.F.	0.411	0.428	0.419	P.H.F.	0.486	0.440

Volumes for: Wednesday, April 15, 2009

City: Norco

Daily Totals

NB	SB	EB	WB	Total
0	0	501	510	1,011

Location: Alhambra St (W-leg)EB@ Rockyview Dr Project: 09-6018-002

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB			
00:00			1	2	12:00			7	4			
00:15			0	0	12:15			18	9			
00:30			0	2	12:30			20	8			
00:45			0	1	0	4	5	13	58	23	44	102
01:00			0	0	13:00			27	39			
01:15			0	0	13:15			2	9			
01:30			0	0	13:30			4	7			
01:45			0	0	13:45			7	40	3	58	98
02:00			2	0	14:00			8	3			
02:15			0	1	14:15			5	10			
02:30			1	0	14:30			7	2			
02:45			0	3	0	1	4	5	25	1	16	41
03:00			1	0	15:00			7	6			
03:15			0	0	15:15			7	5			
03:30			0	0	15:30			6	4			
03:45			0	1	0	1	15:45	7	27	11	26	53
04:00			3	1	16:00			7	13			
04:15			0	0	16:15			6	10			
04:30			4	1	16:30			5	4			
04:45			0	7	0	2	9	6	24	5	32	56
05:00			0	1	17:00			5	5			
05:15			1	0	17:15			4	8			
05:30			2	0	17:30			9	8			
05:45			1	4	0	1	5	6	24	14	35	59
06:00			4	3	18:00			4	9			
06:15			1	0	18:15			3	13			
06:30			1	1	18:30			7	12			
06:45			2	8	3	7	15	8	22	5	39	61
07:00			5	3	19:00			9	7			
07:15			4	3	19:15			3	4			
07:30			7	2	19:30			2	4			
07:45			9	25	5	13	38	6	20	5	20	40
08:00			4	7	20:00			4	9			
08:15			16	13	20:15			6	8			
08:30			33	16	20:30			3	2			
08:45			46	99	31	67	166	2	15	10	29	44
09:00			11	22	21:00			4	7			
09:15			2	7	21:15			0	6			
09:30			7	6	21:30			8	0			
09:45			14	34	25	60	94	0	12	3	16	28
10:00			12	4	22:00			1	3			
10:15			6	5	22:15			0	2			
10:30			6	3	22:30			0	1			
10:45			7	31	5	17	48	1	2	0	6	8
11:00			5	1	23:00			0	0			
11:15			2	7	23:15			3	1			
11:30			2	1	23:30			1	1			
11:45			5	14	6	15	29	1	5	0	2	7

Total Vol. 227 187 414 274 323 597

Daily Totals : NB 0 SB 0 EB 501 WB 510 Total 1,011

Split %	AM			PM		
	54.8%	45.2%	40.9%	45.9%	54.1%	59.1%
AM Peak Hr.	08:15	08:15	08:15	PM Peak Hr.	12:15	12:15
Volume	106	82	188	Volume	78	79
P.H.F.	0.576	0.661	0.610	P.H.F.	0.722	0.506
7 - 9 Vol.	124	80	204	4 - 6 Vol.	48	67
Peak Hr.	08:00	08:00	08:00	Peak Hr.	16:00	17:00
Volume	99	67	166	Volume	24	35
P.H.F.	0.538	0.540	0.539	P.H.F.	0.857	0.625

Volumes for: Wednesday, April 15, 2009

City: Norco

Daily Totals

Location: Rockyview Dr (S-leg)NB@ Alhambra St Project: 09-6018-001

NB 267 SB 236 EB 0 WB 0 Total 503

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB	Total
00:00	0	1			12:00	2	3			
00:15	0	0			12:15	5	9			
00:30	0	0			12:30	7	8			
00:45	0	0	1		12:45	25	39	27	47	86
01:00	0	0			13:00	51	14			
01:15	0	0			13:15	4	3			
01:30	0	0			13:30	2	4			
01:45	0	0			13:45	3	60	3	24	84
02:00	0	0			14:00	1	0			
02:15	0	0			14:15	1	1			
02:30	0	0			14:30	3	2			
02:45	0	1	1		14:45	1	6	1	4	10
03:00	0	0			15:00	3	7			
03:15	0	0			15:15	5	0			
03:30	0	0			15:30	8	2			
03:45	0	0			15:45	4	20	3	12	32
04:00	1	0			16:00	3	3			
04:15	0	0			16:15	3	4			
04:30	1	0			16:30	0	1			
04:45	1	3	3	3	16:45	1	7	2	10	17
05:00	1	0			17:00	1	3			
05:15	0	0			17:15	3	2			
05:30	0	0			17:30	3	7			
05:45	0	1	0		17:45	2	9	1	13	22
06:00	0	1			18:00	2	1			
06:15	0	0			18:15	0	3			
06:30	0	1			18:30	2	8			
06:45	1	1	1	3	18:45	2	6	2	14	20
07:00	1	1			19:00	3	0			
07:15	1	3			19:15	2	2			
07:30	2	0			19:30	1	4			
07:45	4	8	3	7	19:45	1	7	1	7	14
08:00	6	1			20:00	2	0			
08:15	2	7			20:15	0	2			
08:30	13	9			20:30	0	2			
08:45	31	52	22	39	20:45	1	3	2	6	9
09:00	14	13			21:00	1	1			
09:15	3	3			21:15	0	2			
09:30	3	3			21:30	1	1			
09:45	12	32	3	22	21:45	0	2	1	5	7
10:00	3	2			22:00	0	1			
10:15	1	1			22:15	0	2			
10:30	0	1			22:30	0	1			
10:45	2	6	1	5	22:45	0	0	4		4
11:00	2	2			23:00	0	1			
11:15	1	2			23:15	0	0			
11:30	2	2			23:30	0	0			
11:45	0	5	2	8	23:45	0	0	1		1

Total Vol. 108 89 197 159 147 306  
 NB 267 SB 236 EB 0 WB 0 Total 503

Split %	AM			PM		
	54.8%	45.2%	39.2%	52.0%	48.0%	60.8%
AM Peak Hr.	08:30	08:15	08:15	PM Peak Hr.	12:15	12:15
Volume	61	51	111	Volume	88	58
P.H.F.	0.492	0.580	0.524	P.H.F.	0.431	0.537
7 - 9 Vol.	60	46	106	4 - 6 Vol.	16	23
Peak Hr.	08:00	08:00	08:00	Peak Hr.	17:00	16:45
Volume	52	39	91	Volume	9	14
P.H.F.	0.419	0.443	0.429	P.H.F.	0.750	0.500





**ACTION MINUTES**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
MAY 13, 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**
4. PLEDGE OF ALLEGIANCE: **Chair Wright**
5. APPEAL NOTICE: **Read by staff.**
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **No items.**
7. APPROVAL OF MINUTES: Minutes of April 29, 2009. **Approved 3-0-2 (Jaffarian and Hedges abstained).**
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARING: Resolution No. 2009-12; A Request to Modify Conditional Use Permit 99-01 Approved to Allow a Manufactured Home Sales/Display Lot with a Manufactured Sales Office at 2350 Hamner Avenue in the Norco Auto Mall Specific Plan Area "A." The Modification would add the Sale of Used Recreational Vehicles and Boats. Conditional Use Permit 99-01, Modification 1: National Auto & RV. Recommendation: Approval (Planning Manager King). **Action: Approved 5-0 with minor changes to conditions. This action is final unless appealed to the City Council.**
10. BUSINESS ITEM: Review of Design Manual – First Three Sections Recommendation: Discussion and Direction (Senior Planner Robles). **Action: Provided direction, received and filed. This is the first of a series of planned meetings to overhaul the City's architectural guidelines and procedures. A final overall proposed revision will come to the City Council for adoption at a later date.**
11. CITY COUNCIL:
  - A. City Council Action Minutes dated May 6, 2009

B. City Council Minutes dated April 15, 2009

**Action: Received and filed.**

12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions. **No reports.**
13. STAFF: Current Work Program. **Received and filed.**
14. OTHER MATTERS  
**Commission member Newton asked Senior Planner Robles to follow-up on the office construction project on Fourth Street (next to Circle K). They still have the wrong type of roofing material.**

**Planning Manager King reported that the owner of All Magic was proposing to change the type of building material of an approved garage from metal to split-face concrete blocks. The conditions allow for a minor change of materials to be approved at staff level and the Planning Commission agreed that this revision could be approved at staff level.**

15. ADJOURNED: 8:00 p.m.

/sk-72567

## 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: May 20, 2009

SUBJECT: Resolutions Calling the 2009 General Municipal Election and Placement on the November 3, 2009 General Municipal Election Ballot of a Measure Relating to the Transient Occupancy Tax (TOT)

RECOMMENDATION: Staff recommends that the City Council adopt the following Resolutions:

- a) **Resolution No. 2009-\_\_\_**, requesting the County of Riverside to conduct the November 3, 2009 Election;
- b) **Resolution No. 2009-\_\_\_**, calling and giving notice of the Election;
- c) **Resolution No. 2009-\_\_\_**, adopting regulations for the candidates for elective office; and
- d) **Resolution No. 2009-\_\_\_**, placing on the November 3, 2009 ballot a measure to increase the existing transient occupancy tax from eight percent (8%) to eleven percent (11%) which is charged only to persons who occupy hotel or motel rooms in the City of Norco.

**SUMMARY:** Three Resolutions are required in order to hold a General Municipal Election on November 3, 2009. At this election, the voters will consider candidates for two seats on the Norco City Council. A resolution is also required and proposed to place on the November 3, 2009 ballot, a measure to increase the existing transient occupancy tax from 8% to 11%, which is charged only to persons who occupy hotel or motel rooms in the City of Norco.

**BACKGROUND/ANALYSIS:** The approval of three Resolutions will commence the election process for the City's General Municipal Election to be held November 3, 2009 in order to fill two seats on the Norco City Council. The first Resolution requests the Riverside County Board of Supervisors to conduct a General Municipal Election for the City of Norco. The second Resolution calls for, and gives notice of, the General Municipal Election to be held

in Norco on November 3, 2009. The third Resolution adopts regulations governing candidates' statements, which also authorizes the City Clerk to estimate the cost of printing, translating and mailing candidate statements and to require candidates to pay in advance for such costs if they want their statements to be included in the voter's pamphlet. A fourth resolution is proposed to approve the placement on the November 3, 2009 ballot, a measure to increase the existing transient occupancy tax (TOT) from 8% to 11%.

**Proposed TOT Ballot Measure:**

California Revenue and Taxation Code (7280) authorizes the legislative body of any city or county in the State of California to levy a tax on the privilege of occupying a room, hotel room or other lodging establishment for a period of 30 days or less. This tax is commonly referred to as a "transient occupancy tax" or "hotel tax." The City of Norco's TOT was originally adopted as a general tax in 1984 by Ordinance No. 530 for the purpose of collecting funds to cover costs incurred for street maintenance and traffic control caused by transient occupants within the City. Further administrative changes were made to this TOT Ordinance in 2005 by Ordinance No. 836. The proposed increase to the City's TOT will amend Section 3.36.030 of the Norco Municipal Code.

The City Council is recommended to consider a ballot measure to increase the City's transient occupancy tax from 8% to 11% of the cost of the hotel/motel room and clarifying that all those who collect hotel/motel room charges transmit such taxes to the City. The TOT is charged only to persons who occupy hotel/motel rooms in the City and transmitted to the City by those who collect room charges. Therefore, this increase would impact only those that stay in the hotel/motel rooms - mainly visitors and travelers. There will be no impact on residents unless they utilize hotel accommodations in the City. This fee is only applied to hotel and motel rooms; it is not applied to any other facilities and services offered by the hotels such as catering, banquet, food, spa, etc. The proposed increase is expected to increase the General Fund revenue by \$30,000 during the upcoming 2009-10 Fiscal Year. Additional TOT revenue may be used for any purpose such as to support government operations and services, including public safety, gang and crime prevention, job creation efforts and support other city services.

Benefits of considering an increase in TOT rate include placement of a larger portion of the tax burden to provide city services on transient travelers and visitors to the community. Residents would benefit from this method of spreading the costs of services over a larger tax base, including those visiting the community, thereby stabilizing the cost of services to residents and small businesses within the community. Like hundreds of other cities, Norco relies on this revenue. According to the most recent survey available from the League of California Cities, average TOT rate in California is 10%. The City of Anaheim currently has the highest TOT at 15%, while the cities of Beverly Hills, Inglewood, Los Angeles, Santa Monica and San Francisco each have 14%.

**Transient Occupancy Tax (TOT) Rates Comparison with Other Cities in California -- Median 10.0% and Maximum 15.0%:**

Anaheim 15.0%	Adelanto 10.0%
Los Angeles 14.0%	Claremont 10.0%
San Francisco 14.0%	Colton 10.0%
Santa Monica 14.0%	Corona 10.0%
Diamond Bar 10.0%	Palm Springs 13.5%
Barstow 12.5%	Hesperia 10.0%
Bakersfield 12.0%	Ridgecrest 10.0%
Culver City 12.0%	San Bernardino 10.0%
Fresno 12.0%	Santa Clarita 10.0%
Long Beach 12.0%	Modesto 9.0%
Monterey Park 12.0%	Rialto 9.0%
Sacramento 12.0%	Twentynine Palms 9.0%
Ontario 11.8%	California City 8.0%
Oakland 11.0%	Tehachapi 8.0%
Riverside 11.0%	Yucca Valley 7.0%
Santa Ana 11.0%	Lancaster 7.0%
Torrance 11.0%	Palmdale 7.0%

The TOT cannot be increased without a vote of the people due to State law. A majority vote of Norco voters is required to increase the TOT. The proposed ordinance is attached and shall be printed in the voter pamphlet. The question to be submitted to the voters on the ballot shall be as follows:

**"Shall the Transient Occupancy Tax assessed by the City for persons occupying hotel/motel rooms in the City of Norco be increased from eight percent (8%) to eleven percent (11%)?"**

Staff recommends the City Council adopt the proposed resolution submitting to the voters of the City of Norco a proposed ordinance increasing the existing transient occupancy tax rate from 8% to 11% and ordering this measure to be on the November 3, 2009 municipal election ballot.

FINANCIAL IMPACT: \$41,000 (split between the RDA and the General Fund) has been budgeted in FY 2009-2010 for the General Municipal Election. Revenues to the General Fund in the amount of \$30,000 for the 2009-10 Fiscal Year would be expected if the increase to the TOT is approved by the voters.

/bj-71985

Attachments: Resolutions for Adoption

Proposed Ordinance Amending Section 3.36.030 of the Norco Municipal Code

## RESOLUTION NO. 2009-\_\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONDUCT A GENERAL MUNICIPAL ELECTION OF SAID CITY TO BE HELD ON NOVEMBER 3, 2009

WHEREAS, the City Council of the City of Norco called a General Municipal Election in said City to be held on November 3, 2009 for the purpose of the election of two members of the City Council of the City of Norco; and

WHEREAS, it is desirable that said general municipal election be conducted by the County of Riverside Registrar of Voters on November 3, 2009 within said City establishing precincts, polling places and election officers and that the County Registrar of Voters of the County of Riverside canvass the returns of the general municipal election.

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

SECTION 1. That pursuant to the requirements of Section 10403.5 of the Elections Code, the Board of Supervisors of the County of Riverside is hereby requested to consent and agree to conduct a general municipal election on Tuesday, November 3, 2009, for the purpose of the election of three members of the City Council of the City of Norco.

SECTION 2. Said Registrar or County Clerk is hereby authorized to canvass the returns of said general municipal election.

SECTION 3. Said Board of Supervisors is hereby requested to issue instructions to the Registrar or County Clerk to take any and all steps necessary for the holding of said election.

SECTION 4. The City of Norco agrees that all costs will be incurred by the County by reason of conducting said election with other districts and agrees to reimburse the County for any such costs.

SECTION 5. That the City Clerk of the City of Norco is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar or County Clerk of the County of Riverside.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on May 20, 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 introduced and adopted by the City Council of the City of Norco at a meeting held on May 20, 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 May 20, 2009.

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

/bj-72154

## RESOLUTION NO. 2009-\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 3, 2009, FOR THE ELECTION OF CERTAIN OFFICERS OF SAID CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a regular municipal election shall be held on November 3, 2009 for the election of two members of the City Council of the City of Norco for the full term of four years.

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there shall be, and there is hereby called and ordered, held in the City of Norco, California, on Tuesday, November 3, 2009, a regular municipal election of the qualified electors of said City for the purpose of electing two members of the City Council of said City for the full term of four years.

SECTION 2. That the ballots to be used at said election shall be, both as to form and matter contained therein, those as may be required by law to be used.

SECTION 3. That the election services which the City of Norco requests the County Clerk or Registrar of Voters or such other County official as may be appropriate to perform, and which such officer is hereby authorized and directed to perform if the said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards, the establishment or appointment of precincts, polling places, and election officers, the furnishing of ballots, voting booths, and other necessary supplies or materials for polling places, the canvassing of the returns of election and the furnishing of the results of such canvassing to the City Clerk of the City of Norco, and the performance of such other election services as may be requested by said City Clerk that may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for said election shall be open at 7 a.m. of the day of said election and shall remain open continuously from said time until 8 p.m. the same day when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding municipal elections in said City.

SECTION 6. That notice of the time and place of holding said election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election, in time, form and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on May 20, 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 introduced and adopted by the City Council of the City of Norco at a meeting held on May 20, 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 May 20, 2009.

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

/bj-72153

## RESOLUTION NO. 2009-\_\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE, PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND THE COSTS THEREOF FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 3, 2009

---

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs thereof.

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

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Norco on November 3, 2009, may prepare a candidate's statement not to exceed 200 words, on an appropriate form provided by the City Clerk. Such statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the City Clerk at the time the declaration of candidacy is filed. Such statement may be withdrawn, but not changed, during the period for filing declaration of candidacy and until 5 p.m. of the next working day after the close of the nomination period.

SECTION 2. PAYMENT. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidates' statements filed pursuant to the Elections Code, and require each candidate filing a statement to pay in advance his or her pro rata share as a condition of having his or her statement included in the voter's pamphlet. The City Clerk shall bill each candidate for any cost in excess of the deposit and shall refund within 30 days of the election any unused portion of the deposit.

SECTION 3. That the City Clerk shall provide each Candidate a copy of this Resolution at the time declaration of candidacy is issued.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution, shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on May 20, 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 introduced and adopted by the City Council of the City of Norco at a meeting held on May 20, 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 May 20, 2009.

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

/bj-72155

## RESOLUTION NO. 2009-\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, PLACING ON THE NOVEMBER 3, 2009 BALLOT A MEASURE TO INCREASE THE EXISTING TRANSIENT OCCUPANCY TAX FROM EIGHT PERCENT (8%) TO 11 PERCENT (11%) WHICH IS CHARGED ONLY TO PERSONS WHO OCCUPY HOTEL OR MOTEL ROOMS IN THE CITY OF NORCO**

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a regular municipal election shall be held on November 3, 2009 for the election of two members of the City Council of the City of Norco for the full term of four years.

WHEREAS, the City Council proposes to submit to the voters of the City an ordinance increasing from eight percent (8 %) to eleven percent (11%) the Transient Occupancy Tax ("TOT") rate in the City for the purpose of increasing the City's General Fund revenues to be used for essential services and usual current expenses of the City; and

WHEREAS, Section 2(b) of Article XIII C of the California Constitution requires that a general tax submitted to the voters for approval shall be consolidated with the regularly scheduled general municipal election for members of the City Council.

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

SECTION 1. A ballot measure for the purpose of approving an ordinance amending Section 3.36.030 of the Norco Municipal Code to increase the TOT rate to 11 percent (11%) will be placed on the ballot at the November 3, 2009 election.

SECTION 2. The proposed ordinance is attached hereto as Exhibit "A" and incorporated herein by this reference and such ordinance shall be printed in the voter pamphlet. The question to be submitted to the voters on the ballot shall be as follows:

Yes      No

**"Shall the Transient Occupancy Tax assessed by the City for persons occupying hotel/motel rooms in the City of Norco be increased from eight percent (8%) to eleven percent (11%)?"**

SECTION 3. The Mayor and all other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things to execute and deliver any and all documents that they may deem necessary or advisable in order to complete the process for placing the measure on the November 3, 2009 ballot.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on May 20, 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 introduced and adopted by the City Council of the City of Norco at a meeting held on May 20, 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 May 20, 2009.

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

/bj-72246

## ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE OF THE PEOPLE OF THE CITY OF NORCO AMENDING SECTION 3.36.030 OF THE NORCO MUNICIPAL CODE RELATING TO THE TRANSIENT OCCUPANCY TAX CHARGED ONLY TO PERSONS WHO OCCUPY HOTEL/MOTEL ROOMS IN NORCO

THE PEOPLE OF THE CITY OF NORCO DO ORDAIN AS FOLLOWS:

SECTION 1: Section 3.36.030 of Chapter 3.36 of the Norco Municipal Code is hereby amended to read as follows:

#### **3.36.030 Tax imposed.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eleven percent of the rent charged by the operator. Said tax constitutes a debt owned by the transient to city which is extinguished only by payment to the operator or to city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, Director of Fiscal and Support Services may require that such tax shall be paid directly to the Director of Fiscal and Support Services.

SECTION 2: The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

SECTION 3: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below upon certification by the City Clerk that a majority of those electors voting on this ordinance have voted in the affirmative.

PASSED AND ADOPTED by the voters at the municipal election of November 3, 2009.

\_\_\_\_\_  
Mayor of the City of Norco, California

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
John Harper  
City Attorney

# 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: May 20, 2009

SUBJECT: Amendment to the Automatic Aid Agreement Between the City of Corona and the City of Norco

RECOMMENDATION: Adopt **Resolution No. 2009\_\_**, approving the First Amendment to the Automatic Aid Agreement between the City of Norco and the City of Corona, which will provide for improved fire and emergency medical responses to the southeast section of the City located south of the Hidden Valley Golf Course.

**SUMMARY:** A review of the Automatic Aid Agreement between the City of Norco and the City of Corona is conducted on a regular basis. In order to affect faster response times, the Norco Fire Department initiated a change in the current agreement to have the City of Corona provide automatic aid to the southeast hills area of Norco. Both agencies have modified the response areas for their respective jurisdictions, which now designates the southeast section of Norco as the primary area covered by the Corona Fire Department in this First Amendment to the Automatic Aid Agreement.

**BACKGROUND/ANALYSIS:** The existing Automatic Aid Agreement was put in to place in September of 2000. During the periodic review of this agreement, it was determined that revising the current agreement should be modified to provide for improved coverage in the southeastern portion of the City of Norco.

The City of Corona also conducted a review of the agreement and found that changing the response area in the area of River Road would be advantageous to the coverage requirements in their City.

This First Amendment to the Automatic Aid Agreement provides for coverage to all the residents south of the Hidden Valley Golf Course to receive emergency service provided by the City of Corona Fire Department. The area south of River Road in the City of Corona will receive emergency service provided by the City of Norco.

The amended Agreement will provide for faster emergency responses times for both fire protection and emergency medical services in areas of both cities. The residents in the southeast area of Norco will be serviced by Corona Engine 4 and the residents in the City of Corona south of River Road will be served by Norco Engine 21.

Attachments: Resolution 2009-\_\_\_\_  
Amended Agreement

/jf-72074

**Agenda Item 4.B.**

## RESOLUTION NO. 2009-\_\_\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ADOPTION OF THE FIRST AMENDMENT TO THE AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF NORCO AND THE CITY OF CORONA, REVISING THE RESPONSE AREAS IN BOTH CITIES

WHEREAS, the City of Norco and the City of Corona share a common border in the southern section between Norco and Corona; and disasters; and

WHEREAS, both cities have shared a common interest in improved emergency response times to areas of both cities located within the southern boundary area; and

WHEREAS, for many years there has existed an Automatic Aid Agreement between both cities that is periodically reviewed to ensure that optimum benefit is afforded all participants in the agreement; and

WHEREAS, September 2000 was that last time this document was reviewed and evaluated with regard to the needs of each participating agency; and

WHEREAS, property development and population density changes have occurred within the areas of both cities covered by this agreement; and

WHEREAS, the City of Norco and the City of Corona Fire Departments have completed an evaluation of their respective response areas for the purpose of improving response times within the areas covered by this First Amendment to the Automatic Aid Agreement and determined that the Amended Agreement will result in improved emergency response times thereby improving the level of service to the residents in both communities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does hereby approve the amendments outlined in this First Amendment to the Automatic Aid Agreement between the City of Corona and the City of Norco.

Resolution No. 2009-\_\_\_\_\_

Page 2

May 20, 2009

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 20, 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 May 20, 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 May 20, 2009.

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

/jf-72093

**FIRST AMENDMENT TO THE  
AUTOMATIC AID AGREEMENT  
BETWEEN THE CITY OF CORONA  
AND  
CITY OF NORCO**

**1. PARTIES AND DATE.**

This First Amendment ("Amendment") to the Automatic Aid Agreement is made and entered into this 1<sup>st</sup> day of July, 2009 by and between the City of Corona, a municipal corporation organized under the laws of the State of California, ("Corona") and City of Norco, a municipal corporation organized under the laws of the State of California ("Norco"). Corona and Norco are sometimes individually referred to as "Party" and collectively as "Parties."

**2. RECITALS.**

2.1 On or about September 6, 2000, Corona and Norco entered into an Automatic Aid Agreement ("Agreement"). The purpose of the Agreement was to provide a mutual automatic aid benefit so that the services of Corona are, in some circumstances, extended into the Norco Emergency Response Area and that the services of Norco are, in some circumstances, extended into the Corona Emergency Response Area. Corona and Norco further agreed to provide "first alarm" services to the Norco Emergency Response Area and the Corona Emergency Response Area, respectively, until the other party is able to arrive on scene and assume its normal jurisdictional authority and responsibility.

2.2 The Parties desire to amend the Agreement for the first time to incorporate maps of the Parties' Emergency Response Areas and to include a single-engine response into the jurisdictional areas of Corona and Norco.

2.3 The Parties hereby agree to all of the terms and obligations of this Amendment in consideration of the mutual covenants contained herein, as well as other good and valuable consideration, the value, sufficiency and receipt of which are hereby acknowledged.

2.4 This Amendment is authorized pursuant to Section 3.17 of the Agreement.

**3. TERMS.**

3.1 Corona. Section 3.1.1 of the Agreement shall be amended in its entirety to read as follows:

"3.1.1 Corona. Corona shall provide emergency "first alarm" services to Norco by responding with appropriate staffing and equipment to emergency fire and medical alarms outside of its jurisdictional limits and within the jurisdictional area of Norco, as specified in Exhibit "A" attached hereto and incorporated herein by

reference (hereinafter referred to as the “Norco Emergency Response Area”). Corona shall also provide a single-engine into the jurisdictional limits and within the jurisdictional area of Norco, as specified in Exhibit “B” attached hereto and incorporated herein by reference (hereinafter referred to as the “City of Corona Fire Department Second In Automatic Aid for Norco”) as a “second-in” resource when Norco resources are unavailable to do so. On multi-engine responses, Corona shall provide such first alarm services only until Norco’s staffing and equipment is able to arrive on scene and assume Norco’s normal jurisdictional authority and responsibility. On single-engine responses, Corona shall provide such first alarm services as the only responding fire agency, unless the need arises for additional fire department resources, at which time the additional resources shall be requested and provided through normal procedures for each jurisdiction.”

3.2 Norco. Section 3.1.3 of the Agreement shall be amended in its entirety to read as follows:

“3.1.3 Norco. Norco shall provide emergency “first alarm” services to Corona by responding with appropriate staffing and equipment to emergency fire and medical alarms outside of its jurisdictional limits and within the jurisdictional area of Corona, as specified in Exhibit “C” attached hereto and incorporated herein by reference (hereinafter referred to as the “Corona Emergency Response Area”). Norco shall also provide a single-engine into the jurisdictional limits and within the jurisdictional area of Corona specified in Exhibit “D” attached hereto and incorporated herein by reference (hereinafter referred to as the “City of Norco Fire Department Second In Automatic Aid for Corona”) as a “second-in” resource when Corona resources are unavailable to do so. On multi-engine responses, Norco shall provide such first alarm services only until Corona’s staffing and equipment is able to arrive on scene and assume Corona’s normal jurisdictional authority and responsibility. On single-engine responses, Norco shall provide such first alarm services as the only responding fire agency unless the need arises for additional fire department resources, at which time the additional resources shall be requested and provided through normal procedures for each jurisdiction.”

3.3 Freeway Responses. Section 3.1.5 of the Agreement shall be amended in its entirety to read as follows:

“3.1.5 Freeway Responses. Corona and Norco agree to respond for the purpose of a joint response to incidents on Interstate 15 between Sixth Street in Norco to State Route 91 in Corona. As stated in

Section 3.5, the specific response criteria for this Section will be formulated and implemented as operational policies and procedures.”

3.4 Additional Provisions and Definitions. From and after the effective date of this Amendment, wherever the term Agreement is used in the Agreement, it shall mean the Agreement as amended by this Amendment. All initially capitalized terms used, but not otherwise defined herein, shall have the same meanings as given to them in the Agreement. Other than as expressly amended herein, the Agreement remains in full force and effect in accordance with its terms.

**[SIGNATURES ON FOLLOWING PAGE]**

**CITY OF CORONA**

**CITY OF NORCO**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Mayor

*Attest:*

*Attest:*

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

*Approved as to Form:*

*Approved as to Form:*

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Attorney

**EXHIBIT A  
NORCO EMERGENCY RESPONSE AREA**

**[SEE ATTACHED 1 PAGE MAP]**

**EXHIBIT B  
CITY OF CORONA FIRE DEPARTMENT SECOND IN AUTOMATIC AID FOR  
NORCO**

**[SEE ATTACHED 1 PAGE MAP]**

**EXHIBIT C  
CORONA EMERGENCY RESPONSE AREA**

**[SEE ATTACHED 1 PAGE MAP]**

**EXHIBIT D  
CITY OF NORCO FIRE DEPARTMENT SECOND IN AUTOMATIC AID FOR  
CORONA**

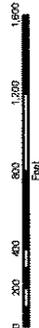
**[SEE ATTACHED 1 PAGE MAP]**





**City of Norco Fire Department  
Second In Automatic Aid for Corona**

**Exhibit D**



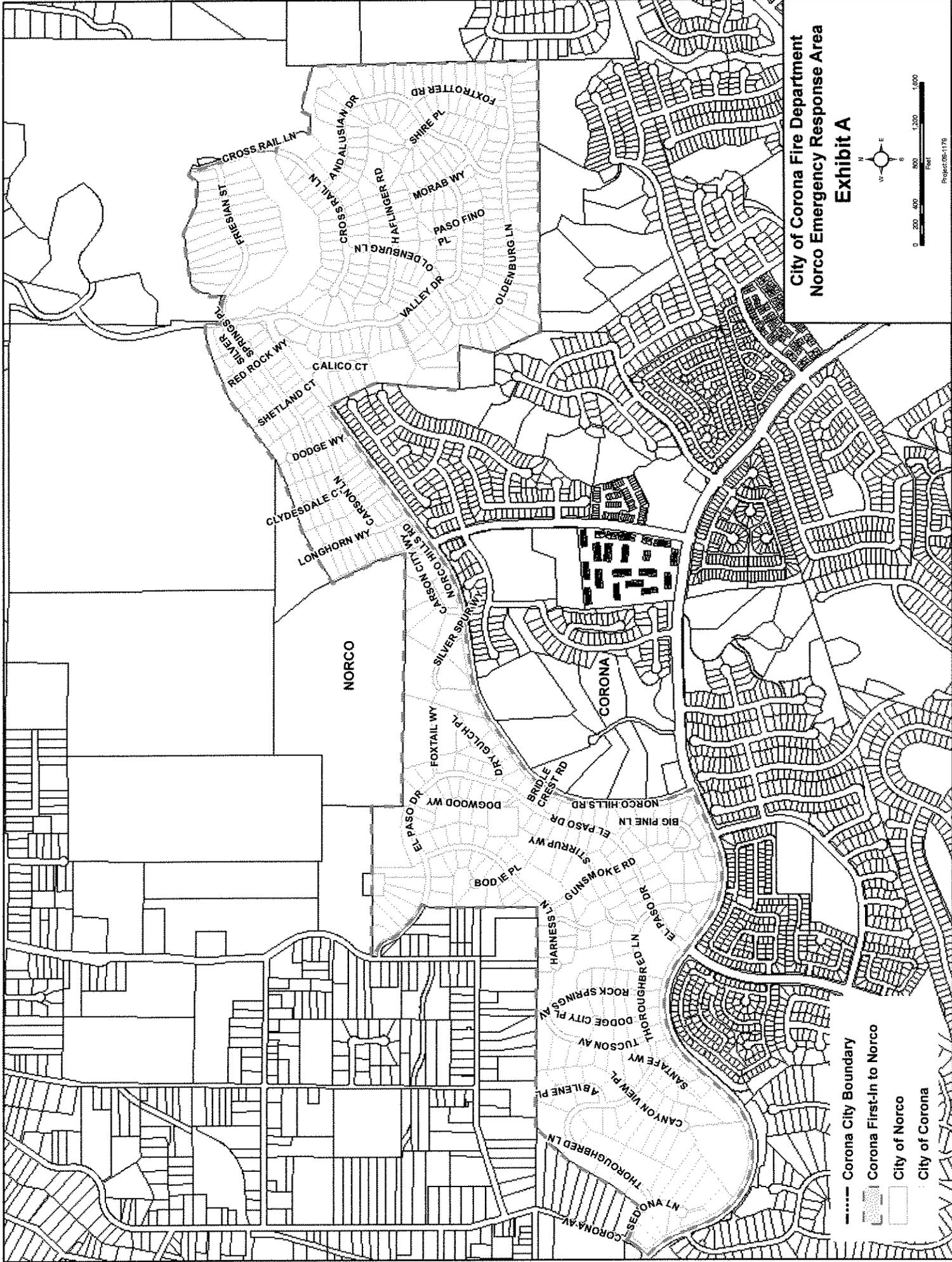
Project:09-1178

- Corona City Boundary
- Norco Second-In to Corona
- City of Norco
- City of Corona

NORCO

CORONA





**City of Corona Fire Department  
Norco Emergency Response Area  
Exhibit A**

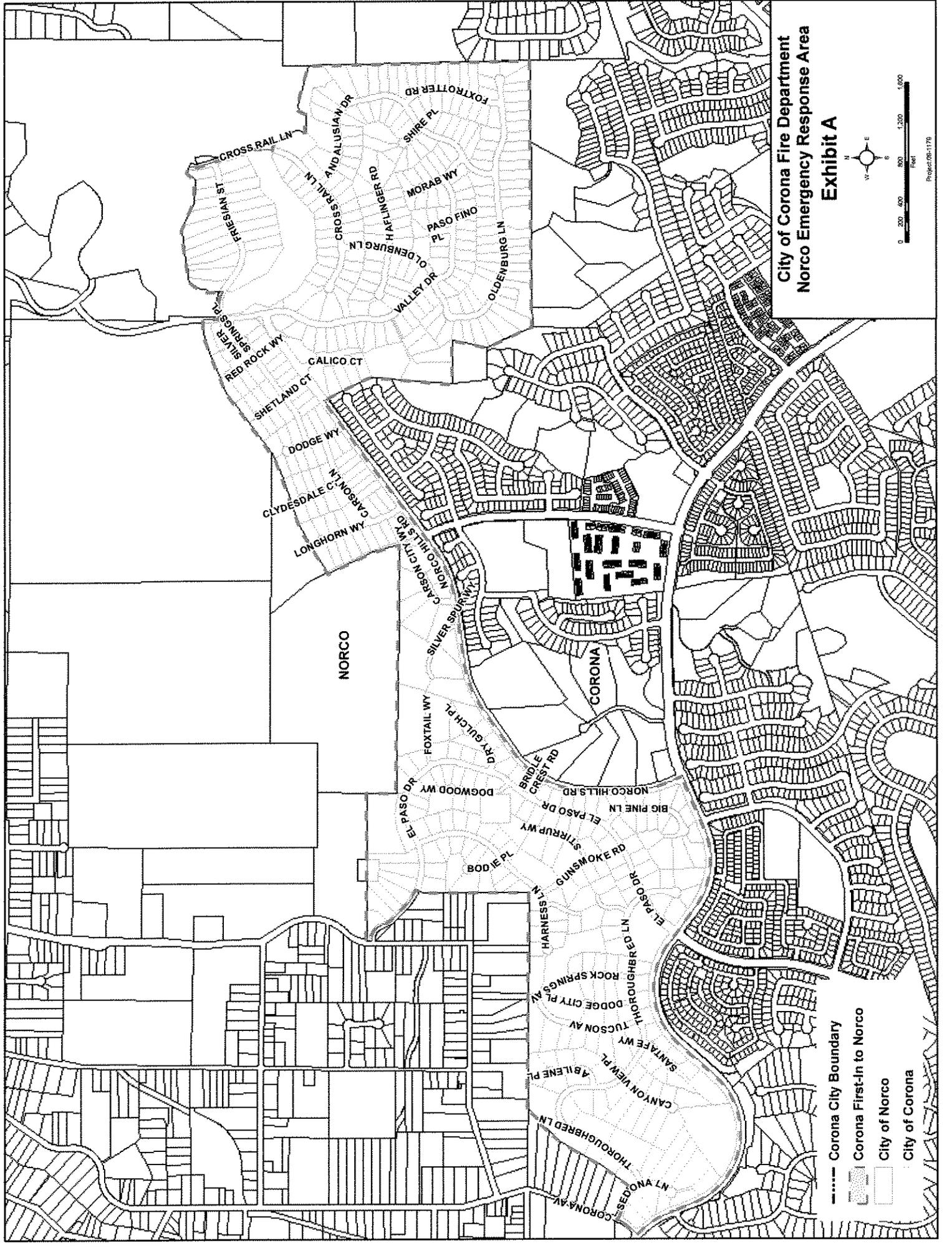


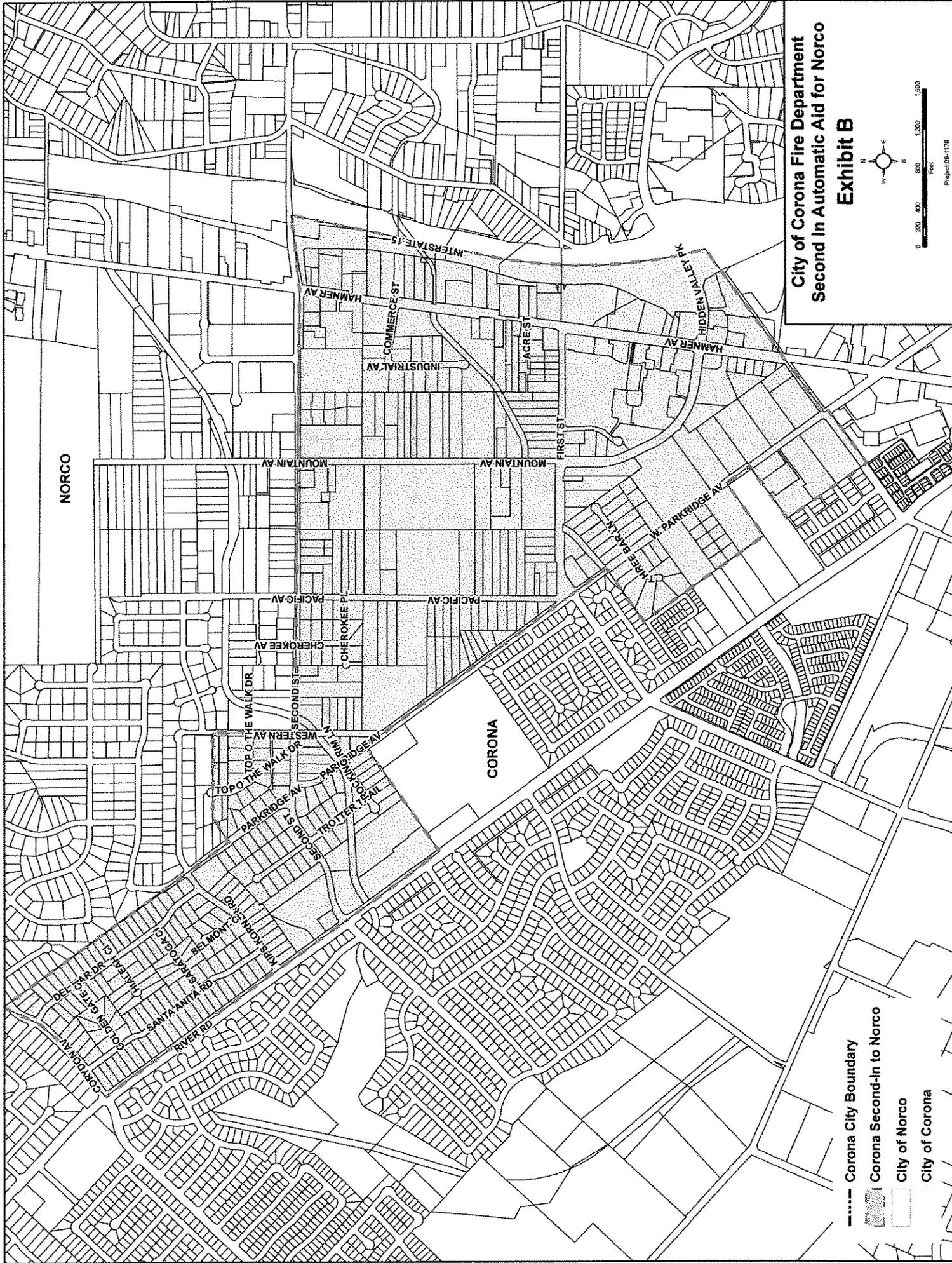
Project: 06-1176

- Corona City Boundary
- ..... Corona First-In to Norco
- \_\_\_\_\_ City of Norco
- \_\_\_\_\_ City of Corona

NORCO

CORONA





Agenda  
Item 4.C.  
Will be  
Delivered  
Prior to the  
Council  
Meeting

## CITY OF NORCO MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

PREPARED BY:  Steve King, Planning Manager

DATE: May 20, 2009

SUBJECT: Palm Trees in Commercial Landscaping Plans and Enforcement Actions Recommended when Installed Landscaping is Replaced After a Project has been Released for Occupancy

RECOMMENDATION: Direction requested, to staff and Planning Commission regarding 1) whether palm trees should be allowed in commercial landscaping plans; and 2) what level of enforcement (if any) should be applied to projects when landscaping is installed per approved plans and is subsequently replaced with something other than what was approved.

Staff recommendation: 1) that palm trees not be prohibited; and 2) that there is no enforcement of approved landscaping plans unless something significant (i.e., elimination of trees without replacement) occurs.

SUMMARY: Currently, the City does not have enforcement procedures in the event that landscaping on approved projects is changed after the project has been released for occupancy (such enforcement procedures do not exist since it rarely becomes an issue once the landscaping has been installed). Also, there is no Code restriction, and no policy direction from the City Council to prohibit palm trees even though it has become an informal policy of the Planning Commission to prohibit them. A recent planting of a number of palm trees that replaced other tree types on an approved landscaping plan initiated a request by the Planning Commission for City Council direction on whether there should be a formal prohibition of palm trees and what level of enforcement should occur when approved landscaping is replaced after it has been planted and the project released for occupancy.

BACKGROUND: At the April 8, 2009 Planning Commission meeting there was a public comment/question asking how palm trees came to be planted at a retail/office complex located at 2775 Hamner Avenue (Norco Plaza). The Planning Commission requested background information on the landscaping plan and how it was approved. Condition

No. 9 of Resolution 2005-07 (Exhibit "A") required that the landscaping plan be approved by staff. The landscaping plan (Exhibit "B") was approved, and on-site inspections by two staff members (Senior Planner Robles and Planning Manager King) were made of the landscaping installation. Staff signed off on the Certificate of Occupancy after it was determined that the landscaping had been installed per the approved plan. That original plan did not include palm trees.

Subsequent to the project receiving its Certificate of Occupancy, the trees per the approved landscaping plan were removed and were replaced with palm trees. It is not known when the new trees were planted. Another condition of approval (Condition No. 8) requires that landscaping be in a "healthy" condition before the commencement of the business operation. But the condition does not require the owner to only use those species identified on the approved landscaping plan forevermore. Also, there is nothing in the conditions that requires the approved landscaping plan to be maintained as approved. The replacement of the approved landscaping plan trees with palm trees is not a violation of the Norco Municipal Code (Code) or the Conditions of Approval. It needs to be noted that this situation is very unique in that living landscaping was removed and replaced, which before this occurrence has not been an issue.

Landscaping is required to be included in new development to provide buffering between uses, screening of equipment, shade to reduce heat absorbency, aesthetics, recreational and rest areas, for cleaning air and water, to prevent erosion, and provide architectural enhancement. New development in all commercial and industrial zones is required by Code to maintain landscaping (both on- and off-site) in a clean, neat and healthy condition. Maintenance includes, but is not be limited to, pruning, weeding, fertilizing, mowing of lawns, removal of litter, regular watering and replacement of landscaping when it has become incurably unhealthy or has died.

The Planning Commission asked that the City Council give direction on the following:

1. Should palm trees be prohibited on commercial landscaping plans?

The Planning Commission has been following an informal policy of not allowing palm trees in commercial landscaping plans, but there is nothing in the Code to prohibit them, nor is there any previous policy direction from the City Council to prohibit them. In fact, Queen Palms are approved in the City's Urban Forest Specifications and Standards. This is a list of trees that are approved for use on public property (parks and right-of-way) and was adopted by the City Council.

Staff recommendation: that palm trees not be prohibited.

2. Should property owners be restricted to only those species listed on approved landscaping plans?

Projects are conditioned to provide landscaping and irrigation plans to make sure that: a) projects are appropriately landscaped with an adequate amount of trees in the mix of species for aesthetics and heat reduction; b) that an automatic irrigation system is installed to insure that some level of maintenance exists to keep landscaping alive after a project has been released for occupancy; c) that species are chosen that are xeriscape in nature and California friendly in terms of water efficiency and conservation. According to the City's Urban Forest Specifications and Standards Queen Palms have the positive aspects of being drought and smog tolerant which makes them suitable for inclusion in landscaping plans.

The primary issue with Number 2 is what level of enforcement should be applied to changes on approved landscaping plans. The related questions are a) does a property owner have the right to their own landscaping, and b) how long does a property owner have to keep landscaping that was approved for a project before different species can be incorporated. The City does not require landscaping permits once projects have been released for occupancy.

Staff's recommendation: that the City not requires City approval for landscaping plan changes since the intent of a landscaping plan is to make sure that landscaping can be sustained and maintained, rather than to approve and monitor specific types of species. This type of control would be problematic in terms of staff time for which there is not enough staff to add this level of monitoring. It is also problematic in that, different from building changes, landscaping can easily occur under the radar, or over a weekend as was the case with the landscaping that initiated this discussion. If landscaping occurs over weekends staff would have no knowledge of it. Significant changes to projects such as expanded buildings or new uses already require different levels of City approval, but such things as landscaping changes and painting do not.

/sk-72523

Attachments:       Exhibit "A" – Resolution 2005-07  
                          Exhibit "B" – Landscaping Plan for 2775 Hamner Avenue

## RESOLUTION 2005-07

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF NORCO, GRANTING WITH CONDITIONS, A SITE PLAN APPROVAL TO ALLOW THE DEVELOPMENT OF 43,532 SQUARE FEET OF RETAIL, RESTAURANT, AND OFFICE SPACE ON PROPERTY IDENTIFIED AS 2751 HAMNER AVENUE IN THE C-3 (HEAVY COMMERCIAL) ZONE. SITE PLAN 2004-17

WHEREAS, HC&D ARCHITECTS submitted an application to the City of Norco, California, for a site plan review under the provisions of Chapter 18.40, Title 18 of the Norco Municipal Code, on property generally described as:

That portion of Lot 3, Block 25 of Riverside Orange Heights Tract No. 2, as shown by map on file in book 7 page 54 of Maps, City of Norco, County of Riverside, State of California.

More generally described as 2751 Hamner Avenue, a rectangular-shaped area of about 2.4 acres, located on the east side of Hamner Avenue, having a frontage of about 202 feet, and a depth of about 578 feet; and

WHEREAS, at the time set at 7 p.m. on January 26, 2005 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place set, said Planning Commission considered the aforesaid site plan and received both oral and written testimony pertaining to said application; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the project will not have a significant effect on the environment and that a Negative Declaration should be adopted.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

A. The proposal complies with all applicable requirements of the Norco Municipal Zoning Ordinance and the General Plan in that the site is designated by the General Plan as Commercial Community and the C-3 zoning (Heavy Commercial) is consistent with that classification. The nature of the proposed land

**EXHIBIT** A

use is consistent with surrounding uses and should not have any significant adverse effects.

B. The overall site design and architectural quality is consistent with the intent and purpose of the Norco General Plan, and Norco Municipal Zoning Ordinance, as well as the general nature of the area in which the development is to be located.

C. The proposal is reasonably compatible with the area immediately surrounding the site in that the area consists of commercial land uses and/or commercial zoning. The proposed use as conditioned will have minimal impacts on the surrounding area.

D. The proposal is not detrimental and will be desirable to the overall public convenience and general welfare of the persons residing or working in the neighborhood and general community.

E. The City of Norco, acting as lead agency, has prepared an initial study to analyze the environment impacts associated with the project, and has determined that a Negative Declaration be issued.

## II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled January 26, 2005, that the aforesaid application for Site Plan 2004-17 is approved, subject to the conditions provided in Section 18.40.10 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval is based on Exhibits "C" (Site Plan) and "D" (Elevations) dated as received December 22, 2004, and incorporated herein by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions.
2. The recorded owner of the property shall submit to the Planning Department, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
3. The project shall comply with all City of Norco Municipal Codes, Ordinances and Resolutions.
4. Said approval shall become null and void unless building permits for all construction authorized by this approval have been issued within two years after the granting of such approval, and pursued diligently to completion. Provided,

however, that the Planning Director may extend approvals for up to six months, provided that after consulting with the City Engineer and Fire Marshall, he finds that there would be no new requirements due to changes in the Code and the plan as approved meets all present development standards.

5. No expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations, shall be permitted except upon application for, and approval of, a modification of this application, or a new application, in compliance with all procedures and requirements thereto.
6. The applicant shall obtain demolition permits from the Building Division for the demolition of all existing buildings.
7. No sign is authorized by approval of this site plan. Plans for any new sign(s) proposed to be placed upon this site shall first be submitted to the Planning Department for approval of a sign permit, and to the Building Department for issuance of a building permit.
- ⑧. All landscaped areas shall be in a healthy and thriving condition free from weeds, trash and debris as a condition of this approval prior to commencement of the business operation.
- ⑨. All landscaped areas shall be provided with a water-conserving automatic irrigation system. A detailed landscaping and underground irrigation plan, which utilizes drought resistant plants, shall be submitted to the Planning Department for approval. Such plans shall indicate plant and tree types and sizes, and the location and dimension of all landscaped areas and irrigation lines. The trees to be installed shall be minimum 15 gallon container trees or 24-inch planter box trees, which ever is better for the individual type of tree. The shrubs to be installed shall be minimum five gallon container shrubs.
10. The trash enclosure shall be designed and constructed to meet City standards in the location specified on the approved site plan. The trash enclosure shall be placed on a concrete pad and screened on three sides with a six-foot high solid masonry wall in conformance with City standards, and shall be equipped with a six-foot high sight-obscuring gate and "man" entrance, subject to approval of the Planning Department.
11. A minimum of 190 standard parking spaces for customer and employee parking shall be provided as required by code. Five spaces shall be designated for handicap persons (three on the front building and two on the rear building) and two shall be van accessible (one for each building). Parking shall remain clear and accessible to the public during normal business hours. Tenant configu-

ration within the buildings shall not exceed that standard parking requirement for the combined uses unless the Planning Commission has approved an amendment to Site Plan 2004-17 that allows a different parking ratio than what is required by the Norco Municipal Code.

12. All parking stalls shall be 9'x20' in size with the allowance of a maximum 2.0 feet overhang into the designated landscape planter as applicable. Where parking stalls are not adjacent to landscape planters, the length of the stalls shall be 20 feet.

13. A designated path-of-travel access for disabled persons shall be provided to both structures from the right-of-way of Hamner Avenue, and shall be designated on all site plans for building permit purposes.

14. There shall be no sound amplification system provided which projects sound outside the confines of the building except as may be specifically approved by the Planning Director upon application for such system. In the event of approval of any such system, technical details of system (i.e., loud speaker, paging, etc.) shall be subject to review and approval by the Planning Director prior to installation. Provided further, that sound levels shall be controlled as to not exceed 55 PndbA (CNEL) at property line, and shall be so certified by a registered acoustical engineer.

15. A detailed on-site lighting plan shall be submitted to the Planning Department for review and approval prior to issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding, so as to not adversely affect adjacent properties or streets. On-site lighting shall be directed inward to the project and sheltered from view as much as possible, from adjacent properties and Hamner Avenue. Metal halide lights are not permitted.

16. An on-site precise grading, paving, and drainage plan is required and shall be prepared by a registered civil engineer for approval by the City Engineer prior to the issuance of any permit for asphalt. Plans shall be 24"x36", ink on mylar, with elevations to the nearest 0.01 foot, scale 1"=40'.

17. Any proposed drainage to the rear will require approval from CALTRANS prior to the issuance of grading permits.

18. The project shall conform to all policies, requirements and standards of the National Pollution Discharge Elimination System (NPDES) as stipulated by the City of Norco and County of Riverside and may require the preparation of a water quality management plan that includes on site retention.

19. The developer shall participate for their fair share in any regional mobile source emissions reduction program and shall implement transportation demand management programs as feasible to help accomplish these goals. This project is subject to impact fees associated with the Riverside County Transportation Uniform Mitigation Fee.
20. Driveway approaches shall be constructed in accordance with City standards as approved by the City Engineer.
21. All on-site driveways and parking areas shall be constructed in accordance with City Standards as approved by the City Engineer.
22. A City of Norco Public Works Encroachment Permit shall be taken out for all work in the public right-of-way prior to the start of work. All work shall be done in accordance with City Standards, and/or otherwise specified to the satisfaction of the City Engineer and completed prior to certificate of occupancy.
23. The applicant shall construct street improvements along Hamner Avenue including a six-foot sidewalk, curb and gutter, and all public improvements, for an amount to be approved by the City Engineer and with reimbursement from the City for the agreed upon construction costs.
24. The property owner shall be required to connect to the City sewer system.
25. The applicant shall pay connection fees to the City of Norco for all sewerage service required prior to building permit issuance.
26. The applicant shall submit separate on-site utility plans for the installation of on-site sewer and any necessary storm drain systems in manner meeting the approval of the City Engineer.
27. The applicant shall meet all standards and conditions of the Planning, Fire, Engineering, Building and Safety Departments, and all other applicable departments and agencies.
28. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property (at least six inches high, or as approved by the Fire Department). Said numbers shall contrast with their background. Rooftop addressing shall be applied on a flat roof, in a contrasting color, and with a minimum size of 1'x4' and shall be located so as not to be visible from the street or adjoining properties at ground level.

29. This project is subject to, and shall pay, impact fees associated with the Riverside County Multi-species Habitat Conservation Program prior to the issuance of building permits.

30. A mutual agreement, in the form of a covenant running with the land and prepared in a form and manner satisfactory to the City Attorney and the Planning Director, shall be recorded to ensure reciprocal vehicular and pedestrian access and circulation, drainage, and vehicular parking in those areas intended for the public between the project site and the parcel north of the subject site, provided that parcel has a similar recorded requirement for reciprocal vehicular and pedestrian access and circulation, drainage and vehicular parking, and regardless of any existing or future land divisions or development.

31. A covenant, running with the land and prepared in a form and manner satisfactory to the City Attorney and the Planning Director, shall be recorded for said project stating that the driveways and drive aisles for the project site, and the parcel north of the subject site, shall be considered as one integrated complex for the purpose of installing and maintaining utility lines, regardless of any existing or future land divisions or land owners.

32. The project developer shall install security hardware on all doors and windows, as approved by the Sheriff's Department prior to the issuance of an occupancy permit.

33. Prior to any restaurant use at this site, and regardless of other changes that would be required with this type of change of use, the trash enclosure shall be revised so as to be protected from surface run-off with a 6-inch concrete curb or masonry wall and shall drain inward to a sewer inlet with grease interceptor to the satisfaction of the Building Department.

34. Prior to any restaurant use, and regardless of any other improvements that would be required for this type of change of use, a fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking appliances. This system must comply with N.F.P.A. Standards 17 and 96. Plans and specifications must be submitted to the Building Department. Said extinguishing system shall be tied into the building fire alarm system, if provided.

35. Prior to any restaurant use, and regardless of any other improvements that would be required for this type of change of use, revised elevations shall be submitted for review and approval of the Planning Division showing any new roof-mounted equipment that will be necessary and how, if necessary, it will be screened.

36. The project shall conform to all policies, requirements, and standards of the National Pollution Discharge Elimination System (NPDES) as stipulated and approved by the City of Norco and Riverside County permits. A water quality management plan, in accordance with the Riverside County Water Quality Management Plan for Urban Runoff, and as approved by the City, shall be required for this project prior to the issuance of a grading permit.

37. The roof shall be constructed of standing seam metal, either pencil seam or box seam, rather than corrugated metal.

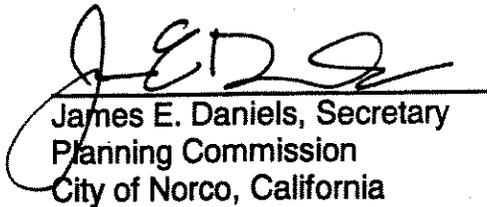
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PASSED AND ADOPTED by the Planning Commission at a regular meeting held on January 26, 2005.



Gregory Newton, Chairman  
Planning Commission  
City of Norco, California

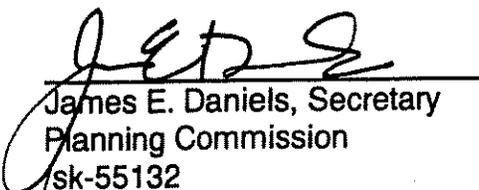
ATTEST:



James E. Daniels, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on January 26, 2005, by the following roll call vote:

AYES: Jaffarian, Mercer, Newton, Wilson, and Wright  
NOES: None  
ABSENT: None  
ABSTAIN: None



James E. Daniels, Secretary  
Planning Commission  
sk-55132