AGENDA
CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
WORKSHOP/REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
JUNE 3, 2009

CALL TO ORDER: 4:00 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

WORKSHOP TO DISCUSS THE FISCAL YEAR 2010 CITY AND NORCO REDEVELOPMENT AGENCY OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS

REGULAR CITY COUNCIL/CRA AGENDA: 6:00 p.m.

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

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: Deputy City Manager/Director of Finance Okoro, City Manager Jeff Allred, Fire Chief Frye 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 Hanna

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

PRESENTATIONS: The 2009 Norco Mounted Posse Rodeo Queens:
Miss Norco Mtd. Posse, Jessica Saenz
Jr. Miss Norco Mtd. Posse Rodeo, Amanda Hop
Young Miss Norco Mtd. Posse Rodeo, Cheyenne Clark
Little Miss Norco Mtd. Posse Rodeo, Danielle Phillipi

PROCLAMATIONS:

Nicholas Bayer, Norco High School Student
Acceptance to West Point

Jacob Alexander Oller
Eagle Court of Honor

Buzz Riebschlager
Winner of Norco Extreme Mustang Trail Challenge

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, Regular Meeting of May 20, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)

2. JOINT CRA/CITY COUNCIL ITEM FOR ACTION:

   A. Declaration of Financial Hardship and Emergency

   Due to rapidly declining revenues caused by severe economic conditions, a proposed raid by the State of California on the City's property tax and related revenues, and rising operating costs, the City Council will consider adoption of a Resolution finding that a severe fiscal hardship and an emergency exist relative to the City's General Fund.

   Recommended Action: Adopt Resolution No. 2009-____, declaring a financial hardship and emergency due to declining revenues, seizure of local revenues by the State of California and escalating operating costs. (Deputy City Manager/Director of Finance)

3. JOINT CRA/CITY COUNCIL PUBLIC HEARINGS:

   A. Annual Operating Budgets for the City of Norco and the Norco Redevelopment Agency for Fiscal Year 2009-10

   Recommended Action: That the City Council receive public comments for the proposed Operating Budgets for the City and the Norco Redevelopment Agency, and continue the Public Hearing to June 17, 2009 for final approval and adoption. (Deputy City Manager/Director of Finance)

B. Capital Improvement Program for the City of Norco and the Norco Redevelopment Agency for Fiscal Years 2010-2014

The City Council has held a budget workshop to discuss the five-year Capital Improvement Program (CIP) for the Fiscal Years 2010-2014. The City Council and Agency Board will open a Public Hearing to receive input from the public. Staff recommends that the City Council and Agency Board approve and adopt the CIP for Fiscal Years 2010-2014.

Recommendation: Adopt Resolution No. 2009____, approving and adopting the City of Norco Capital Improvement Program for the Fiscal Years 2010-2014; and CRA Resolution No. 2009-____, approving and adopting the Norco Redevelopment Agency Capital Improvement Program for the Fiscal Years 2010-2014. (Director of Fiscal and Support Services)

4. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 911
Next Resolution No. 2009-27

5. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No. 8 of the Agenda)*

A. City Council Minutes:
Special Meeting of May 14, 2009. **Recommended Action: Approve the City Council Minutes**
Regular Meeting of May 20, 2009. **Recommended Action: Approve the City Council Minutes**
(City Clerk)

B. Action Minutes for Planning Commission Meeting of May 27, 2009. **Recommended Action: Receive and File** (Planning Manager)

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

D. Lease Agreement Between the Norco Chamber of Commerce and the City of Norco for Use of the George Ingalls Equestrian Event Center for the 2009 Norco Valley Fair **Recommended Action: Approve the Lease Agreement for the 2009 Norco Valley Fair.** (Director of Parks, Recreation & Community Services)

E. Award of Contract for Street Improvements on First Street at Parkridge Avenue. **Recommended Action: Award a professional design services contract to Raab Engineering in the amount of $5,760 and authorize the Interim City Manager to approve change orders up to 10% of the contact amount.** (Senior Engineer)

F. Agreement for Law Enforcement Services Eliminating One Motor Officer Position. **Recommended Action: Authorize the Mayor to sign the Agreement for Law Enforcement Services.** (Lt. Cooper)

G. Order of Procedure and Resolutions Necessary for The Annual Assessment Levy Continuing Landscape Maintenance Districts No. 1 – Beazer, Tract 28765; No. 2 – Western Pacific, Tract 25779; No. 3 – Centex, Tract 28826; No. 4 – Norco Ridge Ranch, Tracts 29588 and 29589; and No. 5 – Hawk's Crest, Tract 30230. **Recommended Action: That the members of the City Council adopt the following Resolutions:**

Resolution No. 2009-___, (Beazer); Resolution No. 2009-___, (Western Pacific); Resolution No. 2009-___, (Centex); Resolution No. 2009-___, (Norco Ridge Ranch); Resolution No. 2009-___, (Hawk's Crest), Approving the Engineer's Preliminary Report for the Annual Levy of Assessments for the Fiscal Year 2008-2009 in Said District: and

Resolution No. 2009-___, (Beazer); Resolution No. 2009-___, (Western Pacific); Resolution No. 2009-___, (Centex); Resolution No. 2009-___, (Norco Ridge Ranch), Resolution No. 2009-___, (Hawk's Crest), Declaring City's Intention to Provide for an Annual Levy and Collection of Assessments for Certain Maintenance in an Existing District, and Setting a Time and Place for the Public Hearing.(City Engineer Milano)

H. Elimination of One Fire Battalion Chief Position. **Recommended Action: Approve Elimination of one (1) Fire Battalion Chief position**. (City Manager)

6. CITY COUNCIL CONTINUED PUBLIC HEARING:

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

The Planning Commission has denied a request by the operator of the Maverick to expand the service of food and alcohol onto an existing outside deck. Although the deck was constructed without building permits, it was later authorized to remain without having to obtain a building permit so long as the use remained for smoking only. The Planning Division, Building Division, Engineering Division, and the Sheriff's Department have each identified significant concerns and each recommended to the Planning Commission that the request be denied. The Planning Commission concurred with staff and voted unanimously to deny the request. The owner has appealed the denial to the City Council. The appeal hearing originally scheduled for March 18, 2009 was continued to June 3 at the request of the appellant (owner of Maverick).

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

7. CITY COUNCIL PUBLIC HEARINGS:

A. Confirming Costs for Spring Weed Abatement.

Recommended Action: Continue the Public Hearing to July 15, 2009. (Fire Chief)

B. City-Initiated Proposal to Amend Title 18 (Zoning) of the Norco Municipal Code to Regulate the Size of Accessory Buildings Allowed in Agricultural and Residential Zones (Zone Code Amendment 2008-09)

A recent code amendment changed the determination of building coverage in agricultural (A) lots based on the "flat pad" area rather than the lot size. There is, however, still potential for lots that are now animal-keeping to be rendered as non-animal-keeping lots because of the lack of restriction on the size of individual accessory buildings. This Zone Code Amendment (Zone Code Amendment 2008-09) proposes regulations on the size, height, and number of accessory buildings based on a graduated scale that takes into account the different sizes of pad areas and the ability to accommodate different sizes of accessory buildings without becoming a negative impact to residences, neighbors, and neighborhoods.

Recommended Action: Adopt Ordinance No. ____ for first reading. (Planning Manager)

8. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

9. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.

10. OTHER MATTERS - COUNCIL OR STAFF:

11. ADJOURNMENT:

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

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

/bj-72148

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: June 3, 2009

SUBJECT: Proclamations

SUMMARY: Attached for your review and consideration are the following proclamations:

Nicholas Paul Bayer, Norco High School Student
Acceptance to West Point

Jacob Alexander Oller, *Eagle Scout Court of Honor*

/di – 72641
Attachment: Proclamations

WHEREAS, Nicholas Paul Bayer has had high expectations since his early Elementary School years in Norco, in which he achieved the status of Honor Roll Student in the Fourth Grade, and continued to achieve thru his High School years; and

WHEREAS, Nicholas has served the Norco community in various ways such as volunteering as a coach for JAAF football, as an umpire for the Norco Little League and as manager for the Little League snack bar; and

WHEREAS, his volunteer work extended through his High School years to include serving as Freshman Class President, President of the Speech and Debate Club for two years, President of the Mock Trial Club, Senior Class President, and Member of the History Club all four years; and

WHEREAS, his many scholastic achievements include second place at the State level for his 9th grade Science Fair Project, his 10th grade History Day Project won and sent him as an alternate to the National level and he received a College Board AP Scholar award with distinction; and

WHEREAS, Nicholas will graduate from Norco High School in June of 2009 and was recently accepted at the United States Military Academy at West Point as one of its newest Cadets.

NOW, THEREFORE, I, KATHY AZEVEDO, MAYOR OF THE CITY OF NORCO, on behalf of the City Council, do hereby commend, honor and congratulate

Nicholas Paul Bayer

and wish him continued success throughout his academics at West Point Academy.

MAYOR OF THE CITY OF NORCO

WHEREAS, Jacob Oller has been a member of the Boy Scouts of America for the past five years as a member of Troop 999 in Corona; and

WHEREAS, Jacob earned his 21 merit badges for the rank of Eagle Scout in February of 2009; and

WHEREAS, Jacob completed his community service project by building four book cases and two shelves for the Norco Public Library; and

WHEREAS, an Eagle Court of Honor is being held for Jacob Oller, who has passed the oral examination for Eagle Scout; and

WHEREAS, the rank of Eagle Scout is the highest award a Boy Scout can achieve. Philip has been received into an elite group in the company of astronauts and presidents.

NOW, THEREFORE, I, KATHY AZEVEDO, MAYOR OF THE CITY OF NORCO, ON BEHALF OF THE CITY COUNCIL, DO HEREBY COMMEND, HONOR AND RECOGNIZE

Jacob Alexander Oller

FOR HIS DEDICATION AND ACHIEVEMENTS TO THE COMMUNITY OF NORCO AND CORONA, AND FOR BEING HONORED AND AWARDED THE PRIVILEGE OF EAGLE SCOUTS ON THE 7th DAY OF JUNE, 2009.

_____
MAYOR

_____
MAYOR PRO TEM

_____
COUNCIL MEMBER

_____
COUNCIL MEMBER

_____
COUNCIL MEMBER

MINUTES
CITY OF NORCO

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

CALL TO ORDER:	Mayor Azevedo called the meeting to order at 6:04 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, **Absent** **Staff Present** – Allred, Cooper, Frye, Jacobs, Okoro, Oulman, Paakkonen, Petree and Thompson City Attorney Harper – **Present**

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

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties:	City Manager Allred, Fire Chief Frye, Director of Fiscal & Support Services Okoro and Human Resources Anaylst Paakkonen
Employee Organization:	Norco Firefighters Association Norco Battalion Chiefs Association
RECONVENE PUBLIC SESSION:	With no Closed Session Items to report, Mayor Azevedo reconvened the meeting at 7:16 p.m.
PLEDGE OF ALLEGIANCE:	Council Member Hall
INVOCATION:	Pastor Vernie Fletcher *Grace Fellowship Church*

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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

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

1. CRA CONSENT CALENDAR ITEMS:

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

2. OTHER CRA MATTERS: No Other CRA Matters

ADJOURNMENT OF CRA: 7:22 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

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

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

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

   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. 2009-20**. (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)

City Clerk Jacobs presented the resolutions calling the November 3, 2009 General Municipal Election. She noted that the filing period for nomination papers and candidate's statements will be July 13 through August 7. City Clerk Jacobs stated that the estimated cost for filing a Candidate Statement will be approximately $375, as set by the County of Riverside.

City Manager Allred presented the Council Item regarding the placement on the November 3, 2009 ballot of a measure to increase the TOT to 11%. A chart was displayed showing TOT rates in other California cities.

Council Member Hanna emphasized that the TOT increase does not affect the residents.

Mayor Pro Tem Miller stated he is in support of the ordinance with one correction noted, as the word "owned" should be written as "owed." (Correction noted for the record.)

Pat Overstreet, 1231 Corona. Ms. Overstreet noted that her questions had been answered in the chart that was displayed. She further noted that the 11% rate seems appropriate in comparison to the neighboring cities.

Mayor Azevedo believes 11% is appropriate and supports this.

Mayor Pro Tem Miller added that there have been problems with how this tax has been calculated when the rooms were sold on the internet, and it was questionable if they were sold at a wholesale or resale price. Director Okoro responded that we will be keeping that in mind and will be checking if that is happening in Norco. He further noted that our situation is slightly different from larger cities, as the City does not have the large number of internet transactions like they do.

Mayor Azevedo added that she will add the local hotels to her campaign to "Shop Norco." She noted how important it is to buy gasoline in Norco, as auto mall sales are down, and encouraged everyone to shop, eat, buy gas and stay in Norco.

M/S Hall/Miller to Adopt Resolution No. 2009-21, requesting the County of Riverside to conduct the November 3, 2009 Election; Adopt Resolution No. 2009-22, calling and giving notice of the Election; Adopt Resolution No. 2009-23, adopting regulations for the candidates for elective office; and Adopt Resolution No. 2009-24, 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. The motion was carried by the following roll call vote:

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

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)

Chief Frye presented this Council item. He noted that Fire Station 4 would be the station responding for the City of Corona.

City Manager Allred stated that this is very important as the "hills" of Norco experience the slowest response times currently and this agreement will improve those response times.

Council Member Hall confirmed with Fire Chief Frye that no money would be exchanged. Fire Chief Frye stated that the exchange would be the service from each Fire Department.

Vern Showalter, 2345 Corona. Mr. Showalter question what tradeoff to Corona is. Fire Chief Frye confirmed that the tradeoff would be the service from each Fire Department.

City Manager Allred commended Chief Frye for negotiating this agreement and that this will eliminate the need in the foreseeable future to build another fire station.

M/S Hanna/Miller to Adopt Resolution No. 2009-25, 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. The motion was carried by the following roll call vote:

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

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)

Mayor Azevedo stated that City Manager Allred has taken a position with the City of Rosemead effective June 15th. She further stated that Mr. Allred has done many things for the City of Norco and stated many of his accomplishments. Mayor Azevedo stated that after giving much thought to this, she thought it would be best to appoint Fire Chief Frye to serve as Interim City Manager, and that Chief Frye's diplomatic personality will be a huge asset in City Manager Allred's absence. Mayor Azevedo stated that Director Okoro is an integral part of our City and has dedicated many extra hours to keep us fiscally accountable. She added that the City Clerk has also agreed to continue to assist both Chief Frye and Director

Okoro with their added responsibilities. She believes that this will be the best step to take in Mr. Allred's absence until the Council considers a full time City Manager position and at the end of the day, it is a $9,000 per month savings to the City.

Mayor Pro Tem Miller complemented Mayor Azevedo for her role in crafting this very remarkable transition plan for our City at a time when most cities would prove this to be a challenge. He thanked Director Okoro and Chief Frye for stepping up to the plate to help the City along and continues to be impressed by the talent of the City's staff and also its citizens. He reminded everyone that if we all pull together in the same direction, we are sure to help our city along. He wanted to personally thanked Mr. Allred for his services to the City and is impressed with his wisdom and devotion. He further noted that he is sorry to see him go and that Norco's loss will be Rosemead's gain and wished him well in his future endeavors.

Council Member Hall thanked Mayor Pro Tem Miller for saying exactly what he wanted to say.

Council Member Hanna stated that he really enjoyed working with Mr. Allred and believes he has done a great job with the City. He further noted that those who give him a lot of flack do not know how hard he works. He noted that he appreciates all that he has done.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated that he is happy to see the City Manager go and questioned when the decision was made regarding this appointment. The City Attorney responded that no decision had been made and that the Mayor's recommendation is for the Council's consideration and a motion and a vote would be taken. Mr. Sullvan stated that he is not in favor of the appointment of Chief Frye as he believes that he did not even get along with the firefighters. Mr. Sullivan stated that the firefighters are one of the few people in the City that have made any concessions during this budget crisis. He continued stating his disapproval of this recommendation.

Vern Showalter, 2345 Corona. Mr. Showalter stated that he has a problem with the Fire Chief appointed as Interim City Manager and that the person in charge should be in sync with what takes place at City Hall. His choices would have been Andy Okoro or Bill Thompson.

Mayor Azevedo noted that Mr. Okoro is key to our City and you could not find a better finance director in the state or maybe the country and that Chief Frye is out in the community every day and will continue to do so as the Interim City Manager.

M/S Miller/Hall to Adopt Resolution No. 2009-26, appointing Fire Chief Jack Frye as Interim City Manager, effective June 15, 2009, at the salary range of $12,500 per month; and approving the reclassification of the position of Director of Fiscal and Support Services to Deputy City Manager/Director of Finance at the salary range of $11,085 per month. The motion was carried by the following roll call vote:

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

5. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR: No items pulled from the City Council Consent Calendar.

6. PUBLIC COMMENTS OR QUESTIONS:

Pat Overstreet, 1231 Corona. Ms. Overstreet stated that the Ranch Tour is on May 30 and encouraged everyone to attend. She also noted that the Norco Extreme Mustang Trail Challenge was one of the best events she has ever attended.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated that he would like to thank the City Council and City staff for assisting with the Norco Extreme Mustang Trail Challenge and stated that Director Petree and his staff were a tremendous asset. He also stated that earlier statements made should not be taken personally, but that is how he feels about the positions.

Mayor Azevedo thanked staff for all their efforts at the Norco Extreme Mustang Trail Challenge and noted that next year the event will even be larger! She added that it was great to have the local guy win!

7. OTHER MATTERS - COUNCIL OR STAFF:

A. Conceptual Discussion of Palm Trees in Commercial Landscaping Plans. (Planning Manager)

Planning Manager King stated that the reason for this discussion is that 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. Planning Manager stated that he recommends that palm trees not be prohibited and that there is no enforcement of approved landscaping plans unless something significant occurs.

Council Member Hanna stated that he was aware that oleanders were not allowed in the City because they were poisonous to humans and animals and asked what would be the reason for excluding palm trees. The City Attorney noted that at one time there was some thought that they were not a western themed tree.

Pat Overstreet, 1231 Corona. Ms. Overstreet stated that she is speaking as a member of the Beautification Committee, palm trees are not western. If we go to all the lengths that we do at the Planning Commission level to keep developments "western", then the last thing the City should do is place a palm tree there. She would like the City to check out landscaping so that it is drought tolerant. Ms.

Overstreet stated that she drove by this shopping center and noted that there were 57 palm trees and commented that once they have an approved landscape design, it should not be changed. She hopes that there is some recourse to take out the palm trees and put back the original trees. She added that she would like to see a code amendment written regarding this effort.

Vern Showalter, 2345 Corona. Mr. Showalter stated that palm trees are non-invasive in parking lots. To say that the City should not have palm trees is not a good idea as they take very little water and are drought tolerant. He stated that the City should not outlaw the tree entirely.

Greg Newton, 1140 Man O' War. Mr. Newton stated that palm trees did not meet the western motif and as the applicant's submission goes through City approvals, enforcement issues are important. He stated further concerns about approving and then changing approved designs. Mr. Newton would like this item brought back to the Planning Commission to consider enforcement issues.

Mayor Azevedo stated that there are pros and cons and personally does not think that we should not allow palm trees in the City. She added that her dream is to some day have the "Hotel California" open and the palm trees would add aesthetic value to it. Mayor Azevedo stated that the City is doing all we can to bring bushiness in to the City and we try not to make it any more difficult than necessary. She added that this might be the deciding factor for a business to locate somewhere else. She also noted that with so little staff support, we do not have persons to go out and enforce all the tree planting issues. She noted that compliance with the CUP is important. Mayor Azevedo stated that one consideration would be to just receive and file this report, or send it back to the Planning Commission to stiffen up the verbiage in the CUP.

Council Member Hall stated that he agrees with Mayor Azevedo as this places an additional burden on staff. He also noted that the current enforcement of oleanders is difficult enough. He would add the following section in bold "2) that there is no enforcement of approved landscaping plans unless something significant (i.e., elimination of trees without replacement, **or the addition or Oleander occurs**)". Council Member Hall stated that the City should be reminding the residents at least once a year though the water bill that oleanders are not allowed in the City and that this is a significant plant restriction. He noted that it would be a burden to property owners to be required to get City approval to replace plants.

Mayor Pro Tem Miller sees the argument that when plans are approved and when any substantial changes are made, it should be made clear that those changes need to come to the City Council for approval. He further agreed that this will place a burden on staff, but agrees with the argument that when plans are approved to look a certain way, it should be required to stay that way. Mayor Pro Tem Miller stated that the Planning Commission could discuss this and recommend implementation measures.

Council Member Hanna stated that he agrees with Ms. Overstreet and that we need to look at this. He further noted that if we require a western look in town, the palm trees do not look western. Council Member Hanna stated if a project is approved and then changed, it should come back for approval.

Mayor Azevedo inquired about the difference between a Site Plan and CUP approval. Planning Manager King responded that a Site Plan is approved with a conceptual landscaping plan and when the CUP is approved, final plans are approved.

Motion by Azevedo to send this item back to the Planning Commission for a recommendation regarding how to enforce continued landscaping plans after the receipt of a Certificate of Occupancy. Motion died due to lack of a second.

Substitute Motion by Miller/Hanna to refer this item back to Planning commission

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

Due to the Substitute Motion failing, the resolved action will be to Receive and File.

B. Mayor Pro Tem Miller presented a Profile of Norco assembled by the Southern California Association of Governments. He noted that the presentations he makes at the Council meetings are for the purpose of providing information regarding what is happening regionally to the Council, staff and attendees.

C. Council Member Hall reported on the Special Election held and stated that the League of California Cities supported all of the Propositions. He further stated that the League's stand is for the State not to touch the local government budgets. Separate from that issue, he stated that the League, in conjunction with county supervisors and school superintendents, has called for a Conference on Governance to be held in July and has asked that each City send a representative.

D. Council Member Hanna thanked Mr. Sullivan for putting on a great event. He also stated that he enjoyed the ride around Lake Norconian during the Founders Day event. Council Member Hanna stated that he sits on the board of the Northwest Mosquito Abatement District and on this past Monday, he went on a tour of the District and viewed many of the problems the District faces in controlling mosquito infestations. He noted that there will be a speaker from the Northwest Mosquito Abatement District at the next Norco Horsemen's Association meeting.

E. Mayor Azevedo stated that Rose Eldridge had contacted Council Members and was upset about Social Security and SSI benefit reductions to seniors. A letter was prepared for her signature, addressed to Senator Benoit and Assemblyman Miller, regarding those concerns and Mayor Azevedo read that letter and requested support from Council to send it. Mayor Azevedo further noted that the Gas Company has some ways to assist the seniors with these costs. Mayor Pro Tem Miller stated that he is pleased with the letter and added that he has also inquired from City staff if the SWAT subsidy program could be extended to the persons affected by this change.

8. ADJOURNMENT: There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:46 p.m. 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.

/bj-72586

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager
Andy Okoro, Deputy City Manager/Director of Finance

DATE: June 3, 2009

SUBJECT: Declaration of Financial Hardship and Emergency

RECOMMENDATION: Adopt **Resolution No. 2009-____**, declaring a financial hardship and emergency due to declining revenues, seizure of local revenues by the State of California and escalating operating costs.

SUMMARY: Due to rapidly declining revenues caused by severe economic conditions, a proposed raid by the State of California on the City's property tax and related revenues, and rising operating costs, the City Council will consider adoption of a Resolution finding that a severe fiscal hardship and an emergency exist relative to the City's General Fund.

BACKGROUND/ANALYSIS: For several years, the City has operated with a General Fund "structural budget imbalance", which exists when ongoing operating expenditures exceed ongoing operating revenues during normal economic cycles. In some years, the structural imbalance was temporarily bridged through the use of one-time revenues and suspension of certain expenditures. Also, in an effort to reduce operating costs, the City has taken aggressive measures that have included downsizing through attrition, outsourcing operations to the private sector and employee layoffs. (Over the past five years, a total of 25 full-time positions have been eliminated; and, during the current 2008-09 fiscal year alone, a total of 11 full-time positions have been eliminated from the General Fund budget.) However, despite these efforts, in order to balance the budget in each of the past two fiscal years it has been necessary for the City to draw from "rainy day" reserves. During this two year period, the General Fund reserve balance has been depleted by $2.8 million in order to maintain service levels.

The severe nationwide economic downturn has led to a rapid decline in sales tax revenues, the major source of income to the City's General Fund. This has created a "cyclical budget imbalance" on top of the preexisting "structural budget imbalance." Sales tax revenues have declined by more than one-third from a high of $6.2 million in 2006-07 to a projected $4 million in the upcoming 2009-10 fiscal year. The current financial condition of the General Fund is not expected to improve in the near term even with normal economic recovery due to the fact that certain legacy operating costs, including pension contributions, retiree and active employee healthcare premiums and public safety spending, will continue to rise.

To compound the already dire situation, on May 5, 2009, the California Department of Finance proposed that the State "borrow" over $2 billion in local property taxes from cities, counties and special districts to balance the State budget. If this proposal is implemented, the City of Norco stands to lose another $400,000 in revenue next fiscal year. This loss in revenue would greatly strain the City's General Fund resulting in a deficit of over $1.4 million for the 2009-10 fiscal year which can only be funded from the City's "Unforeseen Emergencies Reserve" account. Consequently, it is recommended that the City Council adopt the attached Resolution finding that a severe fiscal hardship exists within the City's General Fund due to proposed State action, rapidly declining revenues and rising legacy operating costs. This Resolution also urges State officials to reconsider the proposal to "borrow" funds from local government.

FINANCIAL IMPACT: The adoption of this Resolution has no immediate determinable fiscal impact. However, any draw from the Unforeseen Emergency Reserve account will negatively affect the City's ability to respond to actual emergencies.

/bj-72642
Attachments: Resolution No. 2009-____

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING A FINANCIAL HARDSHIP AND EMERGENCY DUE TO DECLINING REVENUES, SEIZURE OF LOCAL REVENUES BY THE STATE OF CALIFORNIA AND ESCALATING OPERATING COSTS

WHEREAS, the current ongoing economic crisis has placed California cities under tremendous financial pressure and caused city officials to reopen already adopted budgets to make painful cuts including furlough programs and layoffs of public service employees in order to keep spending in line with declining revenues; and

WHEREAS, the City of Norco already has an extremely low property tax base that produces less than $1.5 million in annual revenues to the City's General Fund to provide services to a community of 15 square miles and a population of 28,000 residents; and

WHEREAS, due to falling property values, reassessments and foreclosures, the City's property tax base is projected to decrease by at least 10% for the upcoming 2009-10 Fiscal Year; and

WHEREAS, on May 5, 2009, the Department of Finance announced it had proposed to the Governor that the State "borrow" over $2 billion in local property tax revenues from cities, counties and special districts in an effort to balance the State budget, causing an additional projected $400,000 reduction in Norco's property tax and related revenues that will result in deeper cuts in local public safety and other vital services; and

WHEREAS, due to its anemic property tax base, the City of Norco has historically relied on a fairly robust sales tax base that produced a high of $6.2 million in General Fund revenues in Fiscal Year 2006-07; and

WHEREAS, business closures and declining business activities due to the current ongoing economic crisis have reduced sales tax revenues by well over one-third to a projected $4 million; and

WHEREAS, a rash of business closures in Norco have included previously thriving enterprises such as Norco Mazda, Southwest Chrysler Jeep, Chick's Sporting Goods, Golden Sun Homes, Wendy's, Three Square Bistro, Fazoli's, My Paisan's Pizza, Juice It Up, Booster Juice, California Noodle Factory, Metro PCS, Compare Carpets, A Little Bit of Cuba; Crista's Sandwich Board, City Florist; etc.

WHEREAS, the Norco Auto Mall has been decimated not only by the closure of Norco Mazda and Southwest Chrysler Jeep, but two of the three remaining new automobile dealerships are now faced with some form of bankruptcy proceedings; and

WHEREAS, in recent years the City of Norco has made significant efforts to reduce expenditures including implementation of a "furlough" reduced work week as well as downsizing the workforce through attrition, outsourcing and layoffs, which have resulted in the elimination of 25 full-time positions from the General Fund and an overall reduction of the City's full-time workforce by more than 15% since 2004; and

WHEREAS, in January of 2009 the City's law enforcement contract with the Riverside County Sheriff's Department was reduced through the elimination of 3 Community Services Officer positions and will be further reduced by the elimination of a Sheriff Deputy position assigned to motorcycle patrol; and

WHEREAS, the combined effects of the seizure of the City's property taxes, increasing unfunded state mandates and revenue losses due to the economic downturn have placed the City's budget under serious fiscal pressure; and

WHEREAS, the City of Norco simply can not sustain the loss of any more property tax funds or to be saddled with any more State mandates as they will only deepen the financial challenge facing our City; and

WHEREAS, a number of the City's financial commitments arise from contracts, including long term capital leases and debt obligations which support securities in the public capital markets, which the City must honor in full unless modified by mutual agreement of the parties.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF NORCO does hereby declare a financial emergency due to the declining revenues and escalating operating costs; and

RESOLVED FURTHER, that the City Council of the City of Norco has determined that the City will experience a severe fiscal hardship if the recommendation of the Department of Finance to "borrow" $2 billion of local property taxes is supported by the Governor and the State legislature; and

RESOLVED FURTHER, that the City Council strongly and unconditionally opposes the May 5 proposal of the Department of Finance and any other State government proposals to "borrow" or seize any additional local funds, including revenues generated by property tax, redevelopment tax increment, and the City's share of the Prop. 42 transportation sales tax; and

RESOLVED FURTHER, that the City Council strongly urges the State legislature and Governor to suspend the enactment of any new mandates on local governments until such time as the economy has recovered and urges the State to provide complete funding for all existing and any new mandates.

RESOLVED FURTHER, that the City Clerk shall send copies of this Resolution to the Governor, State Senator(s), State Assembly Member(s) and the League of California Cities.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on June 3, 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 June 3, 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 June 3, 2009.

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

/bj-72640

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council Chairman and Members of the Norco Redevelopment Agency
FROM:	Jeff Allred, City Manager/Executive Director
PREPARED BY:	Andy Okoro, Deputy City Manager/Director of Finance
DATE:	June 3 2009
SUBJECT:	Annual Operating Budgets for the City of Norco and the Norco Redevelopment Agency for Fiscal Year 2009-2010
RECOMMENDATION:	Continue the Public Hearing to June 17, 2009.

SUMMARY: During this public hearing, the City Council and the Norco Redevelopment Agency Board will accept comments on the Proposed Operating Budgets for the City and the Norco Redevelopment Agency for Fiscal Year 2009-10. The Proposed Operating Budgets will be presented for approval and adoption and authorizing appropriations therefrom on June 17, 2009 at the regularly scheduled City Council meeting starting at 7:00 p.m. in the City Council Chambers.

/jk-72717

Agenda Item No. 3.A.

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council Chairman and Members of the Norco Redevelopment Agency
FROM:	Jeff Allred, City Manager/Executive Director
PREPARED BY:	Andy Okoro, Deputy City Manager/Director of Finance
DATE:	June 3, 2009
SUBJECT:	Approval of the Five Year Capital Improvement Program for the Fiscal Years 2010-2014
RECOMMENDATION:	Adopt **Resolution No. 2009-____**, approving and adopting the City of Norco Capital Improvement Program for the Fiscal Years 2010-2014; and **CRA Resolution No. 2009-____**, approving and adopting the Norco Redevelopment Agency Capital Improvement Program for the Fiscal Years 2010–2014.

SUMMARY: Staff and City Council have had a budget workshop to discuss the five-year Capital Improvement Program (CIP) for the Fiscal Years 2010-2014. Staff is recommending that the City Council and Agency Board open a Public Hearing to receive input from the public and that at the conclusion of the hearing staff recommends that the City Council and Agency Board approve the CIP for Fiscal Years 2010-2014.

BACKGROUND/ ANALYSIS: Earlier today, staff conducted a budget workshop for the City Council/Agency Board to review the preliminary five-year Capital Improvement Program budget for Fiscal Years 2010-2014. Council suggestions during the workshop have been noted and will be included in the final published Capital Improvement Program Budget.

Funded projects for the 2009-10 Fiscal Year include the following highlights (see Attachment A):

- $9.9 million in streets repair / construction projects
- $4.0 million in water infrastructure projects
- $4.9 million in parks development and improvement projects
- $3.4 million in sewer projects
- $3.0 million in storm drain projects
- $2.7 million for animal control facilities
- $3.2 million in other redevelopment projects.

/jk-72592
Attachments: Resolution No. 2009-___
CRA Resolution No. 2009-___

Agenda Item 3.B.

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY OF NORCO APPROVING AND ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEARS 2010-2014, AND AUTHORIZING APPROPRIATIONS THEREFROM

WHEREAS, a budget workshop was held on June 3, 2009, to review the proposed Fiscal Years 2010-2014 Capital Improvement Program Budget; and

WHEREAS, estimated expenditures and revenues to finance these capital projects are tentative and subject to City Council changes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, does hereby authorize expenditure of monies as set forth in said Budget and summarized in Attachment A, subject to budgetary controls.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 2009.

_____
Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 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 June 3, 2009.

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

/jk-72593
Attachment: Attachment "A" – Budget Summary

CRA RESOLUTION NO. 2009-____

A RESOLUTION OF THE NORCO REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE NORCO REDEVELOPMENT AGENCY CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEARS 2010-2014 AND AUTHORIZING APPROPRIATIONS THEREFROM

WHEREAS, a budget workshop was held on June 3, 2009, to review the proposed Fiscal Year 2010-2014 Capital Improvement Program Budget; and

WHEREAS, estimated expenditures and revenues to finance these capital projects are tentative and subject to Agency Board changes.

NOW, THEREFORE, BE IT RESOLVED that the Agency Board of the Norco Redevelopment Agency does hereby authorize expenditure of monies as set forth in said Budget and summarized in Attachment A, subject to budgetary controls.

PASSED AND ADOPTED by the City Norco Redevelopment Agency at a regular meeting held on June 3, 2009.

_____
Chairman
Norco Redevelopment Agency

ATTEST:

_____
Secretary, Norco Redevelopment Agency

I, BRENDA K. JACOBS, Secretary of the Norco Redevelopment Agency, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Norco Redevelopment Agency at a regular meeting thereof held on June 3, 2009, by the following vote of the Norco Redevelopment Agency Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Norco Redevelopment Agency on June 3, 2009.

_____
Secretary, Norco Redevelopment Agency

/jk-72594
Attachment: Attachment "A" – Budget Summary

City of Norco, California
FY 2010 Capital Improvement Program
Budget Summary

Fund Name	*Estimated Beginning Fund Balance July 1, 2009*	*FY 2010 Estimated Revenues/ Transfers*	*FY 2010 Estimated Expenditures/ Transfers*	*Estimated Ending Fund Balance June 30, 2010*
Park Projects	$ 1,290,407	3,944,729	4,905,909	329,227
Fire Projects	731,130	128,782	385,140	474,772
General Government Projects	2,504,606	469,390	1,504,392	1,469,604
Trail Projects	523,862	6,264	180,164	349,962
Water Projects	11,984,021	274,920	4,039,662	8,219,279
Street Projects	3,405,982	7,286,697	8,265,982	2,426,696
Storm Drain Projects	628,384	2,349,347	2,996,697	(18,966)
Sewer Projects	10,232,048	1,684,554	3,369,745	8,546,857
Animal Control Projects	117,108	2,700,843	2,697,879	120,072
Measure A Projects	2,263,046	523,315	1,617,500	1,168,861
Library Facilities	12,908	2,420	-	15,327
Public Meeting	35,925	6,740	-	42,665
Aquatics Center Facilities	8,290	1,296	-	9,586
Redevelopment Projects	12,634,395	63,172	12,463,367	234,200
Total	$ 46,372,110	19,442,469	42,426,437	23,388,142

Attachment A

MINUTES
CITY OF NORCO

CITY COUNCIL
SPECIAL MEETING
CONFERENCE ROOMS "A" & "B"
NORCO CITY HALL – 2870 CLARK AVENUE
MAY 14, 2009

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1. CALL TO ORDER: Mayor Azevedo called the Budget Workshop to order at 5:02 p.m.

2. 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, **Absent**

Staff Present – City Manager Allred, Lt. Cooper and City Clerk Jacobs

3. PLEDGE OF ALLEGIANCE: Mayor Pro Tem Miller

4. PUBLIC COMMENTS OR QUESTIONS: **No Public Comments or Questions**

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

Section 54957(b)(1) – Public Employee Appointment

Employee: Interim City Manager

6. ADJOURNMENT: With nothing to report from Closed Session, the Mayor adjourned the Special Meeting at 5:54 p.m. to the Regular Meeting on May 20, 2009

/bj-72574

ACTION MINUTES
CITY OF NORCO

PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
May 27, 2009

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

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

3. STAFF PRESENT: **Planning Manager King, Executive Secretary Dvorak**

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

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

6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **Pat Overstreet spoke of improvements being discussed by RCC to construct a sidewalk on the south side of Third Street next to the trail, and to move the trail fencing to the south side of the sidewalk so that there would be no physical separation between the trail and the sidewalk. She asked if the City has been involved in these discussions voicing concern about the lack of a physical separation between the trail and sidewalk, if the project is ultimately constructed that way. Staff stated that they were not aware if someone from Public Works was involved in the discussions or not but would pass the information on.**

7. APPROVAL OF MINUTES: Minutes of May 13, 2009. **Approved 4-0.**

8. CONTINUED ITEMS: **None.**

9. PUBLIC HEARINGS: **None scheduled.**

10. BUSINESS ITEM: Discussion of Architecture (Planning Manager King). **Staff presented what would be the preamble discussions that would precede and direct how western architectural design would be implemented for different areas of the City (i.e. Sixth Street versus Hamner Avenue). These were based on the direction received at the Strategic Planning meetings with the City Council wherein it was agreed that the level of implementation of western architecture needs to be moderated for different areas of the City based on land uses, building types, and the City's efforts to attract more national and tourist-oriented businesses to Hamner Avenue. The Planning Commission agreed with the different approaches (as written) for the**

different areas of the City. This is part of an on-going series of revisions, one section at a time, to revise the architectural guidelines. Once each section has been revised it will all be put together for approval by the Planning Commission, and for presentation to the City Council at a later date.

11. CITY COUNCIL:
    A. City Council Action Minutes dated May 20, 2009

    B. City Council Minutes dated May 6. 2009
    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; **None.**

15. ADJOURNED: **7:55 p.m.**

/sk-72707

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
DATE:	June 3, 2009
PREPARED BY:	Brian K. Petree, Director Parks, Recreation and Community Services Department
SUBJECT:	Lease Agreement Between the Norco Chamber of Commerce and the City of Norco for Use of the George Ingalls Equestrian Event Center for the 2009 Norco Valley Fair
RECOMMENDATION:	Approve the Lease Agreement for the 2009 Norco Valley Fair.

SUMMARY: The Norco Chamber of Commerce has requested a renewal for the 2009 Norco Valley Fair Lease Agreement. Following discussions with the Chamber of Commerce, a one-year Lease Agreement has been negotiated.

BACKGROUND ANALYSIS: On May 5, 2009 Staff, Norco Chamber of Commerce Council Committee and Norco Chamber of Commerce President met to discuss renewal of the Norco Valley Fair Lease agreement. It was requested by the Chamber to enter into a one-year lease agreement whereby the Chamber would assure the conditions of the Lease Agreement are met.

As part of the Lease Agreement the Chamber has agreed to the following contract conditions:

- The Chamber will reimburse the Sheriff's Department for actual services provided and provide one security guard to monitor the 4-H area on Sunday, August 3, 2009, when alcohol is permitted to be consumed. The cost is estimated at $15,000 for about 215 hours of Sheriff's Department staff time. In addition, it is understood that departmental costs (e.g., Fire Department, Public Works, Parks, Animal Control) associated to the Norco Valley Fair outside of existing budgeted program costs, will be reimbursed back to the City by the Chamber.

- The Chamber will not be charged the Jail Access Fee for persons who arrive at the Fair intoxicated as long as they are detained by the security guard at one of the entry gates. This new policy is being enacted for all alcohol events held at the George Ingalls Equestrian Event Center. The pass through cost from the City is approximately $400 for each person who is arrested at the Fairgrounds and booked for a misdemeanor crime.

- As part of the conditions, the Chamber will obtain a license from the California Department of Alcoholic Beverage Control (ABC) to sell alcoholic beverages and will abide by the conditions from the City and ABC to include tamper-resistant wrist bands (A different color wrist band will be used each day) to identify those who are 21 years or older and who purchase or consume alcoholic beverages.

- The Chamber's preliminary event plan does not include "Battle of the Bands". Should this event be an addition to the Norco Valley Fair, Sheriff's Department staffing and security will be required to meet the needs of the increase program. It is understood that any program that would include a Battle of the Bands, must be submitted to the City and Sheriff Department by August 3, 2009 for consideration.

FINANCIAL IMPACT: Fees collected by the City from this event include $11,293 in rental fees, as well as $15,000 for Sheriff Personnel. A $5,000 refundable security / cleaning deposit is collected as well. If damage or additional costs exceed that of the deposit, the Chamber will be billed for the difference of all costs.

/bp-72337
Attachments: Exhibit "A" – Beer Zone Map
Exhibit "B" – Staffing Requirements for Beer Zones

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 **NORCO CHAMBER OF COMMERCE** of the City of Norco, a non-profit California Corporation, hereinafter called "LESSEE."

W I T N E S S E T H:

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, George Ingalls Equestrian Events Center, commonly referred to as "Ingalls Park", 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. 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 NORCO VALLEY FAIR, said Fair to include amusements for people of all ages, eating and drinking concessions, concerts, horse shows, bull riding, exhibits and entertainment. Lessee shall be able to sell alcoholic beverages and allowed to be consumed on said premises during the term of this Lease.

2. TERMS

This Lease covers June 3, 2009 and concludes September 11, 2009.

The event use for the North Ingalls Park area and the South Ingalls Park area shall be for a period of five days, with preparation commencing seven days prior to Labor Day, any exception must be with City of Norco, Department of Parks, Recreation and Community Services approval with regards to third-party use during overlapping events, in areas agreed upon by the City of Norco and the Norco Chamber of Commerce and post cleanup terminating at "noon on the fourth day" following Labor Day, September 11, 2009.

The Main Arena portion of South Ingalls Park will be watered and prepared by Lessor prior to the commencement of the annual lease term. Lessee will have full control of areas of Ingalls Park as defined herein including any and all activities of the Park for the duration of the Norco Valley Fair.

Lessee will have full control of Ingalls Park on and off site during the Fair. Lessee will direct the parking of vehicles during the Fair. Lessee recognizes that Ingalls Park 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.

3. LESSEE'S CONSIDERATION

Lessee covenants and agrees that it will pay as rental for the aforementioned premises thereon, $11,293 as a rental fee, which includes a 3.5% CIP increase; and a $5,000 security - cleaning deposit (refundable if all terms are met) to be paid no later than August 20, 2009 or at the conclusion of the event if approved by the Director of Parks, Recreation and Community Services. In addition, the City will require a $2,500 flat rate seat fee during the scheduled event for Moreno Arena bleacher use. When a separate gate fee is collected at Moreno Arena, the fee will be based on the City of Norco Fee Policy. If damage or additional costs exceed that of the deposit, the Chamber will be billed for the difference of all costs.

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 Department Employees and Citizens on Patrol free, clear and harmless from any all demands, claims, actions, causes of action by any person or persons whosoever, loss, cost or damage that may arise out of or in connection with Lessee's sponsorship of said Norco Valley Fair 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 on or before Monday, August 3, 2009, to Lessor two executed copies of a continuing Public Liability and Property Damage Insurance Policy and all endorsements naming the City of Norco and its employees and agents as additional insured's in a form that is satisfactory to Lessor to effectually indemnify and hold Lessor, its officers, agents, City Council Members, City employees and Riverside County Sheriff Department Employees harmless against any and all claims related to all activities associated at the Norco Valley Fair (including the parade and animal-related events) in the amount of $1,000,000 for injury to any one person in any one incident, $2,000,000 for injuries sustained by more than one person in a single incident, $100,000 for property damage sustained by any one person in a single incident, and $1,000,000 for liquor liability and shall keep the same in full effect and force during the term of this Lease. Insurance will need to be submitted by Monday, August 3, 2009. The insurance policy must be approved by the City's insurer PERMA and list the City of Norco as additional insured on the insurance policy and all endorsements required for individual activities to secure all liability risks included in the event. The carnival concessionaire obtained by the Norco Chamber of Commerce for the Norco Valley Fair must provide to the Lessor a liability insurance policy that names not only the Norco Chamber of Commerce as additionally insured, but must name the City of Norco as an additionally insured endorsement and must

satisfy the City of Norco and PERMA requirements for general liability and not less than $4 million dollars per occurrence.

5. REPAIRS AND MAINTENANCE

Lessee represents that it has inspected and examined the demised premises and accepts them in their present conditions 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 reasonable 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 peaceably 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 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 Fair, a licensed electrician and plumber to handle any electrical or plumbing problems that may arise during the event period. At no time will any major changes be made with regard to electrical or plumbing implementation without the Parks, Recreation and Community Services Director's approval. Any and all call-outs by the Lessee for the Lessor during the term will be reimbursed back to the City at the Lessee's sole cost and expense.

Lessee will be responsible for the supervision of all cleaning of the facilities which includes all parking lots and lands surrounding grounds and streets. Upon failure to return facilities within Ingalls Park and surrounding grounds and streets back to an acceptable standard by the Lessee, 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 all areas deemed necessary by the Lessor or its agent and to provide for operation and maintenance.

6. SANITATION FACILITIES

Lessee agrees to provide no less than Riverside County Health Department Standards and Uniform Building Codes (UBC) requirement for sanitation facilities on said premises, during the term of this lease. A service schedule for the portable restrooms shall be required, and locations of the portable restrooms shall be provided with a

site plan that designates the location of the restrooms, and is due to the City by August 3, 2009. City staff shall have the discretion to require additional toilets if needed for the health, safety and welfare of the public. The particular location of each toilet shall be determined by Lessee. 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. 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.

7. IMPROVEMENTS

Lessee may, subject to prior written approval of Lessor's Agent, 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, shall 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. 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.

8. ALCOHOLIC BEVERAGE CONCESSION

All alcoholic beverage concessions must be operated following the ABC Guidelines and the guidelines and restrictions specified by the Lessor and the Riverside County Sheriff's Department. The following conditions must be met:

A. Alcohol possession and consumption will be restricted to Beverage "Alcohol" Zones.

1. Beverage "Alcohol" Zones area map – Exhibit "A"

2. Conditions for Beverage "Alcohol" Zones

A. The Chamber will provide the security staff as listed on the attached table Exhibit "B". All security staff must sign in and out at the beginning and end of each shift at the Sheriff's Command Post at the Fair. The Chamber will pay the City of Norco $50 per hour for each unfilled security position.

B. The Chamber will reimburse the Sheriff's Department for actual services provided. The cost is estimated at $15,000 for about 215 hours of Sheriff staff time.

C. All security staff must be employed by a security company, licensed in the State of California; or they must

possess a valid current guard card issued by the State of California; or they must be off-duty peace officers. Security staff will wear a distinctive uniform so that they are easily identifiable by the public.

D. The Chamber will provide one security guard to monitor the 4-H area on Sunday, September 6, 2009 when alcohol is permitted to be consumed.

E. The Chamber will not be charged the Jail Access Fee for persons who arrive at the fair intoxicated and who are detained by the security guard at one of the entry gates. However, the Chamber will pay the City of Norco $400 for each person who is arrested at the Fairgrounds and booked for a misdemeanor crime.

F. The Chamber will obtain a license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages and will abide by the conditions.

G. The Chamber will use tamper-resistant wrist bands to identify those who are 21 years or older and who purchase or consume alcoholic beverages. A different color wrist band will be used each day.

H. This staffing plan does not include "Battle of the Bands". Should this event be an addition to the Norco Valley Fair, Sheriff staffing and security will be required. Any program that would include a Battle of the Bands, must be submitted to the City and Sheriff Department by August 3, 2009.

B. 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.

C. 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 Chamber of Commerce in non-emergency situations.

9. 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, provided, however, Lessee may provide a

portion of the demised premises for 3rd party vendors providing the 3rd party vendor has an existing City business license or obtains a special event license from the City for the length of time of the scheduled event. Proof of license is the responsibility of the Lessee and license information can be obtained from the City Business License Clerk. The special event license has a per-day charge with a one-time five dollar processing fee.

10. COMPLIANCE WITH THE LAW

Lessee shall comply with all federal, state and local laws 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.

11. 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.

12. 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 30 days after receipt from Lessor of an itemized invoice delineating damage and cost to repair such.

13. 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.

14. 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 by August 3, 2009 to provide the Lessor's designated representative a security plan, which the Riverside County Sheriff's Department will review and approve prior to use. The approval will include Riverside County Sheriff's Department's estimated cost for the law enforcement protection required herein under. Lessee agrees to pay the Riverside County Sheriff's Department for said services within 14 days of receiving the invoice. 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.

15. 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 (Fire Chief) City Manager or other designated representative shall advise Lessee no later than Monday, August 3, 2009 as to the fire protection services that must be provided by Lessee. Lessor may at any time during the term of this Lease notify Lessee that it must provide at its own expense additional fire protection services. Lessee agrees to pay the City of Norco for said services within 14 days of receiving the invoice

16. PUBLIC WORKS/ ENGINEERING

Lessee is required by August 3, 2009 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 Park safely, as well as addressing event parking. Any cost for the Public Works/Engineering assistance, i.e. traffic control, equipment, or staff that is outside of normal staffing schedule or 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.

16. ANIMAL CONTROL SERVICES

Lessee shall provide to Lessor's designated representative a proposed schedule of all livestock or animal related events by August 3, 2009. All livestock or animal related events are subject to conditions and or imposed restrictions by the Animal Control. Lessee will pay for any expense related to Animal Control Services outside of the normal scheduled staffing. Lessee agrees to pay the City of Norco for said services within 14 days of receiving the invoice. Livestock contractor and stand by vet information is due by August 3, 2009.

17. 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 receipt of premises, normal wear and tear excepted. A **mandatory** pre walk-thru must take place before 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.

18. TERMINATION BY LESSOR

Lessor may terminate this Lease at any time should the Lessee fail to timely comply with the provisions of Section 2 or 4, or it be determined by the City Council that the public peace, health, safety and welfare of the City 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 24 hours prior to the date in said notice named for such termination.

19. 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 and Lessee shall not be entitled to any money paid hereunder or any part thereof.

20. 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.

21. 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.

22. 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.

23. NOTICES

Any notices which are required hereunder or which either Lessor or Lessee may desire to service 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 to the Lessor as follows to City of Norco, 2870 Clark Avenue, Norco, California, 92860 and addressed to Lessee at P.O. Box 27, Norco, California, 92860.

A. Either Party has the right to terminate this lease by written notice 120 days prior to the event. Written notice must be sent by Certified Mail.

24. SUCCESSORS OF THE PARTIES

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

/BP-72374

IN WITNESS WHEREOF, the parties hereto have caused this Lease Agreement to be executed on June 3, 2009

CITY OF NORCO, CALIFORNIA
A Municipal Corporation

By: _____
Mayor

ATTEST:

_____
City Clerk

_____
Date

NORCO CHAMBER OF COMMERCE
A Non-Profit California Corporation

By: _____
President

By: _____
Secretary

_____
Non Profit I.D. Number

_____
Date

George Ingalls Equestrian Event Center

Alcohol Zones

Exhibit "A"

STAFFING REQUIREMENTS FOR BEER ZONES
(CHAMBER FUNDED)

THURSDAY, 09/03/09 – 1600-2400
NELLIE WEAVER HALL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	1	2	0	2	11	1	0	1
2000 to 2400	1	4	2	1	4	2	2	16	2	1	3

ARENA LEVEL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	0	2			8	1	0	1
2000 to 2400	1	4	2	0	4			11	3	0	3

FRIDAY, 09/04/09 – 1600-2400
NELLIE WEAVER HALL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	1	2	0	2	11	1	0	1
2000 to 2400	1	4	2	1	4	2	2	16	4	1	5

ARENA LEVEL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	0	2			8	1	0	1
2000 to 2400	1	4	2	0	4			11	5	0	5

STAFFING REQUIREMENTS FOR BEER ZONES
(CHAMBER FUNDED)

SATURDAY, 09/05/09 – 1100-2400
NELLIE WEAVER HALL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	1	2	0	2	11	1	0	1
2000 to 2400	1	4	2	1	4	2	2	16	4	1	5

ARENA LEVEL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	0	2			8	1	0	1
2000 to 2400	1	4	2	0	4			11	5	0	5

SUNDAY, 09/06/09 – 1100-2400
NELLIE WEAVER HALL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	1	2	0	2	11	1	0	1
2000 to 2400	1	4	2	1	4	2	2	16	4	1	5

ARENA LEVEL ZONE

	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 2000	1	4	1	0	2			8	1	0	1
2000 to 2400	1	4	2	0	4			11	5	0	5

STAFFING REQUIREMENTS FOR BEER ZONES
(CHAMBER FUNDED)

MONDAY, 09/07/09 – 1200-1800 NELLIE WEAVER HALL ZONE											
	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 1800	1	4	1	1	0	0	2	9	1	1	2
ARENA LEVEL ZONE											
	Supervisor	Gates	Beer Sales Area	Margarita Booth Area	Rover/ Minor Enf.	Parking Areas	Street Closures	Total Private Sec.	Sheriff's Deputies	Sheriff's Supervisor	Total Sheriff's Staff
Opening to 1800	1	4	1	0	2			8	1	0	1

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
PREPARED BY:	Lori J. Askew, Senior Engineer
DATE:	June 3, 2009
SUBJECT:	First Street Widening at Parkridge Avenue
RECOMMENDATION:	Award a professional design services contract to Raab Engineering in the amount of $5,760 and authorize the Interim City Manager to approve change orders up to 10% of the contract amount.

SUMMARY: The City has solicited from Raab Engineering a cost estimate to provide professional services to prepare the construction drawings to widen First Street from Parkridge Avenue to the appropriate distance west of the South Norco Channel. Raab Engineering responded and submitted what staff feels is an acceptable proposal for the work. Staff is recommending signing of the contract to commence with design and production of construction drawings.

BACKGROUND/ANALYSIS: The City of Corona is installing a traffic signal at the intersection of Parkridge Avenue and Lincoln Avenue. At this intersection, Parkridge Avenue is the boundary between the City of Norco and the City of Corona. Lincoln Avenue becomes First Street as it crosses this boundary. The current intersection is a four way stop with Lincoln Avenue having two eastbound through lanes onto First Street. First Street continues with the two eastbound lanes; however they merge into one lane within a distance of 200' and through a curve in the road. With the installation of the traffic signal, eastbound traffic on Lincoln Avenue granted a green light will be traveling at 45 miles per hour through this intersection and need to merge into one lane. Staff feels this is an unsafe condition and wishes to remedy the situation.

The City has acquired all the necessary right-of-way on the south side of First Street in this vicinity to allow for the half-street widening to ultimate width. Staff is recommending First Street be widened to two lanes on the south side from its current two lane configuration at Parkridge Avenue through the curve and then merge back to one lane prior to First Street crossing over the South Norco Channel. This will improve site distance and allow for safe merging.

Staff determined that Raab Engineering has knowledge of the issues existing in First Street to the Flood Control Channel as Mr. Raab was acting Deputy City Engineer when the original construction plans for First Street were prepared. Once improvement plans are signed, the City will contract for construction of the improvements separately.

FINANCIAL IMPACT: Allocate $5,760 from Street Capital Improvement Fund 149 to Raab Engineering for professional design services.

/lja-72643
Attachment: Raab Engineering Proposal for First Street Widening at Parkridge Avenue, dated May 15, 2009.

raab engineering 510 BRANDING IRON WAY NORCO, CA 92860 TEL (951) 272-1072 FAX (951) 272-0166

May 15, 2009

Ms. Lori Askew
City of Norco
2870 Clark Avenue
Norco, CA 92860
Tel (951) 270-5678

Re: Engineering Proposal
First Street Widening – Parkridge Avenue

Dear Ms. Askew:

I am pleased to submit to you my proposal for engineering services as outlined in the attached Exhibit A for **an approximate fee of $ 5,760.00.** If you agree with the following contract, please sign the enclosed **Exhibit A,** and return it at your earliest convenience. Please note that no work can be started until the enclosed Authorization to Proceed has been received.

This proposal will remain valid for 30 days.

Should you have any questions or comments regarding the above, please don't hesitate to call me at (951) 272-1072

Sincerely,

RAAB ENGINEERING

Mark L. Raab
President

EXHIBIT 'A'
ENGINEERING PROPOSAL
First Street Widening – Parkridge Avenue

Office: **$ 4,200.00**

Conduct existing records research at City of Norco and City of Corona to obtain existing and proposed improvements reference plans.

Prepare street improvement plan for widening First Street between Parkridge Avenue and the Riverside County Flood Control Channel west of Mountain Avenue

Prepare street striping plan for lane demarcations and merging from two eastbound lanes beginning at Parkridge Avenue, through the curve, and then transitioning to one eastbound lane prior to the Riverside County Flood Control Channel west of Mountain Avenue.

Field: **$ 1,560.00****

Conduct on-site field topography to ascertain existing building and structure locations for southwest corner of Parkridge Avenue and First Street.

Conduct street cross sections to facilitate design of proposed improvements and street widening.

Field charges will be billed on a time and material basis using a Registered Land Surveyor or Civil Engineer as contract labor. The preceding rate and/or amount is **provided as an estimate of his charges, and may require adjustment upon receipt of his invoice.

EXHIBIT 'A'
ENGINEERING PROPOSAL
First Street Widening – Parkridge Avenue

PROPOSAL ASSUMPTIONS

Blueprinting, delivery and plan checking fees are not included in this proposal. The cost of outside services will be billed at cost plus 15% and will be the responsibility of the Client. These bills are due and payable in 30 days.

There shall be no fee adjustment for the term of this agreement.

Design revisions, meetings (1 hr min.), and/or development coordination are considered extra to this contract.

Any work not covered by this agreement shall be authorized by the Client prior to the start of any work, and will be covered by a separate agreement. Time and material billings shall be at a rate of $ 150/hr for office and $ 195/hr for field survey.

Payment will be due within thirty (30) days of receipt of invoices.

Should this contract be disputed during the course of work, and an arbitration and/or court filing become necessary, reasonable attorney fees will be included in the agreed settlement.

Authorization to proceed:

City of Norco

By: _____

Date: _____

Raab Engineering

By: _____
Mark L. Raab

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
PREPARED BY:	Ross Cooper, Lieutenant
DATE:	June 3, 2009
SUBJECT:	Agreement for Law Enforcement Services Eliminating One Motor Officer Position
RECOMMENDATION:	Authorize the Mayor to sign the Agreement for Law Enforcement Services

SUMMARY: Implementing this Law Enforcement Agreement will reduce current staffing by one motor officer position effective July 2009.

BACKGROUND/ANALYSIS: City Council approved the five-year Agreement for Law Enforcement Services between the City of Norco and the County of Riverside on April 15, 2009. During the FY2010 budget process reductions to Sheriff's staffing were implemented or continued which will require updating the Agreement.

Sheriff's expenditures will be $689,000 lower than expected because staffing has been reduced by one Youth Accountability Team Deputy Sheriff position, three civilian Community Service Officer positions, two part-time school Crossing Guard positions, one Motor Officer position, and because using overtime to fill behind non-patrol Deputy Sheriff positions (sometimes called "constant staffing") was eliminated. All of these reductions have been implemented except the elimination of the Motor Officer position which is scheduled for July 2009.

This new Agreement is identical to the prior Agreement approved by City Council on April 15, 2009 except that Attachment "A" includes the above-listed reductions. Several staff, not specifically listed in Attachment "A", support the policing operation in Norco including:

- Almost one-half of a full-time equivalent (FTE) Lieutenant's position located at the Jurupa Valley Station (JVS);
- Almost three FTE Sergeant positions, two stationed at City Hall;
- About two and one-half FTE Investigator positions stationed at JVS;
- One full-time School Resource Officer assigned to Norco High School;
- One full-time Executive Secretary stationed at City Hall;

- Civilian staff including payroll clerks, accountants, clerical staff and office assistants, office managers, crime analysts, and Sheriff's Service Officers who provide logistical support, all stationed at JVS;
- Sworn and civilian support at Sheriff's Administration;
- Sworn and civilian support at Sheriff's Personnel;
- Civilian support at Sheriff's Information Services Bureau;
- Sworn and civilian support at the Sheriff's Dispatch Center;
- Civilian support at Sheriff's Accounting and Finance;
- Civilian support at Sheriff's Technical Services Bureau; and
- Civilian support provided by other County departments.

Additional services provided in emergency situations at no cost to the City of Norco because they are currently included in the "base line" service level include:

- Emergency Services Team including the hostage negotiation team;
- Special Investigations Bureau including the hazardous device team;
- County Canine program;
- Aviation program; and
- Forensics function.

California Government Code Section 51350 requires counties and cities that contract with each other to recover the actual costs, not more or less, of providing services. The costs for providing these services are identified by the Sheriff's Department and then reviewed by the County Auditors Department and the many cities, districts and other entities who are contract partners with the Sheriff. After input has been received, the rates are adopted annually by the County Board of Supervisors and charged to those contracting for Sheriff's services.

FINANCIAL IMPACT: The reduced staffing and cost for Sheriff's services are included in the FY2010 Budget.

/rlf-72515
Attachment: Agreement for Law Enforcement Services between the City of Norco and the County of Riverside

AGREEMENT FOR LAW ENFORCEMENT SERVICES

BETWEEN THE CITY OF NORCO

AND THE COUNTY OF RIVERSIDE

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

IT IS THEREFORE AGREED AS FOLLOWS:

1. TERM

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

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

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

2. SCOPE OF SERVICE

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

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

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

a) Records Management System (RMS) Functions shall mean the software functions provided to City by County, which are supplied by the RMS. These functions shall include inquiry and case entry into the RMS, access to the Master Name Index, Warrant and Master Location Index and Jail Locator databases.

b) The California Law Enforcement Telecommunications System Access (CLETS) shall mean that access to the Department of Justice computers provided by County to City.

c) Work Station shall mean those County devices and software, which are used by City to access RMS functions and the CLETS.

d) LAWNET shall mean the County's law enforcement telecommunications network consisting of County provided data circuits, digital service units, routers, hubs and other County provided hardware and software that is used by City to connect work stations to RMS services as defined below.

e) County Services shall mean the collective hardware and software, work LAWNET, stations, RMS functions and CLETS.

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

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

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

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

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

3. LEVEL OF SERVICE

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

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

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

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

4. CHIEF OF POLICE

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

5. PROVISION OF SUPERVISION, LABOR, AND EQUIPMENT

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

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

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

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

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

General Insurance Provisions - All lines:

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

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

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

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

6. EMPLOYMENT STATUS OF PERSONNEL

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

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

7. COMPENSATION

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

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

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

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

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

8. INDEMNIFICATION AND HOLD HARMLESS

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

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

9. MEMORANDA OF UNDERSTANDING

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

10. ADMINISTRATION

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

11. ALTERATION OF TERMS

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

12. NOTICES

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

County	City
Stanley L. Sniff, Jr., Sheriff Riverside County Sheriff's Department Post Office Box 512 Riverside, California 92502	City of Norco 2870 Clark Avenue Norco, CA 92860 Attn: City Manager

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

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

13. SEVERABILITY

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

14. STANDARD OF CARE

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

15. JURISDICTION AND VENUE

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

16. ENTIRE AGREEMENT

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

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

CITY OF NORCO

Dated:_____

By:_____
Kathy Azevedo, Mayor

ATTEST:

Brenda K. Jacobs
City Clerk

By:_____

COUNTY OF RIVERSIDE

Dated:_____

By:_____
Jeff Stone, Chair
Riverside County Board of Supervisors

ATTEST:

Kecia Harper-Ihem
Clerk of the Board

By:_____
Deputy

FORM APPROVED COUNTY COUNSEL
BY: Cynthia M. Gunzel 5-4-09
SYNTHIA M. GUNZEL DATE

ATTACHMENT A

CITY OF NORCO

LEVEL OF SERVICE

Average Patrol Services

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

Dedicated Positions

One (1) Sheriff's Lieutenant position

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

Three (3) Deputy Sheriff (fully supported) positions – Motor Officers

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

Three (3) Community Service Officer positions

STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

PREPARED BY: Dominic C. Milano, City Engineer

DATE: June 3, 2009

SUBJECT: Order of Procedure and Resolutions Necessary for The Annual Assessment Levy Continuing Landscape Maintenance Districts No. 1 – Beazer, Tract 28765; No. 2 – Western Pacific, Tract 25779; No. 3 – Centex, Tract 28826; No. 4 – Norco Ridge Ranch, Tracts 29588 and 29589; and No. 5 – Hawk's Crest, Tract 30230

Resolution No. 2009-___, (Beazer); **Resolution No. 2009-___,** (Western Pacific); **Resolution No. 2009-___,** (Centex); **Resolution No. 2009-___,** (Norco Ridge Ranch); **Resolution No. 2009-___,** (Hawk's Crest), Approving the Engineer's Preliminary Report for the Annual Levy of Assessments for the Fiscal Year 2008-2009 in Said District;

Resolution No. 2009-___, (Beazer); **Resolution No. 2009-___,** (Western Pacific); **Resolution No. 2009-___,** (Centex); **Resolution No. 2009-___,** (Norco Ridge Ranch), **Resolution No. 2009-___,** (Hawk's Crest), Declaring City's Intention to Provide for an Annual Levy and Collection of Assessments for Certain Maintenance in an Existing District, and Setting a Time and Place for the Public Hearing

RECOMMENDATION: That the members of the City Council adopt the five Resolutions approving the Preliminary Engineer's Report and the five Resolutions providing for an annual levy of assessments and setting the public hearing date.

SUMMARY: Existing landscape maintenance districts (LMD) must be reviewed and approved annually to continue assessments for the districts. The annual Consumer Price Index (CPI) adjustment per parcel assessment in all districts is 0% according to the 2008 CPI. In the case of LMD No. 4 (Norco Ridge Ranch), the proposed assessment for Fiscal Year 2009-10 is increasing to $814.38, which is $101.27 lower than the maximum allowed assessment set with the formation of the District plus CPIs. Surplus within the District not set aside for a trail improvement project is being credited to the assessment.

Agenda Item 5.G.

BACKGROUND/ANALYSIS: The following information applies to each Landscape Maintenance District as designated:

LMD No. 1 - On February 3, 1999, City Council adopted Landscape Maintenance District No. 1 for Tract 28765 (Beazer Homes) comprised of 67 lots. The District was formed to maintain landscaping along the River Road frontage of the tract. The estimated cost to maintain the District is proposed to increase from $11,613 to $12,141 but with the application of previous year's surpluses, the assessment per lot will remain at the 2008/09 level of $125.33 for a net assessment of $8,397.00.

LMD No. 2 - On January 27, 2000, City Council adopted Landscape Maintenance District No. 2 for Tract No. 25779 (Western Pacific) comprised of 215 lots. The District was formed to maintain landscaping along the Norco Hills Road and Hidden Valley Parkway frontages of the tract as well as selected interior slopes, wetland, equestrian trail, and parkway maintenance. The estimate of cost to maintain the District is proposed to increase from $171,732 to $186,496 but with the application of previous year's surpluses, the assessment is proposed to remain at previous year's level of $575.03 per parcel for a net assessment of $125,931.

LMD No. 3 - On June 6, 2001, City Council adopted Landscape Maintenance District No. 3 for Tract 28626 (Centex) comprised of 82 lots. The District was formed to maintain landscaping along Norco Hills Road and certain designated slopes within the District as well as all equestrian trails in the development. The proposed estimate of costs to maintain the District will increase from $78,283 to $85,412, but with the application of previous year's surpluses, the assessment is proposed to remain at the previous year's level of $868.43 per parcel for a net assessment of $71,211.

LMD No. 4 – On October 2, 2002, City Council adopted Landscape Maintenance District No. 4 for Tracts 29588 and 29589 (Norco Ridge Ranch) comprised of 586 lots. The District was formed to maintain landscaping within certain slopes, irrigated and non-irrigated, fuel modification areas, parkway landscaping, equestrian trails, natural open space and wetlands area. In Fiscal Year 2005-06, a full year's levy was assessed in this District ($471,548 budget, $804.69 per parcel). With the exception of the acceptance of the equestrian trail in the latter part of the Fiscal Year, the majority of the improvements to be maintained as part of the District were not accepted as anticipated. These improvements were again anticipated to be accepted within the first quarter of Fiscal Year 2006-07. The surplus of funds collected in Fiscal Year 2005-06 was credited to the property owners in Fiscal Year 2006-07. The per parcel levy that year was reduced from $863.29, with a District budget of $490,060 to an assessment of $327.41 per parcel with the application of the surplus. In Fiscal Year 2007-08, the budget was again set at $490,068 with credited surpluses reducing the per parcel assessment to the previous level of $327.41. With the exception of the equestrian trail

and the landscaping within the Beazer subdivisions of this District, the majority of the landscaping was not accepted by the City for maintenance until the later part of 2007/08 Fiscal Year. All trails and landscaping are now being maintained by the City. Not identified as surplus was the "operating reserve" for trail maintenance (line item balance of $82,000) and $50,000 of unexpended Fiscal Year 2006-07 Trail Maintenance Funds. As directed by the City Council, $173,000 of previous year's "surplus" and trails operating reserve was set aside to improve those trails which continually erode during rain storms. At a cost of $22,000, a pilot program was undertaken on Vandermolen Drive to test the effectiveness of four different trail surface materials. The consensus was that "soil cement" was the most effective trail surface material. The cost of this product on a 12-foot wide trail, including edge header board, is $22.00 per lineal foot. A second pilot program utilizing catch basins adjacent to driveways has also been completed and is being evaluated. A third pilot program utilizing soil cement "bumps" to direct water to the street has also been installed and is proving effective. A citizen's group is working with staff in evaluating the programs and will recommend a construction project prior to the next rainy season. The proposed budget for Fiscal Year 2009-10 is proposed to increase from $445,940 to $478,611 due to increased utility costs. The maximum assessment rate allowed per parcel of $915.65 could generate a total assessment of $510,017 which exceeds the amount necessary to maintain the district. In 2008-09, with the application of previous surpluses and increasing the 2007-08 assessment by the CPI of 4.2%, a per parcel assessment of $341.16 was levied. A trail improvement project as committed to by previous City Council action of $173,000 (2007-08) and the accumulation of years of trail reserve funds less expenditures, a surplus of approximately $25,000 exists. This is being credited back to the District. The per parcel levy for the upcoming 2009-10 fiscal year is $814.38.

LMD No. 5 – On January 7, 2004 City Council adopted Landscape District No. 5 for Tract 30230 (Hawks Crest) comprised of 50 lots. The District was formed to maintain certain exterior slopes, parkway landscaping, equestrian trails and the two park lots. The estimate of cost to maintain the District will increase from $50,545 from to $53,401 but with the application of previous year's surpluses, the assessment is proposed to remain at the previous year's level of $961.45 per parcel for a net assessment of $48,073.

As stipulated in the "Landscaping and Lighting Act of 1972," the continuation of an existing maintenance district assessment has to be reviewed and approved each fiscal year. The attached resolutions provide for the proper continuation of the Districts as well as the assessments. The proposed increase in Landscape Maintenance District No. 4 will not require a majority protest vote of the property owners since the increase in assessments was allowed for in the formation of the Districts.

Included for your information are the Preliminary Engineer's Reports including the District boundaries, the items of work included in each maintenance district, as well as costs and the per parcel assessments for each District.

Staff recommends that the members of the City Council preliminarily approve the Engineer's Report for the continuation of the Landscape Maintenance Districts to guarantee that landscaping within each district will remain attractive and well maintained and set the Public Hearing for the five districts for July 15, 2009. To do so, Council will need to adopt the attached Resolutions.

FINANCIAL IMPACT: None.
/dm-72680
Attachments: Preliminary Engineer's Reports (5)
Resolutions (10)

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ENGINEER'S "PRELIMINARY REPORT" AND THE ANNUAL LEVY OF ASSESSMENTS FOR THE FISCAL YEAR 2009-2010 IN SAID DISTRICT

WHEREAS, the City Council of the City of Norco, California, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of an Engineer's "Report" for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 1 (BEAZER)

(hereinafter referred to as the "District"); and

WHEREAS, there has now been presented to this City Council the "Report" as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has now carefully examined and reviewed the "Report" as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said "Report."

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

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the "Report" as presented, consisting of the following:

A. Plans and specifications;
B. Estimate of cost;
C. Diagram of the District;
D. Assessment of the estimated cost;

is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's "Report."

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72681

ENGINEER'S REPORT

FOR

LANDSCAPE MAINTENANCE DISTRICT NO. 1 (BEAZER)

FISCAL YEAR 2009-2010

PREPARED FOR THE

CITY OF NORCO

RIVERSIDE COUNTY, CALIFORNIA

PREPARED BY:

DOMINIC C. MILANO, P.E.

CITY ENGINEER

ENGINEER'S REPORT
CITY OF NORCO

LANDSCAPE MAINTENANCE DISTRICT NO. 1 (BEAZER)
FISCAL YEAR 2009-2010

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: June 3, 2009

By: _____
Dominic C. Milano, P.E.
R.C.E. No. 27172
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Norco, California, on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

FISCAL YEAR 2009-2010
CITY OF NORCO

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH 22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation, being Resolution No. 98-97, adopted by the Council of the City of Norco, State of California, in connection with the proceedings for:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 1 (BEAZER)

Hereinafter referred to as the "Assessment District," I, Dominic C. Milano, P.E. authorized representative of the City of Norco, the duty appointed ENGINEER OF WORK, submit herewith the "Report" consisting of four parts as follows:

PART A

Plans and specifications for the improvements are as set forth herein and are on file in the Office of the Clerk of the City.

PART B

An estimate of cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth herein.

PART C

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report. The legal description of the Assessment District is attached hereto.

PART D

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District.

PART A

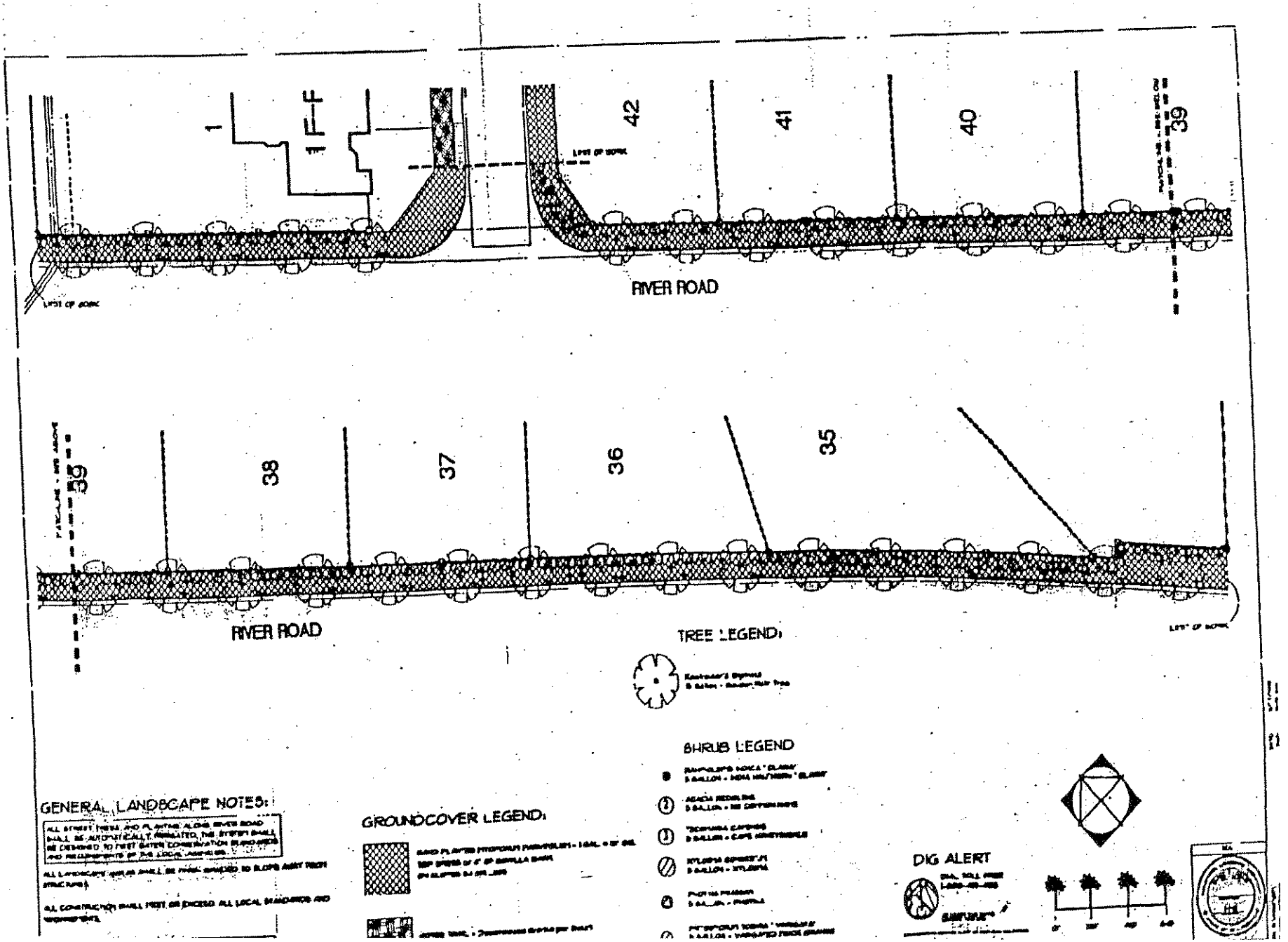
PLANS AND SPECIFICATIONS

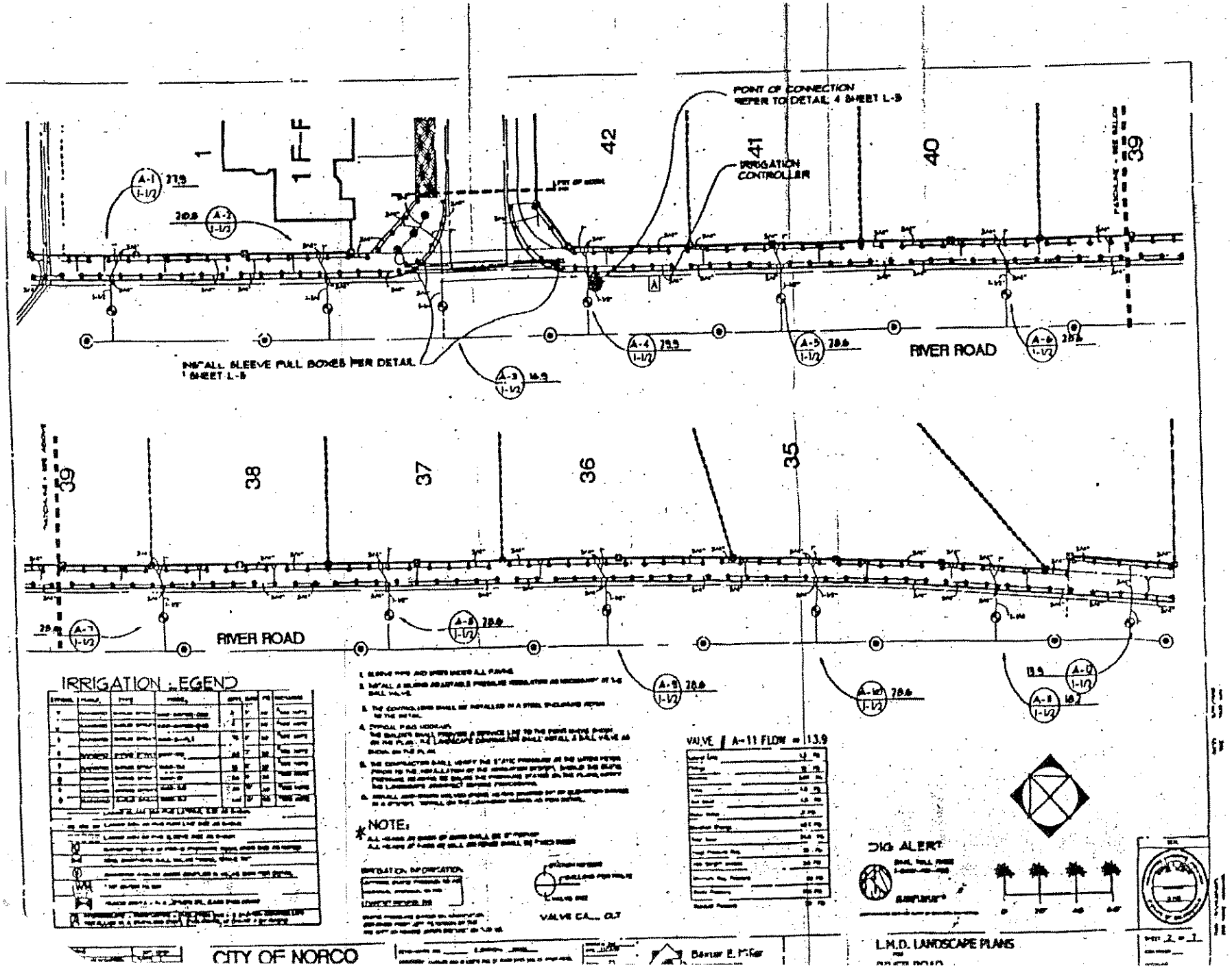
DESCRIPTION OF IMPROVEMENTS FOR THE CITY OF NORCO LANDSCAPE MAINTENANCE DISTRICT NO. 1 (BEAZER) FISCAL YEAR 2009-2010

The improvements are the operation, maintenance, and servicing of landscaping, wetlands, horse trails, hardscaping, and masonry, and appurtenant facilities including but not limited to personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services, described as follows:

LANDSCAPING

Landscaping, planting, shrubbery, trees, irrigation, hardscapes, masonry wall surfaces, fixtures, and appurtenant facilities in the River Road public right-of-way (parkway area), along the frontage and adjacent to the proposed boundary of said Assessment District. A reduced scale plan depicting the improvements is attached hereto.


1
1 F-F
42
41
40
39
RIVER ROAD
39
38
37
36
35
RIVER ROAD
TREE LEGEND:
SHRUB LEGEND
GENERAL LANDSCAPE NOTES:
GROUNDCOVER LEGEND:
DIG ALERT


POINT OF CONNECTION
REFER TO DETAIL 4 SHEET L-9
IRRIGATION CONTROLLER
INSTALL SLEEVE PULL BOXES PER DETAIL
SHEET L-9
RIVER ROAD
RIVER ROAD
1
1 F-F
42
41
40
39
38
37
36
35
IRRIGATION LEGEND
NOTE:
VALVE # A-11 FLOW = 13.9
DIG ALERT
CITY OF NORCO
L.H.D. LANDSCAPE PLANS

PART B

ESTIMATE OF COST

LANDSCAPE MAINTENANCE DISTRICT NO. 1 (BEAZER)
NORCO, CALIFORNIA

The cost of the operation, maintenance, and servicing of the improvements for Fiscal Year 2009-2010 as described in Part A, are summarized herein and described below:

ITEM	DESCRIPTION	QUANTITY	ANNUAL COST PER YEAR
1	**LANDSCAPE MAINTENANCE**: includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, water cost, electrical cost for controllers, tree trimming up to 15 feet, tree staking, backflow testing, rodent control and plant replacement.	16,900 S.F.	$ 2,819.00
2	**HARDSCAPE MASONRY:** including graffiti removal, repair cracks, heaving and breakage.	6,970 S.F. (wall)	$ 392.00
3	**LIGHTING MAINTENANCE:** cleaning and repair, fixture replacement, and observation.	N/A	$ 0
4	**WATER UTILITY COST:** cost for annual water utility within district.		$ 1,829.00
5	**ENERGY MAINTENANCE:** annual cost for power based on a fixed rate for an irrigation electrical pedestal.		$ 456.00
6	**SUPERVISOR OBSERVATION:** cost for landscaping contractual observation to include punch list review and follow-up to completion.		$ 2,874.00
	SUBTOTAL:		$ 8,370.00
7	**CONTINGENCY:** 10 percent		$ 837.00
8	**REPLACEMENT RESERVE:** 2.9 percent		$ 243.00
9	**INCIDENTALS:** including Engineer's Report and proceedings, administration, printing, and advertising.		$ 2,691.00
	TOTAL ANNUAL COSTS:		$ 12,141.00

Costs from City of Norco average of landscape maintenance costs for the City. Source of information Chris Wyrick and Brian Petree of the Department of Parks, Recreation and Community Services.

Annual assessments shall be calculated based on updated numbers and upon annual adjustments to the assessment rate as provided in the Engineer's Report.

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the consumer price index applicable to the City of Norco. The CPI for 2008 was 0%. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purposes as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year.

PART C

ASSESSMENT DIAGRAM

As Assessment Diagram for the Assessment District is on file in the office of the City Clerk. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made a part of this Report. A reduced scale map depicting the assessment diagram is attached hereto. Also attached as Exhibit "A' is the Legal Description of Assessment District.

EXHIBIT A

LEGAL DESCRIPTION
LANDSCAPE MAINTENANCE DISTRICT NO. 1 (BEAZER)

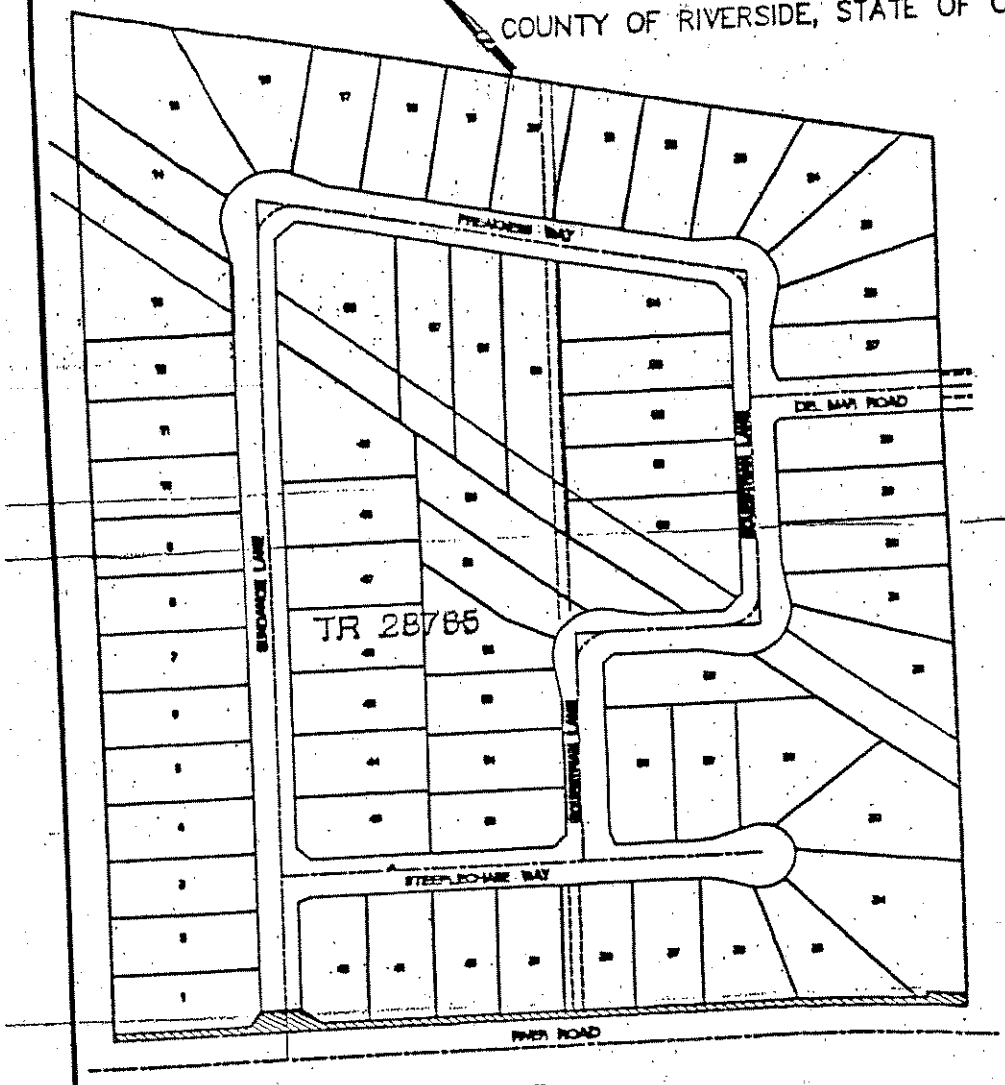
That certain real property situated in the City of Norco, County of Riverside, State of California, more particularly described as follows:

Lots 1 through 12 inclusive, and Lots 14 through 68, inclusive, of Tract No. 28765 in the City of Norco, County of Riverside, State of California, as per map recorded in Book 274, Pages 95 through 98, inclusive, of Maps in the Office of the County Recorder of Said County.

ASSESSMENT DIAGRAM AND BOUNDARY MAP
LANDSCAPE MAINTENANCE DISTRICT NO.1 (BEAZER)

CITY OF NORCO

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF NORCO, STATE OF CALIFORNIA, ON PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM MAP. SAID ASSESSMENT WAS LEVIED ON THE _____ DAY OF _____ SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THE CITY OF NORCO ON THE _____ DAY OF _____ 19__. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

_____
CITY CLERK, CITY OF NORCO

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY OF NORCO THIS _____ DAY OF _____ _____

_____
SUPERINTENDENT OF STREETS
CITY OF NORCO

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF NORCO, THIS _____ DAY OF _____ _____

_____
CITY CLERK, CITY OF NORCO

SCALE: 1" = 180'

LEGEND

ASSESSMENT DISTRICT BOUNDARY

LANDSCAPE MAINTENANCE AREA

REFERENCE IS MADE TO THE ASSESSOR'S MAPS OF THE COUNTY OF RIVERSIDE FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS WITHIN LANDSCAPE MAINTENANCE DISTRICT NO.1 (BEAZER) [illegible]

PART D

ASSESSMENT

WHEREAS, on February 3, 1999, the City Council of the City of Norco, California, pursuant to the provisions of the Landscape and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (the "Act") adopted its Resolution of the City Council of the City of Norco Initiating Proceedings for the Formation for a Maintenance Assessment District and thereafter formed Landscape Maintenance District No. 1 (Beazer) (the "District") as more particularly described in said proceedings; and

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565, et seq., of said Act;

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City, hereby makes the following assessment to cover the portion of the estimated cost of the maintenance of said improvements and the costs and expenses incidental thereto to be paid by said District.

The amount to be paid for the maintenance of said improvement, and the expenses incidental thereto, are as follows:

	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	$ 9,450.00	$	$
Incidental Expenses	$ 2,691.00	$	$
Total Cost	$ 12,141.00	$	$
Surplus or (Deficit) from Previous Fiscal Year	$ 3,744.00	$	$
NET TO BE ASSESSED FOR FISCAL YEAR 2009-2010	$ 8,397.00	$	$

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said District. The lines and dimensions of each lot or parcel of land within the said District as the same existed at the time of the passage of said resolution are as shown on the maps of the County Assessor of the County of Riverside. Reference is hereby made to said maps and said maps shall govern for all details concerning the lines and dimensions of such lots and parcels.

I do hereby assess the net amount to be assessed upon all assessable lots or parcels of land within said District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of said improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof.

Said assessment is made upon the several lots or parcels of land within the District in proportion to the estimated benefits to be received by said lots or parcels, respectively, from the maintenance of said improvements. The diagram and the assessor's map are the documents to which reference is hereby made for a more particular description of said property.

Each lot or parcel of land assessed is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Riverside for the Fiscal Year 2009-2010 and includes all of such parcel. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

City of Norco

Dated:_____, 2009

_____
Dominic C. Milano, P.E.
City Engineer

EXHIBIT B

METHOD AND FORMULA OF ASSESSMENT SPREAD

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the "Landscaping and Lighting Act of 1972," must be based on the benefit that the properties receive from the works of improvement. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The Assessment Engineer is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation. For these proceedings, the City has based its determination on standard assessment practices utilized by consulting civil engineers with a background of experience in the design of such works of improvement and experience in the completion of assessment district formation projects.

IDENTIFYING THE BENEFIT

First of all, it is necessary to identify the benefit that the public improvement will render to the properties within the Assessment District. The landscaping, irrigation, and equestrian trails have been designed and will be constructed for the benefit of enhanced aesthetics and neighborhood identity for all properties within the Assessment District.

APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, several factors are being used in the final method and spread and assessment.

The individual parcels of land within the Assessment District are currently developed or have the potential for development to single family residential units. The proposed improvements are designed to enhance the appearance and appeal of the District and all of the parcels within. The improvements will provide a sense of neighborhood identity for the District. As such, each parcel will benefit equally from the proposed improvements.

In conclusion, it is my opinion that the assessments for the referenced Assessment District have been spread in direct accordance with the benefits that each parcel receives from the works of improvements.

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 1 (BEAZER)
FISCAL YEAR 2009-2010

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1	$125.33		45	$125.33	
2	$125.33		46	$125.33	
3	$125.33		47	$125.33	
4	$125.33		48	$125.33	
5	$125.33		49	$125.33	
.6	$125.33		50	$125.33	
7	$125.33		51	$125.33	
8	$125.33		52	$125.33	
9	$125.33		53	$125.33	
10	$125.33		54	$125.33	
11	$125.33		55	$125.33	
12	$125.33		56	$125.33	
13	$0 (City)		57	$125.33	
14	$125.33		58	$125.33	
15	$125.33		59	$125.33	
16	$125.33		60	$125.33	
17	$125.33		61	$125.33	
18	$125.33		62	$125.33	
19	$125.33		63	$125.33	
20	$125.33		64	$125.33	
21	$125.33		65	$125.33	
22	$125.33		66	$125.33	
23	$125.33		67	$125.33	
24	$125.33		68	$125.33	
25	$125.33				
26	$125.33				
27	$125.33				
28	$125.33				
29	$125.33				
30	$125.33				
31	$125.33				
32	$125.33				
33	$125.33				
34	$125.33				
35	$125.33				
36	$125.33				
37	$125.33				
38	$125.33				
39	$125.33				
40	$125.33				
41	$125.33				
42	$125.33				
43	$125.33				
44	$125.33				

/dm-72697

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ENGINEER'S "PRELIMINARY REPORT" AND THE ANNUAL LEVY OF ASSESSMENTS FOR THE FISCAL YEAR 2009-2010 IN SAID DISTRICT

WHEREAS, the City Council of the City of Norco, California, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of an Engineer's "Report" for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)

(hereinafter referred to as the "District"); and

WHEREAS, there has now been presented to this City Council the "Report" as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has now carefully examined and reviewed the "Report" as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said "Report."

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

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the "Report" as presented, consisting of the following:

A. Plans and specifications;
B. Estimate of cost;
C. Diagram of the District;
D. Assessment of the estimated cost;

is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's "Report."

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/cm-72683

ENGINEER'S REPORT

FOR

LANDSCAPE MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)

FISCAL YEAR 2009-2010

PREPARED FOR THE

CITY OF NORCO

RIVERSIDE COUNTY, CALIFORNIA

PREPARED BY:

DOMINIC C. MILANO, P.E.

CITY ENGINEER

ENGINEER'S REPORT
CITY OF NORCO

LANDSCAPE MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)
FISCAL YEAR 2009-2010

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: June 3, 2009

By: _____

Dominic C. Milano, P.E.
R.C.E. No. 27172
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Norco, California, on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

FISCAL YEAR 2009-2010
CITY OF NORCO

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH 22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation, being Resolution No. 98-97, adopted by the Council of the City of Norco, State of California, in connection with the proceedings for:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2
(WESTERN PACIFIC – TRACT 25779)

Hereinafter referred to as the "Assessment District," I, Dominic C. Milano, P.E. authorized representative of the City of Norco, the duty appointed ENGINEER OF WORK, submit herewith the "Report" consisting of four parts as follows:

PART A

Plans and specifications for the improvements are as set forth herein and are on file in the Office of the Clerk of the City.

PART B

An estimate of cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth herein.

PART C

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report. The legal description of the Assessment District is attached hereto.

PART D

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District.

PART A

PLANS AND SPECIFICATIONS

DESCRIPTION OF IMPROVEMENTS FOR THE CITY OF NORCO LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC – TRACT 25779) FISCAL YEAR 2009-2010

The improvements are the operation, maintenance, and servicing of landscaping, wetlands, horse trails, hardscaping, and masonry, and appurtenant facilities including but not limited to personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services, described as follows:

LANDSCAPING

Landscaping, planting, shrubbery, trees, irrigation, hardscapes, masonry wall surfaces, fixtures, and appurtenant facilities located within public right-of-way (parkways),easements (slope and trail) and publicly owned parcels within the boundary of the Assessment District except as specifically excluded.

PART B

ESTIMATE OF COST

LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
NORCO, CALIFORNIA

The cost of the operation, maintenance, and servicing of the improvements for Fiscal Year 2009-2010 as described in Part A, are summarized herein and described below:

ITEM	DESCRIPTION	QUANTITY	ANNUAL COST PER YEAR
1	**LANDSCAPE MAINTENANCE**: includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control and plant replacement for Hidden Valley Parkway.	57,480 S.F. (1.32 A)	Included in parkway maintenance
2	**EQUESTRIAN TRAIL:** includes minor grading, replacement of wooden posts and rails, and addition of decomposed granite for trail surface.	352,500 S.F. (8.09 A)	$ 46,782.00
3	**SLOPE MAINTENANCE:** includes same activities as Item 1 for exterior slopes along Hidden Valley Parkway and Norco Hills Road as well as private slopes adjacent to wetlands area at Lots 77, 78, 89, 90, and 91.	175,344 S.F. (4.03 A)	Included in parkway maintenance
4	**MAINTENANCE OF WETLAND (LOT 71):** trash and debris cleanup, plant replacement, pest and rodent control.	159,510 S.F. (3.66 A)	$ 8,177.00
5	**PARK MAINTENANCE (LOT 2):** trash and debris cleanup, mowing, fertilization, turf care, pest and rodent control, and observation.	53,485 S.F. (1.23 A)	$ 9.067.00
6	**PARKWAY MAINTENANCE:** includes all pruning, weed and pest control, fertilization, ground cover, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control and plant replacement.	128,604 S.F. (2.95 A)	$ 39,086.00
7	**UTILITIES:** includes cost of water and electrical for controller for all areas.	L.S.	$ 62,712.00
	SUBTOTAL:		$ 165,824.00
8	**OBSERVATION:** staff time to manage District.	L.S.	$ 15,494.00
9	**INCIDENTALS:** including Engineer's Report and proceedings, administration, printing, and advertising.		$ 2,691.00
10	**CONTINGENCY:** 1.5 percent		$ 2,487.00
	TOTAL ANNUAL COSTS:		$ 186,496.00

Costs from City of Norco average of landscape maintenance costs for the City. Source of information Chris Wyrick and Brian Petree of the Department of Parks, Recreation and Community Services.

Annual assessments shall be calculated based on updated numbers and upon annual adjustments to the assessment rate as provided in the Engineer's Report.

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the

consumer price index (CPI) applicable to the City of Norco. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District. The CPI for 2008 was 0%.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purposes as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year.

PART C

ASSESSMENT DIAGRAM

As Assessment Diagram for the Assessment District is on file in the office of the City Clerk. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made a part of this Report. A reduced scale map depicting the assessment diagram is attached hereto. Also attached as Exhibit "A' is the Legal Description of Assessment District.

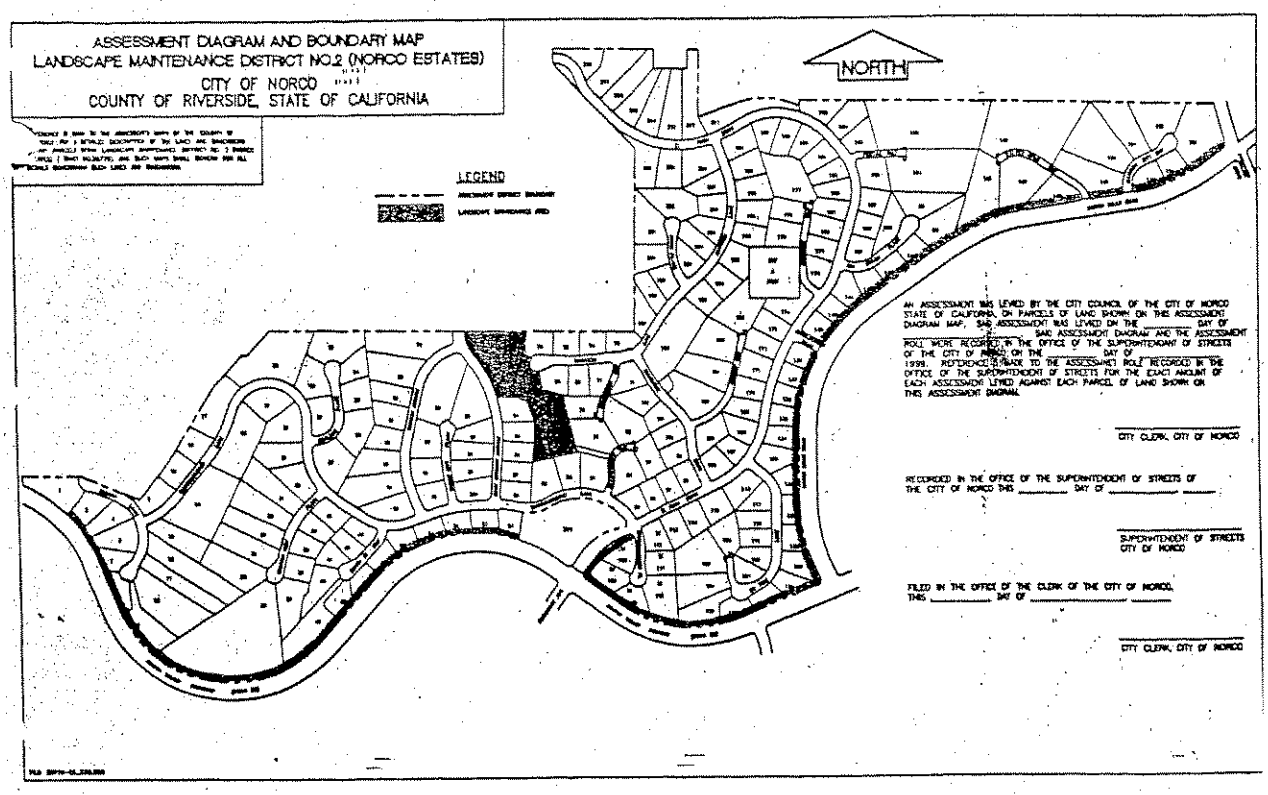
EXHIBIT A

LEGAL DESCRIPTION
LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)

That certain real property situated in the City of Norco, County of Riverside, State of California, more particularly described as follows:

Lots 3 through 70 inclusive, and Lots 72 through 221, exclusive of Lot 219, of Tract No. 25779 in the City of Norco, County of Riverside, State of California, as per map recorded in Book 284, Pages 20 through 30, inclusive, of Maps in the Office of the County Recorder of Said County.

ASSESSMENT DIAGRAM AND BOUNDARY MAP
LANDSCAPE MAINTENANCE DISTRICT NO.2 (NORCO ESTATES)
CITY OF NORCO
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



PART D

ASSESSMENT

WHEREAS, on October 20, 1999, the City Council of the City of Norco, California, pursuant to the provisions of the Landscape and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (the "Act") adopted its Resolution of the City Council of the City of Norco Initiating Proceedings for the Formation for a Maintenance Assessment District and thereafter formed Landscape Maintenance District No. 2 (Western Pacific) (the "District") as more particularly described in said proceedings; and

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565, et seq., of said Act;

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City, hereby makes the following assessment to cover the portion of the estimated cost of the maintenance of said improvements and the costs and expenses incidental thereto to be paid by said District.

The amount to be paid for the maintenance of said improvement, and the expenses incidental thereto, are as follows:

	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	$ 183,805.00	$	$
Incidental Expenses	$ 2,691.00	$	$
Total Cost	$ 186,496.00	$	$
Surplus or (Deficit) from Previous Fiscal Year	$ 60,565.00	$	$
NET TO BE ASSESSED FOR FISCAL YEAR 2009-2010	$ 125,931.00	$	$

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said District. The lines and dimensions of each lot or parcel of land within the said District as the same existed at the time of the passage of said resolution are as shown on the maps of the County Assessor of the County of Riverside. Reference is hereby made to said maps and said maps shall govern for all details concerning the lines and dimensions of such lots and parcels.

I do hereby assess the net amount to be assessed upon all assessable lots or parcels of land within said District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of said improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof.

Said assessment is made upon the several lots or parcels of land within the District in proportion to the estimated benefits to be received by said lots or parcels, respectively, from the maintenance of said improvements. The diagram and the assessor's map are the documents to which reference is hereby made for a more particular description of said property.

Each lot or parcel of land assessed is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Riverside for the Fiscal Year 2009-2010 and includes all of such parcel. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

City of Norco

Dated: June 3, 2009

_____
Dominic C. Milano, P.E.
City Engineer

EXHIBIT B

METHOD AND FORMULA OF ASSESSMENT SPREAD

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the "Landscaping and Lighting Act of 1972," must be based on the benefit that the properties receive from the works of improvement. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The Assessment Engineer is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation. For these proceedings, the City has based its determination on standard assessment practices utilized by consulting civil engineers with a background of experience in the design of such works of improvement and experience in the completion of assessment district formation projects.

IDENTIFYING THE BENEFIT

First of all, it is necessary to identify the benefit that the public improvement will render to the properties within the Assessment District. The landscaping, irrigation, and equestrian trails have been designed and will be constructed for the benefit of enhanced aesthetics and neighborhood identity for all properties within the Assessment District.

APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, several factors are being used in the final method and spread and assessment.

The individual parcels of land within the Assessment District are currently developed or have the potential for development to single family residential units. The proposed improvements are designed to enhance the appearance and appeal of the District and all of the parcels within. The improvements will provide a sense of neighborhood identity for the District. As such, each parcel will benefit equally from the proposed improvements.

In conclusion, it is my opinion that the assessments for the referenced Assessment District have been spread in direct accordance with the benefits that each parcel receives from the works of improvements.

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
FISCAL YEAR 2009-2010

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
3	$575.03		46	$575.03	
4	$575.03		47	$575.03	
5	$575.03		48	$575.03	
6	$575.03		49	$575.03	
7	$575.03		50	$575.03	
8	$575.03		51	$575.03	
9	$575.03		52	$575.03	
10	$575.03		53	$575.03	
11	$575.03		54	$575.03	
12	$575.03		55	$575.03	
13	$575.03		56	$575.03	
14	$575.03		57	$575.03	
15	$575.03		58	$575.03	
16	$575.03		59	$575.03	
17	$575.03		60	$575.03	
18	$575.03		61	$575.03	
19	$575.03		62	$575.03	
20	$575.03		63	$575.03	
21	$575.03		64	$575.03	
22	$575.03		65	$575.03	
23	$575.03		66	$575.03	
24	$575.03		67	$575.03	
25	$575.03		68	$575.03	
26	$575.03		69	$575.03	
27	$575.03		70	$575.03	
28	$575.03		71	$575.03	
29	$575.03		72	$575.03	
30	$575.03		73	$575.03	
31	$575.03		74	$575.03	
32	$575.03		75	$575.03	
33	$575.03		76	$575.03	
34	$575.03		77	$575.03	
35	$575.03		78	$575.03	
36	$575.03		79	$575.03	
37	$575.03		80	$575.03	
38	$575.03		81	$575.03	
39	$575.03		82	$575.03	
40	$575.03		83	$575.03	
41	$575.03		84	$575.03	
42	$575.03		85	$575.03	
43	$575.03		86	$575.03	
44	$575.03		87	$575.03	
45	$575.03				

LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
FISCAL YEAR 2009-2010

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
88	$575.03		132	$575.03	
89	$575.03		133	$575.03	
90	$575.03		134	$575.03	
91	$575.03		135	$575.03	
92	$575.03		136	$575.03	
93	$575.03		137	$575.03	
94	$575.03		138	$575.03	
95	$575.03		139	$575.03	
96	$575.03		140	$575.03	
97	$575.03		141	$575.03	
98	$575.03		142	$575.03	
99	$575.03		143	$575.03	
100	$575.03		144	$575.03	
101	$575.03		145	$575.03	
102	$575.03		146	$575.03	
103	$575.03		147	$575.03	
104	$575.03		148	$575.03	
105	$575.03		149	$575.03	
106	$575.03		150	$575.03	
107	$575.03		151	$575.03	
108	$575.03		152	$575.03	
109	$575.03		153	$575.03	
110	$575.03		154	$575.03	
111	$575.03		155	$575.03	
112	$575.03		156	$575.03	
113	$575.03		157	$575.03	
114	$575.03		158	$575.03	
115	$575.03		159	$575.03	
116	$575.03		160	$575.03	
117	$575.03		161	$575.03	
119	$575.03		163	$575.03	
120	$575.03		164	$575.03	
121	$575.03		165	$575.03	
122	$575.03		166	$575.03	
123	$575.03		167	$575.03	
124	$575.03		168	$575.03	
125	$575.03		169	$575.03	
126	$575.03		170	$575.03	
127	$575.03		171	$575.03	
128	$575.03				
129	$575.03				
130	$575.03				
131	$575.03				

LANDSCAPE MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)
FISCAL YEAR 2009-2010

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
172	$575.03		216	$575.03	
173	$575.03		217	$575.03	
174	$575.03		218	$575.03	
175	$575.03		219	$575.03	
176	$575.03		220	$575.03	
177	$575.03		221	$575.03	
178	$575.03				
179	$575.03				
180	$575.03				
181	$575.03				
182	$575.03				
183	$575.03				
184	$575.03				
185	$575.03				
186	$575.03				
187	$575.03				
188	$575.03				
189	$575.03				
190	$575.03				
191	$575.03				
192	$575.03				
193	$575.03				
194	$575.03				
195	$575.03				
196	$575.03				
197	$575.03				
198	$575.03				
199	$575.03				
200	$575.03				
201	$575.03				
202	$575.03				
203	$575.03				
204	$575.03				
206	$575.03				
207	$575.03				
208	$575.03				
209	$575.03				
210	$575.03				
211	$575.03				
212	$575.03				
213	$575.03				
214	$575.03				
215	$575.03				

TOTAL TO BE ASSESSED IS $125,931.00

/dm-72693

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ENGINEER'S "PRELIMINARY REPORT" AND THE ANNUAL LEVY OF ASSESSMENTS FOR THE FISCAL YEAR 2009-2010 IN SAID DISTRICT

WHEREAS, the City Council of the City of Norco, California, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of an Engineer's "Report" for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 3 (CENTEX)

(hereinafter referred to as the "District"); and

WHEREAS, there has now been presented to this City Council the "Report" as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has now carefully examined and reviewed the "Report" as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said "Report."

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

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the "Report" as presented, consisting of the following:

A. Plans and specifications;
B. Estimate of cost;
C. Diagram of the District;
D. Assessment of the estimated cost;

is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's "Report."

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72684

ENGINEER'S REPORT

FOR

LANDSCAPE MAINTENANCE DISTRICT NO. 3
(CENTEX– TRACT 28626)

FISCAL YEAR 2009-2010

PREPARED FOR THE

CITY OF NORCO

RIVERSIDE COUNTY, CALIFORNIA

PREPARED BY:

DOMINIC C. MILANO, P.E.

CITY ENGINEER

ENGINEER'S REPORT
CITY OF NORCO

LANDSCAPE MAINTENANCE DISTRICT NO. 3
(CENTEX – TRACT 28626)
FISCAL YEAR 2009-2010

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: June 3, 2009

By: _____
Dominic C. Milano, P.E.
R.C.E. No. 27172
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Norco, California, on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

FISCAL YEAR 2009-2010
CITY OF NORCO

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH 22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation, being Resolution No. 98-97, adopted by the Council of the City of Norco, State of California, in connection with the proceedings for:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 3
(CENTEX – TRACT 28626)

Hereinafter referred to as the "Assessment District," I, Dominic C. Milano, P.E. authorized representative of the City of Norco, the duty appointed ENGINEER OF WORK, submit herewith the "Report" consisting of four parts as follows:

PART A

Plans and specifications for the improvements are as set forth herein and are on file in the Office of the Clerk of the City.

PART B

An estimate of cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth herein.

PART C

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report. The legal description of the Assessment District is attached hereto.

PART D

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District.

PART A

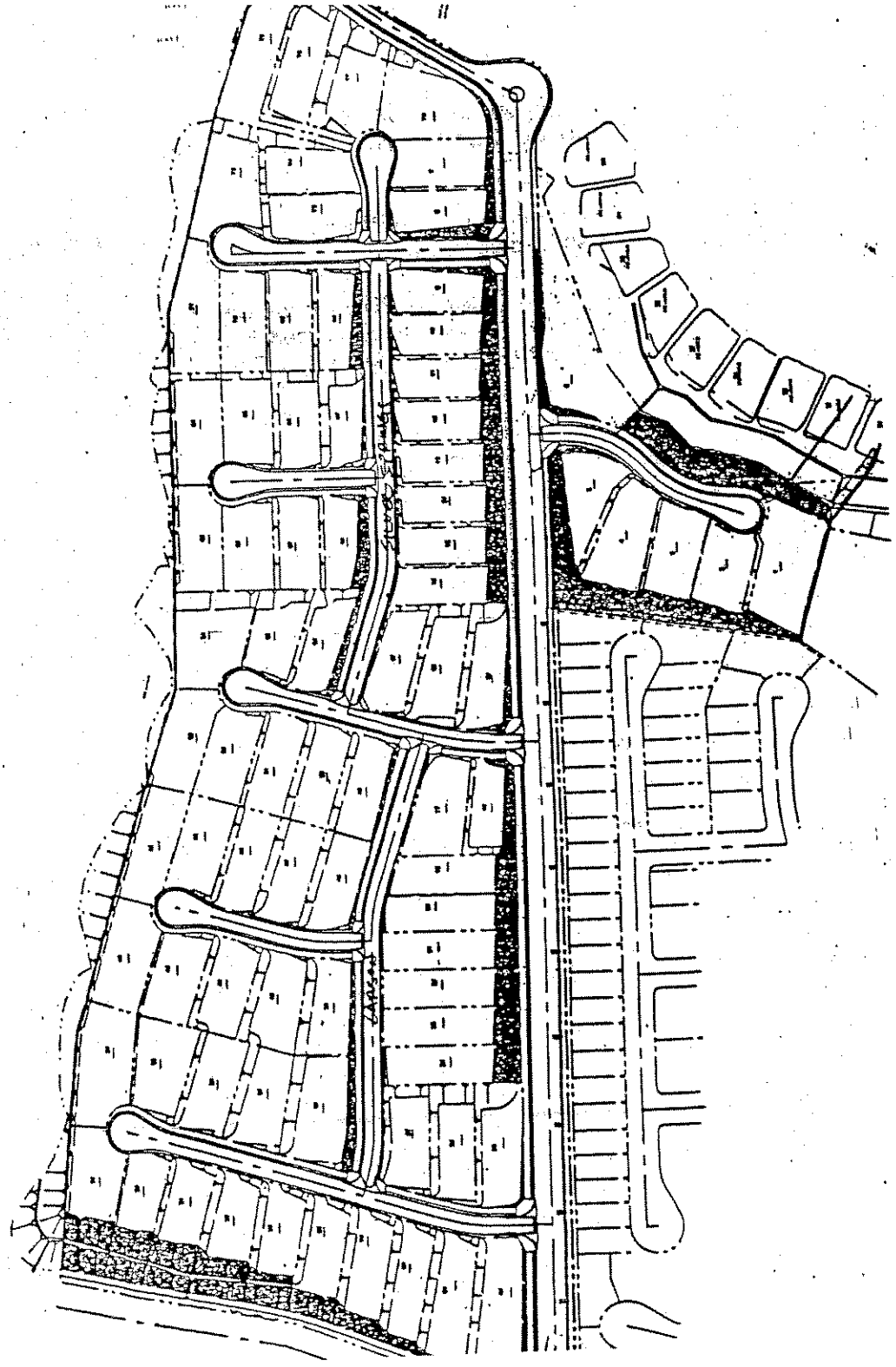
PLANS AND SPECIFICATIONS

DESCRIPTION OF IMPROVEMENTS FOR THE CITY OF NORCO LANDSCAPE MAINTENANCE DISTRICT NO. 3 (CENTEX – TRACT 28626) FISCAL YEAR 2009-2010

The improvements are the operation, maintenance, and servicing of landscaping, horse trails, hardscaping, and masonry, and appurtenant facilities including but not limited to personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services, described as follows:

LANDSCAPING

Landscaping, planting, shrubbery, trees, irrigation, hardscapes, masonry wall surfaces, fencing, fixtures, and appurtenant facilities located within public rights-of-way (parkways),easements (slope and trail) and publicly owned parcels within the boundary of the Assessment District except as specifically excluded.



PART B

ESTIMATE OF COST

LANDSCAPE MAINTENANCE DISTRICT NO. 3 (CENTEX – TRACT 28626)
NORCO, CALIFORNIA

The cost of the operation, maintenance, and servicing of the improvements for Fiscal Year 2009-2010 as described in Part A, are summarized herein and described below:

ITEM	DESCRIPTION	QUANTITY	ANNUAL COST PER YEAR
1	**LANDSCAPE MAINTENANCE (INTERIOR)**: includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control, plant replacement, and observation.	48,843 S.F. (1.12 A)	$ 27,771.00
2	**EQUESTRIAN TRAIL:** includes minor grading, replacement of wooden posts and rails, and addition of decomposed granite for trail surface.	92,100 S.F. (2.11 A)	$ 12,211.00
3	**SLOPE MAINTENANCE:** includes same activities as Item 1 for exterior slopes along Parkview Drive and Norco Hills Road as well as private slopes at Lots 1, 2, 3, and 4.	186,541 S.F. (4.28 A)	$ Included in landscape maintenance
4	**UTILITIES:** includes cost of water and electrical for controller for all landscape areas.	L.S.	$ 35,578.00
	SUBTOTAL:		$ 75,560.00
5	**OBSERVATION:** includes cost for landscape contractor management.	L.S.	$ 6,250.00
6	**INCIDENTALS:** including Engineer's Report and proceedings, administration, printing, and advertising.		$ 2.091.00
7	**CONTINGENCY:** 2.0 percent		$ 1,511.00
	TOTAL ANNUAL COSTS:		$ 85,412.00

Costs from City of Norco average of landscape maintenance costs for the City. Source of information Chris Wyrick and Brian Petree of the Department of Parks, Recreation and Community Services.

Annual assessments shall be calculated based on updated numbers and upon annual adjustments to the assessment rate as provided in the Engineer's Report.

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the consumer price index applicable to the City of Norco. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District for 2008 the CPI was 0%.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purposes as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year.

PART C

ASSESSMENT DIAGRAM

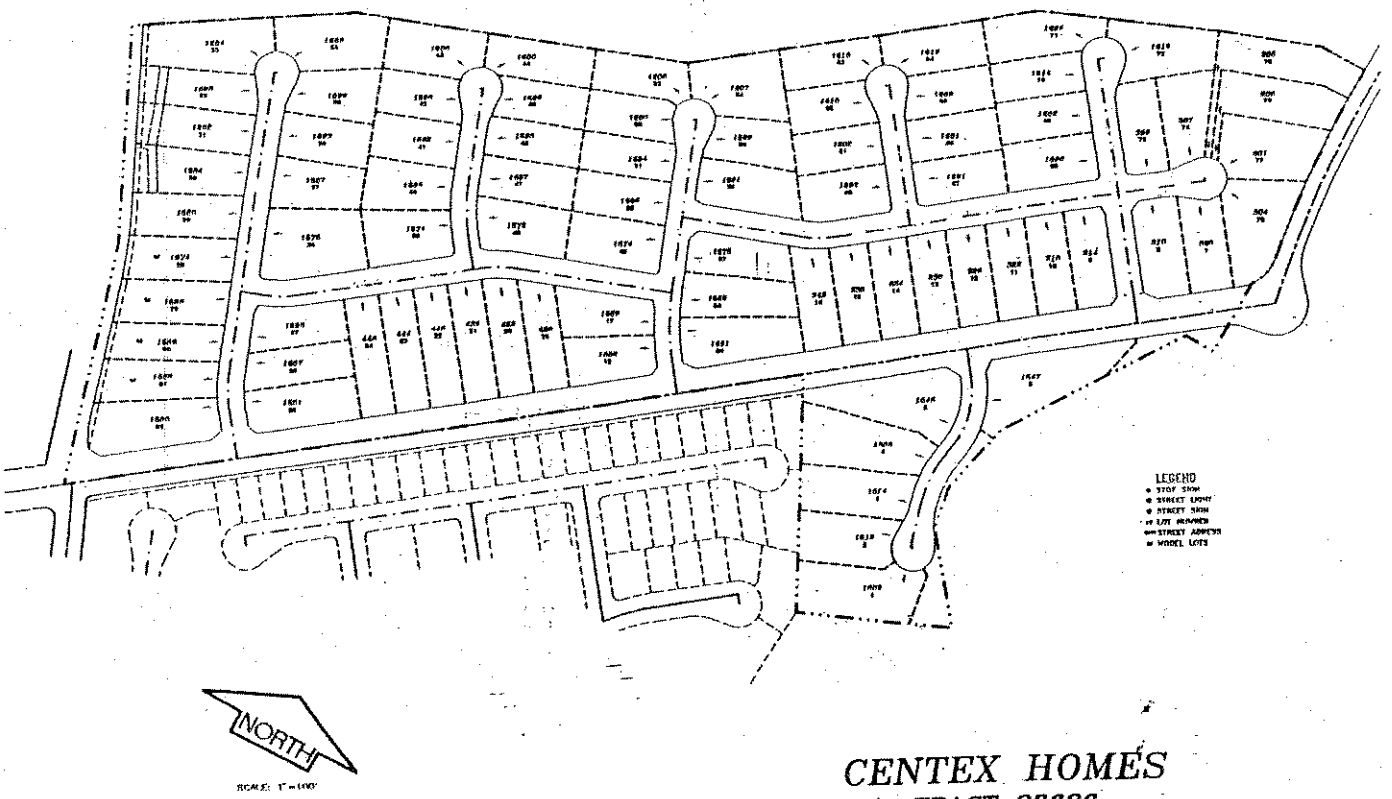
As Assessment Diagram for the Assessment District is on file in the office of the City Clerk. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made a part of this Report. A reduced scale map depicting the assessment diagram is attached hereto. Also attached as Exhibit "A' is the Legal Description of Assessment District.

EXHIBIT A

LEGAL DESCRIPTION
LANDSCAPE MAINTENANCE DISTRICT NO. 3 (CENTEX – TRACT 28626)

That certain real property situated in the City of Norco, County of Riverside, State of California, more particularly described as follows:

Lots 1 through 82 inclusive, of Tract No. 28626 in the City of Norco, County of Riverside, State of California, as per map recorded in Book 295, Pages 46 through 53, inclusive, of Maps in the Office of the County Recorder of Said County.



CENTEX HOMES
TRACT 28626

PART D

ASSESSMENT

WHEREAS, on April 18, 2001, the City Council of the City of Norco, California, pursuant to the provisions of the Landscape and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (the "Act") adopted its Resolution of the City Council of the City of Norco Initiating Proceedings for the Formation for a Maintenance Assessment District and thereafter formed Landscape Maintenance District No. 3 (Centex – Tract 28626) (the "District") as more particularly described in said proceedings; and

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565, et seq., of said Act;

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City, hereby makes the following assessment to cover the portion of the estimated cost of the maintenance of said improvements and the costs and expenses incidental thereto to be paid by said District.

The amount to be paid for the maintenance of said improvement, and the expenses incidental thereto, are as follows:

	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	$ 83,321.00	$	$
Incidental Expenses	$ 2,091.00	$	$
Total Cost	$ 85,412.00	$	$
Surplus or (Deficit) from Previous Fiscal Year	$ 14,201.00	$	$
NET TO BE ASSESSED FOR FISCAL YEAR 2009-2010	$ 71,211.00	$	$

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said District. The lines and dimensions of each lot or parcel of land within the said District as the same existed at the time of the passage of said resolution are as shown on the maps of the County Assessor of the County of Riverside. Reference is hereby made to said maps and said maps shall govern for all details concerning the lines and dimensions of such lots and parcels.

I do hereby assess the net amount to be assessed upon all assessable lots or parcels of land within said District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of said improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof.

Said assessment is made upon the several lots or parcels of land within the District in proportion to the estimated benefits to be received by said lots or parcels, respectively, from the maintenance of said improvements. The diagram and the assessor's map are the documents to which reference is hereby made for a more particular description of said property.

Each lot or parcel of land assessed is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Riverside for the Fiscal Year 2009-2010 and includes all of such parcel. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

City of Norco

Dated: June 3, 2009

_____
Dominic C. Milano, P.E.
City Engineer

EXHIBIT B

METHOD AND FORMULA OF ASSESSMENT SPREAD

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the "Landscaping and Lighting Act of 1972," must be based on the benefit that the properties receive from the works of improvement. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The Assessment Engineer is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation. For these proceedings, the City has based its determination on standard assessment practices utilized by consulting civil engineers with a background of experience in the design of such works of improvement and experience in the completion of assessment district formation projects.

IDENTIFYING THE BENEFIT

First of all, it is necessary to identify the benefit that the public improvement will render to the properties within the Assessment District. The landscaping, irrigation, and equestrian trails have been designed and will be constructed for the benefit of enhanced aesthetics and neighborhood identity for all properties within the Assessment District.

APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, several factors are being used in the final method and spread and assessment.

The individual parcels of land within the Assessment District are currently developed or have the potential for development to single family residential units. The proposed improvements are designed to enhance the appearance and appeal of the District and all of the parcels within. The improvements will provide a sense of neighborhood identity for the District. As such, each parcel will benefit equally from the proposed improvements.

In conclusion, it is my opinion that the assessments for the referenced Assessment District have been spread in direct accordance with the benefits that each parcel receives from the works of improvements.

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 3 (CENTEX – TRACT 28626)
FISCAL YEAR 2009-2010

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1	$868.43		45	$868.43	
2	$868.43		46	$868.43	
3	$868.43		47	$868.43	
4	$868.43		48	$868.43	
5	$868.43		49	$868.43	
6	$868.43		50	$868.43	
7	$868.43		51	$868.43	
8	$868.43		52	$868.43	
9	$868.43		53	$868.43	
10	$868.43		54	$868.43	
11	$868.43		55	$868.43	
12	$868.43		56	$868.43	
13	$868.43		57	$868.43	
14	$868.43		58	$868.43	
15	$868.43		59	$868.43	
16	$868.43		60	$868.43	
17	$868.43		61	$868.43	
18	$868.43		62	$868.43	
19	$868.43		63	$868.43	
20	$868.43		64	$868.43	
21	$868.43		65	$868.43	
22	$868.43		66	$868.43	
23	$868.43		67	$868.43	
24	$868.43		68	$868.43	
25	$868.43		69	$868.43	
26	$868.43		70	$868.43	
27	$868.43		71	$868.43	
28	$868.43		72	$868.43	
29	$868.43		73	$868.43	
30	$868.43		74	$868.43	
31	$868.43		75	$868.43	
32	$868.43		76	$868.43	
33	$868.43		77	$868.43	
34	$868.43		78	$868.43	
35	$868.43		79	$868.43	
36	$868.43		80	$868.43	
38	$868.43		82	$868.43	
39	$868.43				
40	$868.43				
41	$868.43				
42	$868.43				
43	$868.43				
44	$868.43				

/dm-72694

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ENGINEER'S "PRELIMINARY REPORT" AND THE ANNUAL LEVY OF ASSESSMENTS FOR THE FISCAL YEAR 2009—2010 IN SAID DISTRICT

WHEREAS, the City Council of the City of Norco, California, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of an Engineer's "Report" for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 4 (NORCO RIDGE RANCH)

(hereinafter referred to as the "District"); and

WHEREAS, there has now been presented to this City Council the "Report" as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has now carefully examined and reviewed the "Report" as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said "Report."

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

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the "Report" as presented, consisting of the following:

A. Plans and specifications;
B. Estimate of cost;
C. Diagram of the District;
D. Assessment of the estimated cost;

is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's "Report."

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72685

ENGINEER'S REPORT

FOR

LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 AND 29589)

FISCAL YEAR 2009-2010

PREPARED FOR THE

CITY OF NORCO

RIVERSIDE COUNTY, CALIFORNIA

PREPARED BY:

DOMINIC C. MILANO, P.E.

CITY ENGINEER

ENGINEER'S REPORT
CITY OF NORCO

LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 AND 29589)
FISCAL YEAR 2009-2010

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: June 3, 2009

By: _____
Dominic C. Milano, P.E.
R.C.E. No. 27172
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Norco, California, on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

FISCAL YEAR 2009-2010
CITY OF NORCO

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH 22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation, being Resolution No. 2009-__, adopted by the Council of the City of Norco, State of California, in connection with the proceedings for:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 AND 29589)

Hereinafter referred to as the "Assessment District," I, Dominic C. Milano, P.E. authorized representative of the City of Norco, the duty appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five parts as follows:

PART A – PLANS AND SPECIFICATIONS

Contains a description if the improvements that are to be maintained or serviced by the District.

PART B – ESTIMATE OF COST

Identifies the estimated cost of the services or maintenance to be provided by the District, including incidental costs and expenses in connection herewith.

PART C – METHOD OF APPORTIONMENT

Describes the basis on which the costs have been apportioned to each parcel of land within the Assessment District, in proportion to the estimated benefits to be received by such lots and parcels.

PART D – ASSESSMENT ROLL

Identifies the maximum assessment to be levied on each benefited lot or parcel of land within the Assessment District.

PART E – ASSESSMENT DIAGRAM

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report. The legal description of the Assessment District is attached hereto.

PART A

PLANS AND SPECIFICATIONS

DESCRIPTION OF IMPROVEMENTS FOR THE CITY OF NORCO LANDSCAPE MAINTENANCE DISTRICT NO. 4 (NORCO RIDGE RANCH TRACTS 29588 AND 29589) FISCAL YEAR 2009-2010

The improvements to be maintained and serviced include landscaping as described herein.

Landscaping and Appurtenant Improvements:

Improvements include but are not limited to: landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, fixtures, and appurtenant facilities, in public rights-of-way, parkways, slopes, trails, open space and dedicated easements within the boundaries of said Assessment District. The following are the facilities to be maintained within the District:

Slopes, Parkways and Trails

1. Slope landscaping-non-irrigated (3.78 acres)
2. Slope landscaping-irrigated (13.17 acres)
3. Fuel modification areas (17.66 acres)
4. Parkway landscaping (1.11 acres)
5. Equestrian trails (26.54 acres)

Open Space and Wetlands Areas

1. Natural open space – non-irrigated (384.34 acres)
2. Wetlands area – non-irrigated (13.04 acres)

The District will fund costs in connection with the District maintenance and servicing including, but not limited to, labor, electrical energy, water, materials, contracting services, administration, and other expenses necessary for the satisfactory maintenance and operation of these improvements.

Maintenance means the furnishing of services and materials for the ordinary and usual operation, maintenance and servicing of the landscaping and appurtenant improvements, including repair, removal or replacement of all or part of any of the landscaping or appurtenant improvements; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste, and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Operating and servicing means the furnishing of water for the irrigation of the landscaping, the maintenance of irrigation controllers and appurtenant facilities and the furnishing of telephone services and electric energy, and administration of all aspects of the operation, maintenance and servicing of the improvements.

The plans and specifications for the improvements, showing the general nature, location and the extent of the improvements, are on file in the office of the City Engineer and are by reference herein made a part of this report.

PART B

ESTIMATE OF COST

LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH-TRACTS 29588 & 29589)
NORCO, CALIFORNIA

The estimated costs for the operation, maintenance and servicing of the facilities, shown below, are the estimated costs of maintenance if the facilities were fully maintained for Fiscal Year 2009-10. The 1972 Act provides that the total cost of the maintenance and services, together with incidental expenses, may be financed from the assessment proceeds. The incidental expenses may include engineering fees, legal fees, printing, mailing, postage, publishing, and all other related costs identified with district proceedings.

Direct Costs	
Natural Open Space	$ 21,682.00
Wetlands Area	$ 63,832.00
Contractual Maintenance	$111,929.00
Non-Irrigated Slope Landscaping	
Irrigated Slope Landscaping	
Fuel Modification	
Zone B "Irrigated Zone"	
Zone C "Thinning Zone"	
Zone D "Thinning Zone"	
Parkway Landscaping	
Equestrian Trails	$103,255.00
Utilities	$ 90,331.00
Operating Contingency (5% max)	$ 19,551.00
Subtotal-Direct Costs	$410,580.00
Administrative Costs (5% max)	
Observation	$ 20529.00
Incidentals	$ 2,730.00
Operating Reserve for Trail Maintenance	$ 44,772.00
TOTAL ANNUAL BUDGET	**$478,611.00**

The 1972 Act requires that a special fund to set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. The City may advance funds to the District, if needed, to ensure adequate cash flow, and will be reimbursed for any such advances upon receipt of assessments. Any surplus or deficit remaining on July 1 must be carried over to the next fiscal year.

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the consumer price index applicable to the City of Norco. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District.

PART C

METHOD OF APPORTIONMENT

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the "Landscaping and Lighting Act of 1972," must be based on the benefit that the properties receive from the works of improvement. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The Assessment Engineer is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation. For these proceedings, the City has based its determination on standard assessment practices utilized by consulting civil engineers with a background of experience in the design of such works of improvement and experience in the completion of assessment district formation projects.

REASON FOR THE ASSESSMENT

The assessment is proposed to be levied to defray the costs of the operation, servicing and maintenance of landscaping and appurtenant improvements within the public rights-of-way, as previously defined herein in Part A of this Report.

APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, several factors are being used in the final method and spread and assessment.

The individual parcels of land within the Assessment District are currently developed or have the potential for development to single family residential units. The proposed improvements are designed to enhance the appearance and appeal of the District and all of the parcels within. The improvements will provide a sense of neighborhood identity for the District. As such, each parcel will benefit equally from the proposed improvements.

In conclusion, it is my opinion that the assessments for the referenced Assessment District have been spread in direct accordance with the benefits that each parcel receives from the works of improvements.

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	$ 475,881.00	$	
Incidental Expenses	$ 2,730.00	$	$
Total Cost	$ 478,611.00	$	$
Surplus or (Deficit) from Previous Fiscal Year	$ 25,000.00	$	$
NET TO BE ASSESSED FOR FISCAL YEAR 2009-2010	$ 453,611.00	$	$

The table below provides the assessment apportionment for the various development areas within the Norco Ridge Ranch Specific Plan and shows the maximum annual assessment rate per planned SFR lot. The golf course lots are undeveloped.

Tract Nos.	Planned SFR Lots	Total Assessment Estimate	Maximum* Asmt. Rate per Planned SFR Lot
Tr 29588-1,-2,-3,-4,-5	318	$291,177.00	$915.65/lot
Tr 29589-1,-2,-3	239	$218,840.00	$915.65/lot
Golf Course Lots	27	$ 0	$915.65/lot
City Reservoir	2	$ 0	$0 / lot
	586	$510,017.00	

The table below provides the final approved assessment apportionment without the previous year's surplus has been applied.

Tract Nos.	Planned SFR Lots	Total Assessment Estimate	Assessment
Tr 29588-1,-2,-3,-4,-5	318	$258,973.61	$814.38/ lot
Tr 29589-1,-2,-3	239	$194,637.91	$814.38/ lot
Golf Course Lots	27	$ 0	$0 / lot
City Reservoir	2	$ 0	$0 / lot
	586	$453,611.00	

*The maximum annual maintenance assessment rates may be increased each year by the annual change in the Consumer Price Index (CPI), during the preceding year ending in March, for All Urban Consumers, for the Los Angeles, Riverside and Orange County areas. The CPI for 2008 was 0%, for a maximum assessment of $915.65/lot.

The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum assessment rate without receiving property owner approval for the increase.

PART D

ASSESSMENT ROLL

The Assessment Roll is a listing of the proposed assessment for Fiscal Year 2009-2010 apportioned to each lot or parcel, as shown on the last equalized roll of the Assessor of the County of Riverside. The Assessment Roll is provided below and is incorporated herein.

The description of each lot or parcel is part of the records of the Assessor of the County of Riverside and these records are, by reference, made part of this Report.

The following list of parcels will be assessed for landscape maintenance:

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH -- TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1230800150	$814.38		1235100048	$814.38	
1230800194	$814.38		1235100059	$814.38	
1230800226	$0.00	undeveloped	1235100060	$814.38	
1230800248	$0.00	undeveloped	1235100071	$814.38	
1230800282	$814.38		1235100082	$814.38	
1230800303	$0.00	undeveloped	1235100093	$814.38	
1230800325	$814.38		1235100103	$814.38	
1230800347	$0.00	Vacant	1235100114	$814.38	
1230800358	$0.00	undeveloped	1235110018	$814.38	
1230800369	$0.00	undeveloped	1235110029	$814.38	
1230800370	$0.00	Golf Course Lot	1235110030	$814.38	
1230800381	$0.00	undeveloped	1235110041	$814.38	
1230800523	$814.38		1235110052	$814.38	
1230800534	$814.38		1235110063	$814.38	
1230800545	$0.00	Vacant	1235110074	$814.38	
1230800633	$814.38		1235110085	$814.38	
1230800644	$814.38		1235110096	$814.38	
1230800655	$814.38		1235110106	$814.38	
1230800666	$814.38		1235200016	$814.38	
1230800709	$0.00	undeveloped	1235200027	$814.38	
1230800710	$0.00	undeveloped	1235200038	$814.38	
1234500153	$814.38		1235200049	$814.38	
1234500164	$814.38		1235200050	$814.38	
1234500175	$814.38		1235200061	$814.38	
1234500186	$814.38		1235200072	$814.38	
1234500197	$814.38		1235200083	$814.38	
1234500207	$814.38		1235200094	$814.38	
1234500218	$814.38		1235200104	$814.38	
1234500229	$814.38		1235200115	$814.38	
1234500230	$814.38		1235200126	$814.38	
1234500263	$814.38		1235200137	$814.38	
1234500274	$814.38		1235200148	$814.38	
1234500285	$814.38		1235210019	$814.38	
1235000069	$814.38		1235400018	$814.38	
1235000070	$814.38		1235400029	$814.38	
1235000081	$814.38		1235400030	$814.38	
1235000092	$814.38		1235400041	$814.38	
1235000102	$814.38		1235400052	$814.38	
1235000113	$814.38		1235400063	$814.38	
1235000124	$814.38		1235400074	$814.38	
1235000146	$814.38		1235400085	$814.38	
1235000157	$814.38		1235400096	$814.38	
1235000168	$814.38		1235400106	$814.38	
1235000179	$814.38		1235400117	$814.38	
1235000180	$814.38		1235400128	$814.38	
1235100015	$814.38		1235400139	$814.38	
1235100026	$814.38		1235400140	$814.38	
1235100037	$814.38		1235400151	$814.38	

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
				$814.38	
1235400162	$814.38		1235700055	$814.38	
1235400173	$814.38		1235700066	$814.38	
1235400184	$814.38		1235700077	$814.38	
1235400195	$814.38		1235700088	$814.38	
1235400205	$814.38		1235700099	$814.38	
1235400216	$814.38		1235700109	$814.38	
1235400227	$814.38		1235700110	$814.38	
1235500019	$814.38		1235700121	$814.38	
1235500020	$814.38		1235700132	$814.38	
1235500031	$814.38		1235700143	$814.38	
1235500064	$814.38		1235700154	$814.38	
1235500075	$814.38		1235700165	$814.38	
1235500086	$814.38		1235700176	$814.38	
1235500097	$814.38		1235800012	$814.38	
1235500107	$814.38		1235800023	$814.38	
1235500118	$814.38		1235800034	$814.38	
1235500129	$814.38		1235800090	$814.38	
1235500196	$814.38		1235800188	$814.38	
1235500206	$814.38		1235900013	$814.38	
1235510012	$814.38		1235900024	$814.38	
1235510023	$814.38		1235900035	$814.38	
1235510034	$814.38		1235900046	$814.38	
1235510045	$814.38		1235900057	$814.38	
1235510056	$814.38		1235900068	$814.38	
1235600010	$814.38		1235900079	$814.38	
1235600021	$814.38		1235900080	$814.38	
1235600032	$814.38		1235900091	$814.38	
1235600043	$814.38		1235900101	$814.38	
1235600054	$814.38		1235900112	$814.38	
1235600065	$814.38		1235900123	$814.38	
1235600076	$814.38		1235900134	$814.38	
1235600087	$814.38		1235900145	$814.38	
1235600098	$814.38		1235900156	$814.38	
1235600108	$814.38		1235910016	$814.38	
1235600119	$814.38		1235910027	$814.38	
1235600120	$814.38		1235910038	$814.38	
1235610013	$814.38		1235910049	$814.38	
1235610024	$814.38		1235910050	$814.38	
1235610035	$814.38		1235910061	$814.38	
1235610046	$814.38		1235910072	$814.38	
1235610057	$814.38		1235910083	$814.38	
1235610068	$814.38		1235920019	$814.38	
1235610079	$814.38		1235920020	$814.38	
1235700011	$814.38		1235920031	$814.38	
1235700022	$814.38		1236000013	$814.38	
1235700033	$814.38		1236000024	$814.38	
1235700044	$814.38		1236000035	$814.38	

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
				$814.38	
1236000046	$814.38		1236130035	$814.38	
1236000057	$814.38		1236130046	$814.38	
1236000068	$814.38		1236130057	$814.38	
1236000079	$814.38		1236130068	$814.38	
1236000080	$814.38		1236130079	$814.38	
1236000091	$814.38		1236130080	$814.38	
1236000101	$814.38		1236200015	$814.38	
1236000112	$814.38		1236200026	$814.38	
1236000123	$814.38		1236200037	$814.38	
1236000134	$814.38		1236200048	$814.38	
1236000178	$814.38		1236200059	$814.38	
1236000189	$814.38		1236200060	$814.38	
1236000190	$814.38		1236200071	$814.38	
1236000200	$814.38		1236210018	$814.38	
1236000211	$814.38		1236210029	$814.38	
1236000222	$814.38		1236210030	$814.38	
1236000233	$814.38		1236210041	$814.38	
1236020019	$814.38		1236210052	$814.38	
1236020020	$814.38		1236210063	$814.38	
1236020031	$814.38		1236210074	$814.38	
1236020042	$814.38		1236210085	$814.38	
1236020053	$814.38		1236210096	$814.38	
1236020064	$814.38		1236210106	$814.38	
1236020075	$814.38		1236210117	$814.38	
1236020086	$814.38		1236210128	$814.38	
1236020097	$814.38		1236210139	$814.38	
1236020107	$814.38		1236210140	$814.38	
1236020118	$814.38		1236210151	$814.38	
1236100014	$814.38		1236210162	$814.38	
1236100025	$814.38		1236210173	$814.38	
1236110017	$814.38		1236300016	$814.38	
1236110028	$814.38		1236300027	$814.38	
1236110039	$814.38		1236300038	$814.38	
1236120010	$814.38		1236300049	$814.38	
1236120021	$814.38		1236300050	$814.38	
1236120032	$814.38		1236300061	$814.38	
1236120043	$814.38		1236300072	$814.38	
1236120054	$814.38		1236300083	$814.38	
1236120065	$814.38		1236300094	$814.38	
1236120076	$814.38		1236300104	$814.38	
1236120087	$814.38		1236300115	$814.38	
1236120098	$814.38		1236300126	$814.38	
1236120108	$814.38		1236300137	$814.38	
1236120119	$814.38		1236300148	$814.38	
1236120120	$814.38		1236300159	$814.38	
1236130013	$814.38		1236300160	$814.38	
1236130024	$814.38		1236300171	$814.38	

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
				$814.38	
1236300182	$814.38		1236600086	$814.38	
1236300193	$814.38		1236600097	$814.38	
1236300203	$814.38		1236600107	$814.38	
1236300214	$814.38		1236600118	$814.38	
1236300225	$814.38		1236600129	$814.38	
1236300236	$814.38		1236600130	$814.38	
1236400017	$814.38		1236600141	$814.38	
1236400028	$814.38		1236610012	$814.38	
1236400039	$814.38		1236610023	$814.38	
1236400040	$814.38		1236610034	$814.38	
1236400051	$814.38		1236610045	$814.38	
1236400105	$814.38		1236610056	$814.38	
1236400116	$814.38		1236610067	$814.38	
1236400127	$814.38		1236610078	$814.38	
1236400138	$814.38		1236610089	$814.38	
1236400149	$814.38		1236610090	$814.38	
1236400150	$814.38		1236610100	$814.38	
1236400161	$814.38		1236610111	$814.38	
1236400172	$814.38		1236700010	$814.38	
1236400183	$814.38		1236700021	$814.38	
1236400194	$814.38		1236700032	$814.38	
1236400204	$814.38		1236700043	$814.38	
1236400215	$814.38		1236700054	$814.38	
1236500018	$814.38		1236700065	$814.38	
1236500029	$814.38		1236700076	$814.38	
1236500030	$814.38		1236700087	$814.38	
1236500041	$814.38		1236700098	$814.38	
1236500052	$814.38		1236710013	$814.38	
1236500063	$814.38		1236710024	$814.38	
1236500074	$814.38		1236710035	$814.38	
1236500085	$814.38		1236710046	$814.38	
1236500096	$814.38		1236710057	$814.38	
1236500106	$814.38		1236710068	$814.38	
1236500117	$814.38		1236710079	$814.38	
1236500128	$814.38		1236710080	$814.38	
1236500139	$814.38		1236710091	$814.38	
1236500140	$814.38		1236710101	$814.38	
1236510011	$814.38		1236710112	$814.38	
1236510022	$814.38		1236710123	$814.38	
1236510033	$814.38		1236710134	$814.38	
1236600019	$814.38		1236710145	$814.38	
1236600020	$814.38		1236710156	$814.38	
1236600031	$814.38		1236710167	$814.38	
1236600042	$814.38				
1236600053	$814.38				
1236600064	$814.38		1682500031	$0.00	undeveloped
1236600075	$814.38		1682500042	$0.00	undeveloped

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1682500053	$0.00	undeveloped	1682700011	$814.38	
1682500064	$0.00	undeveloped	1682700022	$814.38	
1682500075	$0.00	undeveloped	1682700033	$814.38	
1682500086	$0.00	undeveloped	1682700044	$814.38	
1682500097	$0.00	undeveloped	1682700055	$814.38	
1682500107	$0.00	undeveloped	1682700066	$814.38	
1682500118	$0.00	undeveloped	1682700077	$814.38	
1682500129	$0.00	undeveloped	1682700088	$814.38	
1682500130	$814.38		1682700099	$814.38	
1682500141	$0.00	undeveloped	1682700109	$814.38	
1682500152	$0.00	undeveloped	1682700110	$814.38	
1682500163	$0.00	undeveloped	1682700121	$814.38	
1682500174	$0.00	undeveloped	1682700132	$814.38	
1682500185	$0.00	Vacant	1682700143	$814.38	
1682500196	$0.00	undeveloped	1682700154	$814.38	
1682500206	$0.00	undeveloped	1682700165	$814.38	
1682500217	$814.38		1682710014	$814.38	
1682500228	$0.00	undeveloped	1682710025	$814.38	
1682500239	$0.00	undeveloped	1682710036	$814.38	
1682500240	$0.00	undeveloped	1682710047	$814.38	
1682500251	$0.00	Vacant	1682710058	$814.38	
1682500262	$0.00	undeveloped	1682800012	$814.38	
1682500273	$814.38		1682800023	$814.38	
1682500284	$814.38		1682800034	$814.38	
1682500295	$0.00	undeveloped	1682800045	$814.38	
1682600010	$814.38		1682800056	$814.38	
1682600021	$814.38		1682800067	$814.38	
1682600032	$814.38		1682810015	$814.38	
1682600043	$814.38		1682810026	$814.38	
1682600054	$814.38		1682810037	$814.38	
1682600065	$814.38		1682810048	$814.38	
1682600076	$814.38		1682810059	$814.38	
1682600087	$814.38		1682810060	$814.38	
1682600098	$814.38		1682810071	$814.38	
1682600108	$814.38		1682810082	$814.38	
1682600119	$814.38		1682820018	$814.38	
1682600120	$814.38		1682820029	$814.38	
1682600131	$814.38		1682820030	$814.38	
1682600142	$814.38		1682820041	$814.38	
1682600153	$814.38		1682900013	$814.38	
1682600164	$814.38		1682900024	$814.38	
1682600175	$814.38		1682900035	$814.38	
1682600186	$814.38		1682900046	$814.38	
1682600197	$814.38		1682900057	$814.38	
1682600207	$814.38		1682900068	$814.38	
1682600218	$814.38		1682900079	$814.38	
1682600229	$814.38		1682900080	$814.38	

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1682900091	$814.38		1683000321	$814.38	
1682900101	$814.38		1683000332	$814.38	
1682900112	$814.38		1683000343	$814.38	
1682910016	$814.38		1683000354	$814.38	
1682910027	$814.38		1683000365	$814.38	
1682910038	$814.38		1683000376	$814.38	
1682910049	$814.38		1683000387	$814.38	
1682910050	$814.38		1683000398	$814.38	
1682910061	$814.38		1683100014	$814.38	
1682920019	$814.38		1683110017	$814.38	
1682920020	$814.38		1683110028	$814.38	
1682920031	$814.38		1683110039	$814.38	
1682920042	$814.38		1683110040	$814.38	
1682920053	$814.38		1683110051	$814.38	
1682920064	$814.38		1683110062	$814.38	
1682920075	$814.38		1683110073	$814.38	
1683000013	$814.38		1683110084	$814.38	
1683000024	$814.38		1683110095	$814.38	
1683000035	$814.38		1683110105	$814.38	
1683000046	$814.38		1683110116	$814.38	
1683000057	$814.38		1683110127	$814.38	
1683000068	$814.38		1683110138	$814.38	
1683000079	$814.38		1683110149	$814.38	
1683000080	$814.38		1683110150	$814.38	
1683000091	$814.38		1683110161	$814.38	
1683000101	$814.38		1683110172	$814.38	
1683000112	$814.38		1683110183	$814.38	
1683000123	$814.38		1683120010	$814.38	
1683000134	$814.38		1683120021	$814.38	
1683000145	$814.38		1683120032	$814.38	
1683000156	$814.38		1683120043	$814.38	
1683000167	$814.38		1683120054	$814.38	
1683000178	$814.38		1683120065	$814.38	
1683000189	$814.38		1683120076	$814.38	
1683000190	$814.38		1683120087	$814.38	
1683000200	$814.38		1683120098	$814.38	
1683000211	$814.38		1683200015	$814.38	
1683000222	$814.38		1683200026	$814.38	
1683000233	$814.38		1683200037	$814.38	
1683000244	$814.38		1683200048	$814.38	
1683000255	$814.38		1683200059	$814.38	
1683000266	$814.38		1683200060	$814.38	
1683000277	$814.38		1683200071	$814.38	
1683000288	$814.38		1683200082	$814.38	
1683000299	$814.38		1683200093	$814.38	
1683000309	$814.38		1683200103	$814.38	
1683000310	$814.38		1683200114	$814.38	

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 4
(NORCO RIDGE RANCH – TRACTS 29588 & 29589)
FISCAL YEAR 2009-2010

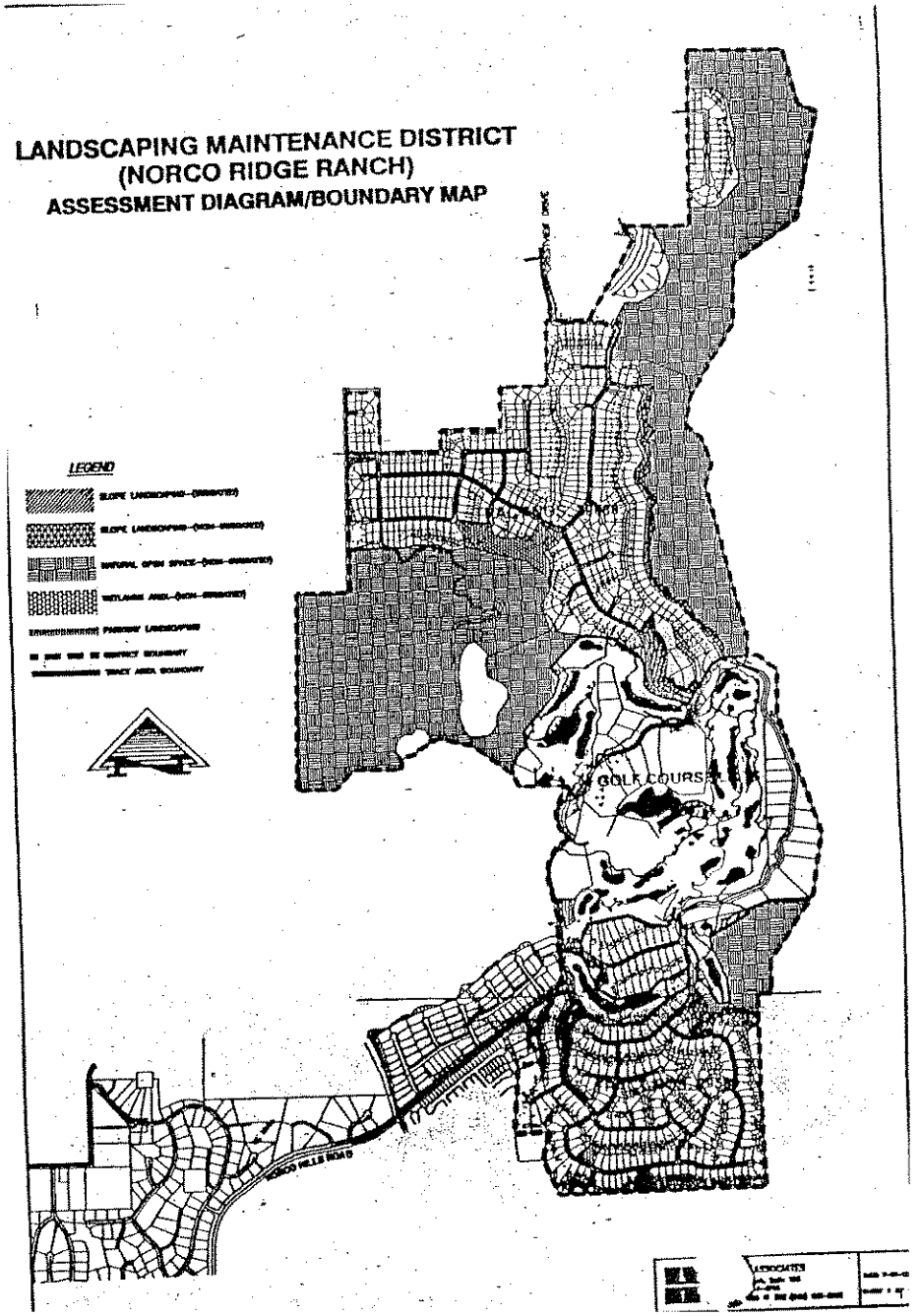
Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Parcel No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1683200125	$814.38				
1683200136	$814.38				
1683200147	$814.38				
1683200158	$814.38				
1683200169	$814.38				
1683200170	$814.38				
1683210018	$814.38				
1683210029	$814.38				
1683210030	$814.38				
1683210041	$814.38				
1683210052	$814.38				
1683210063	$814.38				
1683210074	$814.38				
1683210085	$814.38				
1683210096	$814.38				
1683210106	$814.38				
1683210117	$814.38				
1683210128	$814.38				
1683210139	$814.38				

PART E

ASSESSMENT DIAGRAM

An Assessment Diagram for the Assessment District is on file in the office of the City Engineer. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made part of this Report. A reduced scale map depicting the assessment diagram is attached hereto.

LANDSCAPING MAINTENANCE DISTRICT
(NORCO RIDGE RANCH)
ASSESSMENT DIAGRAM/BOUNDARY MAP



RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE ENGINEER'S "PRELIMINARY REPORT" AND THE ANNUAL LEVY OF ASSESSMENTS FOR THE FISCAL YEAR 2009-2010 IN SAID DISTRICT

WHEREAS, the City Council of the City of Norco, California, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, order the preparation of an Engineer's "Report" for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST)

(hereinafter referred to as the "District"); and

WHEREAS, there has now been presented to this City Council the "Report" as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

WHEREAS, this City Council has now carefully examined and reviewed the "Report" as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed as set forth in said "Report."

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

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the "Report" as presented, consisting of the following:

A. Plans and specifications;
B. Estimate of cost;
C. Diagram of the District;
D. Assessment of the estimated cost;

is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's "Report."

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72686

ENGINEER'S REPORT

FOR

LANDSCAPE MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST)

FISCAL YEAR 2009-2010

PREPARED FOR THE

CITY OF NORCO

RIVERSIDE COUNTY, CALIFORNIA

PREPARED BY:

DOMINIC C. MILANO, P.E.

CITY ENGINEER

ENGINEER'S REPORT
CITY OF NORCO

LANDSCAPE MAINTENANCE DISTRICT NO. 5
(HAWK'S CREST – TRACT 30230)
FISCAL YEAR 2009-2010

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: June 3, 2009

By: _____
Dominic C. Milano, P.E.
R.C.E. No. 27172
City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Norco, California, on _____, 2009.

City Clerk, City of Norco
Riverside County, California

By: _____

FISCAL YEAR 2009-2010
CITY OF NORCO

ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 SECTION 22500 THROUGH 22679 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation, being Resolution No. 99-76, adopted by the Council of the City of Norco, State of California, in connection with the proceedings for:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 5
(HAWK'S CREST– TRACT 30230)

Hereinafter referred to as the "Assessment District," I, Dominic C. Milano, P.E. authorized representative of the City of Norco, the duty appointed ENGINEER OF WORK, submit herewith the "Report" consisting of four parts as follows:

PART A

Plans and specifications for the improvements are as set forth herein and are on file in the Office of the Clerk of the City.

PART B

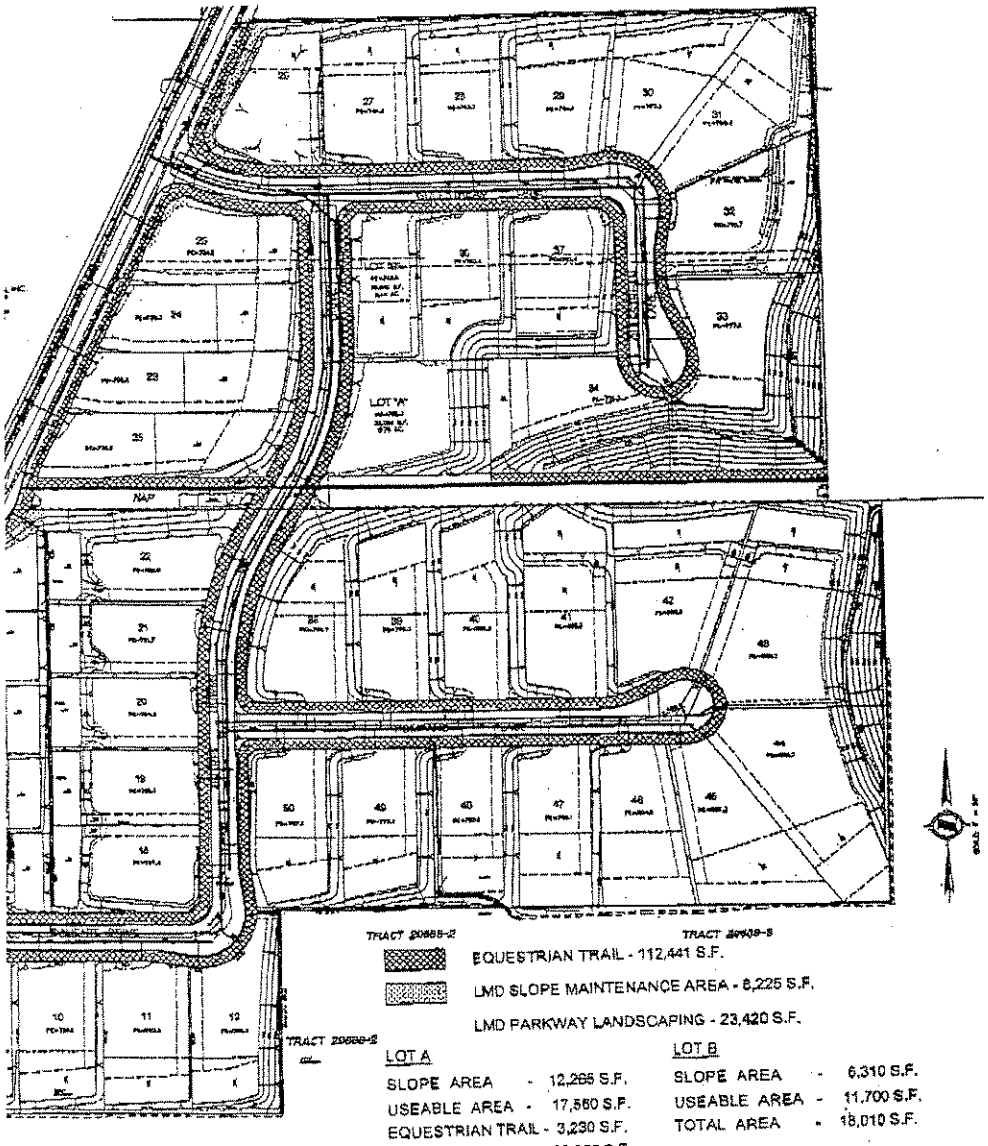
An estimate of cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth herein.

PART C

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made part of this Report. The legal description of the Assessment District is attached hereto.

PART D

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District.



EQUESTRIAN TRAIL - 112,441 S.F.

LMD SLOPE MAINTENANCE AREA - 8,225 S.F.

LMD PARKWAY LANDSCAPING - 23,420 S.F.

LOT A		LOT B	
SLOPE AREA	- 12,265 S.F.	SLOPE AREA	- 6,310 S.F.
USEABLE AREA	- 17,560 S.F.	USEABLE AREA	- 11,700 S.F.
EQUESTRIAN TRAIL	- 3,230 S.F.	TOTAL AREA	- 18,010 S.F.
TOTAL AREA	- 33,055 S.F.		

PDF created with FinePrint pdfFactory trial version www.pdffactory.com

PART A

PLANS AND SPECIFICATIONS

DESCRIPTION OF IMPROVEMENTS FOR THE CITY OF NORCO LANDSCAPE MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST – TRACT 30230) FISCAL YEAR 2009-2010

The improvements are the operation, maintenance, and servicing of landscaping, horse trails, hardscaping, and masonry, and appurtenant facilities including but not limited to personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services, described as follows:

LANDSCAPING

Landscaping, planting, shrubbery, trees, irrigation, hardscapes, masonry wall surfaces, fencing, fixtures, and appurtenant facilities located within public rights-of-way (parkways), easements (slope and trail) and publicly owned parcels within the boundary of the Assessment District except as specifically excluded.

PART B
ESTIMATE OF COST

LANDSCAPE MAINTENANCE DISTRICT NO. 5 (KB HOME TRACT 30230)
NORCO, CALIFORNIA

The cost of the operation, maintenance, and servicing of the improvements for Fiscal Year 2009-2010 as described in Part A, are summarized herein and described below:

ITEM	DESCRIPTION	QUANTITY	ANNUAL COST PER YEAR
1	**LANDSCAPE MAINTENANCE (PARK-FLAT):** includes all pruning, weed and pest control, fertilization, turf care, trash and debris cleanup, irrigation to include maintenance and repair, backflow testing, rodent control, plant replacement, and observation.	11,700 S.F. (0.269 A)	$ 9,067.00
2	**ARENA MAINTENANCE:** includes grading & replenishment of DG and maintenance of rail.	17,560 S.F. (0.403 A)	Included in No. 1
3	**EQUESTRIAN TRAIL:** includes minor grading, replacement of wooden posts and rails, and addition of decomposed granite for trail surface.	115,671 S.F.	$ 15,337.00
4	**LANDSCAPE MAINTENANCE (SLOPE – PARK & ARENA):** includes plant maintenance, weed and pest control, and debris cleanup.	18,575 S.F. (0.426 A)	$ 5.294.00
5	**SLOPE MAINTENANCE :** includes same activities as Item 1 but for exterior slopes along Fifth Street and California Avenue.	8,225 S.F. (0.19 A)	$ Included in No. 4
6	**LANDSCAPE MAINTENANCE (PARKWAYS):** includes weeding, feeding of ground cover and maintenance & trimming of street trees.	23,420 S.F. (0.538 A)	$ Included in No. 4
7	**UTILITIES:** includes cost of water and electricity for controller for all areas.	L.S.	$ 11,992.00
	SUBTOTAL:		$ 41,690.00
8	**OBSERVATION:** including staff time to oversee Contractor maintaining District.	L.S.	$ 5,810.00
9	**INCIDENTALS:** including Engineer's Report and proceedings, administration, printing, and advertising.		$ 2,691.00
10	**CONTINGENCY:** 7.7 percent		$ 3,210.00
	TOTAL ANNUAL COSTS:		$ 53,401.00

Costs from City of Norco average of landscape maintenance costs for the City. Source of information Chris Wyrick and Brian Petree of the Department of Parks, Recreation and Community Services.

Annual assessments shall be calculated based on updated numbers and upon annual adjustments to the assessment rate as provided in the Engineer's Report.

The total annual levy of assessments hereunder may be increased annually by an amount not to exceed the increase in the consumer price index applicable to the City of Norco. In no case may the increase exceed the actual cost of providing the services rendered within and pursuant to the District. The CPI increase for 2008 was 0%.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purposes as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year.

PART C

ASSESSMENT DIAGRAM

As Assessment Diagram for the Assessment District is on file in the office of the City Clerk. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made a part of this Report. A reduced scale map depicting the assessment diagram is attached hereto. Also attached as Exhibit "A' is the Legal Description of Assessment District.

EXHIBIT A

LEGAL DESCRIPTION
LANDSCAPE MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST)

That certain real property situated in the City of Norco, County of Riverside, State of California, more particularly described as follows:

Lots 1 through 50 inclusive, of Tract No. 30230 in the City of Norco, County of Riverside, State of California, as per map recorded in Book 344, Pages 40 through 45, inclusive, of Maps in the Office of the County Recorder of Said County.

PART D

ASSESSMENT

WHEREAS, on November 5, 2003, the City Council of the City of Norco, California, pursuant to the provisions of the Landscape and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (the "Act") adopted its Resolution of the City Council of the City of Norco Initiating Proceedings for the Formation for a Maintenance Assessment District and thereafter formed Landscape Maintenance District No. 5 (Hawk's Crest) (the "District") as more particularly described in said proceedings; and

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565, et seq., of said Act;

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City, hereby makes the following assessment to cover the portion of the estimated cost of the maintenance of said improvements and the costs and expenses incidental thereto to be paid by said District.

The amount to be paid for the maintenance of said improvement, and the expenses incidental thereto, are as follows:

	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	$ 50,710.00	$	$
Incidental Expenses	$ 2,691.00	$	$
Total Cost	$ 53,401.00	$	$
Surplus or (Deficit) from Previous Fiscal Year	$ 5,328.00	$	$
NET TO BE ASSESSED FOR FISCAL YEAR 2009-2010	$ 48,073.00	$	$

As required by said Act, a diagram is attached showing the exterior boundaries of said District. The lines and dimensions of each lot or parcel of land within the said District as the same existed at the time of the passage of said resolution are as shown on the maps of the County Assessor of the County of Riverside. Reference is hereby made to said maps and said maps shall govern for all details concerning the lines and dimensions of such lots and parcels.

I do hereby assess the net amount to be assessed upon all assessable lots or parcels of land within said District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of said improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof.

Said assessment is made upon the several lots or parcels of land within the District in proportion to the estimated benefits to be received by said lots or parcels, respectively, from the maintenance of said improvements. The diagram and the assessor's map are the documents to which reference is hereby made for a more particular description of said property.

Each lot or parcel of land assessed is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Riverside for the Fiscal Year 2009-2010 and includes all of such parcel. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

City of Norco

Dated: June 3, 2009

_____
Dominic C. Milano, P.E.
City Engineer

EXHIBIT B

METHOD AND FORMULA OF ASSESSMENT SPREAD

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the "Landscaping and Lighting Act of 1972," must be based on the benefit that the properties receive from the works of improvement. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The Assessment Engineer is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation. For these proceedings, the City has based its determination on standard assessment practices utilized by consulting civil engineers with a background of experience in the design of such works of improvement and experience in the completion of assessment district formation projects.

IDENTIFYING THE BENEFIT

First of all, it is necessary to identify the benefit that the public improvement will render to the properties within the Assessment District. The landscaping, irrigation, and equestrian trails have been designed and will be constructed for the benefit of enhanced aesthetics and neighborhood identity for all properties within the Assessment District.

APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, several factors are being used in the final method and spread and assessment.

The individual parcels of land within the Assessment District are currently developed or have the potential for development to single family residential units. The proposed improvements are designed to enhance the appearance and appeal of the District and all of the parcels within. The improvements will provide a sense of neighborhood identity for the District. As such, each parcel will benefit equally from the proposed improvements.

In conclusion, it is my opinion that the assessments for the referenced Assessment District have been spread in direct accordance with the benefits that each parcel receives from the works of improvements.

LIST OF ASSESSMENTS
LANDSCAPE MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST – TRACT 30230)
FISCAL YEAR 2009-2010

Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded	Lot No.	As Preliminarily Approved	As Finally Confirmed and Recorded
1	$961.45		45	$961.45	
2	$961.45		46	$961.45	
3	$961.45		47	$961.45	
4	$961.45		48	$961.45	
5	$961.45		49	$961.45	
.6	$961.45		50	$961.45	
7	$961.45				
8	$961.45				
9	$961.45				
10	$961.45				
11	$961.45				
12	$961.45				
13	$961.45				
14	$961.45				
15	$961.45				
16	$961.45				
17	$961.45				
18	$961.45				
19	$961.45				
20	$961.45				
21	$961.45				
22	$961.45				
23	$961.45				
24	$961.45				
25	$961.45				
26	$961.45				
27	$961.45				
28	$961.45				
29	$961.45				
30	$961.45				
31	$961.45				
32	$961.45				
33	$961.45				
34	$961.45				
35	$961.45				
36	$961.45				
37	$961.45				
38	$961.45				
39	$961.45				
40	$961.45				
41	$961.45				
42	$961.45				
43	$961.45				
44	$961.45				

/dm-72696

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING CITY'S INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT, AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING

WHEREAS, the City Council of the City of Norco, California, desires to form a Landscaping Maintenance District pursuant to the terms and provisions of the "Landscaping and Street Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 1 (BEAZER)

(hereinafter referred to as the "District"); and

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time there has been presented and approved this City Council, the Engineer's "Report" as required by law, and this City Council is desirous of proceeding with the proceedings for said annual levy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does resolve, determine, and order as follows:

SECTION 1: That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2: That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the "Report" of the Engineer, incorporated herein as a part hereof.

REPORT

SECTION 3: That the "Report" of the Engineer regarding the annual levy for said District, which "Report" is for maintenance for the Fiscal Year 2009-2010 is hereby approved and is directed to be filed in the Office of the City Clerk.

ASSESSMENT

SECTION 4: That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's "Report," and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvement as estimated in said "Report."

DESCRIPTION OF MAINTENANCE

SECTION 5: The assessments levied and collected shall be for the maintenance of certain landscaping and street lighting improvements, as set forth in the Engineer's "Report," referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6: The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUND

SECTION 7: That all monies collected shall be deposited in a special fund known as:

**"SPECIAL FUND, CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 1 (BEAZER)"**

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement,

the City Council may transfer into said funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8: Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a district, which district said City Council hereby declares to be the district benefited by said improvement said maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Office of the City Clerk, and so designated by the name of the District.

SECTION 9: NOTICE IS HEREBY GIVEN THAT ON JULY 15, 2009 AT THE HOUR OF 7 P.M., IN CITY COUNCIL CHAMBERS LOCATED AT 2870 CLARK AVENUE, NORCO, CALIFORNIA, IS THE TIME AND PLACE FIXED BY THE CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION BY THOSE PROPERTY OWNERS AFFECTED HEREBY. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 10: The City Clerk is directed to publish this Resolution of Intention pursuant to Government Code Section 6061, said publication to be completed no later than ten days prior to the date set for the Public Hearing.

EFFECTIVE DATE

SECTION 11: This Resolution shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 12: For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Mr. Dominic C. Milano, City Engineer
CITY OF NORCO
2870 Clark Avenue
Norco, California 92860

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72687

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING CITY'S INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT, AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING

WHEREAS, the City Council of the City of Norco, California, desires to form a Landscaping Maintenance District pursuant to the terms and provisions of the "Landscaping and Street Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)

(hereinafter referred to as the "District"); and

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time there has been presented and approved this City Council, the Engineer's "Report" as required by law, and this City Council is desirous of proceeding with the proceedings for said annual levy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does resolve, determine, and order as follows:

SECTION 1: That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2: That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the "Report" of the Engineer, incorporated herein as a part hereof.

REPORT

SECTION 3: That the "Report" of the Engineer regarding the annual levy for said District, which "Report" is for maintenance for the Fiscal Year 2009-2010 is hereby approved and is directed to be filed in the Office of the City Clerk.

ASSESSMENT

SECTION 4: That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's "Report," and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvement as estimated in said "Report."

DESCRIPTION OF MAINTENANCE

SECTION 5: The assessments levied and collected shall be for the maintenance of certain landscaping and street lighting improvements, as set forth in the Engineer's "Report," referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6: The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUND

SECTION 7: That all monies collected shall be deposited in a special fund known as:

"

SPECIAL FUND, CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 2 (WESTERN PACIFIC)"

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8: Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a district, which district said City Council hereby declares to be the district benefited by said improvement said maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Office of the City Clerk, and so designated by the name of the District.

SECTION 9: NOTICE IS HEREBY GIVEN THAT ON JULY 15, 2009 AT THE HOUR OF 7 P.M., IN CITY COUNCIL CHAMBERS LOCATED AT 2870 CLARK AVENUE, NORCO, CALIFORNIA, IS THE TIME AND PLACE FIXED BY THE CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION BY THOSE PROPERTY OWNERS AFFECTED HEREBY. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 10: The City Clerk is directed to publish this Resolution of Intention pursuant to Government Code Section 6061, said publication to be completed no later than ten days prior to the date set for the Public Hearing.

EFFECTIVE DATE

SECTION 11: This Resolution shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 12: For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

Mr. Dominic C. Milano, City Engineer
CITY OF NORCO
2870 Clark Avenue
Norco, California 92860

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72688

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING CITY'S INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT, AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING

WHEREAS, the City Council of the City of Norco, California, desires to form a Landscaping Maintenance District pursuant to the terms and provisions of the "Landscaping and Street Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 3 (CENTEX)

(hereinafter referred to as the "District"); and

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time there has been presented and approved this City Council, the Engineer's "Report" as required by law, and this City Council is desirous of proceeding with the proceedings for said annual levy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does resolve, determine, and order as follows:

SECTION 1: That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2: That the public interest and convenience requires, and it is the intention of this City Council, to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain improvements, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and herein so referenced and made a part hereof, and proposed changes thereto are set forth in the "Report" of the Engineer, incorporated herein as a part hereof.

REPORT

SECTION 3: That the "Report" of the Engineer regarding the annual levy for said District, which "Report" is for maintenance for the Fiscal Year 2009-2010 is hereby approved and is directed to be filed in the Office of the City Clerk.

ASSESSMENT

SECTION 4: That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said Engineer's "Report," and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvement as estimated in said "Report."

DESCRIPTION OF MAINTENANCE

SECTION 5: The assessments levied and collected shall be for the maintenance of certain landscaping and street lighting improvements, as set forth in the Engineer's "Report," referenced and so incorporated herein.

COUNTY AUDITOR

SECTION 6: The County Auditor shall enter on the County Assessment Roll the amount of the assessments, and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessments, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUND

SECTION 7: That all monies collected shall be deposited in a special fund known as:

**"SPECIAL FUND, CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 3 (CENTEX)"**

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement,

the City Council may transfer into said funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8: Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon a district, which district said City Council hereby declares to be the district benefited by said improvement said maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each and every parcel of land within the boundaries of said District, as said District is shown on a map as approved by this City Council and on file in the Office of the City Clerk, and so designated by the name of the District.

SECTION 9: NOTICE IS HEREBY GIVEN THAT ON JULY 15, 2009 AT THE HOUR OF 7 P.M., IN CITY COUNCIL CHAMBERS LOCATED AT 2870 CLARK AVENUE, NORCO, CALIFORNIA, IS THE TIME AND PLACE FIXED BY THE CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE, AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION BY THOSE PROPERTY OWNERS AFFECTED HEREBY. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 10: The City Clerk is directed to publish this Resolution of Intention pursuant to Government Code Section 6061, said publication to be completed no later than ten days prior to the date set for the Public Hearing.

EFFECTIVE DATE

SECTION 11: This Resolution shall take effect immediately upon its adoption.

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2870 Clark Avenue
Norco, California 92860

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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City of Norco, California

/dm-72689

RESOLUTION NO. 2009-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING CITY'S INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT, AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING

WHEREAS, the City Council of the City of Norco, California, desires to form a Landscaping Maintenance District pursuant to the terms and provisions of the "Landscaping and Street Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, known and designated as:

CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 4 (NORCO RIDGE RANCH)

(hereinafter referred to as the "District"); and

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

WHEREAS, at this time there has been presented and approved this City Council, the Engineer's "Report" as required by law, and this City Council is desirous of proceeding with the proceedings for said annual levy.

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PUBLIC INTEREST

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SPECIAL FUND

SECTION 7: That all monies collected shall be deposited in a special fund known as:

**"SPECIAL FUND, CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 4 (NORCO RIDGE RANCH)"**

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement,

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City of Norco, California

/dm-72690

RESOLUTION NO. 2009-___

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CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST)

(hereinafter referred to as the "District"); and

WHEREAS, at this time, this City Council is desirous to provide for the annual levy of assessments for the territory within the District for the next ensuing fiscal year, to provide for the costs and expenses necessary for continual maintenance of improvements within said District; and

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SPECIAL FUND

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**"SPECIAL FUND, CITY OF NORCO
LANDSCAPING MAINTENANCE DISTRICT NO. 5 (HAWK'S CREST)"**

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement,

the City Council may transfer into said funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

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Mr. Dominic C. Milano, City Engineer
CITY OF NORCO
2870 Clark Avenue
Norco, California 92860

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on June 3, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on June 3, 2009, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of Norco, California, held on June 3, 2009.

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

/dm-72691

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
PREPARED BY:	Andy Okoro, Deputy City Manager/Director of Finance
DATE:	May 20, 2009
SUBJECT:	Elimination of one (1) Fire Battalion Chief Position
RECOMMENDATION:	Approve Elimination of one (1) Fire Battalion Chief position.

SUMMARY: As a result of rapidly declining General Fund revenues, staff is recommending that the City Council approve the elimination by layoff of a Fire Battalion Chief position effective on June 3, 2009.

BACKGROUND/ANALYSIS: Prior to Fiscal Year 2005, the Norco Fire Department was staffed with one administrative Fire Battalion Chief. In Fiscal Year 2005, as part of an effort to enhance service and eliminate Battalion Chief on-call shift coverage contract payments to the City of Corona, the City funded two additional Fire Battalion Chief positions. Due to the current downturn in the economy and resulting rapid decline in General Fund revenues, it has become necessary to eliminate one (1) of the Fire Battalion Chief positions through a layoff.

The affected employee, the individual with the least seniority in the classification, was provided with a notice of the layoff on April 30, 2009. Pursuant to the provisions of the City's Personnel Rules and Regulations and the Memorandum of Understanding between the City and Norco Battalion Chiefs Association, the City Council is required to formally approve layoffs due to lack of funds.

FISCAL IMPACT: The recommended action will provide estimated cost savings of $218,000 including salaries, benefits and overtime compensation to the City's General Fund.

Agenda Item 5.H.

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Allred, City Manager

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

DATE: June 3, 2009

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

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

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

SUMMARY: The Planning Commission has denied a request by the operator of the Maverick Steakhouse to expand the service of food and alcohol onto an existing outside deck. Although the deck was constructed without building permits, it was later authorized to remain without having to obtain a building permit so long as the use remained for smoking only. The Planning Division, Building Division, Engineering Division, and the Sheriff's Department have each identified significant concerns and each recommended to the Planning Commission that the request be denied. The Planning Commission concurred with staff and voted unanimously to deny the request. The owner has appealed the denial to the City Council. The appeal hearing originally scheduled for March 18, 2009 was continued to June 3 at the request of the appellant (owner of Maverick's).

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

Annual status reports are required of the owner once a year per City Council Resolution No. 2007-64. The first report was due in October of 2008. Given that there had just been a status report prepared two months prior (August) of the same year, and given that the applicant had expressed interest in obtaining approval to use the existing outdoor deck for the service of food and alcohol, the Planning Commission agreed that both could be heard together. On February 11, 2009 the Planning Commission received and filed the updated status report with the next one now due in October 2009.

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

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

It has been over a year since the modification to CUP 2002-14 was approved and the applicant made a public request at a Planning Commission meeting that the Planning Commission schedule a hearing to consider approval of expanding the use of the outdoor deck to serve alcohol and food. Staff had asked for a written request from the owner but it was not submitted. A hearing was scheduled for February 11, 2009 at which the Planning Commission denied the request to expand the service of alcohol and food onto the outdoor deck.

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

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

The deck was first installed without obtaining approval from the City, and was cited as a violation of the conditional use permit since the approved project (CUP) did not include the deck (Exhibit "K" – Letter from James Daniels, dated March 16, 2006 [disk]). Subsequent discussions with the Community Development Department (Building and Planning Divisions) concluded with the determination that the deck did not require a building permit since it was less than 36 inches in height (only the stairs and handrails needed permits) (Exhibit "L" – Letter from Allen Brock, dated June 13, 2005). It was also determined that the owner could keep the deck but only if used for smoking as per the original agreement (Exhibit "M"– Letter from City Manager dated August 25, 2005 [disk]; Exhibit "N" – Minute Excerpt from July 2, 2007 [disk]). No additional parking was required since it was presumed that those using the smoking deck would already be customers and that no one would go to the business just to smoke. It was noted though that any proposed expansion of the eating and drinking sit-down area onto the deck would increase the capacity of the business and the need for additional parking.

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

There has been on-going concern by the Sheriff's Department that the level of security staffing has not been enough to stop the number of violent incidents that occur at this business along with the number of calls that require assistance from the Sheriff's and Fire Departments (ref. Exhibits "E" through "I" – Sheriff's Department Compliance Reports). The City received notice that the security staffing has recently changed and is now being provided by ITC Security International. The Sheriff's Department conducted a background check on the list of current guards provided by the owner and all of them resulted in "clear." However, it is too soon to know how this change might affect the number of violent incidences. Just recently an "assault with a deadly weapon" charge was made involving a customer of the business that began in the parking lot and ended in a nearby neighborhood (Exhibit "T" – May 17, 2009 Incident Description, Sheriff's Department).

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

With regard to parking, there is a lack of area on-site for the additional parking that is needed to expand the eating and drinking service area on to the deck. The business as it exists today was determined to require 37 parking spaces not including the deck (Exhibit "O"– CC Minutes, October 3, 2007). At the same meeting it was stated that if the deck were to be used for eating and drinking, more parking spaces would be required. Based on the site plan that was provided to the Planning Commission on April 30, 2008 (ref. Exhibit "J") the area of the deck is 931 square feet. The required parking for a restaurant use is one space per 100 square feet, so there would need to be an additional nine spaces for the expanded area.

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

> Section 18.38.04 Required Parking and Loading.
>
> "Any building or structure erected or located and any use of land established after the effective date of this ordinance or any subsequent amendments thereto, shall be required to provide off-street parking and loading facilities in accordance with the provisions of this chapter."
>
> Section 18.38.10 Parking Facilities Required for More Intensive Use.
>
> "When the intensity of use of any building, structure, and premises is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified in this part, the additional required parking and loading facilities for such increase shall be provided."

In its deliberations prior to the February 11, 2009 denial, the Planning Commission had already expressed concern about the use of this area for anything other than smoking (Exhibit "Q"– Excerpt PC Minutes, July 2, 2007 [disk]).

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

Planning Division:

1) The restaurant/bar building is a non-conforming building and as such any additions must meet the zoning regulations, which the deck does not. Based on this, a request to expand full bar/restaurant uses onto the deck in the setback area would not be allowed. The use for anything other than smoking should not be allowed

because of the non-conforming setback, encroachment onto the public right-of-way, and non-conforming building issues; and because of potential liability to the City.

2) The proposed expansion of the eating and drinking service area onto the deck requires additional parking that cannot be accommodated on-site which is a requirement of the Code.
3) The proposed expansion of food and alcohol would intensify the use of the structure with a greater and more standing occupancy and would not be allowed within the setback area regardless of whether the structure needs a building permit or not. The expanded service area is an expansion of the conditional use permit (the original reason that the construction of the deck was cited). Any modification or expansion of a CUP is subject to discretionary review, and approval or denial, by the Planning Commission. A variance for the reduced setback cannot be justified.

Building Division:

4) The deck proper was constructed without permits (stairway and rails had permits) from the City and without inspections from a Building Inspector. The City is unable to ensure that the structure is capable of supporting a more intensive use.

Engineering Division:

5) An analysis of existing conditions for the deck shows that it illegally encroaches into the public right-of-way along Sixth Street, which poses potential safety hazards to patrons, motorists, and pedestrians.
6) Chain-link fencing installed by Caltrans has been removed without authorization in the area where the deck is located. Approval from Caltrans or the City to remove the fence was not requested or obtained.

Sheriff's Department:

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

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

/sk-72660

Exhibit "A" – CC Resolution 2007-64 (disk)
Exhibit "B" – PC Staff Report, August 27, 2008 (disk)
Exhibit "C" – Caltrans Right-of-Way Map
Exhibit "D" – Aerial Photo Showing Existing Property Lines
Exhibit "E" – Memorandum from Ross Cooper, Lieutenant dated April 23, 2008 with Sheriff's Department Incident Report 7/01/07 to 3/31/08 (disk)
Exhibit "F" – Sheriff's Department Incident Report 1/27/07 to 6/22/07 (disk)
Exhibit "G" – Sheriff's Department Status of Compliance Report, August 21, 2008, with List of Violent Incidences Only (disk)
Exhibit "H" – Sheriff's Department Status of Compliance Report, January 8, 2009 (disk)
Exhibit "I" – Memorandum from Deputy Walls dated May 7, 2008 (disk)
Exhibit "J" – Approved Site Plan
Exhibit "K" – Letter from James Daniels dated March 16, 2006 (disk)
Exhibit "L" – Letter from Allen Brock, dated June 13, 2005 (disk)
Exhibit "M" – Letter from Jeff Allred dated August 25, 2005 (disk)
Exhibit "N" – Excerpt PC Minutes, July 2, 2007 (disk)
Exhibit "O" – CC Minutes, October 3, 2007 (disk)
Exhibit "P" – Excerpt PC Minutes, July 12, 2006 (disk)
Exhibit "Q" – Excerpt PC Minutes, July 2, 2007 (disk)
Exhibit "R" – PC Minutes, February 11, 2009 (disk)
Exhibit "S" – Site Plan Exhibit dated June 17, 2002 (disk)
Exhibit "T" – May 17, 2009 Incident Report, Sheriff's Department (disk)

RESOLUTION 2007-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S MODIFICATION OF CONDITIONAL USE PERMIT 2002-14 FOR THE ON-SITE SALE OF HARD LIQUOR AT THE RESTAURANT FOR THE MAVERICK BUSINESS OPERATION LOCATED AT 3841 OLD HAMNER AVENUE AND SETTING CONDITIONS OF APPROVAL FOR SAID MODIFICATION

WHEREAS, an application to the City of Norco, California, has been approved for Conditional Use Permit 2002-14 for the on-site sale of hard liquor at a restaurant referred to as Maverick Steakhouse, operated by Robbin Koziel under the provisions of the Norco Municipal Code, on property generally described as:

> That portion of the Southwest one-quarter of Section 6, Township 3 South, Range 6 West, San Bernardino Meridian in the City of Norco, County of Riverside, as per map recorded in Book 6, Page 70 of Maps, in the Office of the County Recorder of said County.
>
> More generally described as an irregular-shaped area of about 0.66 acres, having a frontage of about 97 feet on the east side of Hamner Avenue, and a maximum depth of about 200 feet, and being further described as 3841 Old Hamner Avenue.

WHEREAS, a compliance report was prepared by staff to the City of Norco Planning Commission at a meeting held on December 14, 2005 that identified various incidents and circumstances that constituted violations of the Conditional Use Permit, with the Planning Commission indicating there were adequate reasons to set a public hearing to consider the modification or revocation of the Conditional Use Permit; and

WHEREAS, the City of Norco sought voluntary cooperation to correct the problems at the business and to gain compliance with conditions of the Conditional Use Permit, and the Owner refused to comply with the requests, indicating that the problems and difficulties were untrue, false and unsubstantiated claims; and

WHEREAS, as a result, a public hearing was scheduled to consider modification or revocation of the Conditional Use Permit under which the business operated with notice of a public hearing to consider the modification or revocation given in the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on May 31, 2006, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, a public hearing was to be held to consider the revocation of the specific permits allowing the business operation was heard by the Planning Commission for the City of Norco; and

Exhibit "A"

WHEREAS, the legal counsel for the business owner requested the City continue the public hearing to July 12, 2006, where the hearing was again continued to July 26, 2006; and

WHEREAS, the legally advertised public hearing was held on July 26, 2006 and continued to August 28, September 12, and October 11, 2006 to allow consideration of all aspects of the City's evidence and facts relating to violation and noncompliance with conditions for approval of the business operation; and

WHEREAS, the hearings were continued for various reasons on October 25, November 7, and November 13, 2006; and

WHEREAS, in December 2006, the business owner and staff met in another attempt to resolve the differences and problems with the business operation and were able to reach a tentative agreement for conditions for the modification of the existing Conditional Use Permit, with staff directed to draft the tentative agreement; and

WHEREAS, over the next four months the business owner and staff met to finalize the tentative agreement and were unable to come to a final agreement satisfactory to both parties; and

WHEREAS, as a result of the business owner and staff not being able to reach a final agreement, staff recommended to the Planning Commission at its meeting of April 25, 2007 that the suspended public hearings be reconvened, but that the direction of the hearing be for modification of operating permits; and

WHEREAS, a reconvened public hearing was noticed, as required by law for June 14, 2007 to allow the Planning Commission to consider the necessary conditions under which the business would be allowed to operation: and

WHEREAS, the June 14, 2007 meeting was continued to June 27, 2007 to allow for clarification from staff regarding recommended conditions for the business operation, and then again to July 2, 2007; and

WHEREAS, staff was directed to prepare a resolution for the modification of the existing Conditional Use Permit, incorporating recommended conditions of approval to be considered at a legally advertised public hearing set for August 7, 2007;

WHEREAS, said Planning Commission adopted Planning Commission Resolution 2007-32, modifying Conditional Use Permit 2002-14 for reasons set forth in said Resolution; and

WHEREAS, said determination was appealed to the City Council, and the matter was scheduled for a public hearing on September 19, 2007; and

WHEREAS, notice of public hearing was given in the manner required by law; and

WHEREAS, at the time set at 7 p.m. on September 19, 2007 within the Council Chambers at 2820 Clark Avenue, Norco, California, said petition was continued to the regular meeting of October 3, 2007 to allow the City Council the opportunity to consider an appeal brief provided by the property owner's legal counsel; and

WHEREAS, at the continued hearing held on October 3, 2007, said City Council heard and considered evidence regarding the petition; and

WHEREAS, said City Council upheld the Planning Commission's modification of Conditional Use Permit 2002-14 and modified the conditions of approval listed in Planning Commission Resolution No. 2007-32; and

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

FINDINGS:

A. The business has been in operation for several years, starting as a restaurant serving beer and wine and approved in 2002 to operate as a restaurant with liquor sales.

B. There have been concerns and issues regarding the business operation being run in a manner detrimental to public health, safety, and welfare of the community, with several hearings to address lack of compliance with conditions of approval for the operation.

C. After several hearings, it was determined by the Planning Commission that the conditions of approval should be modified to allow the City and the business owner to have a precise and accurate understanding of what is allowed and expected with the operation of the business, and to ensure that the business will not adversely affect the adjoining land uses, and the growth and development of the area in which it is located.

D. It is anticipated that compliance with the proposed conditions for the modification of Conditional Use Permit 2002-14 that the business will be operated and used in a manner that is consistent or compatible with surrounding uses, and not have significant effects and impacts on the surrounding area, as well as the Community. The business, when operated in compliance with the

modified conditions of approval, will be complementary and compatible with surrounding properties now and in the future and therefore will not have an adverse effect on adjoining properties. It is also anticipated that compliance with modified conditions of approval will reduce calls for emergency and police service.

E. The business owner has been required to prepare plans, submit and obtain building permits for all illegal construction on the site, eliminating the potential for public health, safety and welfare issues and concerns. In addition to the preparation of building permit plans, the business owner will also be preparing a current site plan and floor plan, which will be used to determine and provide a certificate of occupancy for the facility.

F. The modified Conditional Use Permit provides conditions for new security measures, including licensed security guards and an improved surveillance system, assisting with reducing calls for emergency and police service, as well as monitoring activities at the business operation.

DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norco, California, in session assembled September 19, 2007, that Conditional Use Permit 2002-14 is modified, subject to the conditions provided in Section 18.45 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval shall be based on a current Site Plan of the property, along with an interior layout and floor plan of the business. These plans should be prepared by a professional to ensure accuracy and correct dimensions. This would include the location of all tables and booths used for the business. The submitted plans shall be subject to review and approval by the Planning Commission, and shall be incorporated herein by reference and on file with the Planning Division.

2. The use of the property should be conducted in accordance with the approved plans and conditions of approval for the modified CUP. The use of the property, along with a layout of all tables and booths as shown on the floor plan, shall be consistent with the approved plans. Any major changes to the site plan and layout of the business shall be approved by the City.

3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for review of the business operations and may

be cause for modification of the approvals granted or revocation of Conditional Use Permit 2002-14 as modified with Planning Commission Resolution 2007-32.

4. An application shall be submitted to the Building Division and the Planning Division, with all necessary documents and fees, for the issuance of necessary permits to legalize all installations, additions, improvements, modifications and alterations of the property. This requirement includes but is not limited to signs, the patio enclosure, etc. All submitted plans shall be prepared by a professional to ensure accuracy and correct dimensions, and shall be submitted within 90 days of approval of this resolution and construction (if necessary) commenced within 30 days of permit issuance. The City shall not unreasonably withhold approvals of said plans if they are submitted meeting all necessary codes.

5. The applicant shall provide a trash enclosure for one dumpster for the business operation to the satisfaction of the Planning and Building Divisions. The trash enclosure shall be designed per the City of Norco standard drawing specifications. Appropriate building permits shall be obtained from the Building Division prior to the construction of the trash enclosure, which shall be constructed within 30 days of the approval of this modified conditional use permit.

6. Within thirty (30) days of approval of the modified conditional use permit, an application should be submitted to the Building Division for the establishment of a new occupancy load and certificate of occupancy. At all times the occupancy of the business should be in accordance with the limits set by the Building Division and the limits of a Certificate of Occupancy. All uses and occupancies of the premises should comply with the maximum occupancy limits as established by the City based on the Planning Commission approved business layout and floor plan.

7. At all times that the business is open to the public, food and non-alcoholic beverages shall be available for sale and consumption.

8. No person under the age of 21 will be permitted to enter or remain at the premises after 10:00 p.m. with the exception of employees of the business operation who are working after 10:00 p.m.

9. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division prior to record purposes for approval of any grading and/or building permits.

10. The business operation shall have a valid City of Norco business license at all times in order for the modified conditional use permit to remain valid.

11. The business operation shall at all times be in substantial compliance with all provisions for licensing and certification from the Riverside County Health Department and Department of Alcoholic Beverage Control (ABC).

12. Any live entertainment shall be in compliance with all City entertainment, special event requirements and Entertainment Permit 2002-02.

13. The owner/operator of the business, regardless of any changes in ownership, shall provide a self audit of compliance with the conditions of approval to the Planning Commission on a form or in a manner determined by the Planning Division, and inclusive of the payment of any fees as may be set by the City Council. The report shall demonstrate that the project is in compliance with all the conditions of approval and shall be submitted for review no later than six months from the approval date of the modified conditional use permit, and then every year from date of approval thereafter.

14. Each year after the date of approval of this modified conditional use permit, a status report shall be provided to the Planning Commission identifying impacts or failure to comply with conditions of approval. The status report shall contain a police report regarding calls for service at the location during the prior twelve-month period. Nothing herein shall modify or limit the City's authority to regulate the business, modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety and welfare.

15. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 48 hours of notification.

16. Signs shall comply with all City of Norco sign ordinance requirements. No more than 33% of the total window area and clear doors shall bear advertising or signs of any type. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the right-of-way and entrance to the premises.

17. The exterior of the premises, including all parking areas under the control of the licensee, shall be illuminated during the hours of darkness the business is open at a minimum of one-half foot-candle of light at property line. If the existing lighting does not meet the minimum illumination, the applicant shall be required to provide a new plan for lighting the outside area along with a photometric plan

indicating illumination levels. If necessary, the lighting shall be installed prior to issuance of a certificate of occupancy.

18. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations, and orders of the State Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for further modification or revocation of the conditional use permit.

19. The licensee shall attend a "Licensee Education on Alcohol and Drugs" training session sponsored by the Alcoholic Beverage Control Department, and provide proof of attendance to the Planning Division.

20. Amplified music may be permitted but the sound emitted from the premises shall not be audible outside the walls of the business establishment.

21. Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be 18 years and older (per City Council, August 7, 2002).

22. The permittee, at his expense, shall provide California licensed, uniformed security guard(s) on the premises during such hours as indicated below. Security guards are to monitor the activities in the interior of the business, as well as patrol the exterior of the business and the parking lot. The business owner may provide security personnel in addition to the California licensed and uniformed security guards. The minimum number of California licensed security guards shall be as follows:

    Sunday through Thursday – one California licensed Security Guard from 7:00 pm to closing.

    Friday and Saturday – one California licensed Security Guard from 7:00 pm to 10:00 pm, and two California licensed Security Guards from 10:00 pm to closing.

23. Security cameras shall provide complete coverage capable of recording the entire interior, excluding the bathrooms and private office, and the entire exterior of the premises. Video coverage must include all premises entries, exits, kitchen, front and rear of the bar and all customer areas. Exterior video coverage must include complete coverage of all four sides of the property, the deck and both parking areas. The security plan for the placement, coverage and total number of cameras shall be prepared by the applicant by October 19, 2007 for review and approval by the Sheriff's Department. The security plan, as approved by the Sheriff's Department, shall be implemented and in place within 60 days of approval by the Sheriff's Department.

24. All security equipment shall be able to record reasonably sufficient quality images to enable law enforcement personnel to identify persons, and identify makes and models of vehicles. The security equipment must operate while the business is occupied, recording all activity at the premises, using video or digital memory to record the images. All recordings are to be maintained for a minimum 60 day period. Unedited recordings must immediately be provided to Sheriff's staff upon request to assist in official investigations.

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

26. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:

    A. Violated any rule, regulation or condition of approval adopted by the City Council relating to the conditional use permit; or

    B. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in creating an increased demand for public services.

###

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on October 3, 2007.

Mayor of the City of Norco, California

ATTEST:

Debra L. McNay, City Clerk
City of Norco, California

I, DEBRA L. McNAY, 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 October 3, 2007, by the following vote of the City Council:

AYES: SULLIVAN, HALL, AZEVEDO
NOES: CLARK, HIGGINS
ABSENT: NONE
ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on October 3, 2007.

Debra L. McNay, City Clerk
City of Norco, California

/dm-66639

CITY OF NORCO
STAFF REPORT

TO: Honorable Chairman and Members of the Planning Commission

FROM: Planning Department

PREPARED BY: Steve King, Planning Division Manager

DATE: August 27, 2008

SUBJECT: Compliance Report – Status of Compliance of Modified Conditional Use Permit 2002-14 (Maverick Steakhouse)

RECOMMENDATION: That the Planning Commission submit a recommendation to the City Council that a CUP modification/revocation hearing be conducted before a Hearing Officer.

SUMMARY: Thus far in 2008 there have been at least six reported incidents of violence that originated at the Maverick Steakhouse that resulted in injuries to members of the public requiring responses from public safety personnel. These incidents of violence have included a victim who sustained multiple stab wounds and two victims who sustained gunshot wounds. Based on this record and other reported violations of the conditional use permit, staff is recommending that the Planning Commission recommend that the City Council engage a hearing officer to conduct a conditional use permit modification/revocation hearing.

BACKGROUND/ANALYSIS: This is a report addressing the status of the owner's efforts thus far to comply with the conditions of modification for Conditional Use Permit 2002-14. A similar report was provided to the Planning Commission at its request on April 30, 2008, with the Commission continuing the period for compliance to May 28, 2008. On May 28, 2008 the status report was received and filed. Annual status reports are a requirement of Condition #14 of City Council Resolution No. 2007-64 (Exhibit "A"- City Council Resolution 2007-64). The first status report is not due until October 3, 2008 but this report is being brought forward because of on-going concerns over the operation of the business and the impact to public health and safety which is also part of Condition #14.

Each individual condition of the adopted Resolution 2007-64 is listed below along with the current status as understood by staff:

1. Approval shall be based on a current Site Plan of the property, along with an interior layout and floor plan of the business. These plans should be prepared by a professional to ensure accuracy and correct dimensions. This would include the location of all tables and booths used for the business. The submitted plans shall be

Exhibit "B"

subject to review and approval by the Planning Commission, and shall be incorporated herein by reference and on file with the Planning Division.

Compliance Status: May 28, 2008: A site plan was submitted on November 20, 2007 and the floor plan was submitted on April 16, 2008; **Update:** all the permits needed by the Building Division to bring the building into compliance with Codes and the Conditions of Approval have been finalled.

2. The use of the property should be conducted in accordance with the approved plans and conditions of approval for the modified CUP. The use of the property, along with a layout of all tables and booths as shown on the floor plan, shall be consistent with the approved plans. Any major changes to the site plan and layout of the business shall be approved by the City.

   Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review; **Update:** none.

3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for review of the business operations and may be cause for modification of the approvals granted or revocation of Conditional Use Permit 2002-14 as modified with Planning Commission Resolution 2007-32 *(now City Council Resolution No. 2008-64).*

   Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review; **Update:** all the permits needed by the Building Division to bring the building into compliance with Codes and the Conditions of Approval have been finalled.

4. An application shall be submitted to the Building Division and the Planning Division, with all necessary documents and fees, for the issuance of necessary permits to legalize all installations, additions, improvements, modifications and alterations of the property. This requirement includes but is not limited to signs, the patio enclosure, etc. All submitted plans shall be prepared by a professional to ensure accuracy and correct dimensions, and shall be submitted within 90 days of approval of this resolution and construction (if necessary) commenced within 30 days of permit issuance. The City shall not unreasonably withhold approvals of said plans if they are submitted meeting all necessary codes.

   Compliance Status: May 28, 2008: The property owner submitted required plans for the patio enclosure, roof structure, sign structures, exterior modifications, and interior modifications. Building permits were issued on February 28, 2008 for the required work. No permits were necessary for interior improvements including a

new poured concrete floor, plywood bathroom walls and some drywall repairs. The construction is complete with building finals given on May 14, 2008: **Update:** none.

5. The applicant shall provide a trash enclosure for one dumpster for the business operation to the satisfaction of the Planning and Building Divisions. The trash enclosure shall be designed per the City of Norco standard drawing specifications. Appropriate building permits shall be obtained from the Building Division prior to the construction of the trash enclosure, which shall be constructed within 30 days of the approval of this modified conditional use permit.

   Compliance Status: May 28, 2008: The required trash enclosure has been indicated on the submitted site plan, with the building permit for the enclosure issued on April 22, 2008; **Update:** Construction on the trash enclosure was finalled on May 22, 2008.

6. Within thirty (30) days of approval of the modified conditional use permit, an application should be submitted to the Building Division for the establishment of a new occupancy load and certificate of occupancy. At all times the occupancy of the business should be in accordance with the limits set by the Building Division and the limits of a Certificate of Occupancy. All uses and occupancies of the premises should comply with the maximum occupancy limits as established by the City based on the Planning Commission approved business layout and floor plan.

   Compliance Status: May 28, 2008: The floor plan with tables, booths and chairs was submitted on April 16, 2008. The Certificate of Occupancy was issued for the facility on May 19, 2008 and the occupancy was calculated at 284 persons; **Update:** none.

7. At all times that the business is open to the public, food and non-alcoholic beverages shall be available for sale and consumption.

   Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. Staff is not aware of violations of this condition; **Update:** none.

8. No person under the age of 21 will be permitted to enter or remain at the premises after 10:00 p.m. with the exception of employees of the business operation who are working after 10:00 p.m.

   Compliance Status: May 28, 2008 Compliance will be on-going and subject to periodic review. There was a report of a 16-year-old that was involved in fighting on the premises at 1:30 in the morning on August 5, 2007 (Exhibit "B" – Memorandum from Ross Cooper, Lieutenant dated April 23, 2008) that fled in a vehicle and was arrested off-site (this was not included with the May 28, 2008 report); **Update:** none, there have been no recent reports to the City of under-aged patrons on-site after 10:00 p.m.

9. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division prior to record purposes for approval of any grading and/or building permits.

   Compliance Status: May 28, 2008: Once all plans are approved, additional copies will be obtained from the applicant; **Update:** none.

10. The business operation shall have a valid City of Norco business license at all times in order for the modified conditional use permit to remain valid.

    Compliance Status: May 28, 2008: The last renewal for the Maverick was July 10, 2007, with a new license required at the end of the fiscal year; **Update:** the business license was renewed on July 30, 2008 with another renewal due at the end of the fiscal year.

11. The business operation shall at all times be in substantial compliance with all provisions for licensing and certification from the Riverside County Health Department and Department of Alcoholic Beverage Control (ABC).

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. The Department of Alcoholic beverage Control suspended the Maverick license to sell alcoholic beverages for a period of ten days, from January 31 to February 10, 2008. The license was revoked, with the revocation stayed for three years; **Update:** none.

12. Any live entertainment shall be in compliance with all City entertainment, special event requirements and Entertainment Permit 2002-02.

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review; **Update:** none.

13. The owner/operator of the business, regardless of any changes in ownership, shall provide a self audit of compliance with the conditions of approval to the Planning Commission on a form or in a manner determined by the Planning Division, and inclusive of the payment of any fees as may be set by the City Council. The report shall demonstrate that the project is in compliance with all the conditions of approval and shall be submitted for review no later than six months from the approval date of the modified conditional use permit, and then every year from date of approval thereafter.

    Compliance Status: May 28, 2008: A letter with was sent to Mr. Koziel on October 9, 2008 reminding him of compliance with the conditions of approval in Resolution

2007-64 that was attached. Mr. Koziel responded on November 20, 2007; **Update:** A letter listing the first ten conditions of approval in Resolution 2007-64 was sent to Mr. Koziel on April 17, 2008 and that was submitted with completion dates written on it by Mr. Koziel on May 27, 2008 which was distributed to the Planning Commission at the meeting of May 28, 2008 (Exhibit "F" – Compliance with Conditions, Self-Audit Requirement).

14. Each year after the date of approval of this modified conditional use permit, a status report shall be provided to the Planning Commission identifying impacts or failure to comply with conditions of approval. The status report shall contain a police report regarding calls for service at the location during the prior twelve-month period. Nothing herein shall modify or limit the City's authority to regulate the business, modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety and welfare.

    Compliance Status: May 28, 2008: No action was requested of the Planning Commission at the time of the May 28, 2008 staff report because staff was still trying to work with the owner to bring the operation into compliance with the conditions of approval. Exhibit "B" shows the number of police responses that occurred at Maverick's from July 1, 2007 through March 31, 2008. Exhibit "C" shows the number of responses between January 1, 2007 and June 30, 2007. Compliance will be on-going and subject to reports being provided in October of every year; **Update:** An incident report (for violent incidents only) from the Sheriff's Department for the time from April 1, 2008 to present (Exhibit "E" – Status of Compliance with CUP 2002-14) shows that there is continuing problems with acts of violence including attempted murders with victims shot, assaults, and fighting, with an on-going need for service calls to this business.

15. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 48 hours of notification.

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. No complaints or difficulties have been experienced by the City regarding this issue; **Update:** none.

16. Signs shall comply with all City of Norco sign ordinance requirements. No more than 33% of the total window area and clear doors shall bear advertising or signs of any type. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the right-of-way and entrance to the premises.

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. There have been no complaints or difficulties regarding this issue; **Update:** none.

17. The exterior of the premises, including all parking areas under the control of the licensee, shall be illuminated during the hours of darkness the business is open at a minimum of one-half foot-candle of light at property line. If the existing lighting does not meet the minimum illumination, the applicant shall be required to provide a new plan for lighting the outside area along with a photometric plan indicating illumination levels. If necessary, the lighting shall be installed prior to issuance of a certificate of occupancy.

    Compliance Status: May 28, 2008: The exterior lighting was examined on November 26, 2007 and determined to be adequate, meeting the established condition. On December 4, 2007 it was reported by the Sheriffs Department that two assaults had occurred in the north parking lot and that camera coverage was not adequate to cover that area; **Update:** The Sheriffs Department has worked with the owner to make changes and has stated in the most recent report (Exhibit "E") that the business is currently in compliance with the security camera coverage requirement.

18. The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations, and orders of the State Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for further modification or revocation of the conditional use permit.

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. The Department of Alcoholic beverage Control suspended the Maverick license to sell alcoholic beverages for a period of ten days, from January 31 to February 10, 2008. The license was revoked, with the revocation stayed for three years; **Update:** none.

19. The licensee shall attend a "Licensee Education on Alcohol and Drugs" training session sponsored by the Alcoholic Beverage Control Department, and provide proof of attendance to the Planning Division.

    Compliance Status: May 28, 2008: The property owner provided proof of attendance to the program, with the certification dated February 8, 2005; **Update:** none.

20. Amplified music may be permitted but the sound emitted from the premises shall not be audible outside the walls of the business establishment.

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. No complaints have been received by staff regarding excessive noise; **Update:** none.

21. Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be 18 years and older (per City Council, August 7, 2002).

    Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review; **Update:** none.

22. The permittee, at his expense, shall provide California licensed, uniformed security guard(s) on the premises during such hours as indicated below. Security guards are to monitor the activities in the interior of the business, as well as patrol the exterior of the business and the parking lot. The business owner may provide security personnel in addition to the California licensed and uniformed security guards. The minimum number of California licensed security guards shall be as follows:

    Sunday through Thursday – one California licensed Security Guard from 7:00 pm to closing.

    Friday and Saturday – one California licensed Security Guard from 7:00 pm to 10:00 pm, and two California licensed Security Guards from 10:00 pm to closing.

    Compliance Status: In the staff report provided to the Planning Commission on April 30, 2008, the Sheriff's Department stated they found three California licensed security guards who worked at the Maverick. The guards are Robbin Koziel (license #1513250), Donnie Gouthro (license #1266000), and Laura Dawson (license #1466677). Deputies conducted 21 security guard compliance checks and found the minimum number of required guards present 15 times (71.4 %). The four times guards were not present were on December 12, December 19, December 26, 2007 and January 3, 2008.The two times that only one guard was present when two were required was on March 30 and April 5, 2008. This was reported as a continuing problem in May 28, 2008; **Update:** The Sheriffs Department conducted 35 compliance checks between July 1, 2008 and August 15, 2008 and found the required number of security guards present 34 times (Exhibit "E").

23. Security cameras shall provide complete coverage capable of recording the entire interior, excluding the bathrooms and private office, and the entire exterior of the premises. Video coverage must include all premises entries, exits, kitchen, front and rear of the bar and all customer areas. Exterior video coverage must include complete coverage of all four sides of the property, the deck and both parking areas. The security plan for the placement, coverage and total number of cameras shall be prepared by the applicant by October 19, 2007 for review and approval by the Sheriff's Department. The security plan, as approved by the Sheriff's Department, shall be implemented and in place within 60 days of approval by the Sheriff's Department.

Compliance Status: May 28, 2008: The Sheriff's Department had stated that although there seemed to be compliance with the security camera requirement, this condition is not met because physical assaults which occurred in the north parking lot were not captured on video. A prior memorandum from Deputy Marker indicates the location of the 16 cameras. It was initially thought that this coverage would be sufficient; however, after two assaults occurred in the north parking lot it was found that the cameras did not include enough of the north parking lot to capture the assaults. It was determined that additional cameras for coverage of the north parking lot were needed. A further inspection which took place on May 6, 2008 showed that there were other areas on the exterior of the business that require better coverage.

The attached memorandum from Deputy Walls (ref. Exhibit "D" – Memorandum dated May 7, 2008) indicates where coverage is not adequate. The shaded areas on the sketch show the exterior areas that were not covered by the cameras as of May 6, 2008 when the system was inspected. As shown on this exhibit, camera coverage to the exterior of the business and parking lots is not adequate.

Camera coverage inside the building is adequate except lighting needs to be added in the rear hallway to the rear exit door to make the camera covering this area effective., except but coverage of the north parking lot is not adequate. **Update:** The Sheriffs Department worked with the owner to make changes and has found the business to currently be in compliance (Exhibit "E").

24. All security equipment shall be able to record reasonably sufficient quality images to enable law enforcement personnel to identify persons, and identify makes and models of vehicles. The security equipment must operate while the business is occupied, recording all activity at the premises, using video or digital memory to record the images. All recordings are to be maintained for a minimum 60 day period. Unedited recordings must immediately be provided to Sheriff's staff upon request to assist in official investigations.

    Compliance Status: May 28, 2008: The Sheriff's Department had indicated there was substantial compliance with the requirement to record sufficient quality images and to provide recordings to the Sheriff's Department upon request. However, as noted above, coverage of the exterior of the business was not sufficient at the time; **Update:** The Sheriffs Department has found the business to currently be in compliance.

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

Compliance Status: May 28, 2008: Compliance will be on-going and subject to periodic review. No use of the outside patio deck for eating, drinking or possession of alcoholic beverages has been reported to staff; **Update:** Staff has not been advised of violations of this condition.

26. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:

    A. Violated any rule, regulation or condition of approval adopted by the City Council relating to the conditional use permit; or

    B. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in creating an increased demand for public services.

    Compliance Status: The continuing concern is that the business is being operated out of compliance with the purpose and intent of Condition #14 which is to monitor the business and any impacts to public health and safety; with the primary concern being that the business is indeed being operated in a manner that is adverse to the public's health, safety and welfare due to the excessive number of service calls that are required at this location, and for the types of incidents that are occurring related to those calls.

CONCLUSION: Conditions #26 (above) and #3 (below) of Resolution 2007-04 state the reasons for which the approved conditional use permit may be modified revoked:

> 3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for review of the business operations and may be cause for modification of the approvals granted or revocation of Conditional Use Permit 2002-14 as modified with Planning Commission Resolution 2007-32 *(now City Council Resolution No. 2008-64)*.

Based on the concerns raised pursuant to Condition #14 and the impact of the project on the health, safety, and welfare of the Community it is being recommended that a request be made to the City Council for a Hearing Officer to conduct a modification/revocation hearing for Conditional Use Permit 2002-14.

Memorandum

To: Jim Daniels, Director of Community Development
From: Ross Cooper, Lieutenant
Re: Conditional Use Permit 2002-14
Date: April 23, 2008

This memorandum is written to address the status of compliance with Condition Numbers 14, 22, 23, 24, and 25 of Conditional Use Permit 2002-14 as modified by Resolution 2007-64.

The Department of Alcoholic Beverage Control suspended the Maverick's license to sell alcoholic beverages for a period of 10 days. The license was revoked, with the revocation stayed for three years. A copy of the Decision is attached. The ABC license was suspended from January 31 to February 10, 2008. We observed activity consistent with remodeling or reconstruction at the Maverick during this suspension.

Condition #14 – The attached memo from me dated June 27, 2007 includes 12 incidents requiring Sheriff's intervention from January 27, 2007 through June 22, 2007. The following is a list of some of the incidents related to the Maverick from July 1, 2007 through March 31, 2008. This list excludes false alarm calls, 911 calls where a problem or crime was not identified, and prior incident case follow-ups:

- 07/03/07 – 1901 hrs – Two customers reportedly stumble out of the Maverick and get into a pick-up truck in the parking lot. Deputies respond and arrest both suspects for public intoxication.
- 07/26/07 – 0926 hrs – Customer advised a portable GPS was stolen from his vehicle in the parking lot during the night of 07/23/07.
- 07/29/07 – 0210 hrs – A female reported a petty theft.
- 08/04/07 – 0133 hrs – A male who was arrested for DUI advised he had been drinking at the Maverick.
- 08/05/07 – 0132 hrs – Ten subjects reported fighting. Deputies arrive and arrest one subject who attempted to flee on foot, four others (including one 16-year-old minor) flee in a vehicle and are arrested at Hamner and Sixth Street.
- 08/09/07 – 0105 hrs – An intoxicated female called and reported suspects attempted to rape her at the Maverick and that she wants a ride home. Her allegation was not credible.
- 08/11/07 – 0211 hrs –A female reported that 12 suspects were fighting, that the owner pepper sprayed them and they left.
- 08/17/07 – 0126 hrs – A female who was arrested for DUI advised she had been drinking at the Maverick.
- 08/17/07 – 1448 hrs – An unknown suspect reportedly drove through parking lot recklessly causing damage to three vehicles in the parking lot.

EXHIBIT 'E'

- 08/19/07 – 0119 hrs – A male who was arrested for DUI advised he had been drinking at the Maverick.
- 08/21/07 – 1355 hrs – Hit and run traffic collision reported in the parking lot.
- 08/27/07 – 0124 hrs – A male who was arrested for DUI advised he had been drinking at the Maverick.
- 08/30/07 – 0225 hrs – Suspects who were located at Sierra and Third Street advised they were maced earlier in the evening by Mr. Koziel for fighting at the Maverick. A 19-year-old was arrested for public intoxication but transported to the hospital due to his extreme intoxication. His mother was arrested for DUI.
- 10/16/07 – 0211 hrs – A male suspect involved in a disturbance at the Maverick found his friend's vehicle damaged in the parking lot. The suspect was arrested for public intoxication.
- 10/26/07 – 0231 hrs – A female who was arrested for DUI advised she had been drinking at the Maverick.
- 11/06/07 – 2114 hrs – A male who was arrested for DUI advised he had been drinking at the Maverick.
- 11/06/07 – 2114 hrs – A female who was arrested for DUI advised she had been drinking at the Maverick.
- 11/16/07 – 1851 hrs – A male who was arrested for DUI advised he had been drinking at the Maverick.
- 01/01/08 – 0220 hrs – Four deputies responded to a report of 30 people in a physical fight, security pepper sprayed several subjects, medical attention was requested.
- 01/07/08 – 2210 hrs – A male who advised he had been drinking at the Maverick was arrested for DUI and a hit and run traffic collision.
- 01/12/08 – 1549 hrs – A man reported being assaulted inside the bar the prior night. Maverick staff did not report the incident but cooperated in the subsequent investigation.
- 02/11/08 – 0015 hrs - A male who was arrested for DUI advised he had been drinking at the Maverick.
- 02/21/08 – 0339 hrs – A male who was arrested for DUI advised he had been drinking at the Maverick.
- 03/01/08 – 0123 hrs – A male reported that someone brandished a handgun at him in the parking lot.
- 03/04/08 – 0200 hrs - A female was arrested for DUI after she was observed driving out of the Maverick parking lot.
- 03/22/08 – 0140 hrs – A deputy on routine patrol observed numerous subjects fighting in the parking lot. Fourteen additional deputies responded to assist. They found a customer stabbed in the back and arrested the suspect.
- 03/24/08 – 0140 hrs – A female was arrested for DUI after being seen exiting the Maverick parking lot at a high rate of speed.
- 03/28/08 – 0245 hrs – The driver of a vehicle seen exiting the Maverick parking lot was arrested for possession of 40 grams of marijuana.

- 03/31/08 – 0224 hrs – A male who was arrested for DUI advised he had just left the Maverick and was giving the bartender a ride.

Condition #22 – We have found three California licensed security guards who work at the Maverick. They are Robbin Koziel, license #1513250, Donnie Gouthro, license #1266000, and Laura Dawson, license #1466677. Deputies conducted 21 security guard compliance checks and found the minimum number of required guards present 15 times. The four times guards were not present were on December 12, December 19, December 26, 2007 and January 3, 2008; the two times that only one guard was present when two were required was on March 30 and April 5, 2008. The attached memo from Sgt. Vallejo dated April 23, 2008 describes these compliance checks.

Condition #23 – Although there is significant compliance with the security camera requirement, this condition is not met because physical assaults which occurred in the north parking lot were not captured on video. The attached memo from Deputy Marker dated December 4, 2007 shows the location of the 16 cameras. We initially thought that this coverage would be sufficient; however, after two assaults occurred in the north parking lot we found that the cameras did not include enough of the north parking lot to capture the assaults. Additional cameras are needed. Camera coverage inside the bar is adequate; however, coverage of the north parking lot is not adequate.

Condition #24 – There is substantial compliance with the requirement to record reasonably sufficient quality images and to provide recordings to Sheriff's staff upon request. However, as noted above, coverage of the north parking lot is not sufficient.

Condition #25 – We have not observed eating, drinking or possession of alcoholic beverages on the outside patio deck.

/rlf
c: Jeff Allred, City Manager
Lee Wagner, Captain, Jurupa Valley Station

attachments: Memorandum from ABC dated January 31, 2008 and attached
Certificate of Decision, Corrected Copy
Memorandum from Lt. Cooper dated June 27, 2007
Memorandum from Sgt. Vallejo dated April 23, 2008
Memorandum from Deputy Marker dated December 4, 2007

Memorandum

To: City of Norco Planning Commission
From: Lt. Ross Cooper
Re: The Maverick
Date: June 27, 2007

This memorandum is written to address the Commission's questions about security guards, video surveillance and use of the outside patio.

In a March 16, 2006 letter from the City to Mr. Koziel, he was advised that the Sheriff's Department, per Condition 16 of Resolution 2002-38, was requiring between one and four California-licensed, uniformed security guards during various times and days of the week (memo to City Prosecutor attached). Sheriff's staff conducted spot checks at the Maverick between March 28, 2006 and June 27, 2006 and found that this requirement was not complied with (69 times no security was present; eight times the security present consisted of a person wearing a t-shirt with the word "security" on it).

Excessive police responses continue to be a necessity. In just the last six months serious crimes continue to be linked to the Maverick including, but not limited to:

01/27/07 – 0035 hrs (Sat AM) Customer hit in head with beer bottle and has two teeth broken.
02/10/07 – 0600 hrs (Sat AM) Customer reports her vehicle is burglarized and a window is smashed in parking lot.
02/19/07 – 0841 hrs (Mon AM) Maverick manager reports grease needed for the health inspector was stolen.
02/23/07 – 0207 hrs (Fri AM) Deputies arrest a Maverick bartender on Hamner near Veterans Memorial Way for DUI and violation of probation. The suspect advised she had just gotten off work at the Maverick.
03/02/07 – 0330 hrs (Fri AM) During a vehicle stop away from the Maverick, deputies arrest a man who works "security" at the Maverick for possession of methamphetamine for sale, violation of parole and other crimes.
03/03/07 – 0136 hrs (Sat AM) Customer reports vehicle broken into in the parking lot.
03/23/07 – 0212 hrs (Fri AM) Customer reports all windows in his vehicle are broken out in the parking lot.
04/06/07 – 0245 hrs (Fri AM) Customer reports fight, male advised he was pepper sprayed, when Norco Fire arrived they advised of an additional fight breaking out.
06/17/07 – 0212 hrs (Sun AM) Three people reported fighting.
06/19/07 – 2311 hrs (Tues PM) Three subjects reported arguing with manager who has pepper spray.
06/20/07 – 0015 hrs (Wed AM) Major injury alcohol-involved traffic collision southbound Hamner at Fifth Street. Driver was seen at the Maverick prior to the collision.
06/22/07 – 0145 hrs (Thurs AM) Deputies arrest a man for DUI who advised he had been drinking at the Maverick.

EXHIBIT 'F'

This partial list of police incidents related to the Maverick indicates that the existing security is insufficient. Sheriff's staff recommend that the Maverick be required to provide California-licensed security guards and that any new resolution include a restatement of Condition 16 from Resolution 2002-38.

In April 2007 the City received a letter from Mr. Koziel alleging that although he did not personally witness it, a City Commission member committed robbery, kidnapping, assault, battery and spousal abuse inside the Maverick on October 8, 2006. Mr. Koziel wrote that the bartender did not have access to the phone to call 911 then. Video surveillance which he provided helped corroborate I-witness statements and the case was closed. However, Mr. Koziel advised that some of what he alleged happened was outside of the view of the video surveillance equipment. More extensive video surveillance would have captured the entire incident and California-licensed security guards, if they were present, could have prevented or at least witnessed the incident that did occur.

It is staff's recommendation that this business be required to install about nine interior video cameras and maintain recorded surveillance footage for at least 60 days of the entire interior of the business excluding the bathrooms. Video must include coverage of all entries, exits, kitchen, front and rear of the bar and all customer areas. At least six exterior cameras are necessary to cover the entire property outside of the building. All parking areas must also have recorded video footage which is maintained for at least 60 days. Unedited video recordings must immediately be presented to any Sheriff's deputy or officer upon demand. Interior video must be capable of distinguishing facial characteristics. Exterior video must be capable of recording pedestrians outside of the building and distinguishing makes and models of vehicles.

Sheriff's staff and City staff remain opposed to an expansion of the premises to include the patio (see attached letter). Staff recommends that the applicant be required to demonstrate compliance, for at least one year, with the existing conditions (or those as modified and adopted by the City) prior to Planning Commission consideration of expanding the current premises.

/rlf
attachments: March 6, 2006 Memo to City Prosecutor
February 9, 2006 letter to ABC

c: Jim Daniels, Director of Community Development

Memorandum

To: Steve King, Planning Division Manager
From: Ross Cooper, Lieutenant
Re: Status of Compliance with CUP 2002-14
Date: August 21, 2008

This memorandum is written at your request to address the status of compliance with Condition #14, 22, 23, 24 and 25 of Conditional Use Permit #2002-14 as modified by Resolution #2007-64.

Condition #14 – The list below includes only violent incidents reported (between May 1 and August 15, 2008) at the Maverick which required Sheriff's intervention:

- 05/04/08 – 2257 hrs – Attempted homicide. Numerous deputies responded to the Maverick where they found two victims who had been shot. Two suspects were subsequently arrested.
- 05/11/08 – 0038 hrs – A female advised a male was fighting with her and that he fled over the back fence.
- 06/03/08 – 2230 hrs – Assault and battery with great bodily injury. Several deputies responded to a reported fight and found that when a female customer left the Maverick she was followed by a male who beat her in the parking lot.
- 06/06/08 – 0031 hrs – A female reported that a male attempted to rape her at the Maverick and then recanted this allegation.
- 08/09/08 – 0209 hrs – Six deputies responded to a report of 20 subjects fighting in the parking lot and being pepper sprayed by security.

The current security staffing has not eliminated the violent incidents at the Maverick or the need for responses from the Sheriff's Department or Norco Fire Department.

Condition #22 – We have found two California licensed security guards currently working at the Maverick. They are Robbin Koziel, license #1513250, and Donnie Gouthro, license #1266000. Sheriff's staff conducted 35 compliance checks between July 1 and August 15, 2008 and found the required number of security guards present 34 times. On one occasion in July we found only one security guard present when two were required.

Condition #23 – The Maverick is currently in compliance with the security camera coverage requirement.

Condition #24 – The Maverick is currently in compliance with the requirement to record, maintain and provide to sheriff's staff when requested video or digital image recordings.

Condition #25 – We have not observed eating, drinking or possession of alcoholic beverages on the outside patio deck.

/rlf
c: Jeff Allred, City Manager
Lee Wagner, Captain, Jurupa Valley Station

EXHIBIT 'G'

Memorandum

To: Steve King, Planning Division Manager
From: Ross Cooper, Lieutenant
Re: January 8, 2009
Date: Status of compliance with CUP 2002-14

This memorandum is written at your request to address the status of compliance with condition #14, 22, 23, 24 and 25 of conditional Use Permit #2002-14 as modified by Resolution #2007-64, and to address Mr. Koziel's request to be permitted to serve food and alcoholic beverages outside of the building on the raised patio deck.

Condition #14 – The list below includes only violent incidents reported (between August 16, 2008 and January 1, 2009) at the Maverick which required Sheriff's Intervention.

- 09/26/08 - 0130 hrs – Disturbance. Three deputies responded to a report of six subjects fighting at the Maverick. The Maverick security guard advised that he was pushed but did not desire prosecution. G08270004.
- 10/07/08 – 0132 hrs – Vandalism. A deputy was flagged down by Maverick security who reported that a person threatened to shoot up the Maverick in retaliation for his car being vandalized. G08281002.
- 10/26/08 – 0125 hrs – Assault and battery. Deputies responded to the Maverick reference security calling reporting an injured female bleeding from the head. The female advised she was struck by a male. Deputies arrested the male. The female was treated by Norco Fire and then transported to the hospital by AMR. G08300007.
- 12/13/08 – 0223 hrs – Assault and battery. Deputies responded to a report of subjects fighting at the Maverick. During the investigation deputies were told: the fight had occurred outside of the bar, a security guard attempted to break up the fight by pepper spraying both subjects, the subjects continued to fight, the guard attempted to separate them but fell to the ground and reportedly suffered a broken arm. G08348007.
- 01/01/09 – 0134 hrs – Assault with deadly weapon. Deputies responded to the Maverick where they found one victim with severe facial injuries. The victim said he was inside the Maverick when he was struck in the head with a beer bottle. The victim was transported to the hospital. The suspect was arrested and booked for assault with a deadly weapon and possession of cocaine. G09001010.

The current security staffing has not eliminated the violent incidents at the Maverick or the need for responses from the Sheriff's Department or Norco Fire Department. In the three years and one month between December 4, 2005 and January 1, 2009, five people were shot, one person was stabbed and several people have been victims of felonious assaults at the Maverick. In order to protect the public, the Sheriff's Department recommends that the City consider amending this Conditional Use Permit to require significantly more, and more highly trained, security staffing or prohibiting the sale or consumption of alcoholic beverages after 10:00 pm.

EXHIBIT 'H'

Condition #22 - Sheriff's Staff conducted 27 spot checks at the Maverick for compliance with this Condition between August 16, 2008 and January 1, 2009. One time only one guard was present when two were required. On the other 26 checks the required minimum number of security guards were present. The security guard staffing required in this Condition was negotiated between the Planning Commission and Mr. Koziel. Mr. Koziel's security staffing has not prevented violent incidents.

Condition #23 – On November 20, 2008 Deputy Walls inspected the area of coverage provided by the security cameras. Deputy Walls noted that all of the interior and exterior cameras were operating and recording. Deputy Walls discovered a blind spot in the camera coverage area. This area encompasses the northwest corner of the business and continues north to the east side of the American Legion building. The blind area progresses east to the park and ride and then south back to the business. The blind spot lies between the coverage area of camera #2 and camera #13. This area has historically been the location where criminal incidents have occurred (including the shooting of the Norco Firefighter and a stabbing).

After reassessing the current video coverage I have concluded that, contrary to my opinion as stated in the August 21, 2008 memorandum (attached), the coverage is not adequate because crimes that occur in this area are not captured on video. Either a camera needs to be added to record this area, or the existing cameras need to be repositioned to eliminate this blind spot without creating other blind spots.

Condition #24 – The Maverick is currently in compliance with the requirement to record, maintain and provide to sheriff's staff when requested video or digital image recordings. A larger hard drive has been installed in order to accommodate the recordings.

Condition #25 – Eating, drinking or possession of alcoholic beverages on the outside patio deck has not been reported to us.

Sheriff staff remain opposed to permitting food or drinks to be served, consumed or possessed on the outside raised patio deck.

/rlf

RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

City of Norco

Memorandum

Stanley Sniff, Sheriff-Coroner

May 7, 2008

To: **L.T. Cooper**

From: Dep. Walls #2742

Re: **Mavericks Bar Security Cameras**

On March 03, 2008, I was assigned to an ongoing follow-up program in reference to Mavericks Bar, which is located at 3841 Old Hamner Ave., in the City of Norco. The business checks are to determine compliance in reference to security guards and security cameras at the business.

According to the Resolution 2007-64 for the Maverick Business located at 3841 Old Hamner Avenue in Norco, items #23 and #24 are to be resolved in regards to the security cameras coverage of the business.

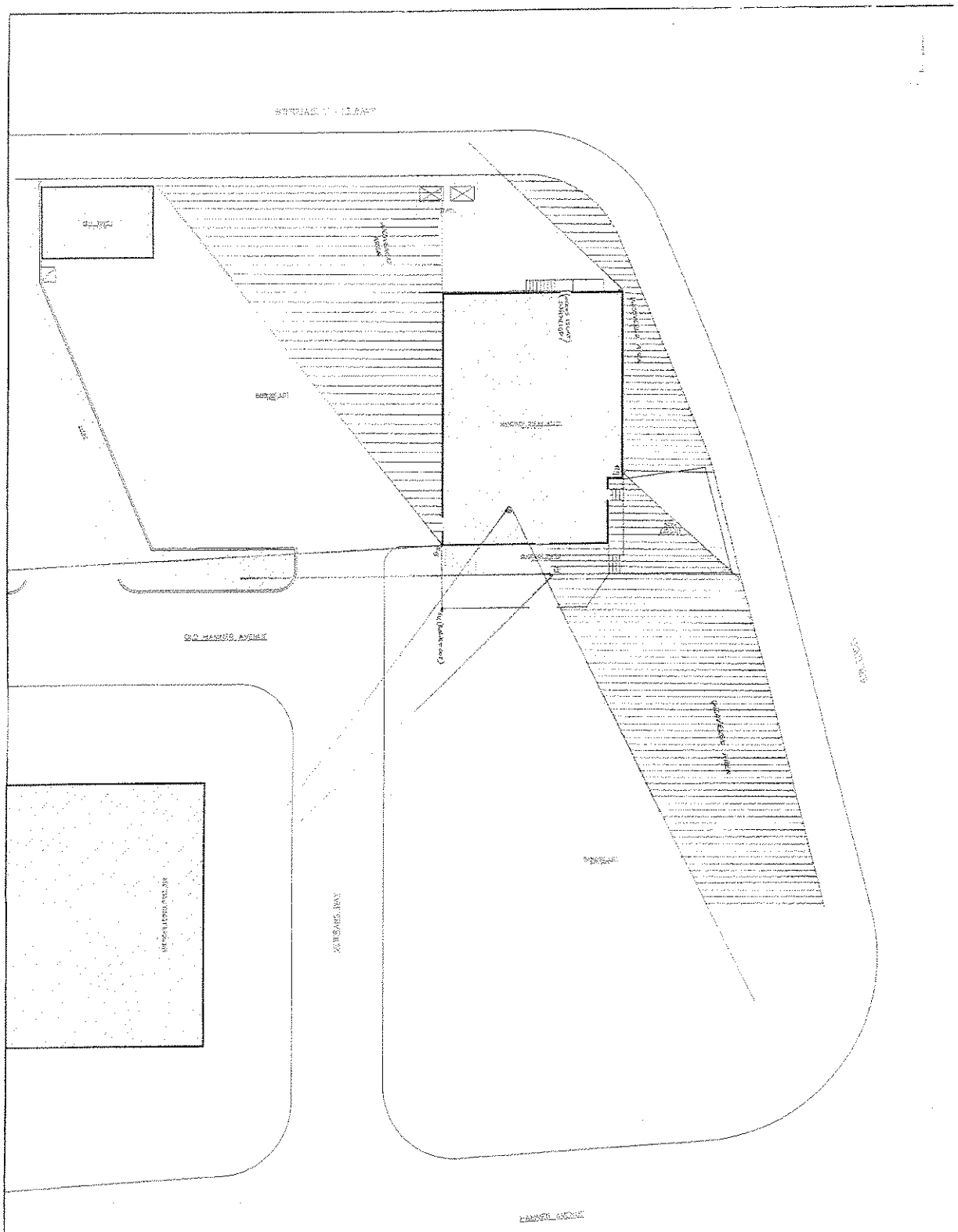
On May 06, 2008, I inspected the security cameras at the Maverick Bar with Rob Koziel. Upon inspection, all but one camera were operating, which was camera #2. Camera #2 was also identified as not operating in Dep. Marker's previous memo on December 04, 2007.

The one camera not operating was located on the flag pole at the front of the business and covered the front parking lot area. Several spots around the exterior area of the business were identified that have are not currently covered by the security cameras.

The areas around the exterior that are not presently covered are the northeast corner parking lot area, the southeast corner bordering Sixth St. between that corner and the patio, the area south of the front door between the front door and about half of the patio area, and the southwest area of the front parking lot.

On the night of the inspection, I spoke with Koziel about the blind areas around the business. Koziel said he wanted to adjust or move the existing cameras in an attempt to cover the blind areas around the exterior of the business. Koziel also said he recently ordered three additional cameras for the business.

Exhibit "I"



Attachment to Exhibit B

DRAWN BY: T.E.
DATE: 11-26-05

SITE PLAN

MAVERICK STEAK HOUSE
3841 OLD HAMNER AVENUE
NORCO, CA 92860

CITY of NORCO

CITY HALL • 2870 CLARK AVENUE • NORCO CA 92860 • (951) 735-3900 • FAX (951) 270-5622

March 16, 2006

Robbin Koziel, Owner
Maverick Steakhouse
3841 Old Hamner Avenue
Norco, CA 92860

Re: Compliance with Permits and Municipal Code
Maverick Steakhouse / 3841 Old Hamner Avenue, Norco

Dear Mr. Koziel:

As you know, a restaurant has been operated at your premises for several decades. In 1968 it was known as the "Red Barn." In 1978, and for many years thereafter, it was known as the "Country Junction Restaurant." In 1978, the Norco Planning Commission granted property owners Hart and Ciesla Conditional Use Permit No. 78-4 that authorized a "restaurant serving beer and wine on property located at 3841 Old Hamner." This permit remains in effect to the present time and it constitutes your authority to operate the Maverick Steakhouse at that location (hereafter the "Premises").

On June 14, 2002 you filed an application with the City of Norco (hereafter "City") for an additional conditional use permit in order to serve hard liquor at the Premises [in connection with an upgrade of your "Type 41" liquor license (authorizing sale of beer and wine only) to a "Type 47" license (authorizing the sale of distilled spirits) with the Department of Alcohol Beverage Control (hereafter the "ABC")]. The application stated: "Currently known as "Country Junction, new name to be Maverick Steak House." This document also recited that "dinner, breakfast and lunch" would occur in the newly re-named establishment. On November 6, 2002, you filed a commercial business license application with the City which states "Rest" as the business of the "Maverick Steakhouse" with a starting date of "11-1-02."

On July 10, 2002 the Norco Planning Commission granted you Conditional Use Permit No. 2002-14 (hereafter the "Permit") to "Allow The On-Site Sale Of Hard Liquor At An Existing Restaurant/Bar (Country Junction)", subject to several conditions which will be discussed more fully below. On August 7, 2002, the City Council concurred with the Planning Commission's action concerning the Permit, except amending condition 18, allowing employee 18 years and older to serve alcohol.

EXHIBIT K

CITY COUNCIL

KATHY AZEVEDO, Mayor | HARVEY SULLIVAN, Mayor Pro Tem | HAL CLARK, Council Member | FRANK HALL, Council Member | HERB HIGGINS, Council Member

Compliance with the terms of these conditional use permits is a prerequisite to your continued operation. The Community Development Department (hereafter the "Department") has received numerous reports from a number of public agencies or departments and the public detailing serious problems resulting from your operation of the Maverick Steakhouse. The incidents cited demonstrate a serious, pervasive and continuing negative impact on the residents of Norco.

In the past you have candidly acknowledged your awareness of these problems and the deviation from the approved use of the Premises as a restaurant. These include the following admissions on your part:

- The establishment is not usually open for business until 3:00 p.m. (An exception was made on December 4, 2005 for the Hessians Toy Drive when you opened at 10:00 a.m.)

- You remove a pool table and other furniture from the establishment for weekends to allow additional area for patrons.

After conducting a review of these reports and other complaints and an inspection of the Premises and business activities, and the conditional use permits referenced above, as well as the applications and documents you submitted to the City and to the ABC, the Department has made the following determinations:

1. Alteration of Approved Development

1.1 Development of the Premises was to occur in accordance with a site plan (hereafter referred to as the "Plan" – a copy of which is attached to this letter) as required by Condition No. 1 of the Permit, which states as follows:

"Approval is based on Exhibit "C," dated June 17, 2002 and incorporated herein by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions."

1.2 The Premises, prior to your recent alterations, contained dining tables, chairs and built-in booths (hereafter collectively "Booths") that were consistent with a restaurant as the principal use thereof.[1] Patrons were served beer and wine as an incidental use to the operation of a restaurant.

---

1 The Department had, in August 2002 for a City Council appeal hearing of the Permit, determined that: (i) approximately 28 tables were present in the "Dining Room" and in the "Patio Dining" area of the Premises; (ii) the bar area had room for six barstools; and, (iii) a pool table was present in the center of the restaurant.

1.3 Removal of the Booths from the "Dining Room" as depicted in the Plan constitutes an unauthorized change from the approved development in violation of Condition No. 1.

1.4 The area of the Premises in the Plan denoted by "Patio Dining" was originally a covered patio that was fully enclosed without all required technical code permits and approvals as required by the Norco Building Code. This unpermitted construction is a violation of Condition No. 3 of the Permit[2], which states as follows:

"The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit."

1.5 You have constructed an outdoor deck for use in your business operations. This is constitutes a violation of Condition No. 1 since it is not an approved development in the Plan.

2. Alteration of Approved Use

2.1 Condition No. 4 of the Permit states as follows:

"The subject use shall be conducted in accordance with the approved plans and conditions of approval, on file in the Norco Planning Department."

2.2 As previously indicated, the approved principal use of the Premises as a restaurant is reflected in the Plan. It is further confirmed by your conditional use application, a 2002 Norco business license application, as well as your 41 and 47 license applications to the ABC.

2.3 Removal of the Booths, and a resulting substantial increase in the allowable occupancy load (from 88 persons at the time Conditional Use Permit 2002-14 was issued to 251 persons[3] after removal of the Booths), is consistent with a change in the principal use from a restaurant to a bar. This change has been confirmed by

---

2 Condition No. 1 of Conditional Use Permit No. 78-4 was also violated in that you are required to "Comply with the City of Norco Municipal Code, all Ordinances and Regulations."

3 This number includes a load calculation for the unpermitted enclosed patio area.

CITY of NORCO

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June 13, 2005

Mr. Robbin Koziel
3841 Old Hamner Road Avenue
Norco, CA 92860

SUBJECT: The Maverick Saloon – Raised Deck
3841 Old Hamner Road

Dear Mr. Koziel:

This letter is to confirm our conversation regarding the permit requirements for a raised deck area at the Mavericks restaurant. As discussed, the deck itself is exempt from permits, however, it must be shown (with plans and details) how the deck meets accessibility requirements as well as exiting requirements of the 2001 California Building Code. Also, any other proposed structures, electrical or other utilities will most likely require the appropriate permit(s). In addition, other departments may need to review your plans for their specific requirements if necessary.

Should you have any questions regarding this matter please do not hesitate to contact me at (909) 270-5637.

Yours truly,

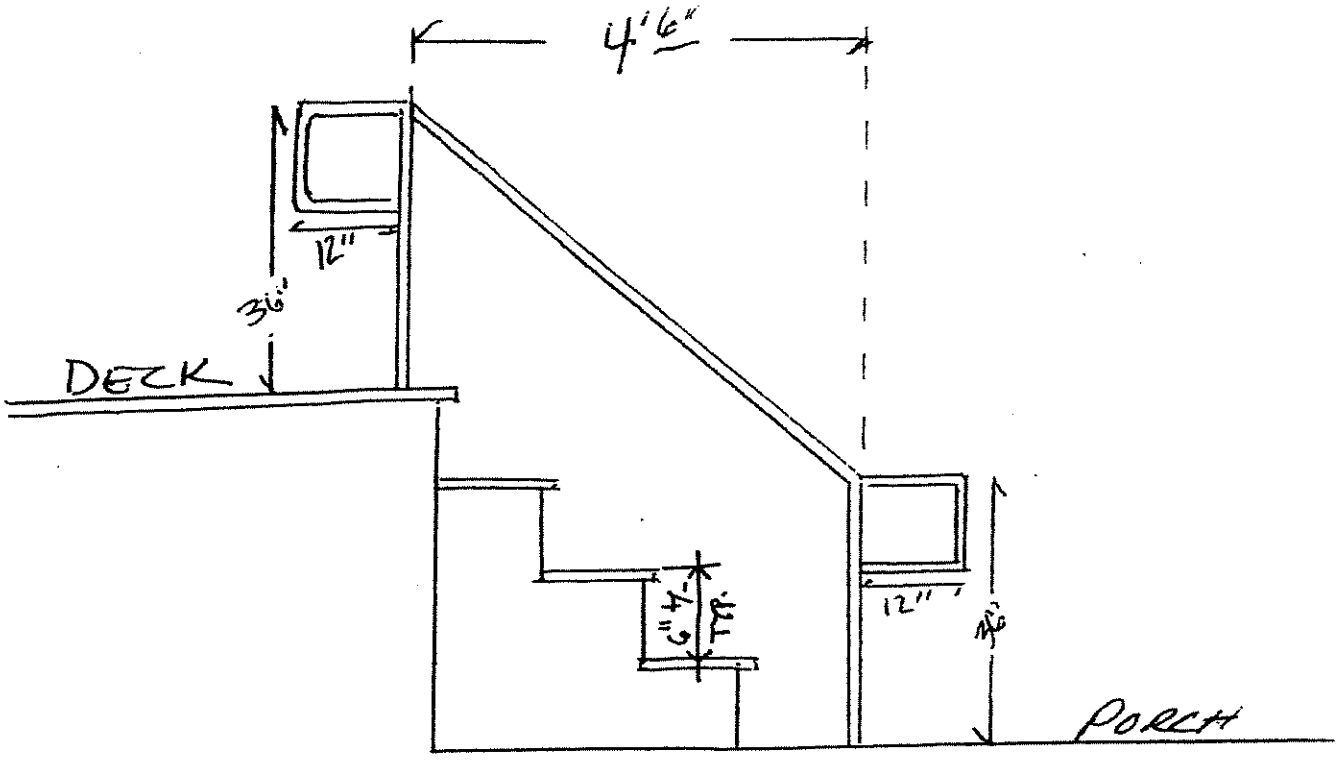
Allen D. Brock, CBO
Building Official

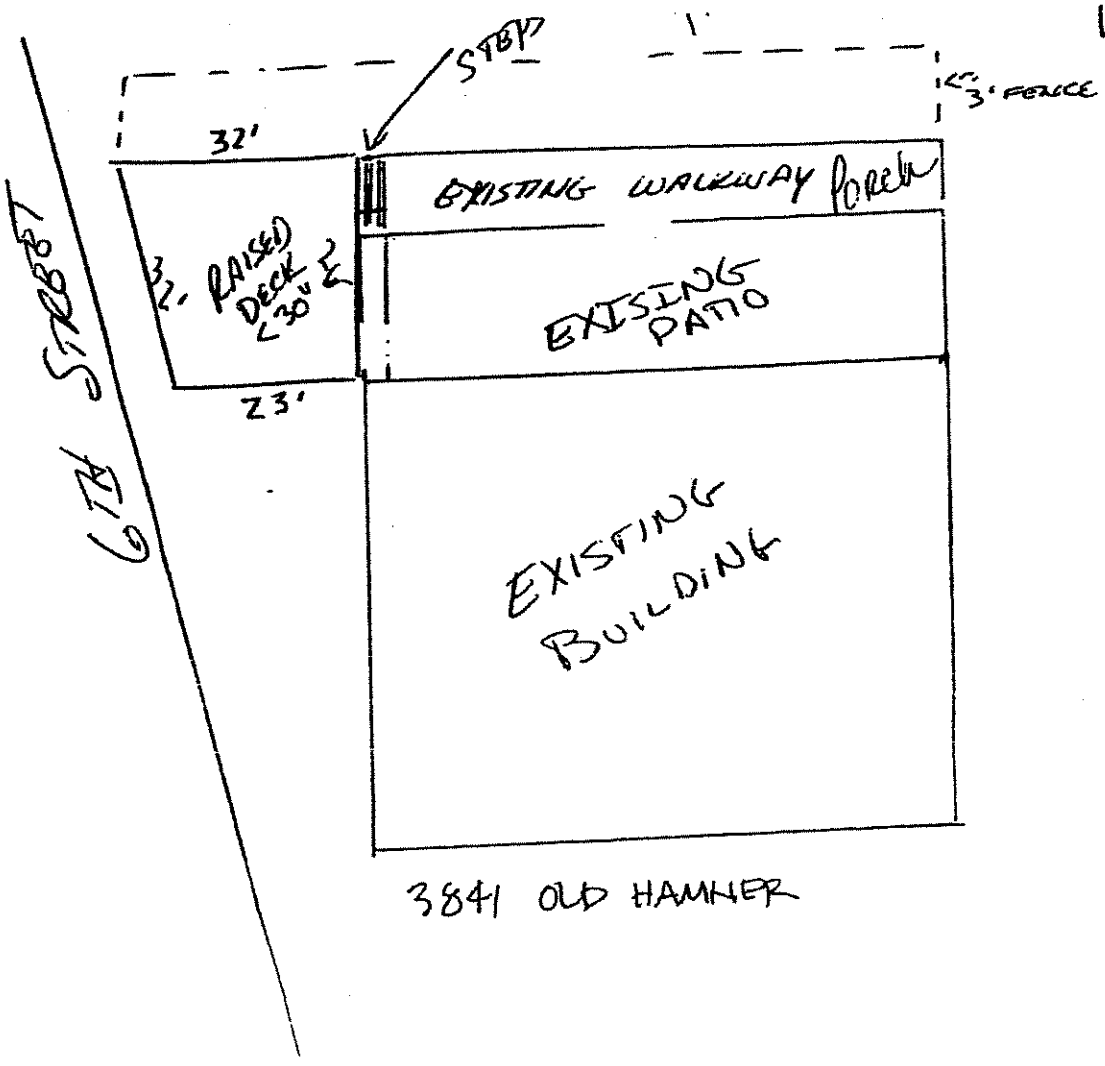
cc: Jack Frye, Fire Chief
James E. Daniels, Community Development Director
Jeff Allred, City Manager

EXHIBIT "L"

CITY COUNCIL

HERB HIGGINS, Mayor | KATHY AZEVEDO, Mayor Pro Tem | HAL CLARK, Council Member | FRANK HALL, Council Member | HARVEY SULLIVAN, Council Member





3841 OLD HAMNER

CITY OF NORCO
APPROVED
AUG 17, 05
Building & Safety
By
STAIR & RAILING ONLY

CITY of NORCO

CITY HALL • 2870 CLARK AVENUE • NORCO CA 92860 • (951) 735-3900 • FAX (951) 270-5622

August 25, 2005

Robbin Koziel
3841 Hamner Avenue
Norco, California 92860

Dear Mr. Koziel:

Re: Issues Related to Maverick

Thank you for taking the time to meet with Steve King, Chief Jack Frye, Lt. Ross Cooper and me regarding issues related to Maverick. As a result of the discussions, it appears that consensus has been received on the following issues:

1. Serving alcohol or food outside of Maverick, including on the outside detached deck, is not permitted by the existing CUP. Such outdoor service will require a CUP modification. With regard to this matter you stated that Maverick will not serve alcohol outside of the premises or on the detached deck until a CUP modification has been obtained.

2. With regard to the application for a dancing permit, you indicated that you would modify the requested hours for dancing to be consistent with the existing live entertainment permit for Maverick; those hours are 7 p.m. to 2 a.m. City staff members present stated that if this modification was made there would be no concerns raised regarding the hours requested on the dancing permit.

3. Chief Frye reviewed the procedures that the Fire Department intends to utilize for verification of occupancy at Maverick. Those procedures outlined by Chief Frye were agreeable to you.

Again, thank you for the opportunity to meet with City staff and discuss these matters. Should you have any questions or concerns regarding the above, please contact me.

Sincerely,

Jeff Allred
City Manager

The foregoing instrument is a correct copy
of the original on file in this office
ATTEST: February 5 2009
City Clerk of the City of Norco, California

/bj-57951
c: City Council
Lt. Ross Cooper
Chief Jack Frye
James Daniels
Steve King

CITY COUNCIL

HERB HIGGINS Mayor | KATHY AZEVEDO Mayor Pro Tem | HAL CLARK Council Member | FRANK HALL Council Member | HARVEY SULLIVAN Council Member

EXHIBIT "M"

operate continually or be updated to a motion-detected type, using video or digital memory to record the images. All recordings are to be stored and maintained for 60 days and provided to the City upon request.

Chair Newton opened the discussion on the open deck, emphasizing that anything about alcohol would be determined by ABC and not the Commission. Mr. Koziel said he originally built the deck for drinking and smoking to lighten the load inside the restaurant He was permitted for the staircase and handrail, but the deck itself did not need a permit as it was less than 30 inches off the ground, which DCD Daniels confirmed. The deck was allowed to go forward without a conditional use permit because of the smoking use, that it was not considered an expansion of use because people would not be going to the restaurant for the purpose of smoking. Mr. Koziel emphasized there are no lights out on the decking, all the action such as a band or karaoke, goes on inside, and that the area is basically for smoking. He has served food and alcohol outside, but the patio is not covered. He said there is really no incentive to go outside.

Chair Newton had a real concern with the safety issue about the deck being in the setback area and so close to the street; he did not want it open for any type of use. PC Mercer agreed and added that he was also concerned about the safety of people on the roadway. DCD Daniels explained that if the decking were to be used for drinking and eating, he would be expanding his business and would need to apply for a CUP, as he would then have the capacity to serve additional customers. That led to a discussion on occupancy rates, that it is the building official who sets it. Vice-Chair Wright and PC Harris agreed the occupancy limit allowed should be limited to the square-footage of the inside of the restaurant. PC Mercer suggested sticking with just smoking for now; once Mr. Koziel has shown he can comply with his conditions, that he could come back and modify the use. A straw vote resulted in the use of the patio being limited to smoking only, no food or drink. The following was drafted:

4. The outside open patio deck shall be an allowed area for smoking only (no eating or drinking).

DCD Daniels indicated that he would bring back all of the conditions for final approval at another meeting.

Mr. Koziel had two of his security guards in the audience, noting they commanded respect based on their sheer size. He showed the shirts they wear with "Security" printed on them and noted they carry no weapons. He rebutted some of the comments in Lt. Cooper's memo. The theft of used French fry oil was used to power vehicles using that for fuel and he did not feel that was specific to his business. The timing of one of the arrests of one of his employees was not possible, according to register close-out slips he had. He asked how he could be held responsible for damages to a car someone left in his parking lot overnight. He said anonymous calls have been made with deputies already at his business, who were surprised themselves that the calls came in.

EXHIBIT "N"

Council Member Azevedo indicated that she had spent countless hours on the Internet researching this matter. She noted that the Strategic Plan identifies the Council's desire for western-themed retail business on Sixth Street. Council Member Azevedo noted that she has heard from many residents opposing medical marijuana facilities and encouraged Mr. Anderson to speak with State and Federal representatives. She supported the extension of the moratorium.

Council Member Higgins noted that the justification of the moratorium was to allow time for further evaluation. He did not agree with the moratorium nor did he agree with the usage. However, the voters approved the matter and Council Member Higgins indicated the need to uphold this law.

M/S Hall/Azevedo to adopt Ordinance No. 882 extending the moratorium to November 3, 2007, motion was carried by the following roll call vote:

AYES: AZEVEDO, CLARK, HALL, SULLIVAN
NOES: HIGGINS
ABSENT: NONE
ABSTAIN: NONE

Recess:

Mayor Sullivan recessed the meeting at 8:20 p.m.

Reconvene:

Mayor Sullivan reconvened the meeting at 8:37 p.m. Public comments were heard at this time.

B. Appeal of the Planning Commission's Approval of Modifications to Conditional Use Permit 2002-14 (Maverick Steakhouse)

On August 7, 2007, the Planning Commission adopted Resolution No. 2007-32, which modifies the conditions for operation of the Maverick Steakhouse. The City Council has elected to review the action of the Planning Commission.

Recommended Action: That the City Council Adopt Resolution No. 2007-___, Concurring with the Planning Commission Action to Modify Conditional Use Permit 2002-14, Restating the Conditions Imposed by the Planning Commission, with the Exception of Condition No. 3 which is Recommended to be Eliminated. (Director of Community Development)

The Director of Community Development indicated that the Planning Commission considered a compliance status report on the Maverick Conditional Use Permit 2002-14

EXHIBIT "O"

on December 14, 2005 in accordance with conditions of approval. He indicated that the compliance status report identified various incidents and circumstances that constituted violations of the CUP and other established regulations. The Director indicated that the facility has gradually changed from the family restaurant as approved in 2002 to a bar. As a result, the Director noted that the Planning Commission directed staff to set a hearing to consider the modification or revocation of the Maverick business operation.

The Director noted that over the last year and nine months, hearings were held to determine if the CUP should be revoked or modified. The Director indicated that the Planning Commission used the conditions of approval for CUP 2002-14 as a "template" and stated that the Commission has adopted a resolution to mitigate concerns with the business operation, while providing a clear record of what is required and expected.

The Director addressed the hearings held by the Planning Commission to consider whether the permits under which the business operated should be modified or revoked. These hearings were held over several months, beginning in May 2006 and continuing to December 2006. The hearings were progressing slowly when in early December 2006, the business owner and staff met in an attempt to resolve the differences. As a result of those meetings, a tentative agreement was reached for modification of the CUP.

The Director indicated that the tentative agreement reached in December 2006 included an outline of operating conditions, intended to be a modification of the existing permits, stipulating the conditions under which the business would operate. The conditions attempted to make it clear and precise what the City required and established a record for the property owner of what was allowed. However, after several months of negotiations on the agreed upon draft conditions, it was apparent that the tentative agreement was no longer acceptable to Mr. Koziel and that the matter was not going to be resolved by agreement. The Director indicated that staff never received in writing from Mr. Koziel proposed changes to the draft conditions. Consequently, staff recommended that the suspended public hearings be reconvened, but that the direction of the hearing be for modification of operating permits as this process would mitigate past issues and concerns, and provide a precise understanding of what is allowed and not allowed.

The Director reported that the Planning Commission, with concurrence of the business owner, held public hearings on June 14, June 27, and July 2, 2007 to discuss the modification of CUP 2002-14. Both parties had agreed that hearings would occur without legal representation. At the hearings, Mr. Koziel was allowed to provide comments for every condition and agreed to the conditions as to form. Each condition was agreed upon by Mr. Koziel, with staff directed to draft the resolution for final assessment of the wording by the business owner and the Planning Commission.

However, the Director noted that on July 16, 2007, staff was informed by Mr. Koziel and his attorney that Mr. Koziel could no longer agree with 16 of the 29 draft conditions. He indicated that the Planning Commission formally considered the draft resolution with the

29 conditions on August 7, 2007, at which time several conditions were revised at the meeting by the Commission in response to concerns expressed by Mr. Koziel. At the conclusion of the August 7, 2007 meeting, the Planning Commission adopted Resolution No. 2007-32, modifying CUP 2002-14 to allow for the continued operation of the business.

Lastly, the Director noted that the matter was pulled for consideration by the City Council due to a concern with Condition No. 3, which requires a written evidence of agreement. As Mr. Koziel has stated that he does not agree with all of the conditions, it was felt that a written agreement would not be submitted. In closing, the Director noted that a Resolution has been prepared containing the same conditions as in Planning Commission Resolution No. 2007-32 except for Condition No. 3. He recommended that this Resolution be adopted. The Director noted that the City Council continued the September 19, 2007 hearing to October 3, 2007 to allow the City Attorney to respond to information provided to the City Council by the Maverick business owner's attorney on the day of the meeting. The City Attorney's responses are included in the staff report.

Mayor Sullivan opened the appeal hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak.

Mark Sabbah, Sabbah & Mackoul was present representing Mr. Koziel. Mr. Sabbah indicated that the law required that the City prove its allegations that the facility is a bar, that there are problems there, and that Mr. Koziel was not complying with the conditions of approval. He inquired if the Council had a complete record. In response, the City Attorney stated that the sole issue before the City Council is the appeal of the modified Conditional Use Permit. The proposed revocation, and any of the evidence submitted to the Planning Commission with regard to the revocation, was not before the City Council. The City Attorney noted that the Council would base its decision on the staff report, staff testimony, minutes from the Planning Commission hearing and evidence submitted on the behalf of Mr. Koziel. Discussion was held.

In response to Mr. Sabbah, the City Attorney confirmed that the City Council had seen the brief prepared by Mr. Sabbah.

Mr. Sabbah presented background information on the approval of the Conditional Use Permit (CUP) for the Maverick Steakhouse and the modification of the Conditional Use Permit in 2002. He stated that at the time, Mr. Koziel could operate a business which sold beer and wine without a CUP. Mr. Koziel was required to operate the business in conformance with only the conditions of approval. In 2005, Mr. Koziel obtained a dance permit and according to the Municipal Code, before issuing the permit the Fire Chief must evaluate whether or not the operation is a nuisance and how the business would affect the area. From 2001 to 2005, Mr. Sabbah indicated that the business ran smoothly and without incident. In 2005, he stated that there was an unfortunate incident regarding a toy drive and the City decided to start revocation proceedings.

Mr. Sabbah reported that in March, 2006 the City Manager sent a letter to Mr. Koziel making a list of demands. He addressed the demands and indicated a response to each of them. No attempt at that time was made to work with Mr. Koziel to address the situation. In response, the City Attorney inquired if any of the demands were listed in the proposed conditions of approval of the modified CUP. He stressed that the City Council is solely considering the appeal of the modified CUP. Discussion was held with Mr. Sabbah stressing that the evidence does not support the necessity for the conditions of the modified CUP. In response, the City Attorney suggested that the conditions be discussed one at a time so that a full understanding can be reached on each condition.

Mr. Sabbah addressed the proposed conditions of approval of the modified CUP, as follows:

Condition #1: Mr. Sabbah indicated that Mr. Koziel did not violate the conditions of his CUP. He stated that the Council was basing their decision on an erroneous staff report, which he wished to address. Also, Mr. Sabbah disagreed with the fact that the City abandoned the revocation proceedings. In response, the City Attorney noted that Mr. Koziel is entitled to a hearing on the modification of the CUP, which was provided at the Planning Commission level and tonight at the City Council meeting. He encouraged Mr. Sabbah to address the proposed conditions.

Mr. Sabbah addressed the proposed conditions of approval of the modified CUP, as follows:

Condition #1: Mr. Sabbah did not believe that the City had established the need to require another site plan.

Condition #2: Mr. Sabbah indicated that it was unreasonable for the City to dictate the design of the furniture. In response, the City Attorney indicated that there was no provision for the City's approval of the initial submittal. Mr. Sabbah noted that the last line states that the City would need to approve changes to the site plan and business layout.

Condition #3: Mr. Sabbah indicated that this condition is acceptable.

Condition #4: Mr. Sabbah noted that a permit is not necessary for the outside deck. After discussion, the Director of Community Development confirmed that a permit was not needed.

Condition #5: Mr. Sabbah indicated that there was not a need for a dumpster. In response, the Director of Community Development stated that this condition was added as a result of Mr. Koziel agreeing to the condition.

Condition #6: Mr. Sabbah stated that this structure never had a certificate of occupancy, which the Municipal Code states must be obtained at the time of construction or major

alteration. In response, the City Attorney indicated that the issuance of a certificate of occupancy was a ministerial act, which the City is obligated to provide.

Condition #7: Mr. Sabbah indicated that this condition restates the requirements of the ABC permit.

Condition #8: Mr. Sabbah indicated that this condition is not proper as no nexus has been shown between the age of patrons and a problem and there is no evidence requiring this condition. Council Member Azevedo indicated that Saddle Sore Saloon has posted their door that no person under the age of 21 was permitted after 9:00 p.m. She inquired if the City had required this condition.

Condition #10: Mr. Sabbah noted that the original CUP had listed this condition.

Condition #11: Mr. Sabbah stated that this condition restates the ABC permit.

Condition #13: Mr. Sabbah objected to this condition. He noted that the City had not demonstrated the need for this condition, there has been no evidence and no hearing.

Condition #15: Mr. Sabbah noted that the original CUP had listed this condition.

Condition #17: Mr. Sabbah indicated that there is no evidence that there is bad lighting at this business. He stated that the Director of Community Development had signed off on the lighting when the 2002 CUP was obtained.

Conditions #18 – #21: Mr. Sabbah noted that the original CUP had listed these conditions.

Condition #22: Mr. Sabbah stated that the evidence submitted on this condition has found that the provision of security guards is not helpful. He stated that the Planning Commission had concurred on June 14, 2007 that this is not a good condition. Mr. Sabbah noted that the condition is burdensome and stated that there was not a need for it.

Mr. Sabbah indicated that there was a liability issue with patrolling the adjacent Park and Ride facility. Mr. Koziel has agreed to submit names of security guards to the Sheriff's Department; however, he was opposed to providing California licensed, uniformed security guards. Mr. Sabbah noted that there is no evidence that this type of training is needed and stated that the times the security is to be provided is also in contention. He indicated that the Planning Commission modified the condition to eliminate having the guards at the premises from 7 – 10 p.m. and indicated that the Resolution should be corrected to state from 10 p.m. to closing. Mr. Sabbah indicated that there was no need for security on Wednesday.

Condition #23: Mr. Sabbah indicated that the City did not prove the need for this condition and stated that no nexus exists between a problem and this burden. He noted that this imposes an unfair cost on Mr. Koziel.

For the record, the City Attorney indicated that the Park and Ride lot is not intended to be included in this condition.

Condition #25: Mr. Sabbah noted that the City had initially permitted eating on the outside patio deck. Mr. Koziel had agreed to a new site plan in order to include the patio area. He noted that the City should have informed Mr. Koziel in 2005 if there was an objection to eating in this location. Mr. Sabbah stated that there is no evidence that a violation occurred, no evidence that there is harm from using the patio deck. He noted that other locations in the City are using outside patio areas.

Condition #26: Mr. Sabbah noted that the original CUP had listed this condition.

Recess:

Mayor Sullivan recessed the meeting at 10:02 p.m.

Reconvene:

Mayor Sullivan reconvened the meeting at 10:15 p.m.

Condition #13: Mr. Sabbah indicated that the last section is objectionable and indicated that the language is vague regarding the responsibilities for staff and attorney fees. The City Attorney indicated that the condition was probably unnecessary as this provision is contained in the Municipal Code.

Rob Koziel, 4001 Hillside, indicated that staff is not providing true information and noted that the staff report indicates that there were two wet T-shirt contests on two different dates. The staff report indicates that the shooter came from his place. Mr. Koziel requested that the CUP be left alone and that the Council look at it in six months. He stressed that the calls for service went down to 0 calls in 2006. He stated that he would get all necessary permits and pointed out that the Planning Commission had initially agreed to allow him to use the outside deck.

Richard Hallam, 4301 Temescal, urged the Council to settle the matter as enough City time had been spent.

Lois Loock, indicated that she was a prior owner of the facility. At the time, she was forced to have a dumpster, to take out the asphalt in front of her building and to lease the Park and Ride lot. Mrs. Loock was required to put in landscaping, trees and curbs and she complied. She pointed out that the conditions of approval are less than the regulations normally applied to new buildings. Minors are purchasing beer at this bar.

In response to the City Attorney, the Director of Community Development provided a response to Mr. Sabbah's statements on the proposed conditions of approval for the modified CUP, as follows:

Conditions #1 - #2: The Director of Community Development indicated that the purpose of this condition is to document the interior layout and flood plan. There has been a drastic change in the floor plan since the CUP was initially approved.

Condition #5: The Director indicated that the Planning Commission felt that a trash enclosure was necessary to the operation. He stated that Mr. Koziel had agreed to this condition and did not disagree that other businesses may not have one.

Condition #6: The Director indicated that this is a ministerial action by the City. He pointed out that the Building Department determines occupancy, not the Fire Department.

Condition #8: The Director stated that the Planning Commission was trying to address the fact that food is not primarily being served after 10 p.m.

Condition #13: The City Attorney commented that it would be appropriate to remove the last sentence.

Condition #17: The Director stated that he had signed off on the lighting plan in 2002. However, he noted reports that lights are no longer working and that the facility is not adequately lit. He stated that staff intends to go to the facility with the City's light reader and if there was not adequate lighting, Mr. Koziel would need to provide a new plan for lighting. In response, the City Attorney indicated that theoretically, all Mr. Koziel would need to do is replace a few light bulbs.

Condition #22: The Director noted the issue is between having California licensed security guards versus security personnel approved by the Sheriff's Department. He stressed that the condition listed in the Resolution is exactly as stated in the Planning Commission minutes. Lt. Cooper indicated that the taxpayers should not be required to pay for the background checks or for the training. The City Attorney noted the need to remove the reference to the Park and Ride facility.

Condition #23: The City Attorney indicated that the Park and Ride lot is not intended to be included in this condition.

Condition #25: The Director stated that Mr. Koziel had initially indicated that the patio was for smoking. If he had stated that it was for eating or drinking, staff would have informed him that a modification to the CUP was needed. In response, the City Attorney noted that the Council is considering modifying the CUP. The Director noted that the Planning Commission did not feel that modifying the CUP to allow eating and drinking on the outside patio was appropriate.

In response to Council Member Higgins, the Director noted that ABC would not license the use if the City did not allow it. In response to the City Attorney, Lt. Cooper stated the concern with the outside deck being too close to the roadway. It was also noted that if eating/drinking were allowed, it would be an expansion to the existing business and would change the occupancy.

Mayor Sullivan closed the appeal hearing.

The City Manager noted three proposed changes to the draft Resolution: On Condition #4, strike "outside deck", remove the last sentence on Condition #13 and remove the reference to the Park and Ride lot on Condition #22. In response, Council Member Higgins that he would also like to strike Condition #5 and modify Condition #25 to allow Mr. Koziel to use the outside patio deck .

Council Member Clark disagreed with the use of the patio deck for eating and drinking but did not have a problem with removing Condition #5. He indicating that smoking could be allowed on the patio.

In response to Mayor Pro Tem Hall, discussion was held regarding the parking requirements. The Director indicated that if the deck were used for eating and drinking, additional parking would be required. The Director believed currently that Mr. Koziel was required to have 37 parking spaces. New buildings are required to have paved parking lots, but this requirement was not placed on Mr. Koziel as this is an existing business. It was noted that the number of parking spaces is contingent on the size of the building, not the occupancy load.

In response to Mayor Pro Tem Hall, the Director addressed the increase in occupancy from 49 (in 2002) to 251. The Director noted that there has been a substantial change in the layout of the building, thus the need for a floor plan.

The Director indicated that staff has identified five other businesses which have unapproved outdoor seating. Staff is working with these businesses to remedy the situation.

In response to Council Member Azevedo, Lt. Cooper indicated that the Sheriff's Department had recommended twice the number of security guards than what the Planning Commission had eventually conditioned. Council Member Azevedo expressed a concern with the monitoring of the Park and Ride lot and the City Attorney indicated that Mr. Koziel did not have the legal ability to patrol in that area.

In response to Mayor Sullivan, Condition #5 was discussed. The Director was not aware of a restaurant in the City that did not have a trash enclosure. Council Member Azevedo indicated that the condition should remain in place and inquired on the presence of trash currently. In response, the Director stated that Mr. Koziel does a good job of removing trash currently. Council Member Higgins noted that a trash enclosure was not

recently required of a used car dealership and noted that the conditions need to be uniformly applied.

M/S Clark/Azevedo to adopt Resolution No. 2007-64, modifying CUP 2002-14 subject to the conditions of approval in the Resolution as amended to remove reference to the outside deck in Condition #4, the last sentence in Condition #13 (owner/operator being responsible for all staff and attorney fees...), and the reference to the Park and Ride lot in Condition #22, motion was carried by the following roll call vote:

AYES: AZEVEDO, CLARK, HALL, SULLIVAN
NOES: HIGGINS
ABSENT: NONE
ABSTAIN: NONE

Council Member Higgins noted that he would have supported the motion if it had included eliminating Condition #5.

13. DISCUSSION OF REMOVED CONSENT CALENDAR ITEMS.

No items were removed for discussion.

14. PUBLIC COMMENTS OR QUESTIONS

Patricia Overstreet, 1231 Corona, read a letter from Kris Brooks regarding the upcoming multi-use trail project being implemented at Hidden Valley Park. Mr. Brooks' letter stated that he had spoken with Ranger John Vint, who had indicated that the project was part of the Coast to Crest Trail project and that grant funds are currently available. Funding expires after the first of the year. Mr. Brooks wondered if something needed to be done now and asked for information on the matter.

Lois Loock, noted that Norco Firefighter's Association has put up signs around town which do not identify the Association. The Association has indicated that only three Council candidates were fiscally responsible and she disagreed with this assessment. She stated for the record that this is was an unethical and unfair situation and furnished the Council with information regarding the Norco Firefighter's Association and newspaper articles on the 1997 Council candidates and a bulk mailer endorsement that arrived the day of Bill Vaughan's funeral.

Glenn Hedges, 4061 Temescal, President of Norco Horsemen's Association, indicated a rumor that a Council Member had sent a letter to the City Manager in which NHA was mentioned. For the record, Mr. Hedges indicated that NHA was a non-political group and do not endorse this letter. Individual members may have commented but they do not represent NHA in any way.

(3) The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area.

(4) The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.

In addition, the City may, due to continuing difficulties and concerns, review the conditions of approval and the operation of the business for which a conditional use permit was issued. Concerns in any of these areas of consideration may be cause to have a public hearing convened to determine if the CUP should be modified or revoked by the Planning Commission upon finding any one of the following to be true:

- That the use is detrimental to the public health, safety, welfare and public convenience or is a public nuisance.
- That the permit was obtained by fraud.
- That the use is being conducted in violation of the terms and conditions of the permit.
- That the use for which the permit was granted has ceased or has been suspended for one year or more.

The business operation at the Maverick continues to a detriment to public health, safety, and welfare of the community. The business has created circumstances, and conditions that have resulted in significant responses by the Fire Department and Sheriff's Department; the nature of the business has been modified to attract certain undesirable patrons, e.g. motorcycle gangs with a history of violence and unlawful activities. This has been shown by the continued involvement by staff "after-the-fact" for events such as the wet tee-shirt contest, the lingerie shows, dances, and the motorcycle gang toy drive.

In addition, as documented in the attached exhibits from the Sheriff's and Fire Department, there has been a significant number of incidents in the last 12 month time period. Based on the significant resources required of the Sheriff and Fire Departments to respond to incidents, the business operation is determined to be detrimental to public health, safety, and welfare.

In addition, the business has expanded its activities and facilities without first ascertaining if such expansion can be allowed, and/or what improvements need to be made or process to be followed accommodate such expansion. The business operations have been expanded to the point that adjacent parking facilities (Park and Ride lot) are being used, creating associated problems for adjacent uses and the

EXHIBIT "P"

Sheriff's Department. The business has been expanded incrementally over the years, generally without permits, first by the construction of outdoor patios and then the later enclosure of the patios converting them into interior areas. This is been done without necessary parking, lighting and other requirements of the City's Municipal Code. Since expansions have occurred without City review, there is no current status of the building in terms of building safety requirements and compliance with the American Disabilities Act.

The business operates in a manner that is inconsistent with the approved Conditional Use Permits and Entertainment Permit, it has had a significant impact on surrounding land uses and immediate area, and continues to be conducted in a manner contrary to public health, safety, and welfare that that has resulted in a significant increase in demand for City resources. Based on the information contained in this report, there are ample grounds for revocation of the existing Conditional Use Permits and Entertainment Permit.

/jed-61457

Attachments: Resolution 2006-__ (Revocation of CUP 78-4 & 2002-12, and Entertainment Permit 2002-02)
Exhibit "A" – Location Map
Exhibit "B" – APN Map
Exhibit "C" – Photo Essay of property and Building
Exhibit "D" – Resolution No. 78-6 (CUP 78-4)
Exhibit "E" – Conditional Use Permit Application
Exhibit "F" - Commercial Business License Application
Exhibit "G" - Resolution 2002-38
Exhibit "H" – Site Plan submitted for CUP 2002-14
Exhibit "I" – Floor Plan submitted for CUP 2002-14
Exhibit "J" – Notice from ABC dated 1/31/06
Exhibit "K" – Transcript of Hearing
Exhibit "L" – Resolution 2002-80
Exhibit "M" – Advertisement for Contest
Exhibit "N" – Memo from Sheriff's Department regarding Event.
Exhibit "Q" – Memo from Lt. Cooper
Exhibit "R" – Memo from Chief Frye
Exhibit "S" – Memo from Lt. Cooper regarding Reported Incidents
Exhibit "T" - Memo from Lt. Cooper
Exhibit "T-1" – Memo from Sgt. Williamson
Exhibit "U" – Memo from Deputy Huskey
Exhibit "V" – Memo from Sgt. Judge
Exhibit "W" – Memo from Chief Frye regarding Records Review
Exhibit "X" – Letter from Angela Boland dated 1/24/06
Exhibit "Y" – Letter from Lois Loock dated 12/14/05

operate continually or be updated to a motion-detected type, using video or digital memory to record the images. All recordings are to be stored and maintained for 60 days and provided to the City upon request.

Chair Newton opened the discussion on the open deck, emphasizing that anything about alcohol would be determined by ABC and not the Commission. Mr. Koziel said he originally built the deck for drinking and smoking to lighten the load inside the restaurant He was permitted for the staircase and handrail, but the deck itself did not need a permit as it was less than 30 inches off the ground, which DCD Daniels confirmed. The deck was allowed to go forward without a conditional use permit because of the smoking use, that it was not considered an expansion of use because people would not be going to the restaurant for the purpose of smoking. Mr. Koziel emphasized there are no lights out on the decking, all the action such as a band or karaoke, goes on inside, and that the area is basically for smoking. He has served food and alcohol outside, but the patio is not covered. He said there is really no incentive to go outside.

Chair Newton had a real concern with the safety issue about the deck being in the setback area and so close to the street; he did not want it open for any type of use. PC Mercer agreed and added that he was also concerned about the safety of people on the roadway. DCD Daniels explained that if the decking were to be used for drinking and eating, he would be expanding his business and would need to apply for a CUP, as he would then have the capacity to serve additional customers. That led to a discussion on occupancy rates, that it is the building official who sets it. Vice-Chair Wright and PC Harris agreed the occupancy limit allowed should be limited to the square-footage of the inside of the restaurant. PC Mercer suggested sticking with just smoking for now; once Mr. Koziel has shown he can comply with his conditions, that he could come back and modify the use. A straw vote resulted in the use of the patio being limited to smoking only, no food or drink. The following was drafted:

4. The outside open patio deck shall be an allowed area for smoking only (no eating or drinking).

DCD Daniels indicated that he would bring back all of the conditions for final approval at another meeting.

Mr. Koziel had two of his security guards in the audience, noting they commanded respect based on their sheer size. He showed the shirts they wear with "Security" printed on them and noted they carry no weapons. He rebutted some of the comments in Lt. Cooper's memo. The theft of used French fry oil was used to power vehicles using that for fuel and he did not feel that was specific to his business. The timing of one of the arrests of one of his employees was not possible, according to register close-out slips he had. He asked how he could be held responsible for damages to a car someone left in his parking lot overnight. He said anonymous calls have been made with deputies already at his business, who were surprised themselves that the calls came in.

EXHIBIT "Q"

MINUTES (EXCERPT)
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
FEBRUARY 11, 2009

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8. CONTINUED ITEMS: PUBLIC HEARING: Compliance Report – Status of Compliance of Modified Conditional Use Permit 2002-14 (Maverick Steakhouse); and **Resolution No. 2009-___**, Conditional Use Permit 2002-14, Modification 2 (Maverick Steakhouse): A Proposal to Amend the Approved Project to Allow the Service of Food and Alcoholic Beverages on the Existing Outdoor Patio Deck on Property Located at 3841 Old Hamner Avenue in the C-G (General Commercial) Zone. Item Continued from January 28, 2009. Recommendation: Denial (Planning Manager King)

PM King presented the staff report on file in the Planning Division. On Exhibit "J", there was a correction; there is no direct connection from the restaurant to the deck. Food and drinks would need to be brought out through the front door to the deck. PM King said the autocad exhibit indicated where the deck encroaches into Caltran's right-of-way and that was the area in which the Caltran's fence had been taken down. In the discussion of parking, there are actually 18 parking spaces, not 10 as noted in the report. If the proposed use were to be approved, there would need to be 9 more parking spaces, for which there is no room. Parking for the current use already overflows onto adjacent properties. A variance is not justified because there are other areas where the building could expand.

In response to Member Newton, SE Askew said the encroachment, about one foot, was discovered just this past week. The map exhibit does not show the missing Caltran's fencing. Caltran's does not have setback requirements but typically sets their fences on property lines or one foot in on their side, and they want their fence put back. SE Askew also explained how Caltrans went about purchasing right-of-way for the I-15, leaving some properties nearly intact while cutting into others more.

In response to Member Harris, PM King said the structure did not need a building permit, but the request to add to the use is part of the conditional use process.

Chair Wright asked why didn't the City know about the encroachment a year ago when the conditional use permit was approved. Staff did not know.

There was discussion about what "may adversely" meant in Finding J.2 regarding adjoining land uses. PM King said that term was used because parking already overflows onto adjacent properties. Because of the use of the Park & Ride site, Caltrans indicated it would be asking for a traffic study if this were approved. Member Newton said then that would justify Finding J.4 regarding traffic being an undue burden. Staff said that was correct.

Member Newton asked for discussion on Conditions 23 and 14 of Resolution 2007-64.

EXHIBIT "R"

Regarding Condition 23, PM King noted that the applicant has just recently hired a security agency but there has not been enough time to qualify that the new coverage was adequate. Lt. Cooper said he was satisfied with what was reported in the staff report.

Regarding Condition 14, Member Newton asked Lt. Cooper if the Sheriff's Department could wait until next October for the next annual report as to the appropriate security level. Lt. Cooper was highly concerned that the public be protected. He felt that there needed to be a change to the conditional use permit to require higher levels of security.

PM King explained that the Commission could ask for a sooner update or if serious enough, direct staff to begin a revocation process. The Management Team could also instigate an earlier update.

The public hearing was declared opened.

Jeannine Adams, 3452 Broken Twig, said this was serious. The Commission has an expert in the Sheriff's Department asking for changes in the conditions but the situation seems to be downplayed. The Commission has ponderous evidence and she asked that the Commission do what will protect the public. As it stands, it is all illegal and the owner keeps getting away with it. He is still not off probation for serving alcohol to minors. Ms. Adams said the Commission needs to be responsible and say no.

Lois Louck, 4328 Crestview, spoke in favor of the proposed use. She said this bar is still more peaceful than other bars in town. She accused the City of wanting to take the applicant's land.
Rob Koziel, applicant, 3841 Old Hamner, said that he removed the chain link fence because it was in the way of his deck. He said everything about this deck was known to the former building official and the former Director of Community Development. Mr. Koziel said DCD Daniels was okay with the current setback when the applicant pointed out that Rubio's has only an 8-foot setback. The Building Official was okay with no ramp being built but the applicant did obtain permits for the handrail and steps. He was not aware that Caltrans places their fences another foot in but then apparently neither was staff. He noted that he has to have security onsite at 7 p.m. when there are hardly any customers and that he doesn't need security until entertainment begins at 9 p.m. Mr. Koziel emphasized that his business is extremely safe because he doesn't tolerate anything such as staring down, baggy pants, etc. He offered to answer any questions.

Member Hedges asked Mr. Koziel about the new security coverage.

There were no further comments and Chair Wright closed the public hearing.

Member Newton questioned if Rubio's and Chipolte's had restrictions on alcohol and hours of operation. PM King said probably not, but he would need to refer to the files, but that these only offered beer and wine, not hard liquor like Maverick's does.

PM King said the proposed use of the deck expands the occupancy load which is currently at 284 persons. The expanded use occupancy would be determined by the Fire Department. Member Newton asked if the occupancy rate would remain at 284; staff replied that would have to be researched.

Vice-Chair Jaffarian had issues about the deck expansion. He expects that a business expects to be a success. This patio could go on other areas of the property with the best location for ultimate success being in the paved parking area. Handicapped accessibility was not discussed earlier but federal law requires equal accommodations. This deck being so close to freeway ramps is the main issue. He suggested the Commission just receive and file and have staff bring back another status report in October.

Member Hedges agreed this is a bad idea and suggested also to receive and file.

Member Harris asked how cutting down the Sheriff Department's suggestions for security guards happened.

PM King explained that was done during discussions at the meetings held on this item. To modify again would be a public hearing.

Chair Wright said he agreed with Vice-Chair Jaffarian that the patio deck is what it is but it is not acceptable to have alcohol served that close to the street. It is a bad situation with the high traffic and has the potential for a lot of bad situations. If the deck were built somewhere else, it might be more viable but then parking spaces would be lost. The applicant is generally in compliance but there will always be security issues. He agreed the report should be received and filed, and come back in October unless staff deems otherwise. He concurs with staff on the denial of the proposed deck use.

Member Newton noted that the kitchen can serve food up until midnight, although most meals are done by 9 p.m. It is currently too close to the street but if the deck were moved to the north side of the building, with restrictions on time, he could go with that. As it stands, Member Newton cannot support this use and would like to see the status report sooner than October. Member Harris agreed.

Member Jaffarian said that the applicant has done a lot to meet compliance. Staff would bring back the issue at any time they deem necessary.

Lt. Cooper stated that this bar has more shootings and more incidents than any other bar in town.

MOTION: M/S Jaffarian/Hedges to receive and file the status report on Maverick's.

AYES: Harris, Hedges, Jaffarian and Wright
NOES: Newton **MOTION CARRIED**

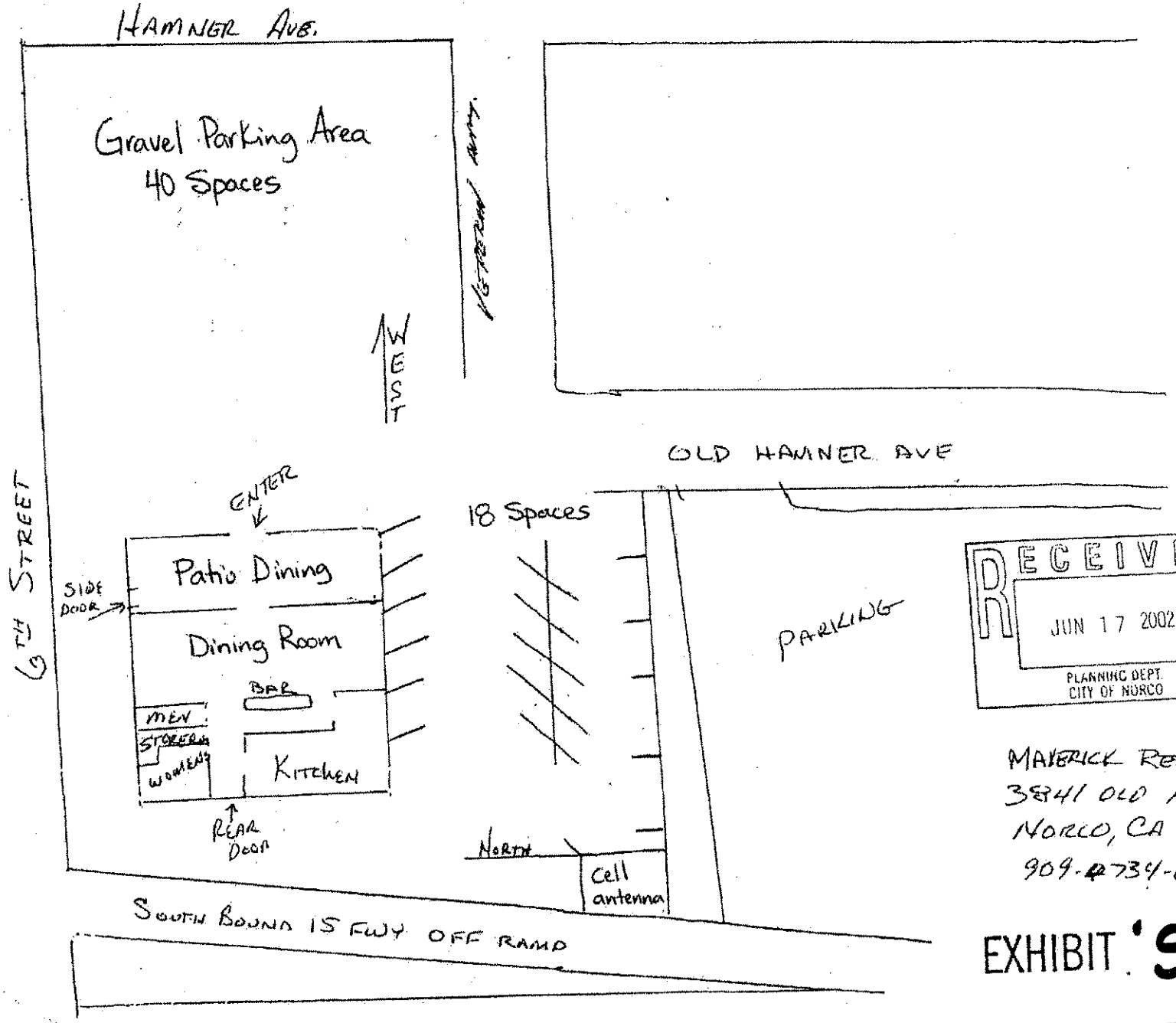
Member Newton wants to see staff bring back a report based on the Sheriff Department's comments.

MOTION: M/S Jaffarian/ Hedges to adopt Resolution 2009-04 denying a request to allow eating and drinking on the outdoor deck at Maverick's.

Member Jaffarian said he is not against the project, only the specific location and the close proximity of the deck to the street. Security is a problem, parking needs to be addressed, along with the fact that the deck is partially on Caltrans' property.

AYES: Unanimous **MOTION CARRIED**

/sd-71700



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JUN 17 2002
PLANNING DEPT.
CITY OF NORCO

MAVERICK REST.
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NORCO, CA 92860
909-734-6640

EXHIBIT 'S'

Assault with a Deadly Weapon at the Maverick

On May 17, 2009 at approximately 10:48 p.m. Deputy Bishop was flagged down by an adult male running from the Maverick's parking lot. The man told Deputy Bishop that two unknown males had guns and were leaving in a Dodge Charger. The vehicle left the parking lot at a high rate of speed nearly colliding with Deputy Bishop. The vehicle was stopped on Alhambra at Cedar Avenue. The investigation revealed that one of the vehicle occupants got into a fight at the Maverick bar with other customers. Maverick security used pepper spray on the male who claimed to be armed and threatened to shoot people at the Maverick. When the suspects entered their Dodge Charger to leave, Mr. Robbin Koziel told them to wait for the police. The driver of the vehicle sped towards and struck Mr. Koziel who landed on the hood the vehicle. He fell off the vehicle as it turned and sped away. Suspect Oscar Rodriguez (27 years) of Culver City was arrested and booked for assault with a deadly weapon, criminal threats, brandishing a deadly weapon, resisting a peace officer and driving under the influence of alcohol; suspect, Oscar Omar Rodriguez (27 years) of Moreno Valley was arrested and booked for brandishing a deadly weapon.

Exhibit- "T"

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:	June 3, 2009
SUBJECT:	Public Hearing Confirming Costs for Spring Weed Abatement
RECOMMENDATION:	Continue the Public Hearing to July 15, 2009.

BACKGROUND/ANALYSIS: The list of property owners whose parcels are to be abated by Warren Brothers Tractor Work is not completed. Staff recommends that this item be continued to July 15, 2009 in order to give sufficient time to complete the list and the abatement of vacant parcels within the City.

/jf- 72670

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Jeff Allred, City Manager
PREPARED BY:	Steve King, Planning Manager
DATE:	June 3, 2009
SUBJECT:	City-Initiated Proposal to Amend Title 18 (Zoning) of the Norco Municipal Code to Regulate the Size of Accessory Buildings Allowed in Agricultural and Residential Zones (Zone Code Amendment 2008-09).
RECOMMENDATION:	Adopt Ordinance No. ___ for first reading.

SUMMARY: A recent code amendment changed the determination of building coverage in agricultural (A) lots based on the flat pad area rather than the lot size. There is, however, still potential for lots that are now animal-keeping to be rendered as non-animal-keeping lots because of the lack of restriction on the size of individual accessory buildings. This Zone Code Amendment (ZCA 2008-09) proposes regulations on the size, height, and number of accessory buildings based on a graduated scale that takes into account the different sizes of pad areas and the ability to accommodate different sizes of accessory buildings without becoming a negative impact to residences, neighbors, and neighborhoods.

BACKGROUND: Through a series of meetings the Planning Commission considered different approaches for controlling the size of accessory buildings. Slide presentations showed that there is still potential for lots that now accommodate animal-keeping to be rendered as non-animal-keeping lots even after the 40 percent pad coverage limitation. This is primarily because with more than one building, more area of the pad is eaten up in required setback areas between buildings and from property lines; and, while open, these setback areas are generally not useful for animal-keeping.

The solution is more complicated than just reducing the allowed coverage of a pad to something less than 40 percent. On lots with small pad areas, too much reduction in allowed coverage means that many lots would not be able to have any type of accessory building; and on lots with larger pad areas more restrictions on pad coverage would have no real function or purpose.

Excessively large accessory buildings can overwhelm the primary residence on a property, or on a neighbor's property, and can overwhelm a neighborhood as well. It also has the potential to restrict the animal-keeping potential on a lot if not properly

controlled. There were two workshop discussions at the March 11, 2009 and April 8, 2009 Planning Commission meetings and the result is a system based on a graduated scale that as the flat pad area gets bigger, the allowed maximum size of one accessory building increases as well. Approval of minor or major CUPs could allow for larger buildings, or more than one, depending on the size of the pad area.

The goals the City wants to achieve through the control of excessively large accessory buildings are to:

1. Protect animal-keeping rights as a primary use in residential zones in the City;
2. Control the size of accessory buildings so that they do not overwhelm the main residence (or a neighboring residence) and do not overwhelm neighborhood aesthetics; and
3. Control the size, design, and location of accessory buildings so that they do not become eyesores in the community.

These are consistent with the goals of the General Plan Land Use Element to preserve the City's small plot agricultural/animal-keeping lifestyle. This final draft amendment to control the size and number of accessory buildings has been designed and worked through with that goal in mind.

ANALYSIS: It is not the intent of this zone code amendment to preclude any use of an accessory building that is currently allowed in the Code (i.e., a building for parking a recreational vehicle or a large barn). The intent is that regardless of the use, there will still be an adequate area left over for animal keeping, and that the proposed building will not overpower a neighborhood, impact neighboring properties, or become an eyesore to the neighborhood or community.

The final concept that the Planning Commission and staff devised added provisions to control the overall number and height of buildings as well as the maximum size. Lots are categorized into three groups based on the size of the flat pad area (10,000 sq. ft. and below, greater than 10,000 and up to and including 20,000 sq. ft., and over 20,000 sq. ft.).

In the first category (10,000 sq. ft. and smaller), the allowed size of an accessory building is determined by the allowed size within the 40 percent flat pad cover restriction, except that the footprint of an accessory building cannot exceed the footprint of the main residence. For these smaller pad areas the size of the house is kept in consideration because this is where the potential for having an overbearing accessory building is most acute, given the limited pad size.

In the second category the allowed size of an accessory building increases as the pad size increases. For every increase of 500 square feet in pad size the allowed increase in accessory building size is 10 square feet (ref. Exhibit "A" – Accessory Building Sizing

Chart, Pad Sizes over 10,000 and up to 20,000 sq. ft.). In the third category (pad size larger than 20,000 sq. ft.) the allowed size of an accessory building increases at an accelerated rate. For every increase of 500 square feet of pad area there would be an allowed increase of 25 sq. ft. of accessory building (ref. Exhibit "B" – Accessory Building Sizing Chart, Pad Sizes Greater than 20,000 sq. ft.).

In the third category (larger pad sizes) the recommendation is that, as the accessory building increases in size, the setback requirements be increased exponentially. For every increase of 50 square feet in the size of the accessory building (starting from a base size of 2,200 square feet) there is an additional one-foot added to the normal setback requirements. For example, on a lot with a 40,000 square-foot pad area, the allowed size of an accessory building would be 3,200 square feet and the setback requirements would change as follows:

> Interior side yard: minimum 25 feet from each side property line (normally 5).
> Street-side side yard: minimum 35 feet from right-of-way (normally 15).
> Rear yard: 25 feet from property line (normally 5).
> Distance from main dwelling and other buildings: 30 feet (normally 10).

If a pad size could accommodate an accessory building of 3,200 square feet, but the building could not meet these increased setbacks, the size of the accessory building would be limited by the setback requirements rather than the size of the pad. The requirement for an increased setback is to make sure that very large accessory buildings cannot be located such that they become eyesores to neighbors or the community, or give a neighborhood an industrial feel.

As proposed, the maximum size for an accessory building is 3,200 square feet without approval of a major CUP by the Planning Commission and any accessory building over 120 square feet would be required to have architectural approval prior to issuance of a building permit. It has been proposed that the height of an accessory building not exceed 25 feet or two feet above the height of the primary residence on site, whichever is the lesser. Then, every additional foot in height would require an additional foot of setback added to the standard setback requirements of the zone to a maximum of 35 feet. Anything over 35 feet would not be allowed.

In summary the changes to the Code regarding the size, height, and number of accessory buildings that are being recommended are as follows. They are also compared in the attached table (ref. Exhibit "C" – Regulation of Accessory Buildings).

1. For lots with pad areas 10,000 square feet or less the maximum size of an accessory building will be that which the 40percent pad coverage will allow but an accessory building cannot exceed the footprint size of the primary dwelling on site without approval of a minor CUP by the Planning Commission.

1a. An accessory building could exceed the maximum size of the primary dwelling on a lot with a pad area of 10,000 square feet or smaller only upon approval of a minor CUP by the Planning Commission.

1b. Existing legal accessory buildings at the time of adoption of this ordinance shall be considered in total toward the maximum allowed square-footage of an accessory building, with an allowance for an addition to an existing building up to the maximum square footage allowed.

2. For lots with pad areas greater than 10,000 square feet up to and including 20,000 square feet, one accessory building is allowed up to the maximum allowed size determined by the corresponding size matrix.

2a. Any additional accessory buildings within the allowed 40percent pad coverage that exceeds 400 square feet shall require approval of a minor CUP by the Planning Commission.

2b. Additional accessory buildings (within the allowed sizes and numbers) can only be permitted provided that a cohesive open area is maintained that is equal to 576 square feet multiplied by the allowed number of animal units on a given lot, and that such area is generally rectangular and minimally 30 feet wide at its narrowest point.

2c. Existing legal accessory buildings at the time of adoption of this ordinance that exceed 400 square feet shall be considered in total toward the maximum allowed square footage of an accessory building, with an allowance for an additional accessory building or addition to an existing building up to the maximum allowed square footage provided that all needed use permits have been obtained and the open area required in 2b above is maintained.

3. For lots with pad areas greater than 40,000 square feet, one accessory building is allowed up to the maximum allowed size determined by the corresponding size matrix. For lots with pad sizes that exceed the size matrix, the maximum allowed size for one accessory building without an approved CUP shall be 3,200 square feet.

3a. Any additional accessory buildings within the allowed 40percent pad coverage that exceed 400 square feet shall require approval of a minor CUP by the Planning Commission.

3b. An accessory building can exceed 3,200 square feet only upon approval of a major CUP by the Planning Commission, and only if the pad size exceeds 40,000 square feet and the total combined square footage of all buildings does not exceed the 40percent maximum coverage requirement.

3c. On lots where the pad size exceeds 20,000 square feet (allowed accessory building size of 2,200 square feet), for every increase in size of a proposed accessory building of 50 square feet there shall be a corresponding one-foot required setback increase over the normal setback requirements of the applicable zone.

3d. Additional accessory buildings (within the allowed sizes and numbers) can only be permitted provided that a cohesive open area is maintained that is equal to 576 square feet multiplied by the allowed number of animal units on a given lot,

and that such area is generally rectangular and minimally 30 feet wide at its narrowest point.

3e. Existing legal accessory buildings at the time of adoption of this ordinance that exceed 400 square feet shall be considered in total toward the maximum allowed square footage of an accessory building, with an allowance for an additional accessory building or addition to an existing building up to the maximum allowed square footage provided that all needed use permits have been obtained and the open area required in 3d above is maintained.

4. The maximum height of any accessory building shall be 25 feet or the height of the primary residence plus two feet, whichever is the lesser. An accessory building can exceed maximum allowed height only upon approval of a minor CUP by the Planning Commission and only up to a maximum height of 35 feet. For every increase in height of one foot over the allowed maximum height (without a CUP) there shall be required a corresponding one-foot required setback increase over the normal setback requirements of the applicable zone. (For proposed accessory buildings that require increased setbacks for both the proposed size and height of the building, the greater of the two shall apply).

5. Architectural review and approval is required for all accessory buildings that require a building permit (buildings that exceed 120 square feet).

Based on the information presented in this report, Planning Commission and staff are recommending that the City Council adopt Ordinance ___ approving Zone Code Amendment 2008-09.

/sk-72668

Attachments: Ordinance ___
PC Resolution 2009-10
Exhibit "A" – Accessory Building Sizing Chart,
Pad Sizes 10,000 Square Feet to 20,000 Square Feet
Exhibit "B" – Accessory Building Sizing Chart, Pad Sizes Greater than 20,000 Square Feet
Exhibit "C" – Regulation of Accessory Buildings Table
Exhibit "D" – Slide Presentation
Exhibit "E" – PC Minutes, 3-11-09
Exhibit "F" – PC Minutes, 4-08-09

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 18, CHAPTERS 18.12 AND 18.13 OF THE NORCO ZONING CODE REGARDING THE SIZE OF ACCESSORY BUILDINGS ALLOWED IN AGRICULTURAL AND RESIDENTIAL ZONES AND ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED. ZONE CODE AMENDMENT 2008-09.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2008-09, an amendment to Norco Municipal Code Title 18 (Zoning Code), to regulate the size of accessory buildings in the Agricultural and Residential zones; and

WHEREAS, a first recommended proposal to regulate the size of accessory buildings was duly submitted to the City Council for a decision at a public hearing on January 21, 2009; and

WHEREAS, said proposal was remanded to the Planning Commission for further review, discussion, and revision; and

WHEREAS, new proposals for addressing the size of accessory buildings were presented and revised through a series of workshop meetings held during regular Planning Commission meetings on March 11, 2009 and April 8, 2009; and

WHEREAS, the resulting Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on April 29, 2009 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2009-10 recommending to the City Council that Zone Code Amendment 2008-09 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Zone Code Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of June 3, 2009, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, said City Council held a public hearing and received oral and written testimony pertaining to said Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Category 5.

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

Title 18 (Zoning) of the Norco Municipal Code be revised as follows:

Section 18.12.30 Size of Accessory Buildings.
(ref. Section 18.30.48)

Section 18.13.29 Size of Accessory Buildings.
(ref. Section 18.30.48)

Section 18.15.30 Size of Accessory Buildings.
(ref. Section 18.30.48)

18.30.48 Size of Accessory Buildings.

(1) Intent and Purpose. These regulations are intended to provide uniform criteria to control the size of allowed accessory buildings in order to preserve the City's small plot agricultural/animal-keeping lifestyle.

(2) Applicability. The standards established in this section shall govern the size of accessory buildings in all zones designated with either an "A" (Agriculture) or an "R" (Residential).

(3) Definitions.
(a) Building coverage. Any building that requires a building permit is calculated in the overall building coverage of the flat pad area.
(b) Flat pad area. The "flat" part of the lot with a percentage of slope that does not exceed 4 percent. (Ord. 793, 2002). For building coverage purposes where a sloped area that is greater than 4 percent is graded to be 4 percent or less, the additional graded area is considered part of the flat pad if the new graded area meets the minimum Primary Animal-Keeping Area (PAKA) criteria established in Section 18.13.11.

(4) Maximum Allowed Size.
(a) Lots with Flat Pad Areas Equal to 10,000 Square Feet or Less. The maximum size of one accessory building shall be the largest building that can be accommodated within an allowed building coverage of 40 percent of the flat pad

area but cannot exceed the footprint square footage of the primary dwelling. An accessory building can only exceed the maximum allowed size provided that a minor conditional use permit has been approved by the Planning Commission and the allowed pad coverage does not exceed 40 percent coverage.
(b) Lots with Flat Pad Areas that Exceed 10,000 Square Feet up to and Including 20,000 Square Feet. The maximum size of one accessory building shall be determined by the corresponding size matrix.
(c) Lots with Flat Pad Areas that Exceed 20,000 Square Feet. The maximum size of one accessory building shall be determined by the corresponding size matrix. For lots with flat pad areas that exceed the matrix, the maximum allowed size for one accessory building shall be 3,200 square feet without approval of a conditional use permit by the Planning Commission. An accessory building in this category can only exceed 3,200 square feet provided that a major conditional use permit has been approved by the Planning Commission and provided that the flat pad area is 40,000 square feet or larger and the total square footage of all buildings does not exceed 40 percent coverage. On lots where the flat pad size exceeds 20,000 square feet (allowed accessory building of 2,200 square feet), for every allowed increase in size of a proposed accessory building of 50 square feet there shall be a corresponding one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone.

(5) Additional Accessory Buildings.
(a) Lots with Flat Pad Areas Equal to 10,000 Square Feet or Less. Only one accessory building up to the maximum size as determined in (4) above is allowed.
(b) Lots with Flat Pad Areas that Exceed 10,000 Square Feet up to and Including 20,000 Square Feet. Any additional accessory building within the allowed 40 percent flat pad coverage that exceeds 400 square feet shall require approval of a minor conditional use permit by the Planning Commission. Additional accessory buildings can only be permitted provided that a cohesive open flat pad area is maintained on the lot in question that is equal to 576 square feet multiplied by the allowed number of animal units on the lot in question, and that such area is rectangular in nature and minimally 30 feet wide at its narrowest point.
(c) Lots with Flat Pad Areas that Exceed 20,000 Square Feet. Any additional accessory building within the allowed 40 percent flat pad coverage that exceeds 400 square feet shall require approval of a minor conditional use permit by the Planning Commission. Additional accessory buildings can only be permitted provided that a cohesive open flat pad area is maintained on the lot in question that is equal to 576 square feet multiplied by the allowed number of animal units on the lot in question, and that such area is rectangular in nature and minimally 30 feet wide at its narrowest point.

(6) Existing Accessory Buildings.
(a) Lots with Flat Pad Areas Equal to 10,000 Square Feet or Less. Existing legal accessory buildings at the time of adoption of these regulations shall be considered in total toward the maximum allowed square-footage of the one allowed accessory

building with the provision, where applicable, for an addition to any existing accessory building that would bring the total square footage of all accessory buildings up to the maximum allowed square footage.
(b) Lots with Flat Pad Areas that Exceed 10,000 Square Feet. Existing legal accessory buildings at the time of adoption of these regulations that exceed 400 square feet shall be considered in total toward the maximum allowed square-footage of an accessory building with the provision, where applicable, for an additional accessory building or addition to an existing accessory building that would bring the total square footage of all accessory buildings up to the maximum allowed square footage, provided that any needed use permits have been obtained, and that the required open area for animal-keeping has been maintained.

(7) Maximum Allowed Height. The maximum allowed height of any accessory building shall be 25 feet or the height of the primary residence plus two feet, whichever is the lesser. An accessory building can exceed the maximum allowed height only upon approval of a minor conditional use permit by the Planning Commission and only up to a maximum height of 35 feet. For every increase in height of one foot over the allowed maximum height (without a conditional use permit) there shall be a corresponding required one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone.

(8) Required Increased Setbacks. For proposed accessory buildings that require increased setbacks for both the proposed height and size of the building, only the greater of the two shall apply.

(9) Architectural Review. Architectural review and approval is required by the Planning Division, except where building approval is otherwise required by the Planning Commission, for any proposed accessory building that requires a building permit (greater than 120 square feet).

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

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

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

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held June 3, 2009.

_____
Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on June 3, 2009 and thereafter at a regular meeting of said City Council duly held on July 1, 2009, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on July 1, 2009.

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

/sk-72647

RESOLUTION NO. 2009-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT 2008-09 AMENDING CHAPTERS 18.12, 18.13, AND 18.15, ADDING SECTION 18.30.48 WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED REGARDING THE SIZE OF ACCESSORY BUILDINGS ALLOWED IN AGRICULTURAL AND RESIDENTIAL ZONES. ZONE CODE AMENDMENT 2008-09.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2008-09, an amendment to Norco Municipal Code Title 18 (Zoning Code), to regulate the size of accessory buildings in the Agricultural and Residential zones; and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on November 12, 2008 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2008-33 recommending to the City Council that Zone Code Amendment 2008-09 be adopted; and

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

WHEREAS, on January 28, 2009 the City Council remanded the proposed zone code amendment to the Planning Commission for further discussion and revision; and

WHEREAS, after workshop sessions during regularly scheduled meeting dates on March 11, 2009 and April 8, 2009, Zone Code Amendment 2008-09 was re-advertised and scheduled for public hearing on April 29, 2009 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment and adopted Resolution 2009-10 recommending to the City Council that Zone Code Amendment 2008-09, as revised, be adopted; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Category 8.

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

I. FINDINGS:

A. The proposed Zone Code Amendment is consistent with, and not contrary to, the Norco General Plan or the Zoning Code since the project addresses development standards that do not impact the land use or density of permitted uses in the A-1 zone.

B. The Zoning Code regulates the location and size of accessory buildings to preserve the rural nature of the community, the outdoor recreational potential of the community, and the small plot agricultural/animal-keeping/equestrian lifestyle that the City was founded on.

C. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Category 8.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled April 29, 2009 hereby recommends to the City Council of the City of Norco that Zone Code Amendment 2008-09 be adopted, thereby amending the Norco Municipal Code as follows:

Section 18.12.30 Size of Accessory Buildings.
(ref. Section 18.30.48)

Section 18.13.29 Size of Accessory Buildings.
(ref. Section 18.30.48)

Section 18.15.30 Size of Accessory Buildings.
(ref. Section 18.30.48)

18.30.48 Size of Accessory Buildings.

(1) ***Intent and Purpose****. These regulations are intended to provide uniform criteria to control the size of allowed accessory buildings in order to preserve the City's small plot agricultural/animal-keeping lifestyle.*

(2) ***Applicability.*** *The standards established in this section shall govern the size of accessory buildings in all zones designated with either an "A" (Agriculture) or an "R" (Residential).*

(3) ***Definitions.***
(a) ***Building coverage.*** *Any building that requires a building permit is calculated in the overall building coverage of the flat pad area.*
(b) ***Flat pad area.*** *The "flat" part of the lot with a percentage of slope that does not exceed 4 percent. (Ord. 793, 2002). For building coverage purposes where a sloped area that is greater than 4 percent is graded to be 4 percent or less, the additional graded area is considered part of the flat pad if the new graded area meets the minimum Primary Animal Keeping Area (PAKA) criteria established in Section 18.13.11.*

(4) ***Maximum Allowed Size.***
(a) ***Lots with Flat Pad Areas Equal to 10,000 Square Feet or Less****. The maximum size of one accessory building shall be largest building that can be accommodated within an allowed building coverage of 40 percent of the flat pad area but cannot exceed the footprint square footage of the primary dwelling. An accessory building can only exceed the maximum allowed size provided that a minor conditional use permit has been approved by the Planning Commission and the allowed pad coverage does not exceed 40 percent coverage.*
(b) ***Lots with Flat Pad Areas that Exceed 10,000 Square Feet up to and Including 20,000 Square Feet.*** *The maximum size of one accessory building shall be determined by the corresponding size matrix.*
(c) ***Lots with Flat Pad Areas that Exceed 20,000 Square Feet.*** *The maximum size of one accessory building shall be determined by the corresponding size matrix. For lots with flat pad areas that exceed the matrix, the maximum allowed size for one accessory building shall be 3,200 square feet without approval of a conditional use permit by the Planning Commission. An accessory building in this category can only exceed 3,200 square feet provided that a major conditional use permit has been approved by the Planning Commission and provided that the flat pad area is 40,000 square feet or larger and the total square footage of all buildings does not exceed 40 percent coverage. On lots where the flat pad size exceeds 20,000 square feet (allowed accessory building of 2,200 square feet), for every allowed increase in size of a proposed accessory building of 50 square feet there shall be a corresponding one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone.*

(5) ***Additional Accessory Buildings.***
(a) ***Lots with Flat Pad Areas Equal to 10,000 Square Feet or Less****. Only one accessory building up to the maximum size as determined in (4) above is allowed.*
(b) ***Lots with Flat Pad Areas that Exceed 10,000 Square Feet up to and Including 20,000 Square Feet.*** *Any additional accessory building within the allowed 40 percent flat pad coverage that exceeds 400 square feet shall require*

approval of a minor conditional use permit by the Planning Commission. Additional accessory buildings can only be permitted provided that a cohesive open flat pad area is maintained on the lot in question that is equal to 576 square feet multiplied by the allowed number of animal units on the lot in question, and that such area is rectangular in nature and minimally 30 feet wide at its narrowest point.
(c) ***Lots with Flat Pad Areas that Exceed 20,000 Square Feet.*** *Any additional accessory building within the allowed 40 percent flat pad coverage that exceeds 400 square feet shall require approval of a minor conditional use permit by the Planning Commission. Additional accessory buildings can only be permitted provided that a cohesive open flat pad area is maintained on the lot in question that is equal to 576 square feet multiplied by the allowed number of animal units on the lot in question, and that such area is rectangular in nature and minimally 30 feet wide at its narrowest point.*

(6) ***Existing Accessory Buildings.***
(a) ***Lots with Flat Pad Areas Equal to 10,000 Square Feet or Less****. Existing legal accessory buildings at the time of adoption of these regulations shall be considered in total toward the maximum allowed square-footage of the one allowed accessory building with the provision, where applicable, for an addition to any existing accessory building that would bring the total square footage of all accessory buildings up to the maximum allowed square footage.*
(b) ***Lots with Flat Pad Areas that Exceed 10,000 Square Feet.*** *Existing legal accessory buildings at the time of adoption of these regulations that exceed 400 square feet shall be considered in total toward the maximum allowed square-footage of an accessory building with the provision, where applicable, for an additional accessory building or addition to an existing accessory building that would bring the total square footage of all accessory buildings up to the maximum allowed square footage, provided that any needed use permits have been obtained, and that the required open area for animal-keeping has been maintained.*

(7) ***Maximum Allowed Height.*** *The maximum allowed height of any accessory building shall be 25 feet or the height of the primary residence plus two feet, whichever is the lesser. An accessory building can exceed the maximum allowed height only upon approval of a minor conditional use permit by the Planning Commission and only up to a maximum height of 35 feet. For every increase in height of one foot over the allowed maximum height (without a CUP) there shall be a corresponding required one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone.*

(8) ***Required Increased Setbacks.*** *For proposed accessory buildings that require increased setbacks for both the proposed height and size of the building, only the greater of the two shall apply.*

(9) ***Architectural Review.*** *Architectural review and approval is required by the Planning Division, except where building approval is otherwise required by the*

Planning Commission, for any proposed accessory building that requires a building permit (greater than 120 square feet).

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held April 29, 2009.

Robert E. Wright, Chairman
Planning Commission
City of Norco, California

ATTEST:

Steve King, 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 held April 29, 2009 by the following roll call vote:

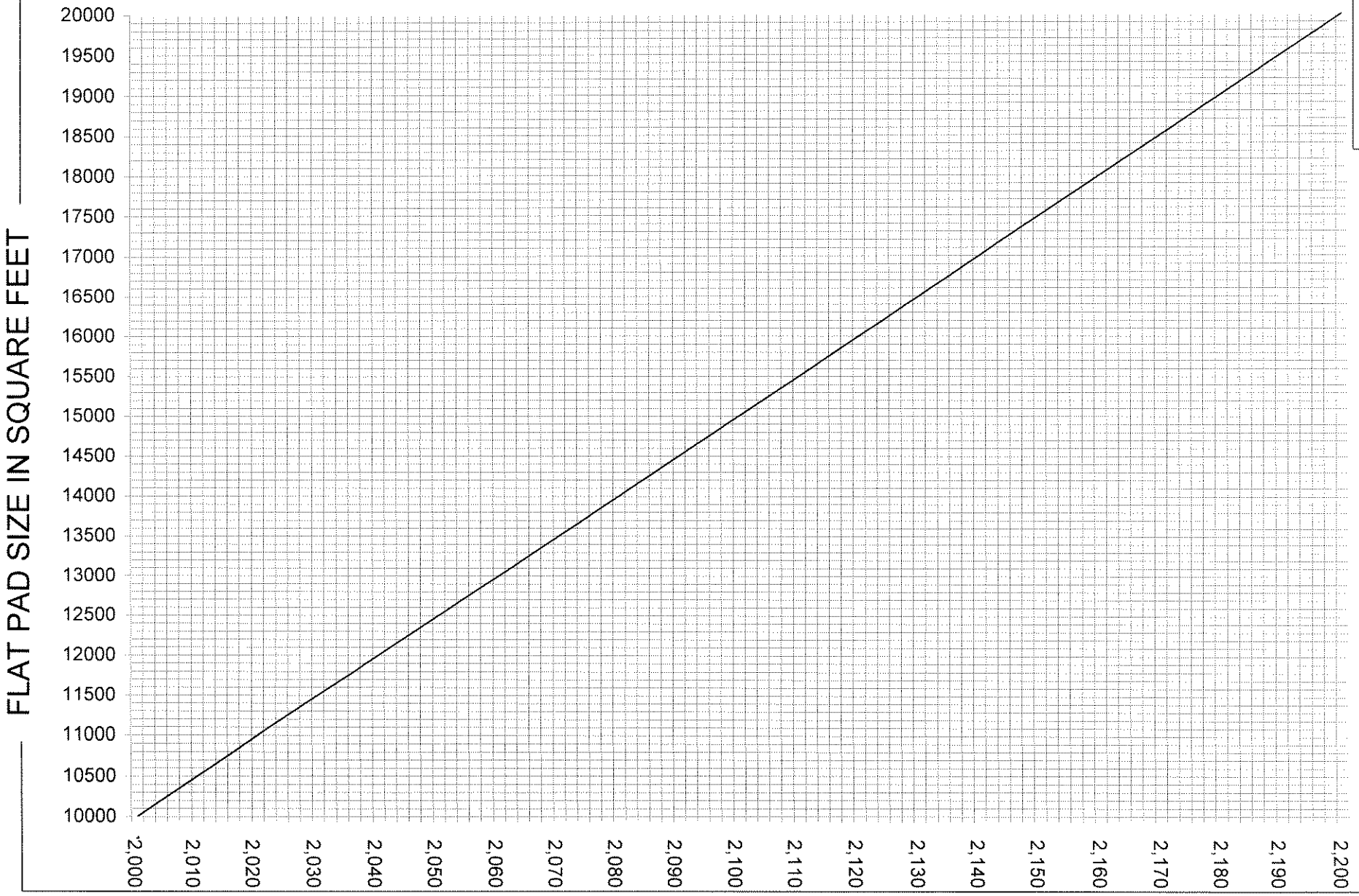
AYES: Harris, Newton and Wright
NOES: None
ABSENT: Hedges, Jaffarian
ABSTAIN: None

Steve King, Secretary
Planning Commission

/sk-72375

ACCESSORY BUILDING SIZING CHART: PAD SIZES 10,000 s.f. to 20,000 s.f.

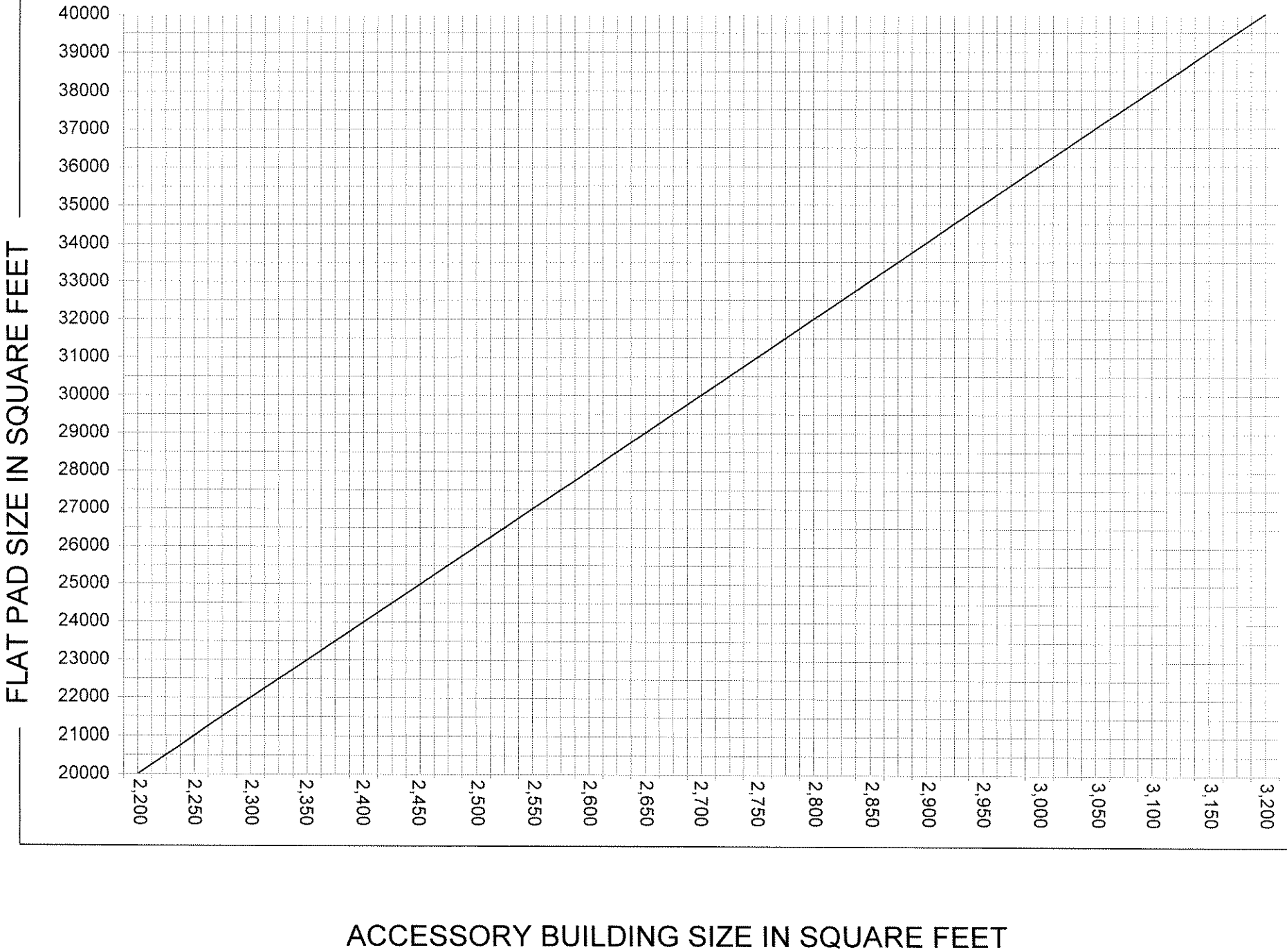
Exhibit "A"



ACCESSORY BUILDING SIZE IN SQUARE FEET

ACCESSORY BUILDING SIZING CHART: PAD SIZES GREATER THAN 20,000 s.f.

Exhibit "B"



REGULATION OF ACCESSORY BUILDINGS			
	Lots with pad areas 10,000 square feet or less	Lots with pad areas greater than 10,000 square feet up to 20,000 square feet	Lots with pad areas that exceed 20,000 square feet
Allowed maximum size of one accessory building	Up to what would be allowed within the 40% pad coverage but an accessory building cannot exceed the size of the primary dwelling on site without approval of a minor conditional use permit by the Planning Commission.	Up to the maximum allowed size determined by the corresponding size matrix.	Up to the maximum allowed size determined by the corresponding size matrix. For lots with pad sizes that exceed the size matrix (40,000 square feet) the maximum size shall be 3,200 square feet.
Allowance for increase in size of maximum accessory building?	An accessory building could exceed the maximum size of the primary dwelling on a lot with a pad area of 10,000 square feet or smaller only upon approval of a Minor CUP by the Planning Commission and provided the size does not exceed the 40% pad coverage requirement.	No	Lots with pad areas less than 40,000 square feet: No. Lots with pad areas 40,000 square feet or greater: Yes, with approval of a major conditional use permit by the Planning Commission and provided that the total square footage of all buildings does not exceed 40 percent of the pad area. (see below)
Requirement for increased setback?	No	NA	On lots where the pad size exceeds 20,000 square feet (allowed accessory building size of 2,200 square feet), for every increase in size of a proposed accessory building of 50 square feet there shall be a corresponding one-foot required setback increase over the normal setback requirements of the applicable

Exhibit "C"

			zone.
Allowance for increase in the number of accessory buildings?	No	Any additional accessory buildings within the allowed 40% pad coverage that exceeds 400 square feet shall require approval of a minor CUP by the Planning Commission. (see below)	Any additional accessory buildings within the allowed 40% pad coverage that exceeds 400 square feet shall require approval of a minor CUP by the Planning Commission. (see below)
Minimum open area required?	No	Additional accessory buildings (within the allowed sizes and numbers) can only be permitted provided that a cohesive open area is maintained that is equal to 576 square feet multiplied by the allowed number of animal units on a given lot, and that such area is generally rectangular and minimally 30 feet wide at its narrowest point.	Additional accessory buildings (within the allowed sizes and numbers) can only be permitted provided that a cohesive open area is maintained that is equal to 576 square feet multiplied by the allowed number of animal units on a given lot, and that such area is generally rectangular and minimally 30 feet wide at its narrowest point.
Existing accessory buildings	Existing legal accessory buildings at the time of adoption of this ordinance shall be considered in total toward the maximum allowed square-footage of an accessory building with the provision for an addition to an existing building that would bring the total square footage of all accessory buildings up to the maximum allowed.	Existing legal accessory buildings at the time of adoption of these regulations that exceed 400 square feet shall be considered in total toward the maximum allowed square-footage of an accessory building with the provision, where applicable, for an additional accessory building or addition to an existing accessory building that would bring the total square footage of all accessory buildings up to the maximum allowed square footage, provided that any	Existing legal accessory buildings at the time of adoption of these regulations that exceed 400 square feet shall be considered in total toward the maximum allowed square-footage of an accessory building with the provision, where applicable, for an additional accessory building or addition to an existing accessory building that would bring the total square footage of all accessory buildings up to the maximum allowed square footage, provided that any

		needed use permits have been obtained, and that the required open area for animal-keeping has been maintained.	needed use permits have been obtained, and that the required open area for animal-keeping has been maintained.
Maximum height	The maximum allowed height of any accessory building shall be 25 feet or the height of the primary residence plus two feet, whichever is the lesser. An accessory building can exceed the maximum allowed height only upon approval of a minor conditional use permit by the Planning Commission and only up to a maximum height of 35 feet. For every increase in height of one foot over the allowed maximum height (without a CUP) there shall be a corresponding required one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone. (For proposed accessory buildings that require increased setbacks for both the size and height of the building, only the greater of the two shall apply).	The maximum allowed height of any accessory building shall be 25 feet or the height of the primary residence plus two feet, whichever is the lesser. An accessory building can exceed the maximum allowed height only upon approval of a minor conditional use permit by the Planning Commission and only up to a maximum height of 35 feet. For every increase in height of one foot over the allowed maximum height (without a CUP) there shall be a corresponding required one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone. (For proposed accessory buildings that require increased setbacks for both the size and height of the building, only the greater of the two shall apply).	The maximum allowed height of any accessory building shall be 25 feet or the height of the primary residence plus two feet, whichever is the lesser. An accessory building can exceed the maximum allowed height only upon approval of a minor conditional use permit by the Planning Commission and only up to a maximum height of 35 feet. For every increase in height of one foot over the allowed maximum height (without a CUP) there shall be a corresponding required one-foot increase in the required setbacks (excluding the front yard setback) of the applicable zone. (For proposed accessory buildings that require increased setbacks for both the size and height of the building, only the greater of the two shall apply).
Architectural review required	Architectural review and approval is required for all accessory buildings that require a building permit (buildings that exceed 120 square feet).	Architectural review and approval is required for all accessory buildings that require a building permit (buildings that exceed 120 square feet).	Architectural review and approval is required for all accessory buildings that require a building permit (buildings that exceed 120 square feet).

/sk-72389

10,000 S.F. Flat Pad
40% Flat Pad Coverage

3,600 Square-Foot House

MAXIMUM ACCESSORY BLDG. SIZE DETERMINED BY
40% PAD COVERAGE

PC APPROVAL NOT REQUIRED

NO ADDITIONAL ACCESSORY BUILDING ALLOWED

1 ANIMAL UNIT ALLOWED

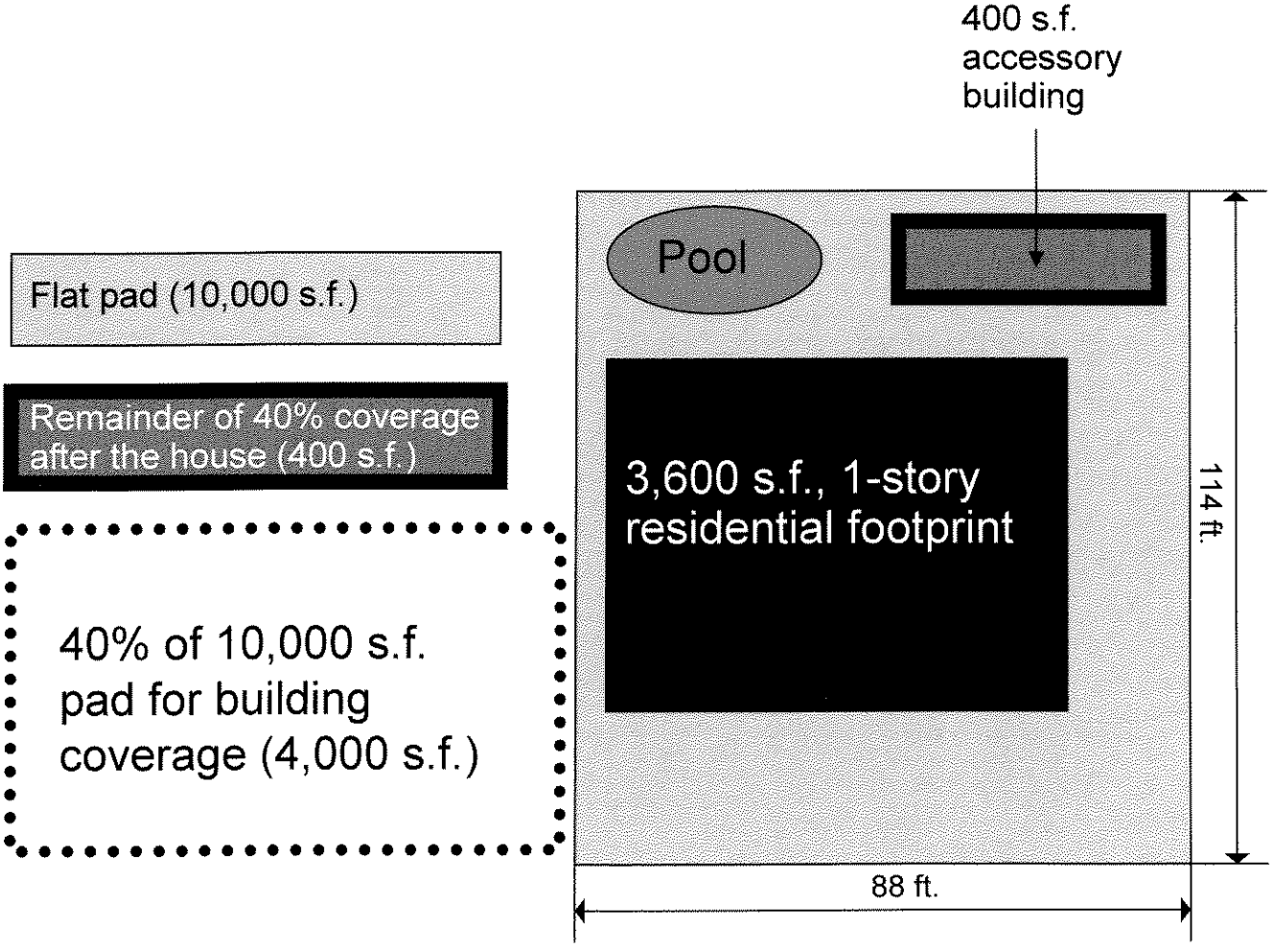


EXHIBIT 'D'

10,000 S.F. Flat Pad
40% Flat Pad Coverage

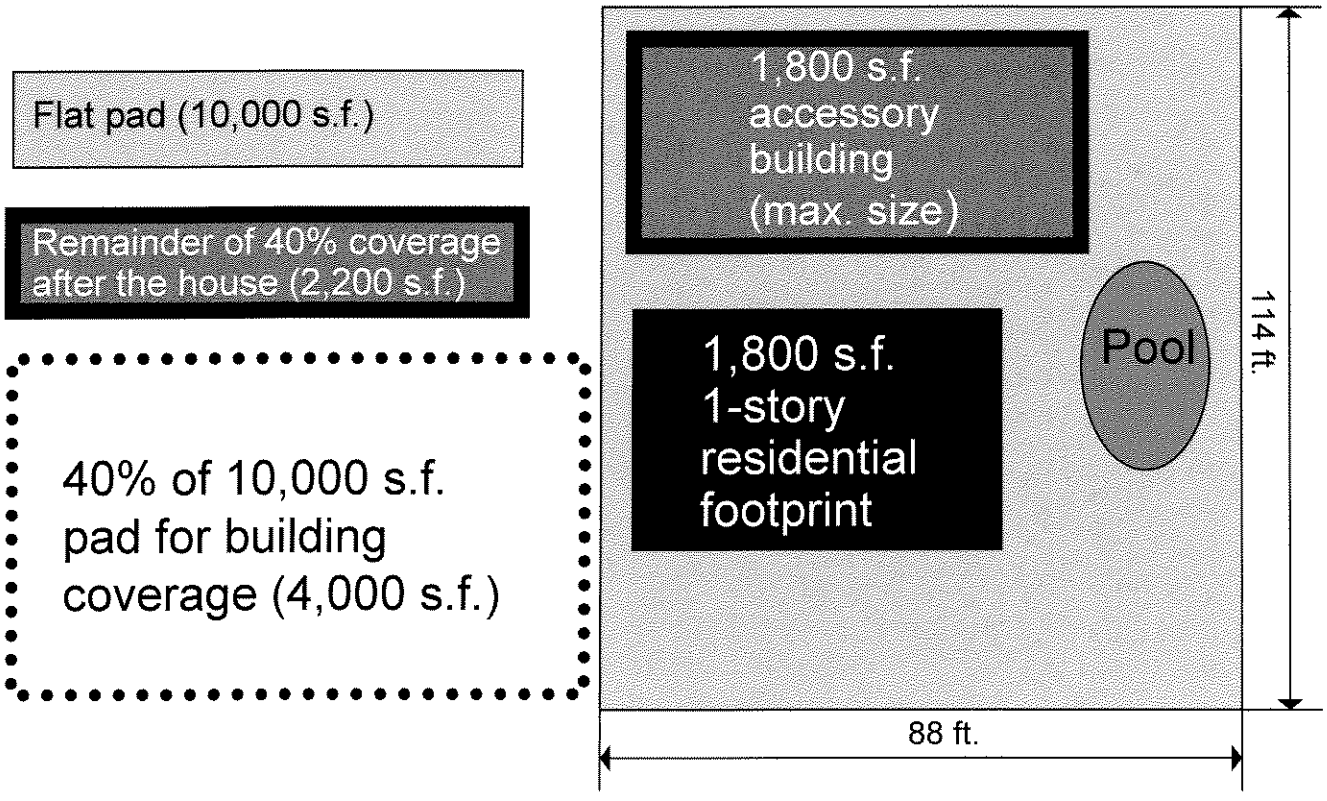
1,800 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED BY
SIZE OF HOME

PC APPROVAL NOT REQUIRED

NO ADDITIONAL ACCESSORY BUILDING ALLOWED

1 ANIMAL UNIT ALLOWED



10,000 S.F. Flat Pad
40% Flat Pad Coverage

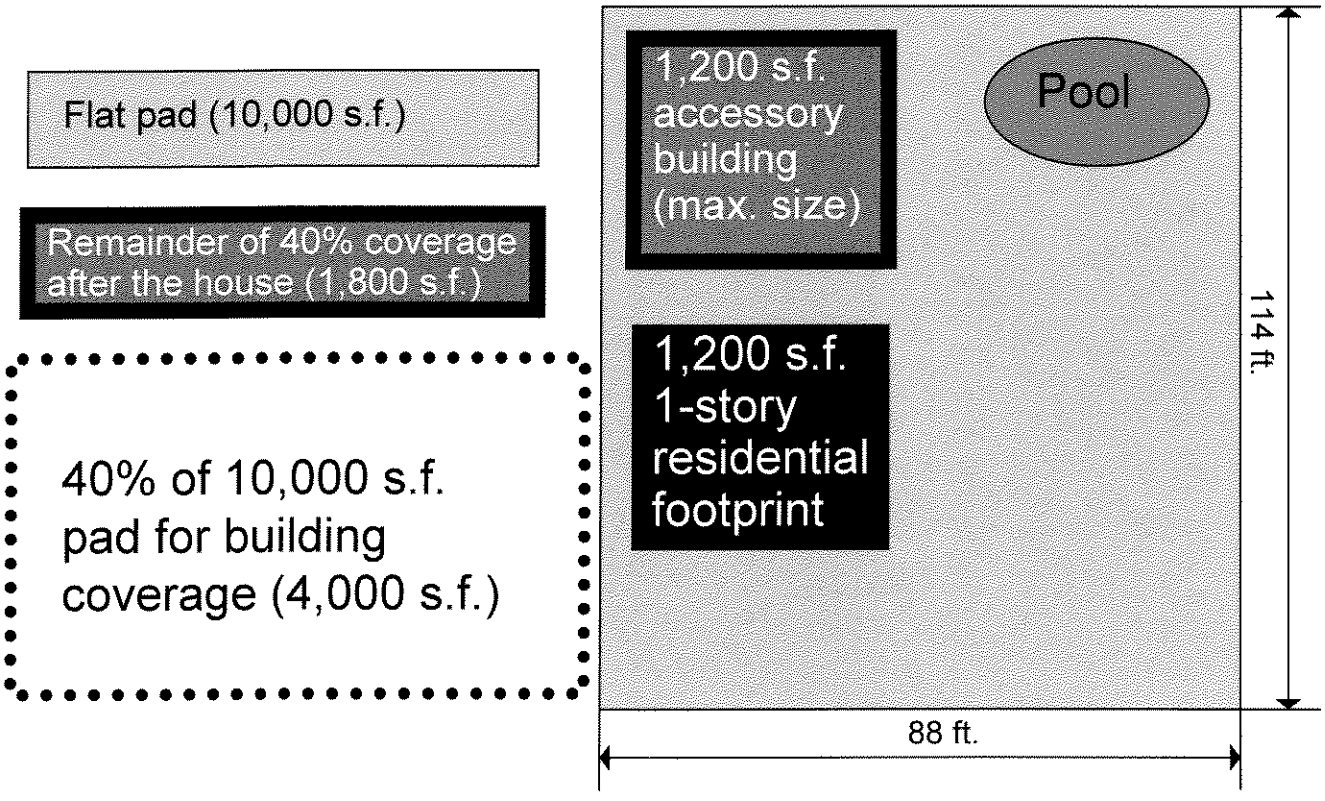
1,200 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED BY
SIZE OF HOME

PC APPROVAL NOT REQUIRED

NO ADDITIONAL ACCESSORY BUILDING ALLOWED

1 ANIMAL UNIT ALLOWED



15 ,000 S.F. Flat Pad
40% Flat Pad Coverage

3,600 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM
MATRIX (2,110 S.F.)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDING ●

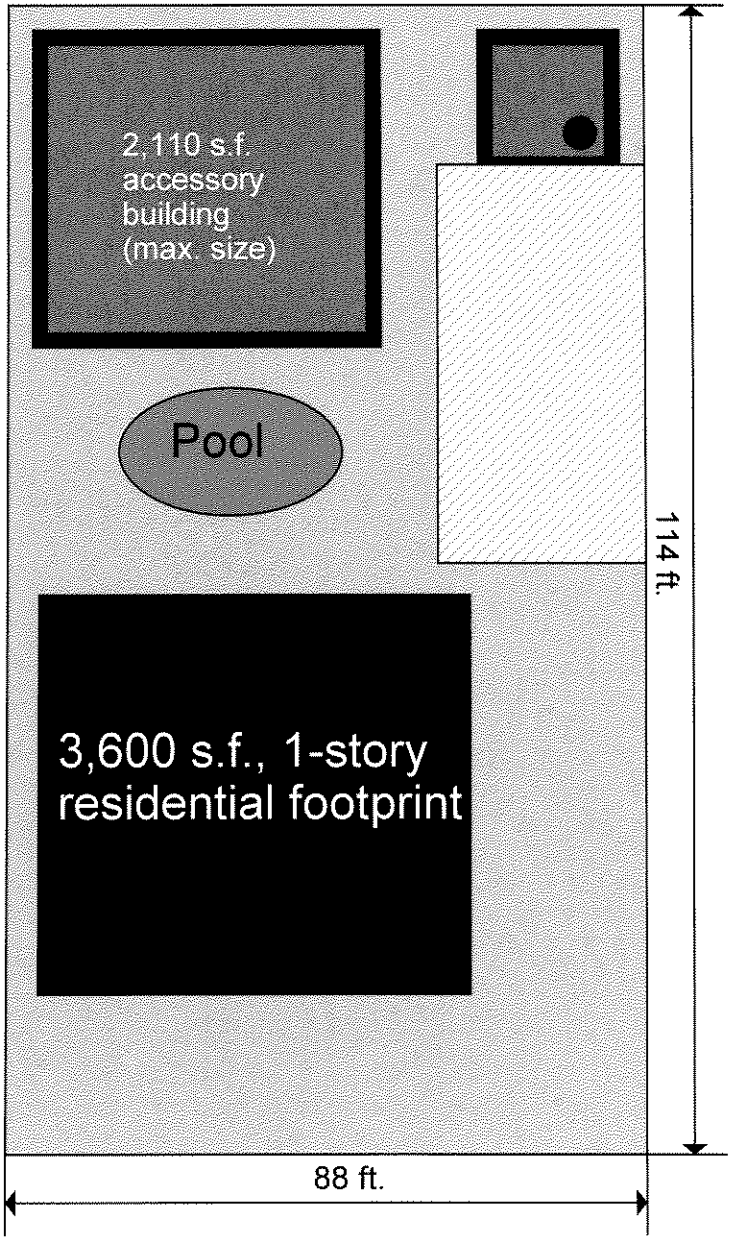
3 ANIMAL UNITS ALLOWED

Required Open Area for 3 animal units (1,728 s.f.)

Flat pad (15,000 s.f.)

Remainder of 40% coverage after the house (2,400 s.f.)

40% of 15,000 s.f. pad for building coverage (6,000 s.f.)



15,000 S.F. Flat Pad
40% Flat Pad Coverage

1,800 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM
MATRIX (2,112 S.F.)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDING ●

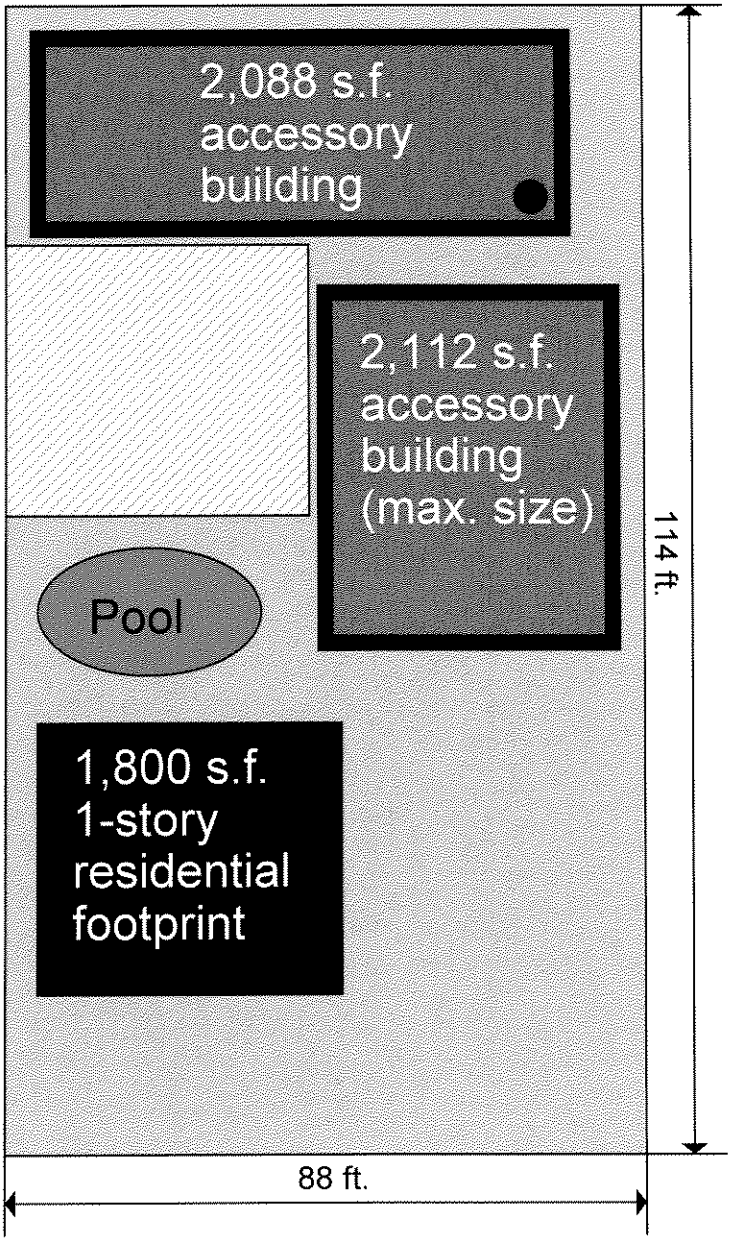
3 ANIMAL UNITS ALLOWED

Required Open Area for 3 animal units (1,728 s.f.)

Flat pad (15,000 s.f.)

Remainder of 40% coverage after the house (4,200 s.f.)

40% of 15,000 s.f. pad for building coverage (6,000 s.f.)



15,000 S.F. Flat Pad
40% Flat Pad Coverage

1,200 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM
MATRIX (2,112 S.F.)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS ●

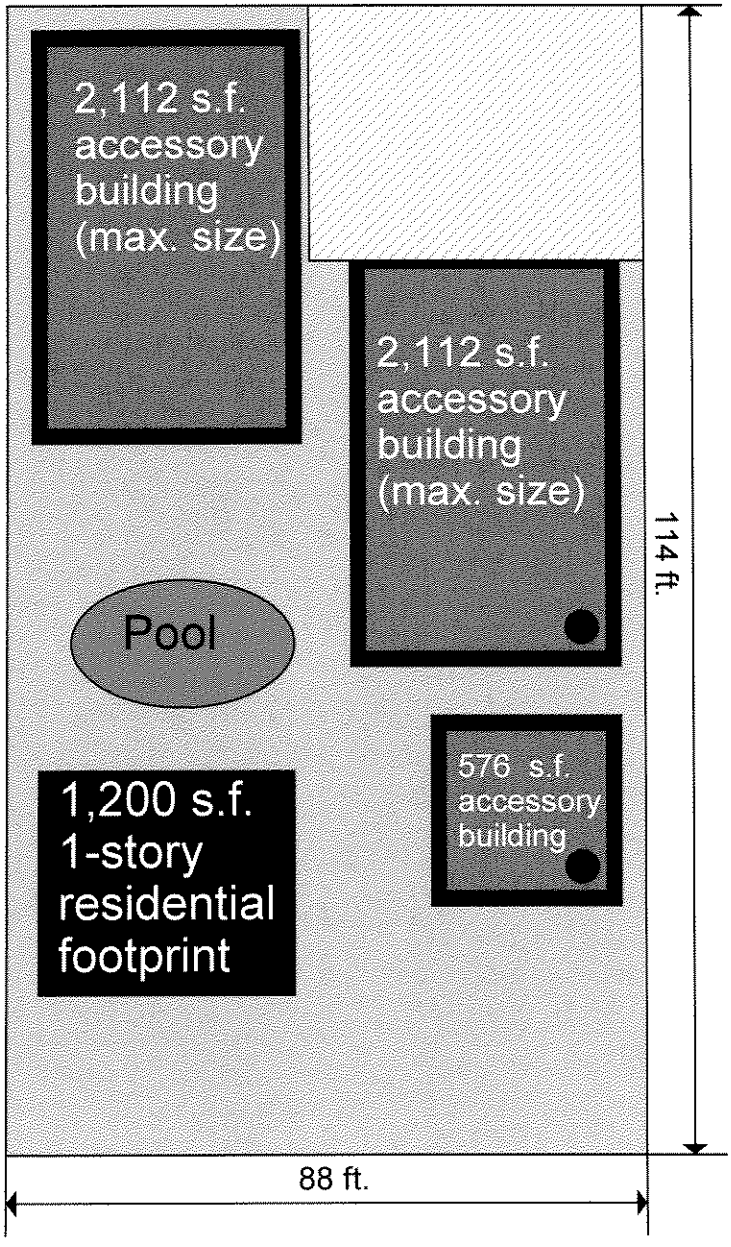
3 ANIMAL UNITS ALLOWED

Required Open Area
3 A.U. (1,728 s.f.)

Flat pad (15,000 s.f.)

Remainder of 40% coverage after the house (4,800 s.f.)

40% of 15,000 s.f. pad for building coverage (6,000 s.f.)



20,000 S.F. Flat Pad
40% Flat Pad Coverage

3,600 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM
MATRIX (2,200 S.F.)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDING ●

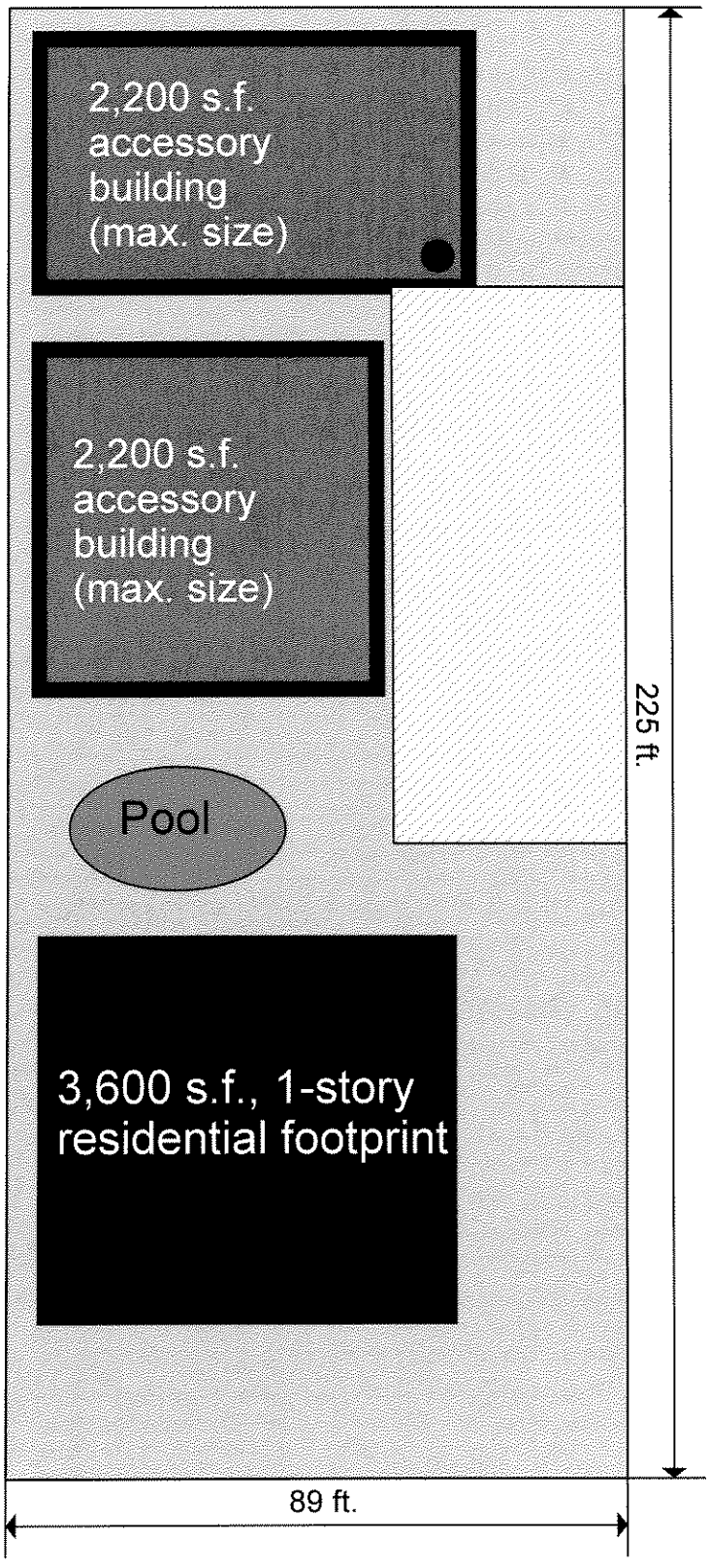
5 ANIMAL UNITS ALLOWED

Required Open Area
5 A.U. (2,880 s.f.)

Flat pad (20,000 s.f.)

Remainder of 40% coverage after the house (4,400 s.f.)

40% of 20,000 s.f. lot for building coverage (8,000 s.f.)



20,000 S.F. Flat Pad
40% Flat Pad Coverage

1,800 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM
MATRIX (2,200 S.F.)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS ●

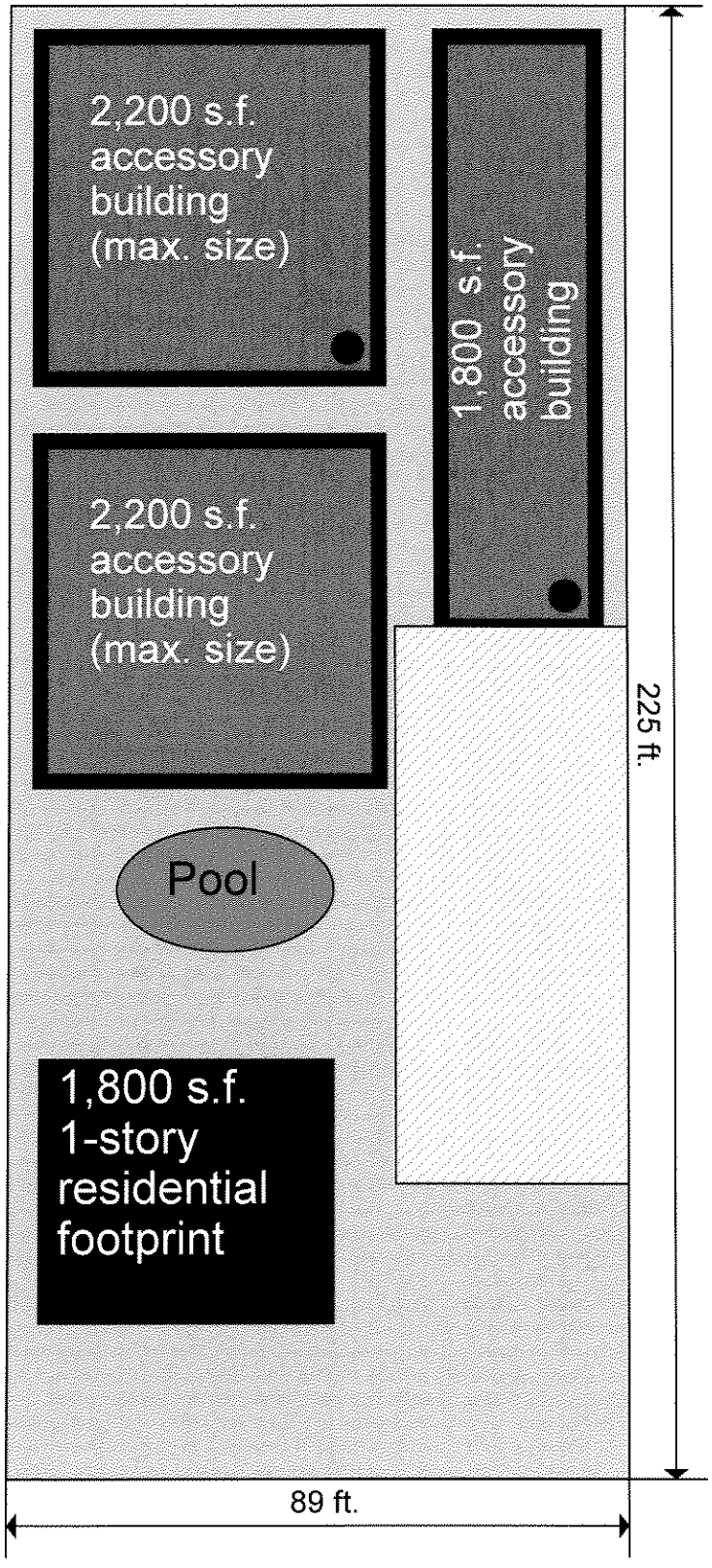
5 ANIMAL UNITS ALLOWED

Required Open Area
5 A.U. (2,880 s.f.)

Flat pad (20,000 s.f.)

Remainder of 40% coverage after the house (6,200 s.f.)

40% of 20,000 s.f. lot for building coverage (8,000 s.f.)



20,000 S.F. Flat Pad
40% Flat Pad Coverage

1,200 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM
MATRIX (2,200 S.F.)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS OVER 400 S.F. ●

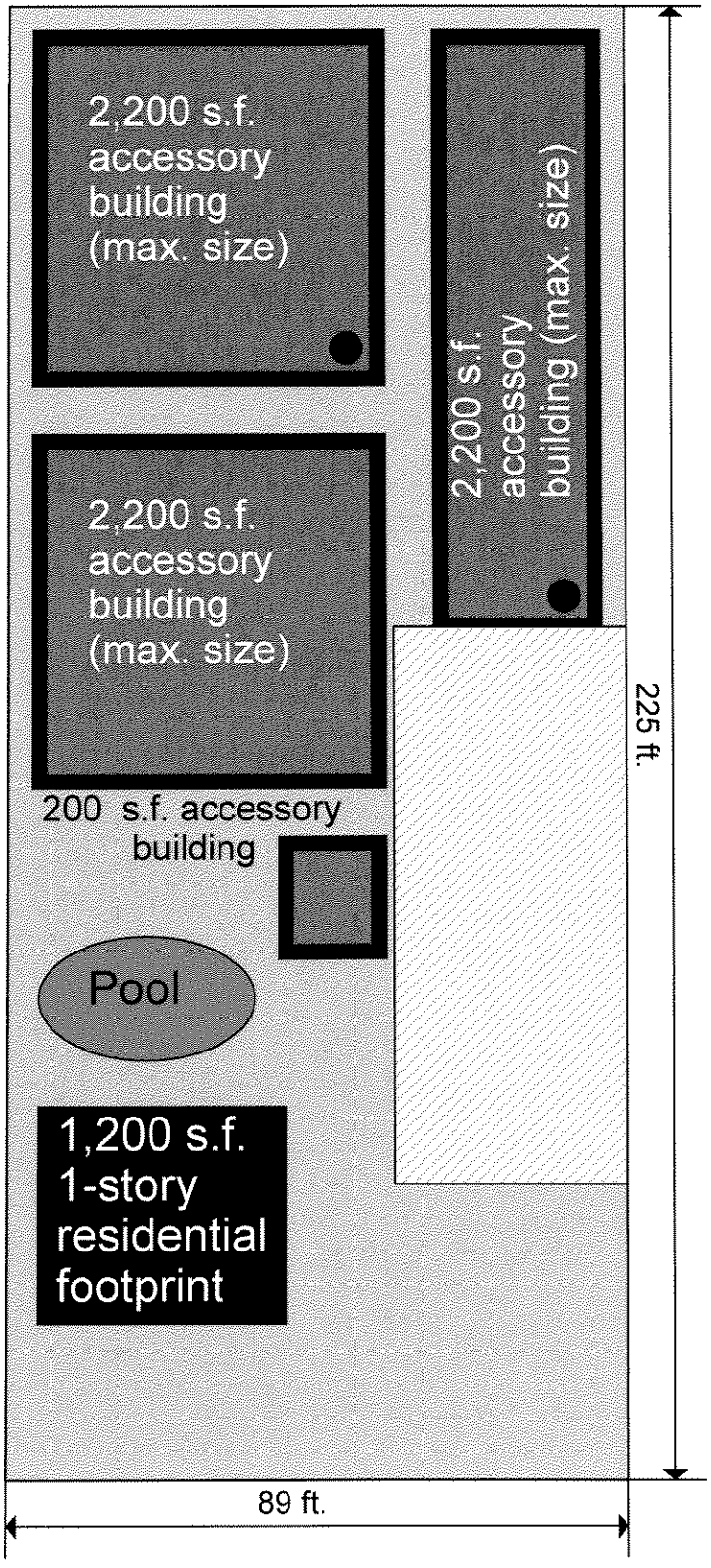
5 ANIMAL UNITS ALLOWED

Required Open Area
5 A.U. (2,880 s.f.)

Flat pad (20,000 s.f.)

Remainder of 40% coverage after the house (6,800 s.f.)

40% of 20,000 s.f. lot for building coverage (8,000 s.f.)



30,000 S.F. Flat Pad 40% Flat Pad Coverage

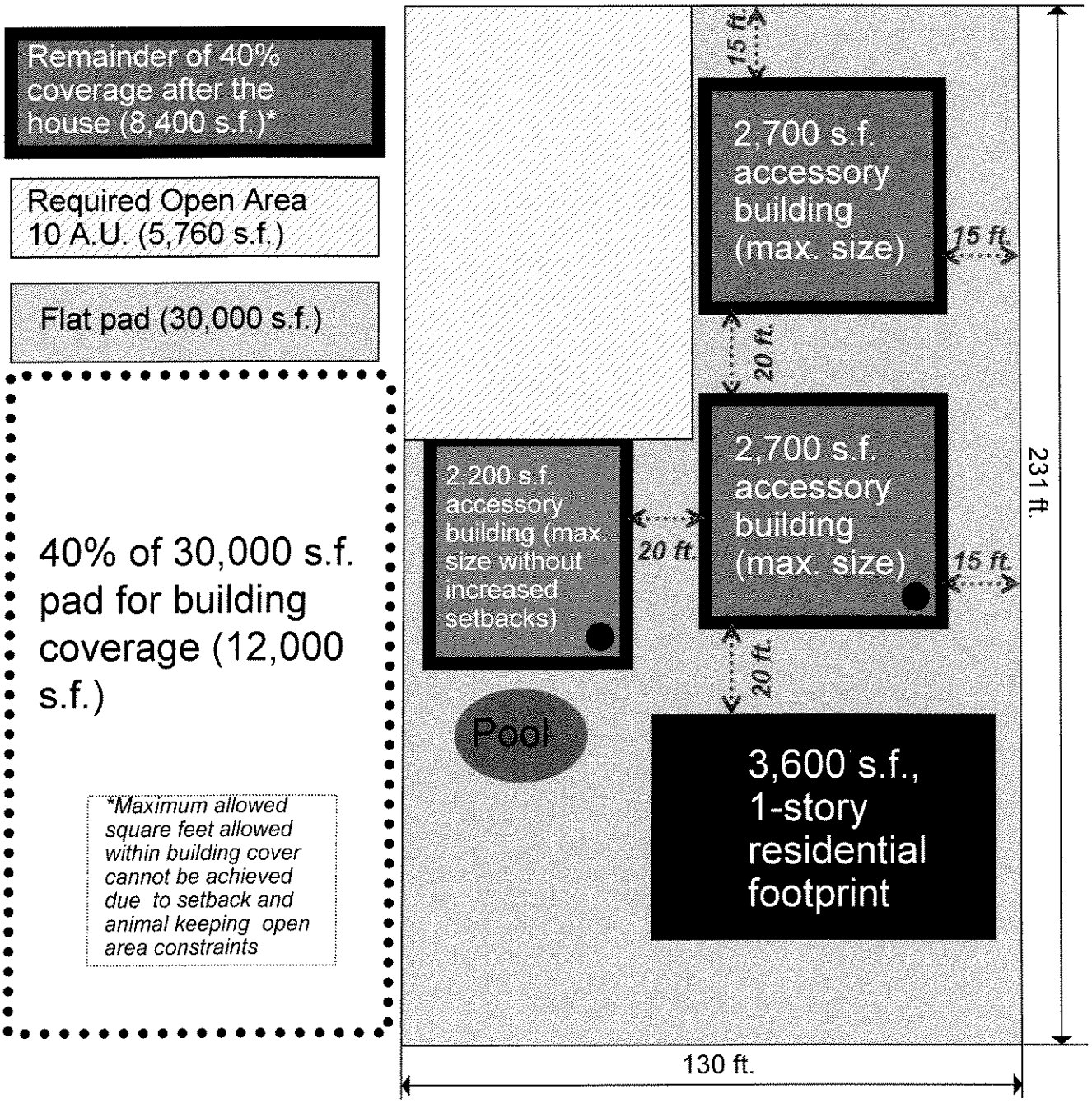
3,600 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM MATRIX (2,700 S.F.)

INCREASED SETBACKS OF 10 FT. (<····>) OVER STANDARD SETBACK

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS●

10 ANIMAL UNITS ALLOWED



30,000 S.F. Flat Pad 40% Flat Pad Coverage

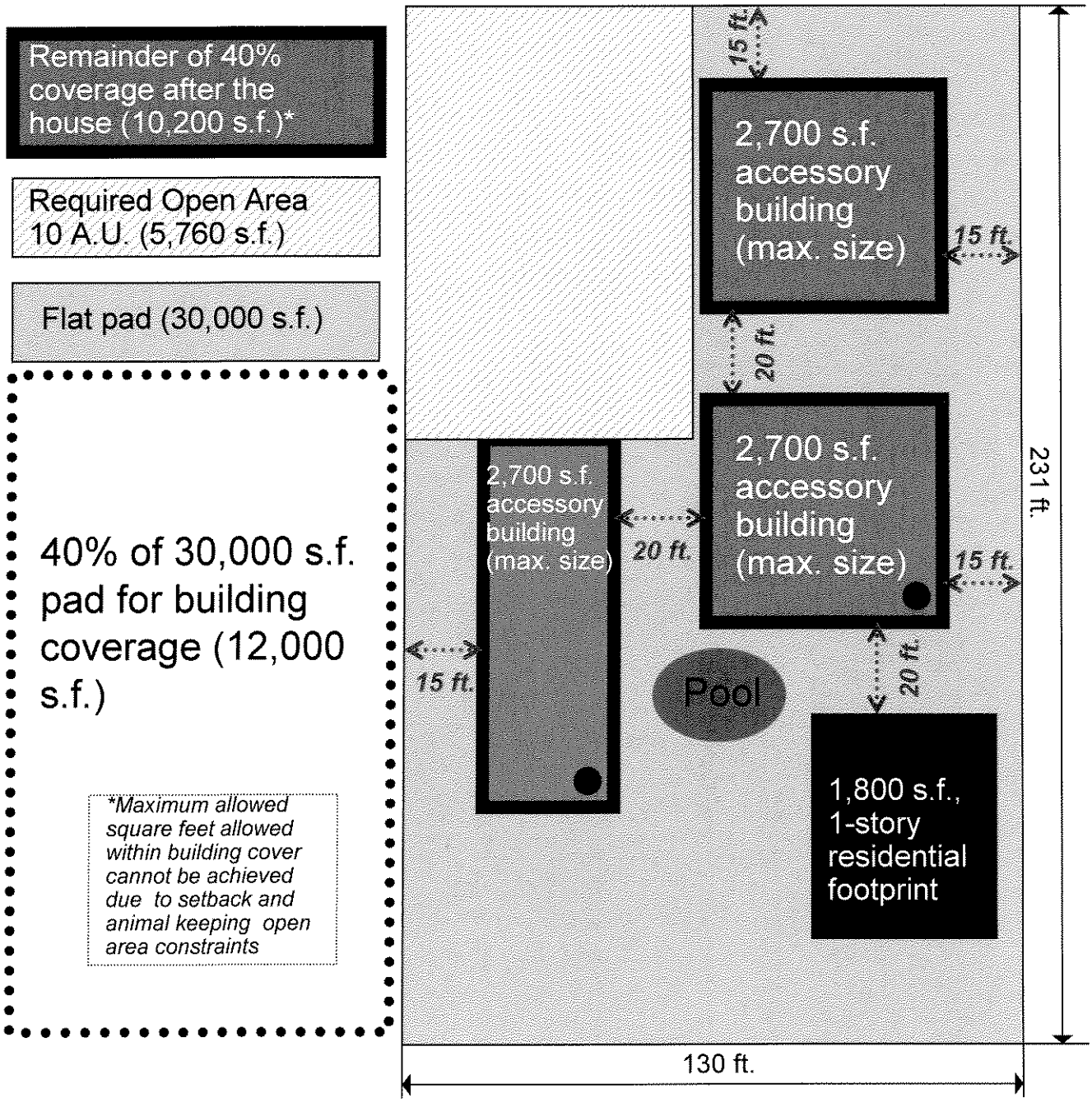
1,800 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM MATRIX (2,700 S.F.)

INCREASED SETBACKS OF 10 FT. (<····>) OVER STANDARD SETBACK

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS ●

10 ANIMAL UNITS ALLOWED



40,000 S.F. Flat Pad 40% Flat Pad Coverage

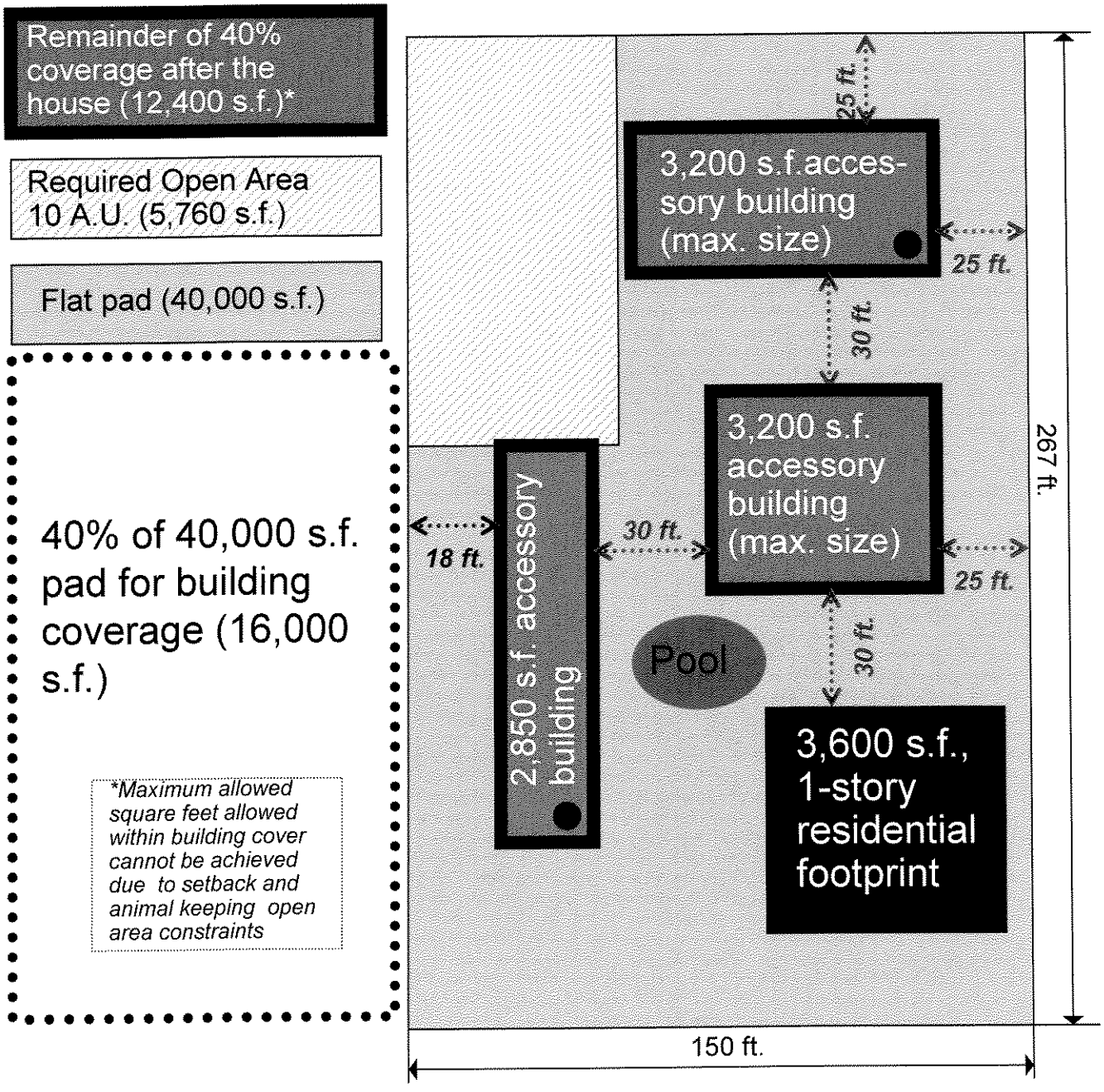
3,600 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM MATRIX (3,200 S.F.)

INCREASED SETBACKS OF 20 FT. (<····>) and 13 FT. (<····>)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS●

10 ANIMAL UNITS ALLOWED



60,000 S.F. LOT SIZE
40,000 S.F. Flat Pad 40% Flat Pad Coverage

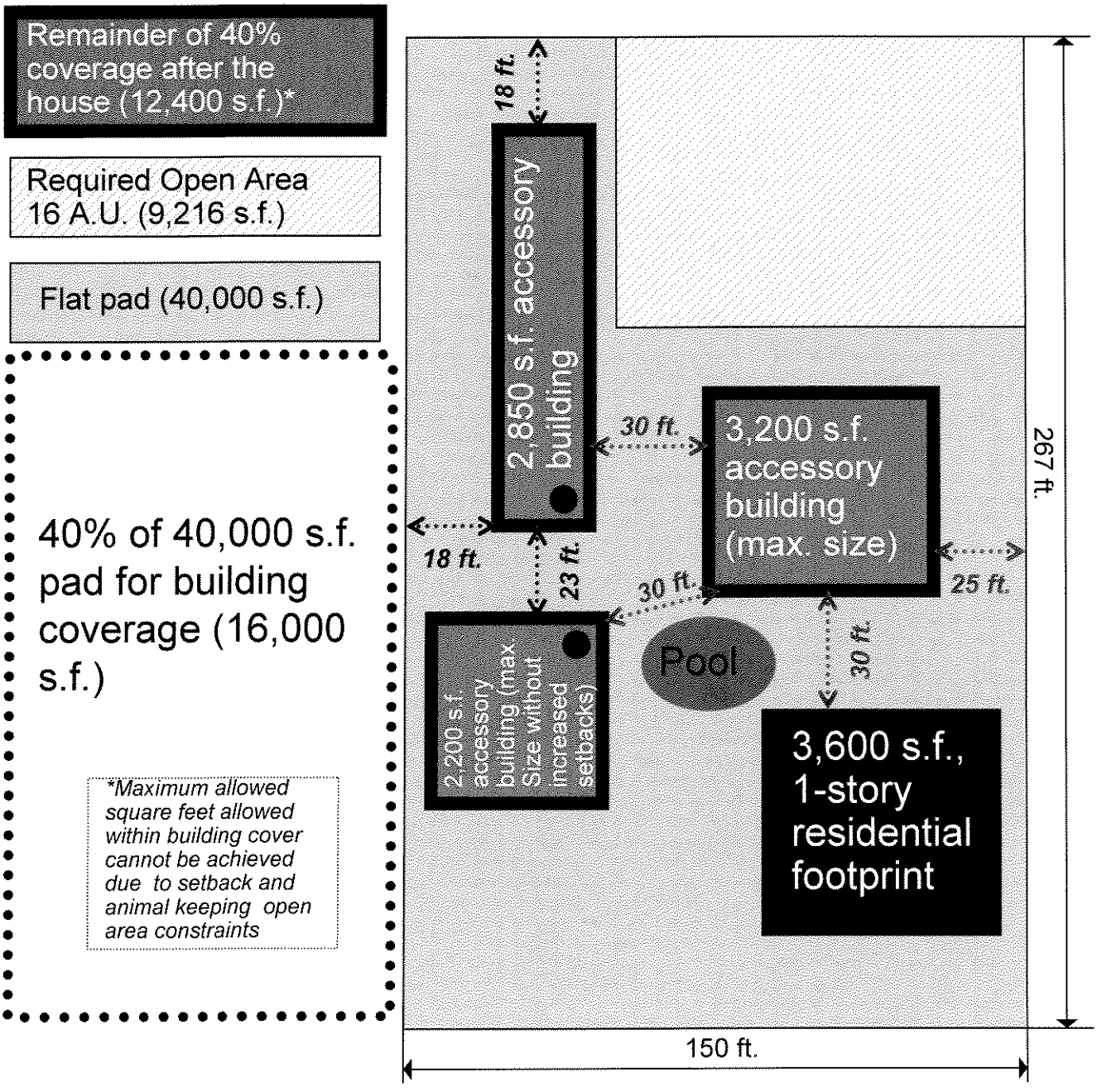
3,600 Square-Foot House

MAXIMUM ACCESSORY BLDG. DETERMINED FROM MATRIX (3,200 S.F.)

INCREASED SETBACKS OF 20 FT. (⮜····⮞) and 13 FT. (⮜····⮞)

PC APPROVAL REQUIRED FOR ADDITIONAL ACCESSORY BUILDINGS ●

16 ANIMAL UNITS ALLOWED (based on lot size)



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

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1. CALL TO ORDER: 7:00 p.m.

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

3. STAFF PRESENT: Planning Manager King, Executive Secretary Dvorak

4. PLEDGE OF ALLEGIANCE: Commission Member Hedges

5. APPEAL NOTICE: Read by staff.

6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: Tom Willison, new president of the Norco Horse Horsemen's Association, introduced himself.

7. APPROVAL OF MINUTES: Minutes of February 25, 2009
MOTION: M/S Jaffarian/Harris to approve the minutes of February 25, 2009 as written.

   AYES: Unanimous **MOTION CARRIED**

8. CONTINUED ITEMS: None

9. PUBLIC HEARINGS: None

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10. BUSINESS ITEMS: Discussion of a Proposed Amendment in Residential and Animal-Keeping Zones Regarding the Size of Permitted Accessory Buildings. Recommendation: Give Direction and Set for Public Hearing (Planning Manager King)

PM King presented the staff report on file in the Planning Department and used a slide show to explain his exhibits, several of which showed up to four accessory buildings possible on a lot. Because lot sizes in the A-1 zone can go from 7,000 feet to 40,000 feet, there is no simple way to address accessory building sizes under one amendment. He reminded the Commission this proposed amendment is intended only for those lots that do not already have the Primary Animal-Keeping Areas (PAKAs).

Exhibit "E"

Chair Wright said the exhibits show that the ability to retain animal-keeping has been lost due to accessory building coverage, and this was not the intent of the proposed amendment.

Member Harris agreed about the animal-keeping and said that the Commission's goal was not to cover the lot with accessory buildings. He noted that the height issue was not been addressed in this presentation; adding that the square footage needed to refer to pad area and not living area, in the case of two-story houses.

Vice-Chair Jaffarian asked about the size of accessory buildings relative to the size of a lot. He was trying to tie the barn size and number of stalls with the allowed amount of animals on site. He did not think multiple accessory buildings were what the Commission had in mind. Height vs. distance to property line correlations needed to be considered.

Member Newton agreed with Member Jaffarian. He noted that the prime directive to staff was to not only to protect animal keeping but to stop the monstrosity of huge accessory buildings showing up all over town. He asked how to put this into perspective, not only how it looks on the property but from other properties. He asked if the City doesn't the City have architectural approval required. PM King said not at this time.

Vice-Chair Jaffarian said the Commission is mainly looking at owners of existing homes wanting to put in accessory buildings.

Chair Wright reminded the Commission that the original reason was to protect animal-keeping and he doesn't see this amendment doing that.

Member Harris noted that any building on PAKAs have to be for animal-keeping. It was noted that 40% of a PAKA can be covered with animal-keeping structures.

Member Newton used an example of where a building is being used for a contractor's storage yard in a residential neighborhood. There are no animals on site.

Vice-Chair Jaffarian said that within reason, one could put horses in a pre-manufactured building but there are some RV storage garages that could definitely not be used for animal keeping. He complimented staff for the good strategy on showing the large accessory buildings that could be built on the different sized lots.

Member Newton asked about requirements for equine turn-out areas. He suggested an equal size of accessory building to open space.

This was not a public hearing, but Chair Wright invited public comments.

Tom Willison noted a lack of definition of "accessory building." He had concerns if an accessory building had nothing to do with animal keeping. He noted on some of the exhibits that there was no fire access to some of the accessory buildings.

Jeannie Adams agreed with the Commission but worried about self-employed persons being limited, for example, in equipment storage needed for their businesses.

Member Newton said to take a step back and research the open space zones as to what is required.

Vice-Chair Jaffarian said there needed to be more simple and tangible ideas.

There was discussion about matching the architecture of the accessory buildings to that of the main house on the lot. Architectural review would cover shadows possibly casting over existing structures, height, and colors and materials; also, at what point would a project be required to come for Commission review.

Member Newton asked for information on turnout areas be obtained from Norco's Animal Control and/or Cal Poly.

For a bit of history, PM King noted that the Specific Plan for the Western Pacific housing was done ten years before the tract map was done. 276 square feet per horse was required. Each lot has a recorded number regarding how many animals could be kept on each lot. But because that proved not to be the intent of what was wanted; PAKAs were established to be more conducive to animal keeping.

Member Harris stressed that sight consideration was important in the hills.

It was suggested that architectural review be required for all buildings over 1,000 sq ft. Vice-Chair Jaffarian said the current rate of increase on Exhibit "A" was totally acceptable.

PM King said the current moratorium April 5, 2009 but City Council has the opportunity on March 18, 2009 to extend it to February 18, 2010.

The Commission asked that staff bring this back as business item; they were not ready to set this for public hearing.

11. CITY COUNCIL: Received and filed.
    A. City Council Action Minutes dated March 4, 2009

    B. City Council Minutes dated February 18, 2009

Member Newton asked for clarification of the bond, which staff clarified that the intent is just to make sure there is a bond in place at time of removal.

AYES: Harris, Hedges, Jaffarian, Newton and Wright
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

10. BUSINESS ITEMS: Discussion of a Proposed Amendment in Residential and Animal-Keeping Zones Regarding the Size of Permitted Accessory Buildings. Recommendation: Give Direction and Set for Public Hearing. Continued from March 11, 2009

Planning Manager King presented the detailed staff report on file in the Planning Division and summarized changes made since the last meeting. He explained the difference between a major and a minor conditional use permit, the minor one not requiring construction and costing less.

There was a discussion about accessory building heights not exceeding the height of the residence. The Commission decided to use the height of the existing residence or up to 25 feet, whichever is the lesser.

Lot coverage was discussed, with PM King noting that reducing it to 20 percent would create too much of a burden on the smaller lots. Even 25 percent could be too restrictive. The 40 percent pad coverage works in the goal of this amendment.

Although not a public hearing, Chair Wright welcomed any comments.

Jeanne Adams asked why pools and decks are not counted as coverage.

Vice-Chair Jaffarian explained that while some pools dominate some properties with such amenities as above-ground waterfalls, they still can be filled in, tennis courts and basketballs courts can be broken up, but large permanent structures stay.

Member Newton noted that staff had included pertinent sections from the Land Use Element and from the Municipal Code, and asked that it be addressed again in the upcoming staff report.

No motion was required. The public hearing will be noticed and set for April 29, 2009.

Add Urgency Item:

MOTION: M/S Harris/Hedges to add emergency item. **MOTION CARRIED**

Exhibit "F"

PM King explained that the property is located on Temescal Avenue in the C-4 zone so the existing single-family residence is a non-conforming use. Any Act of God that destroys more than 50 percent of the value of the unit prevents it from being rebuilt. In this case, it was not an Act of God but a landscaper's miscalculations causing a tree to fall on the roof, destroying most of it. The Building Division has denied the repair request although it technically was not an act of God that destroyed the roof.

Raoul Romero, 3946 Temescal Avenue, just purchased the site and did not know it was in the C-4 zone so did not know about it being a non-conforming use. He cannot move into the house until there is a roof on it and would like to put a business use on it in the future.

The Commission saw no problem with allowing a new roof.

MOTION: M/S Jaffarian/Hedges to overturn the Building Department's denial, thereby allowing the new roof.

AYES: Unanimous **MOTION CARRIED**

11. CITY COUNCIL: Received and filed.
    A. City Council Action Minutes dated April 1, 2009

    B. City Council Minutes dated March 18, 2009

12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: Member Harris said he is leaving the Economic Development Advisory Committee and his vacancy has been posted.

13. STAFF: Current Work Program: Received and Filed

14. OTHER MATTERS:
    A. Oral Report: Sale of Vehicles at Sixth Street and Valley View Avenue. PM King said a "Trespass Agreement" allowing the Sheriff's Department to take action has not been received back from the property owner. The owner also has to post "No Trespassing" signs on the site.

    B. Oral Report: Wall Design and Use of 1308 Sixth Street. SP Robles said staff will meet with the owner before the next Commission meeting.

    C. Oral Report: Horse boarding facility at California Avenue/North Drive. SP Robles said the house is vacant, the property is for sale and the boarding facility is an approved use with a City of Norco business license.