



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
SEPTEMBER 2, 2009

CALL TO ORDER: Mayor Azevedo called the meeting to order at 6:06 p.m.

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

Staff Present: Cooper, Grody, Groves, Jacobs, King, Okoro, Petree and Thompson

Deputy City Attorney Burns – **Present**

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

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

Number of Potential Cases: Unknown

RECONVENE PUBLIC SESSION: With no Closed Session Items to report, Mayor Azevedo reconvened the meeting at 7:04 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Miller

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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

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

1. CRA CONSENT CALENDAR ITEM:
 - A. CRA Minutes, Regular Meeting of August 19, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)

2. CRA PUBLIC HEARING:

- A. Approval of an Owner Participation Agreement with R.W. Forsum Enterprises as Part of the Façade Improvement Program

R.W. Forsum Enterprises, the franchisee of the Jack in the Box restaurant, located at 1491 Sixth Street, has submitted a request to participate in the Façade Improvement Program. The proposed Owner Participation Agreement funds the project for an amount not-to-exceed \$60,000 and will be used for the renovation and updating of the existing restaurant building, its landscaping and its signature "Old Town Norco" sign. The Façade Improvement Program will help the City/Agency meet strategic objectives and promote the Western theme of "Horsetown USA."

Recommended Action: Adopt CRA Resolution No. 2009-___, approving an Owner Participation Agreement by and between the Norco Redevelopment Agency and R.W. Forsum Enterprises for a building and sign located at 1491 Sixth Street. (Director of Economic Development)

Housing Specialist Grody presented the CRA item. Representatives from R.W. Forsum were in attendance to answer any questions regarding the design or motivations of the project.

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

Pat Overstreet, 1231 Corona. Ms. Overstreet is thrilled that the sign is being refurbished and thinks it is wonderful and looks terrific. She is requesting that the two existing palm trees be replaced with Canary Island Pines.

Chairman Azevedo CLOSED the public hearing.

M/S Miller/MacGregor to Adopt CRA Resolution No. 2009-17, approving an Owner Participation Agreement by and between the Norco Redevelopment Agency and R.W. Forsum Enterprises for a building and sign located at 1491 Sixth Street. The motion was carried by the following roll call vote:

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

3. CRA ITEM FOR ACTION:

A. Sponsorship Request from Horsetown USA Hall of Fame

The Norco Redevelopment Agency has received a letter from Dave Henderson, President of the Horsetown Hall of Fame Committee, seeking a \$5,000 sponsorship. This is not a budgeted expenditure and given the current financial uncertainties with the State's taking of Redevelopment funds, staff does not recommend approval.

Recommended Action: Deny the request for the Norco Redevelopment Agency to be a \$5,000 Gold Sponsor of the Horsetown USA Hall of Fame.
(Executive Director)

Interim City Manager Groves presented the CRA item. She stated that if there is action to be taken, direction is requested from the Agency Board.

Dave Henderson, 3010 Corona. Mr. Henderson, President of the Horsetown Hall of Fame, thanked the City Council and staff for the asset they have been to the Hall of Fame. The goal of the Hall of Fame is to be a true asset to the City and to participate with the City at any level they can. The economic times have caused sponsorship to decline for them. If a gold sponsorship is not acceptable, the silver sponsorship would be acceptable. Any assistance from the City would be greatly appreciated. In response to Mayor Pro Tem Miller, Mr. Henderson stated that the payment of fees, in lieu of a cash sponsorship, would be appreciated and he would also request that the sponsorship be included in future budgets.

Director Petree stated that the total cost for the fees for the event will be approximately \$2,700, which includes a \$1,000 deposit.

Council Member Hanna clarified from Director Petree that the \$1,000 deposit is refundable.

Council Member Hall stated that since it was not a budgeted item and because of the unknowns from the State takeaways from local government, he would like to see this request continued to later in the year, possibly at the same time the next budget is being approved. He added that the next Council meeting has been cancelled so that the Council can attend the League of California Cities Annual Conference and, hopefully, should hear more at that time how the State is going to balance its budget. He further noted that the other thing that should be considered is if the Hall of Fame has sufficient funds to operate at present. Council Member Hall stated he has no problem with the City donating fees for the use of the facility.

Mayor Azevedo stated that she would like to suggest that the Council waive the deposit completely and waive all the other fee costs, except for the hard pass-through costs, which at this time are unknown. She added that her suggestion is for this year and then see about adding the sponsorship to the next budget.

M/S Azevedo/MacGregor to waive all the costs except for the hard pass-through costs. The motion was carried by the following roll call vote:

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

OTHER CRA MATTERS: No Other CRA Matters.

ADJOURNMENT OF CRA: 7:26 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Mayor Azevedo pulled Item 4.D. and Harvey Sullivan pulled Item 4.E. for discussion under Item 6.

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

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

4. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes, Regular Meeting of August 19, 2009. **Recommended Action: Approve the City Council Minutes** (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of August 26, 2009. **Recommended Action: Receive and File** (Planning Manager)
- C. Approval to Allow the Franchise Tax Board and the City to Enter into a Reciprocal Agreement to Exchange Tax Data Specific to City Business License Information. **Recommended Action: Adopt Resolution No. 2009-63, approving and adopting the City to enter into a Reciprocal Agreement with the Franchise Tax Board.** (Deputy City Manager/Director of Finance)
- D. Dedication of a Bench in Memory of Brittney Marie Peters at Wayne Makin Sports Complex. **Recommended Action: Approve the Bench Dedication and Memorial Plaque.** (Director of Parks, Recreation & Community Services)
- E. Approval of Agreement for Temporary Part-Time Employment of Fire Chief. **Recommended Action: Approve the Agreement for Temporary Part-Time Employment of Fire Chief.** (Deputy City Manager/Director of Finance)

- F. Accept Bids, Award Contract, and Appropriate Additional Funds for the Reservoir No. 4 Booster Pump Station Project. **Recommended Action: Award the Contract for the Reservoir No. 4 Booster Pump Station Project to Metro Builders & Engineers Group, Ltd in the amount of \$563,580; authorize the City Manager to approve contract change orders up to 10 percent of the contract amount; and adopt Resolution No. 2009-64, appropriating an additional amount of \$113,580.** (City Engineer)
- G. Final Acceptance of and Additional Appropriations for the Crestview Drive Extension and Sixth Street Improvements Project. **Recommended Action: Accept the Crestview Drive Extension and Sixth Street Improvements Project as complete; instruct the City Clerk to file the Notice of Completion with the County Recorder's Office at her earliest convenience; and adopt Resolution No. 2009-65, appropriating additional funds for the Crestview Drive Extension and Sixth Street Improvements Project.** (City Engineer)

5. CITY COUNCIL PUBLIC HEARINGS:

- A. General Plan Amendment 2008-01 (City of Norco): Review of the City of Norco 2008 Housing Element

The Housing Element is one of the seven State mandated General Plan elements. The Housing Element is subject to detailed statutory requirements regarding its content and must be updated every five years. It is the only General Plan element subject to mandatory review by a State agency; the California Department of Housing and Community Development (HCD). The purpose of the Housing Element is to examine the housing needs of residents, create and guide housing policy in the City, and identify locations to accommodate the City's Regional Housing Need Assessment.

Recommended Action: (1) Approve a Negative Declaration for General Plan Amendment 2008-01, indicating that the project will not have a significant impact on the environment; and (2) Adopt the City of Norco 2008 Housing Element and direct that it be submitted to the California Department of Housing and Community Development. (Planning Manager)

Planning Manager King presented the Council item. Alexa Wyneken and Derek Bingham were in attendance representing Hogle-Ireland, which is the firm that assisted with the development of the Housing Element. Ms. Wyneken gave a presentation regarding the revised recommended update, which incorporates comments from HCD and the Planning Commission. She confirmed that the Planning Commission adopted the Housing Element in August 2009. Ms. Wyneken clarified Mayor Pro Tem Miller's question regarding the RHNA numbers, as they will escalate if there is not an adopted Housing Element, and also that those numbers may be appealed at a later date. After applying credits for units built or approved between 2006 and 2008 and the previous planning period, the City has a remaining RHNA of 1,006 units. She stated that seven sites have been identified and one site has changed in this update, that being the parcels fronting Mountain Avenue in the Gateway Specific Plan. Parcel 7 includes 22 parcels and is currently zoned Industrial. It is

proposed to change that zoning designation in the future to mixed-use. Ms. Wyneken noted that the Housing Element needed to include information on Senate law SB2, which requires cities and counties to identify specific sites with by-right zoning to accommodate the community's need for homeless shelters, requires cities and counties to identify zones where special needs facilities and transitional housing are permitted either by right or with a conditional use permit, and prohibits a city or county from disapproving applications for shelters and special needs facilities unless specified findings are made. Ms. Wyneken concluded that the final step is for the Council to adopt the Housing Element and Negative Declaration.

Planning Manager King clarified that with regards to Site 7; those parcels were identified because they provide acreage and density, but it does not mean the City will get rid of the Norco Egg Ranch.

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

Pat Overstreet, 1231 Corona. Ms. Overstreet asked what the state requires when cities run out of parcels to build on. Ms. Wyneken stated that those cities are still assigned RHNA numbers and they then look at redevelopment and infill projects. Ms. Wyneken confirmed that all cities in California are required to adopt a certified Housing Element.

Mayor Azevedo CLOSED the public hearing.

M/S Miller/Hall to (1) Approve a Negative Declaration for General Plan Amendment 2008-01, indicating that the project will not have a significant impact on the environment; and (2) Adopt Resolution No. 2009-66 adopting the City of Norco 2008 Housing Element and that it be submitted to the California Department of Housing and Community Development. The motion was carried by the following roll call vote:

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

- B. Modification of an Existing Moratorium on the Approval of New Plans for the Construction of Accessory Structures that Exceed 2,500 Square Feet on Residentially-Zoned Properties

A request for modification of the existing moratorium is being recommended on the approval of new plans for accessory structures that exceed 2,500 square feet on residentially-zoned properties. The recommendation is that the Council modifies the moratorium to exclude animal-keeping structures that exceed 2,500 square feet provided they have a dirt floor, and to exclude from the moratorium any accessory structures that currently require the approval of a conditional use permit by the Planning Commission per the Municipal Code.

Recommended Action: Adopt Ordinance No. _____, modifying the existing moratorium on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially-zoned properties. (Planning Manager)

Planning Manager King presented the Council item.

Council Member Hanna asked who will monitor these buildings and check if they pour concrete. Planning Manager King stated that you do not need a permit to pour concrete and currently we rely on the good-will of applicant. Director Thompson stated that during the building process, in the case of a barn, inspections could be made to monitor the intended use of the building.

Council Member Hall verified from Planning Manager King that through the Code Enforcement process, if a newly or old poured floor was discovered, we would force them to remove it if it was constructed illegally during the time of the moratorium.

Mayor Azevedo believes that at this time this is the best solution and is in support of this modification to the moratorium, as there are some great horse facilities that want to come into Norco.

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

Don Bowker, 3201 Cutting Horse Rd. Mr. Bowker stated that the focus has been on the dirt floors, as if that is what makes it an animal-keeping floor, and he notes that many of the show barns in town have solid cement or mat flooring.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan is a firm believer that we already have laws in the Norco Municipal Code to prevent the building of these types of buildings and the City needs to look at the intent of the buildings before and when they are built.

Vern Showalter, 2345 Corona. Mr. Showalter stated that the City should back off all the ordinances that have been currently written and check what is already in the Code, clean it up and then write new ordinances if necessary.

Dave Henderson, 3010 Corona. Mr. Henderson stated that the ordinance, as it stands, is not bad. What is bad is that everything is stated in the ordinance as an "accessory building" and that is not what our current Code states. The only problematic building is a "workshop" and Mr. Henderson recommended stipulating a size of 24 x 24 square feet. He would like to see the Code enforced as it is and add "workshop" dimension requirements at a maximum of 576 square feet and without a CUP. He further noted that the problem is that we are looking at all accessory structures as if they were one generic thing.

Mayor Azevedo CLOSED the public hearing.

Council Member Hall stated that we need to recognize that the moratorium was placed on these buildings to give us more time to solve the problems, whether by redefining existing ordinances or developing new ordinances. He added that he is looking for that type of recommendation from staff, through the Planning Commission, and sent back to Council. Council Member Hall stated that we are still looking down the line for a solution, which may be to redefine some of the terms in the ordinances so they are better understood. He wants to make sure that any construction in the City promotes the lifestyle.

Mayor Pro Tem Miller stated that the reason for the modification is that one or two places have bonafide plans for horse-keeping structures that cannot be approved because of this existing moratorium. He further stated that it is a difficult balance in trying to block the people who are trying to get around this and build large workshops, and not block the people that legitimately want to keep horses.

Council Member MacGregor stated that he likes the solution to define a “workshop” as a “workshop” and a “barn” as an “animal-keeping building”. He would like to see specific restrictions placed on each type of building.

Mayor Azevedo stated that if we move forward with this, the truly animal-keeping projects will move ahead. She asked Planning Manager King about the two that are going through the application period and if this fits their needs. Planning Manager King stated that one has a dirt floor and the other one has not submitted an application and just came in for a cursory review.

Interim City Manager Groves stated that the second one would require a CUP.

Planning Manager King stated that we are not going to wait until February 18 to get rid of the moratorium, but will do that as soon as possible. He added that we need time to make changes so that we don't get more of these structures that are currently being built.

M/S Azevedo/Miller to approve the Ordinance after Reading of Title Only. The motion was carried by the following roll call vote:

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

M/S Azevedo/Miller to adopt Ordinance No. 911, modifying the existing moratorium on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially-zoned properties. The motion was carried by the following roll call vote:

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

6. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

4. D. Dedication of a Bench in Memory of Brittney Marie Peters at Wayne Makin Sports Complex. **Recommended Action: Approve the Bench Dedication and Memorial Plaque.** (Director of Parks, Recreation & Community Services)

Parks, Recreation & Community Services Director Petree presented the Council item. Three of the Peters' family relatives were in attendance. Brittney's Cousin Claire stated she handles the MySpace page in memory of Brittney and thanked the Council for approving the memorial bench and plaque. .

M/S Hall/Hanna to approve the Bench Dedication and Memorial Plaque. The motion was carried by the following roll call vote:

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

4. E. Approval of Agreement for Temporary Part-Time Employment of Fire Chief. **Recommended Action: Approve the Agreement for Temporary Part-Time Employment of Fire Chief.** (Deputy City Manager/Director of Finance)

Interim City Manager Groves presented the Council item. She stated that Fire Chief Jack Frye is retiring from full-time employment on September 18th and this Agreement would be for a temporary period of time to give her time to recruit for a part-time Fire Chief position.

Mayor Pro Tem Miller questioned if the concept of a full-time versus part-time Fire Chief position is required to come before the Council. Interim City Manager Groves stated that the hiring of part-time employees does not require Council action and is within the purview of our employment practices, but she would pursue whatever the Council's desire is. Mayor Pro Tem Miller stated that he thought that the City Manager would want the input from Council regarding going from a full-time to a part-time Fire Chief. Interim City Manager Groves stated that again, this would be the Council's decision to discuss this. Mayor Pro Tem Miller stated that he would like the Council to discuss this further at an open meeting as he does not have an issue with the concept, it is the implementation of the concept that he would like broader discussion on.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated that he wanted to go on record to oppose this temporary employment. He further noted that he is not sure if it is a requirement to have a Fire Chief and that the Battalion Chiefs could fill in because of the City's budget shortfall.

Council Member Hanna stated that he has no problem with this Agreement. He further noted that Chief Frye has done a total turn-around with the Fire Department budget.

Following a Motion from Council Member Hall and a Second to that Motion from Council Member Hanna, discussion was held and Mayor Pro Tem Miller recommended an amendment to the Motion to include authorizing the City Manager to recruit a permanent

part-time Fire Chief at the conclusion of the Agreement for Temporary Part-Time Employment of Fire Chief.

SUBSTITUTE M/S Hall/Hanna to approve the Agreement for Temporary Part-Time Employment of Fire Chief and at the conclusion of that contract, authorize the City Manager to recruit a permanent part-time Fire Chief. The motion was carried by the following roll call vote:

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

7. PUBLIC COMMENTS OR QUESTIONS:

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated that traffic problems on Third and Hamner are causing a disturbance in the strip mall on that corner, as the vehicles cut through the parking lot and the people cannot back out of their parking spots. Director Thompson stated that street striping has been added on Third Street and on Hamner Avenue to modify and improve traffic flow. He added that in the future, a possible right-hand turn movement will be added off of Third Street on to Hamner Avenue. Mr. Sullivan noted that the other problem he wanted to report was the bushes that are blocking oncoming traffic on Third and Hamner.

8. OTHER MATTERS - COUNCIL OR STAFF:

Council Member Hanna stated that a week ago last Sunday night, NART was called out to the river at the end of Corona Avenue and River Drive. Animal Control and the Fire Department responded with NART. They combined the use of two pieces of equipment, along with the winch truck, and lifted the two horses out one at a time. The rescue was completed at 3 a.m. and it was a good exercise. Council Member Hanna added that no people or animals were hurt.

Mayor Azevedo asked that each person wish Mayor Pro Tem Miller Happy Birthday. She reminded everyone to attend the Fair, parade and rodeo this coming weekend. Mayor Azevedo added that Miss Norco, Nicole Schulz, is out of the City of Hope and will be attending the pageant.

Harvey Sullivan, 4561 Hillside. Mr. Sullivan stated that Karlene Allen fell and broke her arm and encouraged cards be sent to her.

9. ADJOURNMENT: There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:45 p.m. to the regular meeting on October 7, 2009.

BRENDA K. JACOBS
CITY CLERK