



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
NOVEMBER 4, 2009

CALL TO ORDER: 6:00 p.m.

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

Section 54956.8 – Conference with Real Property Negotiator

Street Address or Parcel Numbers: APNs 122-070-023 & 026

Negotiating Parties: Norco Redevelopment Agency and VHB Associates, Inc.

Points Under Negotiation: Price and Terms of Payment

Section 54957 – Personnel Matters

Public Employee Appointment: Fire Chief

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member MacGregor

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

PROCLAMATIONS: Veterans Appreciation Week – Nov. 4-11, 2009
Ruben Ross

Community College Week – Nov. 1-6, 2009
Riverside Community College District
Dr. Brenda Davis, Norco Campus

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

Next CRA Resolution No. 2009-18

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 Board request specific items be removed from the Consent Calendar)*
 - A. CRA Minutes, Regular Meeting of October 21, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)
2. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 912
Next Resolution No. 2009-80

3. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No. 6 of the Agenda)*
 - A. City Council Minutes, Regular Meeting of October 21, 2009. **Recommended Action: Approve the City Council Minutes** (City Clerk)
 - B. Planning Commission Action Minutes, Regular Meeting of October 28, 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. Fiscal Year 2008 Year-End Budget to Actual Report. **Recommended Action: Receive and File.** (Deputy City Manager/Director of Finance)
 - E. Request for a Twelve-Month Extension of Time for Tentative Tract Map 35650 (Essenmacher) **Recommended Action: Approve the extension of time for recording a final map for Tentative Tract Map 35650 with a new expiration date of December 5, 2010.** (Planning Manager)

- F. Approval of the City of Norco Sanitary Sewer Management Plan. **Recommended Action: Approval.** (Director of Public Works)
- G. Resolution Increasing Revenue, Appropriation and Expenditure from the Governor's Office of Homeland Security in the amount of \$13,937 for Radio Equipment. **Recommended Action: Adopt Resolution No. 2009-____.** (Fire Chief)
- H. Approval of Contract and Appointment of City Manager. **Recommended Action: Approve the Employment Agreement and appoint Beth Groves as City Manager.** (Deputy City Manager/Director of Finance)

4. CITY COUNCIL PUBLIC HEARINGS:

- A. Amendment to the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and Adoption of a Temporary TUMF Reduction

The City is a Member Agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and sixteen (16) cities located in Western Riverside County. Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 et seq.), WRCOG prepared a new nexus study ("2009 Nexus Study") to update the fees. The WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions update their fees by amending their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction. The WRCOG Executive Committee also authorized a temporary reduction in fees.

Recommended Action:

Individually Adopt:

Ordinance No. _____, First Reading: Amending and Superseding Ordinance No. 855 to update its participation in the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and adoption of a temporary TUMF reduction.

Resolution No. 2009-____, establishing a revised and updated fee schedule applicable under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and adopting a temporary TUMF reduction.

(City Manager)

- B. General Plan Amendment 2009-01A, A City-Initiated Proposal to Add a New Land Use Designation Entitled Preservation and Development; and to Change the Land Use Designations on Three Non-Contiguous Groupings of Properties

A series of General Plan Amendments, a Zone Code Amendment, and Zone Changes that are being proposed to establish a new Preservation and Development (PAD) zone for those areas of the City where development has been limited due to facilities that existed when the City incorporated and for which operations continued after incorporation. These areas have significant and identifiable resources whether historical, natural, open space or other type of resource important to the City's history and lifestyle, and are worth preserving. Currently, there is no zoning that is conducive to development that preserves these resources once the properties come into private ownership and/or become available for other uses. Since the number, type, and level of significance of these resources is still largely unknown, the City is unable to establish any detailed zoning regulations. The proposed Preservation and Development (PAD) zone would minimally require the preparation of a specific plan prior to any development and it would be through that plan that resources could be identified and protected. On October 28, 2009, the Planning Commission voted to recommend approval of General Plan Amendment 2009-01D (Silverlakes) but continued all of the items related to the proposed new zone.

Recommended Action:

Adopt:

Resolution No. 2009-___, General Plan Amendment 2009-01D (City of Norco); A proposal to amend the land use categories on property corresponding to the Silverlakes Equestrian and Sports Park from "Public Lands" to "Park."

Continue to December 16, 2009:

Resolution No. 2009-___, General Plan Amendment 2009-01A (City of Norco); A proposal to amend the Land Use Element of the General Plan by adding a new land use category to be titled "Preservation and Development."

Resolution No. 2009-___, General Plan Amendment 2009-01B (City of Norco); A proposal to amend the Land Use categories on property corresponding to the former Wyle Laboratories property (APN's 123-080-028; 123-260-003, -004, -006, -010; 123-250-007, -006, -005; 123-320-001; 123-330-011, -001, -036) from "Industrial-Special Research" and "Hillside" to "Preservation and Development."

Resolution No. 2009-___, General Plan Amendment 2009-01C (City of Norco); A proposal to amend the Land Use categories on property corresponding to the former Norconian Resort around Lake Norconian (APNs 129-190-003, -002; 129-200-008; -007, -005; 129-210-006, -005, -004) from "Institutional and Public Lands" to "Preservation and Development."

Ordinance No.-___, First Reading: Zone Code Amendment 2009-01 (City of Norco); A proposal to establish a new zone with corresponding development standards entitled "Preservation and Development" zone.

Ordinance No. ___, First Reading: Zone Change 2009-01 (City of Norco); A proposal to change existing zoning on property corresponding to former Wyle Laboratories property (APNs listed above) from "General Manufacturing" and "Hillside" to "Preservation and Development."

Ordinance No. ___, First Reading: Zone Change 2009-02 (City of Norco); A proposal to change existing zoning on property corresponding to the former Norconian Resort around Lake Norconian (APNs listed above) from "Open Space" and "Limited Development" to "Preservation and Development."

(Planning Manager)

- C. Request to change the applicant on record for an approved entertainment permit that allows live entertainment subject to conditions, at the Saddle Sore Saloon located at 343 Sixth Street in the C-4 Zone. Entertainment Permit 2009-02 (McKee)

The Saddle Sore Saloon restaurant located at 343 Sixth Street is in the process of being sold to a new owner (ref. Exhibit "A" – Location Map and Exhibit "B" –Site Plan). This is a request to allow a change in the applicant on record for an approved entertainment permit that allows live entertainment subject to conditions. Adoption of the proposed resolution would continue the conditions of approval for the existing entertainment permit.

Recommended Action: Adopt Resolution No. 2009-___, approving Entertainment Permit 2009-02. (Planning Manager)

5. CITY COUNCIL ITEMS FOR ACTION: No City Council Items for Action.
6. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

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

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

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

/bj-73568

Whereas Community College Week educates the public, students, and the entire community on the importance of a community college education and how community colleges change the lives of their students; and

Whereas the California's Community Colleges are providing post-secondary educational opportunity to more than 2.9 million students at the lowest cost per student of any educational institution in the state; and

Whereas as a community college district in the Inland Empire, Riverside Community College District with its Norco, Moreno Valley and Riverside City College campuses, along with associated learning centers, is the largest higher education institution in the region with over 40,000 students; and

Whereas the Norco Campus is providing a stimulus to the City's economy by preparing workers to enter or re-enter the workforce; and

Whereas Community College Week will highlight that 2.9 million community college students care, count, and vote.

NOW, THEREFORE, I, KATHY AZEVEDO, MAYOR OF THE CITY OF NORCO, on behalf of the City Council, do hereby proclaim the week of November 1 – 6, 2009 as

Community College Week

and join the Riverside Community College District Board of Trustees in declaring the vital role community colleges have within our communities, to our economy and for our nation.

Mayor of the City of Norco

Whereas November 11 is set aside as Veterans Day each year to pay tribute to the service and sacrifice of those who have served our country; and

Whereas the people of our community have great appreciation and admiration for the many men and women who served their country in the Armed Forces to protect and preserve the freedoms enjoyed by all Americans; and

Whereas the courage of our Armed Forces has enabled America to remain the land of the free, home of the brave and a symbol of liberty across the globe; and

Whereas many past and current Norco residents have served in the Armed Forces of the United States; and

Whereas this commitment to freedom and service to our Nation should never be forgotten.

NOW, THEREFORE, I, KATHY AZEVEDO, MAYOR OF THE CITY OF NORCO, on behalf of the City Council, do hereby proclaim the week of November 4 – 11, 2009 as

Veteran Appreciation Week

in the City of Norco and urge all residents, businesses and all government agencies to recognize and express appreciation to the men and women who have faithfully served our nation in the Armed Forces.

Mayor of the City of Norco



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
OCTOBER 21, 2009

CALL TO ORDER: Mayor Azevedo called the meeting to order at 5:35 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, Frye, Groves, Jacobs, Okoro, Oulman, Petree and Thompson

City Attorney Harper – **Present**

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

Section 54956.8 – Conference with Real Property Negotiator

Street Address or Parcel Number: APNs 152-060-004-0; 152-060-011-6; 152-070-001-8; 152-070-002-9; & 152-070-011-7

Negotiating Parties: Norco Redevelopment Agency, Kosmont Companies and Belstarr Sports Management, LLC

Points Under Negotiation: Price and Terms of Payment

Section 54957 – Personnel Matters

Public Employee Appointment: City Manager

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Azevedo reconvened the meeting at 7:23 p.m.

PLEDGE OF ALLEGIANCE: Council Member Hanna

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

Mayor Pro Tem Miller offered words of inspiration as Pastor Fletcher could not attend the meeting due to illness.

PROCLAMATION: 2009 Red Ribbon Celebration Week
October 23 – 31, 2009
Corona-Norco Unified School District

Dottie Reichard received the proclamation for the Corona-Norco Unified School District. Ms. Reichard spoke about the success of Red Ribbon Week and the poster and writing contests that are being held. She noted that poster winners have the opportunity to re-enter into the County contest in March.

PRESENTATION: Update on the Wyle Property
Joseph Aldern, Kleinfelder
Rafat Abbasi, DTSC

Rafat Abbasi presented an update on the Wyle property. The DTSC is in the clean-up stage on the site at this time and the schools and homes that were investigated and tested are all deemed safe. To expedite the cleanup of the site, it was divided into three portions, the Upper Basin, the Lower Basin and Offsite. The goals for 2009/2010 are to complete the Remedial Action Plan for the Lower Basin later this year, and complete the Remedial Action Plan for Offsite Areas next year. They have released 212 acres of the Upper Basin for unrestricted use. Mr. Abbasi confirmed that Wyle is still responsible for the clean-up of the site, even if there is a change in ownership of the property.

City Attorney Harper stated that the property is in default and is scheduled for a foreclosure sale on October 27th. He believes that the lenders will end up with the property.

Pat Overstreet. Ms. Overstreet stated, for the record, that the Friends of Norco Hills still want this site left as open space. She is concerned about the unrestricted use of the Upper Basin. Ms. Overstreet would like the site cleaned up for open space, as this would cost much less money.

Joseph Aldern stated that for the past six years, Kleinfelder has been involved in this process. Their overall observations are as follows:

- The investigation has been very complex as it covers a lot of area.
- The investigation phase was when most of the questions were asked.
- Most of the questions have been answered and the project is now in the clean-up stage.
- A lot of data has been collected for this project, which has provided a confident level for where the contamination is.
- The response to the clean-up of the contamination has been very good.
- Under the DTSC's guidance, the investigation really followed the evidence.
- Mr. Aldern has confidence in the clean-up schedule.

Mr. Aldern further stated that the clean-up will take some time. In response to Mayor Pro Tem Miller, he stated that the bottom of the basin has some fractures in the bedrock and is leaving the basin through groundwater flow. Also in response to Mayor Pro Tem Miller, Mr. Aldern stated that the plumb has not moved beyond the leading edge.

In response to Mayor Azevedo, Mr. Abbasi stated that there would be no affect or restrictions on development in the Upper Basin and it will not be known how much of the Lower Basin area will need to be restricted for land use until they receive additional data.

Greg Newton. Mr. Newton asked City Attorney Harper about the receivership and auction process and asked if the Upper and Lower Basin could be sold separate. City Attorney Harper stated that it is a foreclosure process and it will be sold as a whole. City Attorney Harper confirmed the bid amount as \$7.5 million.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

M/S Hall/Miller 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, MILLER
NOES: NONE
ABSENT: NONE
ABSTAIN: MACGREGOR

1. CRA CONSENT CALENDAR ITEMS:

A. CRA Minutes, Regular Meeting of October 7, 2009. **Recommended Action: Approve the CRA Minutes** (City Clerk)

2. OTHER CRA MATTERS: No Other CRA Matters.

ADJOURNMENT OF CRA: 8:10 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Council Member Hall pulled Item Nos. 3.G., 3.H. and 3.I. for further discussion.

M/S Hanna/Miller 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: MACGREGOR on the City Council Minutes of October 7, 2009

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes:
Special Meeting of September 30, 2009
Regular Meeting of October 7, 2009.
Recommended Action: Approve the City Council Minutes (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of October 14, 2009.
Recommended Action: Receive and File (Planning Manager)
- C. Acceptance of the Broken Arrow and Western Avenue Storm Drain Project, as Complete. **Recommended Action: Accept the Broken Arrow and Western Avenue Storm Drain Project as complete and instruct the City Clerk to file the Notice of Completion with the County Recorder's Office.** (Director of Public Works)
- D. Acceptance of Street Dedication at 2957 and 3001 Hamner Avenue for the TUMF-Funded Hamner Avenue Widening Project. **Recommended Action: Accept the street dedication of additional street right-of-way on the east side of Hamner Avenue, north of Fourth Street, and authorize the City Clerk to record the grant deed.** (Director of Public Works)
- E. Acceptance of the Reservoir No. 5 Water Supply Line and Site Improvements Project, as Complete and the Appropriation of Additional Funds for the Reservoir No. 5 Water Supply Line and Site Improvements Project. **Recommended Action: Accept the Reservoir No. 5 Water Supply Line and Site Improvements Project as complete, authorize the City Clerk to file the Notice of Completion, and adopt Resolution No. 2009-76, appropriating additional funds in the amount of \$15,688.19 for the Project.** (Director of Public Works)
- F. Quarterly Investment Report for Quarter Ended September 30, 2009.
Recommended Action: Receive and File (Deputy City Manager/Director of Finance)
- G. Resolution Increasing Revenue, Appropriation and Expenditure in the amount of \$106,906.32 in the California Office of Traffic Safety Grant Fund.
Recommended Action: Adopt Resolution No. 2009-77. (Lt. Cooper)
- H. Resolution Increasing Revenue, Appropriation and Expenditure in the amount of \$15,485 in the California Office of Traffic Safety Grant Fund.
Recommended Action: Adopt Resolution No. 2009-78. (Lt. Cooper)
- I. Resolution Increasing Appropriation and Expenditure in the amount of \$5,374.26 in the California Law Enforcement Equipment Program Grant Fund. **Recommended Action: Adopt Resolution No. 2009-79.** (Lt. Cooper)

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

The City Council Members thanked Lt. Cooper for his work in successfully applying for the grants, and commented on the significant amount of money and Sheriff's Department man-hours received through these grants.

Mayor Azevedo also thanked Lt. Cooper for his work with the UNLOAD Committee.

M/S Hall/Miller to approve items 3.G., 3.H. and 3.I. 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

5. PUBLIC COMMENTS OR QUESTIONS: No Public Comments

6. OTHER MATTERS - COUNCIL OR STAFF:

- A. Swearing-In Ceremony for New Council Members and Election of Mayor and Mayor Pro Tem – Scheduled for November 30, 2009 at 6 p.m. in the City Council Chambers. **(Mayor Azevedo)**
- Mayor Azevedo invited everyone to attend and be a part of this event.
- B. Future City Council Study Session Dates. **(Mayor Azevedo)**
- Future City Council Study Session Dates are scheduled as follows: October 28, 2009; November 23, 2009; December 9, 2009; and January 27, 2010 (possible Strategic Planning Session). The Study Sessions will be held at 2:00 p.m. at City Hall in Conference Rooms A and B.
 - Mayor Azevedo, along with Senior Engineer Lori Askew, will be speaking at the RURAL meeting on Thursday night, October 22, 2009.
- C. **Council Member Hanna:**
- Louis Davis, from Southern California Edison, is interested in riding in the Parade of Lights Parade and Council Member Hanna informed him that he should talk to Mayor Pro Tem Miller about riding his new horse.
- C. **Council Member MacGregor:**
- Invited everyone to attend the Rotary Club meeting on Thursday, October 22, 2009 when Riverside County Sheriff Stanley Sniff will be speaking.

D. **Council Member Hall:**

- The League of California Cities is working on a measure to be placed on the statewide ballot for November 2010. If passed by voters, the measure would close loopholes and prevent the State from borrowing, raiding or otherwise redirecting local government (local taxes, property taxes, redevelopment). At the next League Board Meeting, it will be decided if the League can move ahead with this ballot measure. The League is asking for 100/100 pledges (\$100 and 100 signatures) to assist with this ballot measure proposal.

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

/bj-73918



ACTION MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
OCTOBER 28, 2009

1. CALLED TO ORDER: 7:00 p.m.
2. ROLL CALL: Vice-Chair Hedges, Commission Members Harris, Newton, Wright. Chair Jaffarian absent.
3. STAFF PRESENT: Planning Manager King, Economic Development Director Oulman, and Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Commission Member Newton
5. APPEAL NOTICE: Read by staff.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: No items.
7. APPROVAL OF MINUTES: Minutes of October 14, 2009; **Approved**
8. CONTINUED ITEMS: Continued and re-advertised General Plan Amendment 2009-01A to the meeting of October 28, 2009 with changes to the new Preservation and Development zone. See Item 9.A.
9. PUBLIC HEARINGS:
 - A. Resolution No. 2009-____, General Plan Amendment 2009-01A (City of Norco); A proposal to amend the Land Use Element of the General Plan by adding a new land use category to be titled "Preservation and Development." Recommended Action: Recommend Approval (PM King); **Action: Continued. This item was not continued to a date specific so it will have to be re-advertised.**
 - B. Resolution No. 2009-____, General Plan Amendment 2009-01B (City of Norco); A proposal to amend the Land Use categories on property corresponding to the former Wyle Laboratories property (APNs 123-080-028; 123-260-003, -004, -006, and -010; 123-250-007, -006, and -005; 123-320-001; 123-330-011, -001, and -036) from "Industrial-Special Research" and "Hillside" to "Preservation and Development." Recommendation: Recommend Approval (PM King); **Action: Continued. This item was not continued to a date specific so it will have to be re-advertised.**
 - C. Resolution No. 2009-____, General Plan Amendment 2009-01C (City of Norco); A proposal to amend the Land Use categories on property corresponding to the former Norconian Resort around Lake Norconian (APNs 129-190-003, -002; 129-200-008; -007, -005; 129-210-006, -005, -004) from "Institutional and Public Lands" to "Preservation and Development." Recommended Action: Recommend Approval (PM King); **Action: Continued. This item was not continued to a date specific so it will have to be re-advertised.**

- D. Resolution No. 2009-**22**, General Plan Amendment 2009-01D (City of Norco); A proposal to amend the land use categories on property corresponding to the Silverlakes Equestrian and Sports Park from "Public Lands" to "Park." Recommended Action: Recommend Approval (PM King); **Action: Approved. This item requires action by the City Council and has been advertised for the November 4, 2009 meeting.**
- E. Resolution No. 2009-____, Zone Code Amendment 2009-01 (City of Norco); A proposal to establish a new zone with corresponding development standards entitled "Preservation and Development" zone. Recommended Action: Recommend Approval (PM King); **Action: Action: Continued. This item was not continued to a date specific so it will have to be re-advertised.**
- F. Resolution No. 2009-____, Zone Change 2009-01 (City of Norco); A proposal to change existing zoning on property corresponding to former Wyle Laboratories property (APNs listed above) from "General Manufacturing" and "Hillside" to "Preservation and Development." Recommended Action: Recommend Approval (PM King); **Action: Continued. This item was not continued to a date specific so it will have to be re-advertised.**
- G. Resolution No. 2009-____, Zone Change 2009-02 (City of Norco); A proposal to change existing zoning on property corresponding to the former Norconian Resort around Lake Norconian (APNs listed above) from "Open Space" and "Limited Development" to "Preservation and Development." Recommended Action: Recommend Approval (PM King); **Action: Continued. This item was not continued to a date specific so it will have to be re-advertised.**

10. BUSINESS ITEMS: **None**

11. CITY COUNCIL:

A. City Council Action Minutes dated October 21, 2009

B. City Council Minutes dated October 7, 2009 and Special Meeting dated September 30, 2009
Received and filed.

12. STAFF: Current Work Program; **Commission Member Newton asked for follow-up clarification on one of the listed projects.**

13. OTHER MATTERS: **Vice-Chair Hedges asked about the status on the 7-Eleven banner signs and why outdoor service was still being allowed at the Saddlesore Saloon without the screening that was required around the service area. Commission Member Newton asked about the status of the uncompleted office building next to Circle K on Fourth Street. Planning Manager King informed the Planning Commission that a new parking lot for the County Social Services Building will be built on the vacant property south of Norco's Best. The County has been using property to the north owned by a different property owner, who is no longer interested in allowing the County to park there.**

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Finance Director 

DATE: November 4, 2009

SUBJECT: Fiscal Year 2009 Year-End Budget to Actual Report

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2009 Year-End Budget to Actual Report.

SUMMARY: This report details actual financial result compared to budget for the operating funds of the City and the Redevelopment Agency for the fiscal year ended June 30, 2009. During the fiscal year, fund balance (reserves) for the General Fund decreased by \$1.7 million due to the severe economic downturn which had significant negative impact on sales tax revenues. On the bright side, as a result of strict expenditure control measures implemented throughout the fiscal year, total actual expenditures were \$382,000 less than the amended budget amount. Actual results for the Water Fund reflect \$0.1 million improvement to working capital while Sewer Operating Fund actual revenues exceeded expenses by \$0.5 million. The Redevelopment Agency Operating Fund ended the year with total actual expenditures exceeding total actual revenues by \$169,000, while actual Housing Fund revenues exceed actual expenditures by \$1.5 million.

BACKGROUND/ANLYSIS: The City's independent auditors have completed their field work on City and RDA audit for the fiscal year ended June 30, 2009. Financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) will be submitted to the Council at a later date. At this time, staff is presenting this report as information on how the various Operating Funds performed relative to the amended budget and final year-end estimates. No material differences are anticipated between the numbers presented in this report and the final audited numbers that will be reported in City's independent audited financial statements.

FY 2008-09 General Fund Revenues

Attachment 1 includes General Fund schedule of budget and actual data for the fiscal year ended June 30, 2009. For the fiscal year, total actual revenues were lower than the amended budget and final year-end projections by nearly

\$824,000 and \$100,000 respectively. This net unfavorable revenue performance was mainly from the following:

1. **Sales Tax:** City's actual sales tax receipts during the fiscal year continued on a downward spiral. Total FY 2008-09 sales tax receipts were \$4.3 million compared to \$5.4 million received in FY 2007-08 and a high of \$6.2 million received in FY 2006-07. The FY 2008-09 actual receipts were \$1.1 million lower than initial budget amount and \$160,000 lower than final budget estimates.
2. **Interest Income:** Actual interest earnings received during FY 2008-09 were \$48,000 and \$40,000 lower than amended budget and year-end estimates respectively. The lower than anticipated interest earnings is attributed to actions by the Federal Reserve Bank to lower short-term interest rates to historical lows to deal with the shock to the U.S. economy and financial markets.
3. **Community Services/Recreation Revenues:** Community services revenues which include recreation fees, sports and Wee People related user fees came in under budget by \$181,000. The large percentage of the budget variance came from Wee People Program where revenues were \$124,000 below budget due to lower participation rates caused by the economic slow down. Other programs that saw revenue decrease due to low participation include aquatics, adult and youth sports.
4. **Other Revenues:** Other revenues include strike team reimbursements, dog license, voluntary emergency medical subscription, refuse billing fees and penalties for late payment of utility bills. Actual receipts from this category of revenues exceeded budget by \$546,000. The bulk of this favorable performance, \$390,000 came from strike team and urban search and rescue reimbursements. The City also received unanticipated \$43,000 in mandated cost reimbursements from the state during the fiscal year. Business license processing and penalties revenues were also higher than budget.

General Fund Expenditures:

Overall General Fund expenditures for the year were below budget by \$382,000. These net savings were achieved through aggressive expenditure control which was implemented throughout the fiscal year and from gains made due to actual sheriff's contract rates coming in lower than budget. Savings were also realized from Wee People and Recreation Programs due to decreased participation rates. Fire Suppression and Paramedics Divisions exceeded their budget for expenditures by \$238,000 due to over expenditure in the overtime and constant staffing line items. The overages in these line items were offset on the revenue side by additional reimbursements for strike team call outs. Animal Control and Citizens on Patrol Divisions expenditures also exceeded budget mainly due to

unbudgeted workers compensation expenditures. The overage in City Clerk and City Manager Departments were due to cash out of accrued vacation balances by the former department heads who resigned from City employment during the fiscal year.

General Fund (Fund Balance):

The fund balance at the beginning of the Fiscal Year was a healthy \$7.5 million (see attachment 2). During the Fiscal Year, total expenditures exceeded total revenues by \$1.7 million leading to the same amount of decrease in fund balance. This leaves a balance of \$5.8 million at the end of the Fiscal Year. It is important to note that the FY 2009-10 adopted budget projects that an additional \$1.6 million could be drawn from fund balance (reserves) during the current fiscal year to make up a projected revenue shortfall. Additionally, during the Fiscal Year \$500,000 of fund balance will be transferred to the newly created Insurance Fund as reserves for outstanding workers compensation and general liability claims.

Other Operating Funds

Attachment 1, beginning on page 2 provides a summary of revenues and expenditures for other Operating Funds. Other Operating Funds included in this report are Redevelopment Agency, Low-to-Moderate Income Housing, CDBG, Water, Sewer, Gas Tax, NPDES, and Miscellaneous Grant Funds. Capital Project Funds are not included because they are better reported on a project life basis rather than annually.

Redevelopment Agency Funds

For the first time in several years Redevelopment Agency tax increment receipts declined due to re-assessment and the resulting decrease in assessed values. For the Fiscal Year ended June 30, 2009, total tax increment receipts of \$12.8 million were \$678,000 lower than original budget of \$13.5 million. However, total revenues for the Redevelopment Agency Operating Fund were only \$72,000 lower than budget due to unanticipated reimbursements and additional interest earned on debt service reserve funds. Total expenditures of \$15.2 million were \$415,000 lower than budget of \$15.6 million. For the Fiscal Year, total actual revenues exceeded total actual expenditures by \$169,000.

Redevelopment Agency Low-to-Moderate Income Housing Fund total actual revenues were lower than budget by \$135,000 while total actual expenditures exceeded budget by \$125,000. Total actual revenues of \$3.4 million were \$1.5 million higher than total actual expenditures of \$1.9 million due to conscious efforts during the budget process to build reserves for future housing needs. Ongoing housing programs were significantly reduced during the fiscal year after three years of concentrated expenditures.

Water Fund

Water Fund operating revenues for the fiscal year were \$7.0 million while operating expenses (excluding depreciation) were \$6.9 million resulting in a \$0.1 million addition to working capital. This is the third consecutive year that sufficient operating revenues have been generated in the Water Fund to cover operating expenses. While the positive performance of the last three years has helped eliminate the working capital deficit, the high cost of purchased water continues to hinder efforts to restore the Fund to a healthy financial position. Purchased water costs have been increasing steadily over the last several years due to the need to maintain water quality and address problems that have hindered water production from City owned wells.

Sewer Fund

The Sewer Operations Fund ended the fiscal year with operating revenues exceeding operating expenditures including debt service payments by \$0.5 million. This is a significant improvement from the past two years when combined expenditures exceed revenues by \$1.2 million. The improved performance of the Sewer Fund is attributable to the rate adjustment which went into effect at the beginning of Fiscal Year 2008-09. The second and final phase of the rate adjustment went into effect at the beginning of this current Fiscal Year. It is to be noted that most of the costs associated with the Sewer Fund are not controllable by the City. These include payments to WRCRWA (for operations, treatment and debt service). During the Fiscal Year, the City re-financed the Variable Rate Sewer Bonds issued by WRCRWA with fixed rate bonds. This will provide stability in debt service budgeting for the Sewer Fund.

Other Funds

Gas Tax Fund revenues were \$440,000 while expenditures were \$439,000. Consequently, fund balance slightly increased by \$1,000 to \$43,000 as of June 30, 2009. For the second consecutive year in many years, with a transfer of \$25,000 from the General Fund, NPDES total revenues exceeded expenditures by \$7,800. This has reduced accumulated deficit fund balance from \$66,000 to \$58,200 as of the end of FY 2008-09. Miscellaneous grant expenditures and revenues are accounted for on a reimbursement basis.

FINANCIAL IMPACT: None

/ao-73915

Attachments: Budget and Actual Report FY09
Summary of General Fund Balance

**City of Norco
Budget and Actual Comparative Report
For the Fiscal Year Ended June 30, 2009**

	Amended Budget	Year-end Projection	FY 2009 Actual	Variance Budget to Actual	Variance Actual to Year-end Projection
GENERAL FUND					
REVENUES					
Property taxes	1,594,965	1,481,102	1,519,231	(75,734)	38,129
Sales Tax	5,356,000	4,445,802	4,285,846	(1,070,154)	(159,956)
Other Taxes	727,603	709,334	706,842	(20,761)	(2,492)
Franchise Fees	1,097,827	1,129,879	1,128,130	30,303	(1,749)
Motor Vehicle in-Lieu Fees	2,350,000	2,329,000	2,351,808	1,808	22,808
Intergovernmental	90,585	62,477	78,656	(11,929)	16,179
Fines and Penalties	504,065	445,916	502,971	(1,094)	57,055
Interest/Lease Income	292,513	285,006	245,007	(47,506)	(39,999)
Community Development Fees	518,140	531,665	517,920	(220)	(13,745)
Community Services/Recreation	957,779	782,303	776,425	(181,354)	(5,878)
Other Revenues	1,175,350	1,574,909	1,721,705	546,355	146,796
Operating Transfers/Overhead Reimburse	3,025,096	2,989,534	3,031,376	6,280	41,842
Total Revenues	17,689,923	16,766,927	16,865,917	(824,006)	98,990
EXPENDITURES					
Legislative					
City Council	51,642	48,697	54,287	(2,645)	(5,590)
City Attorney	75,527	78,788	73,087	2,440	5,701
City Clerk	134,491	153,221	155,421	(20,930)	(2,200)
City Manager	156,442	150,250	168,772	(12,330)	(18,522)
Parks, Recreation & Community Services					
Recreation	1,051,911	923,935	843,493	208,418	80,442
Wee People (Youth & Teen)	400,551	328,957	293,311	107,240	35,646
Park Maintenance	792,185	716,796	736,104	56,081	(19,308)
Senior Citizens	180,782	131,824	189,945	(9,163)	(58,121)
Building Maintenance	390,184	378,154	326,895	63,289	51,259
Animal Control	639,896	703,033	682,768	(42,872)	20,265
Planning					
Community Development	240,683	248,012	231,545	9,138	16,467
Code Enforcement	51,055	23,013	27,402	23,653	(4,389)
Building & Safety	394,800	401,949	387,109	7,691	14,840
Public Works/Engineering					
Engineering	243,220	234,831	240,244	2,976	(5,413)
Inspection	126,254	121,388	128,773	(2,519)	(7,385)
Parkway Maintenance	69,611	73,078	69,670	(59)	3,408
Fire Department					
Fire Suppression	3,206,983	3,246,718	3,328,058	(121,075)	(81,340)
Paramedic	1,602,728	1,659,959	1,719,179	(116,451)	(59,220)
Emergency Services	960	412	352	608	60
Police Protection					
Sheriff	5,614,742	5,486,372	5,417,805	196,937	68,567
Citizens on Patrol	31,862	93,446	75,873	(44,011)	17,573
Crossing Guards	80,954	80,954	76,747	4,207	4,207
Fiscal and Support Services					
Finance & Human Resources	395,579	381,733	383,914	11,665	(2,181)
Non-Departmental	3,008,786	2,966,114	2,949,126	59,660	16,988
Total Expenditures	18,941,828	18,631,634	18,559,880	381,948	71,754
Net revenues and expenditures	(1,251,905)	(1,864,707)	(1,693,963)	(442,058)	170,744

City of Norco
Budget and Actual Comparative Report
For the Fiscal Year Ended June 30, 2009

	Amended Budget	Year-end Projection	FY 2009 Actual	Variance Budget to Actual	Variance Actual to Year-end Projection
REDEVELOPMENT AGENCY					
REVENUES					
Tax Increment	13,466,805	13,870,530	12,789,168	(677,637)	(1,081,362)
Interest and Lease Income	362,000	531,000	537,250	175,250	6,250
Loan Repayment	161,683	226,201	243,177	81,494	16,976
School Bond	1,078,570	1,036,436	1,038,739	(39,831)	2,303
Reimbursement/Miscellaneous	-	169,450	388,008	388,008	-
Total Revenues	<u>15,069,058</u>	<u>15,833,617</u>	<u>14,996,342</u>	<u>(72,716)</u>	<u>(1,055,833)</u>
EXPENDITURES					
Redevelopment Administration	2,921,596	2,753,486	2,818,418	103,178	(64,932)
Redevelopment Agency Debt Service	5,199,174	5,198,624	5,199,174	-	(550)
Pass Thru Agreement	7,460,000	8,137,187	7,147,710	312,290	989,477
Total Expenditures	<u>15,580,770</u>	<u>16,089,297</u>	<u>15,165,302</u>	<u>415,468</u>	<u>923,995</u>
Net revenues over (under) expenditures	<u>(511,712)</u>	<u>(255,680)</u>	<u>(168,960)</u>	<u>342,752</u>	<u>(131,838)</u>
LOW-MOD INCOME HOUSING					
REVENUES					
Tax Increment	3,234,556	3,375,000	3,099,380	(135,176)	(275,620)
Interest and Lease Income	90,000	10,000	127,747	37,747	117,747
Loan Payment	-	-	100,366	100,366	100,366
Other Revenue	45,000	90,500	101,551	56,551	11,051
Total Revenues	<u>3,369,556</u>	<u>3,475,500</u>	<u>3,429,044</u>	<u>59,488</u>	<u>(46,456)</u>
EXPENDITURES					
Low-Mod Income Housing Program	508,446	497,865	488,730	19,716	9,135
Grant Programs	538,077	474,000	373,074	165,003	100,926
Redevelopment Agency Debt Service	1,030,152	1,030,152	1,030,152	-	-
Total Expenditures	<u>2,076,675</u>	<u>2,002,017</u>	<u>1,891,956</u>	<u>184,719</u>	<u>110,061</u>
Net revenues over (under) expenditures	<u>1,292,881</u>	<u>1,473,483</u>	<u>1,537,088</u>	<u>244,207</u>	<u>63,605</u>
COMMUNITY DEVELOPMENT					
BLOCK GRANT					
Revenues	1,107,246	741,806	399,625	(707,621)	(342,181)
Expenditures	1,107,246	741,806	399,625	707,621	342,181
Net revenues over (under) expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
WATER FUND					
Revenues	7,130,710	7,227,819	7,040,593	(90,117)	(187,226)
Expenditures	6,401,441	6,749,756	6,942,103	(540,662)	(192,347)
Net profit (loss)	<u>729,269</u>	<u>478,063</u>	<u>98,490</u>	<u>(630,779)</u>	<u>(379,573)</u>
SEWER FUND					
Revenues	3,840,762	3,791,038	3,795,793	(44,969)	4,755
Expenditures	3,820,693	3,558,859	3,269,812	550,881	289,047
Net profit (loss)	<u>20,069</u>	<u>232,179</u>	<u>525,981</u>	<u>505,912</u>	<u>293,802</u>
GAS TAX					
Revenues	513,000	421,700	440,551	(72,449)	18,851
Expenditures	491,122	483,714	439,198	51,924	44,516
Net revenues over (under) Expenditures	<u>21,878</u>	<u>(62,014)</u>	<u>1,353</u>	<u>(20,525)</u>	<u>63,367</u>

City of Norco
Budget and Actual Comparative Report
For the Fiscal Year Ended June 30, 2009

	Amended Budget	Year-end Projection	FY 2009 Actual	Variance Budget to Actual	Variance Actual to Year-end Projection
<u>NPDES FUND</u>					
Revenues	110,000	111,000	115,114	5,114	4,114
Expenditures	96,438	95,242	107,285	(10,847)	12,043
Net revenues and expenditures	<u>13,562</u>	<u>15,758</u>	<u>7,829</u>	<u>(5,733)</u>	<u>(7,929)</u>
<u>MISCELLANEOUS GRANTS</u>					
Revenues	467,867	406,829	406,299	(61,568)	(530)
Expenditures	448,582	406,829	402,453	46,129	4,376
Net revenues and expenditures	<u>19,285</u>	<u>-</u>	<u>3,846</u>	<u>(15,439)</u>	<u>3,846</u>

City of Norco, California
General Fund Balance
As of June 30, 2009

Audited Fund Balance June 30, 2008	\$ 7,500,696
Fiscal Year 2008-09 Revenues	16,865,917
Fiscal Year 2008-09 Expenditures	<u>18,559,880</u>
Fund Balance June 30, 2009	<u>\$ 5,806,733</u>

Notes:

- 1) FY 2009-10 adopted budget relies on draw of \$1.6 million from fund balance to balance the budget
- 2) Effective July 1, 2009, \$500,000 will be transferred from General Fund fund balance to newly created Workers Compensation and General Liability Insurance Fund

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, Interim City Manager 

PREPARED BY: Alma Robles, Senior Planner 

DATE: November 4, 2009

SUBJECT: Request for a Twelve-Month Extension of Time for Tentative Tract Map 35650 (Essenmacher)

RECOMMENDATION: Staff recommends that the City Council approve the extension of time for recording a final map for Tentative Tract Map 35650 with a new expiration date of December 5, 2010.

SUMMARY: Tentative Tract Map 35650 is due to expire on December 5, 2009. However, an extension of time can be considered if a request for the extension is submitted prior to the expiration date. The request for extension was submitted on October 10, 2009. The State Subdivision Map Act and the Norco Municipal Code allows for extensions of time on approved tentative maps not ready for final approval by the City Council and recordation with the County Recorder's Office.

BACKGROUND/ANALYSIS: On December 5, 2007, the City Council approved Tentative Tract Map 35650, a request to subdivide approximately four acres into seven parcels for residential development (ref. Exhibit "D" – Tentative Parcel Map 35650). The property is located at 3079 Temescal Avenue within the A-1-20 zone (ref. Exhibit "A" – Location Map). The map was approved for a two-year period (ref. Exhibit "B" – Resolution 2007-70) with an expiration date of December 5, 2009.

The Norco Municipal Code, Title 17 Subdivisions, permits tentative maps to be extended for three consecutive one-year time periods for a maximum of five years. This is the first request for an extension of time, which was submitted on October 10, 2009 and if approved, would extend the expiration date of the map one year to December 5, 2010.

The map is ready to be recorded; however, the applicant would like to have development plans ready and economically feasible for each lot of the map, before they become legal lots. The extension of time is being requested due to the downturn in the economy and to allow more time for the completion of development plans (ref. Exhibit "C" – Letter dated October 21, 2009).

Extension of Time for TTM 35650 (Essenmacher)

Page 2

November 4, 2009

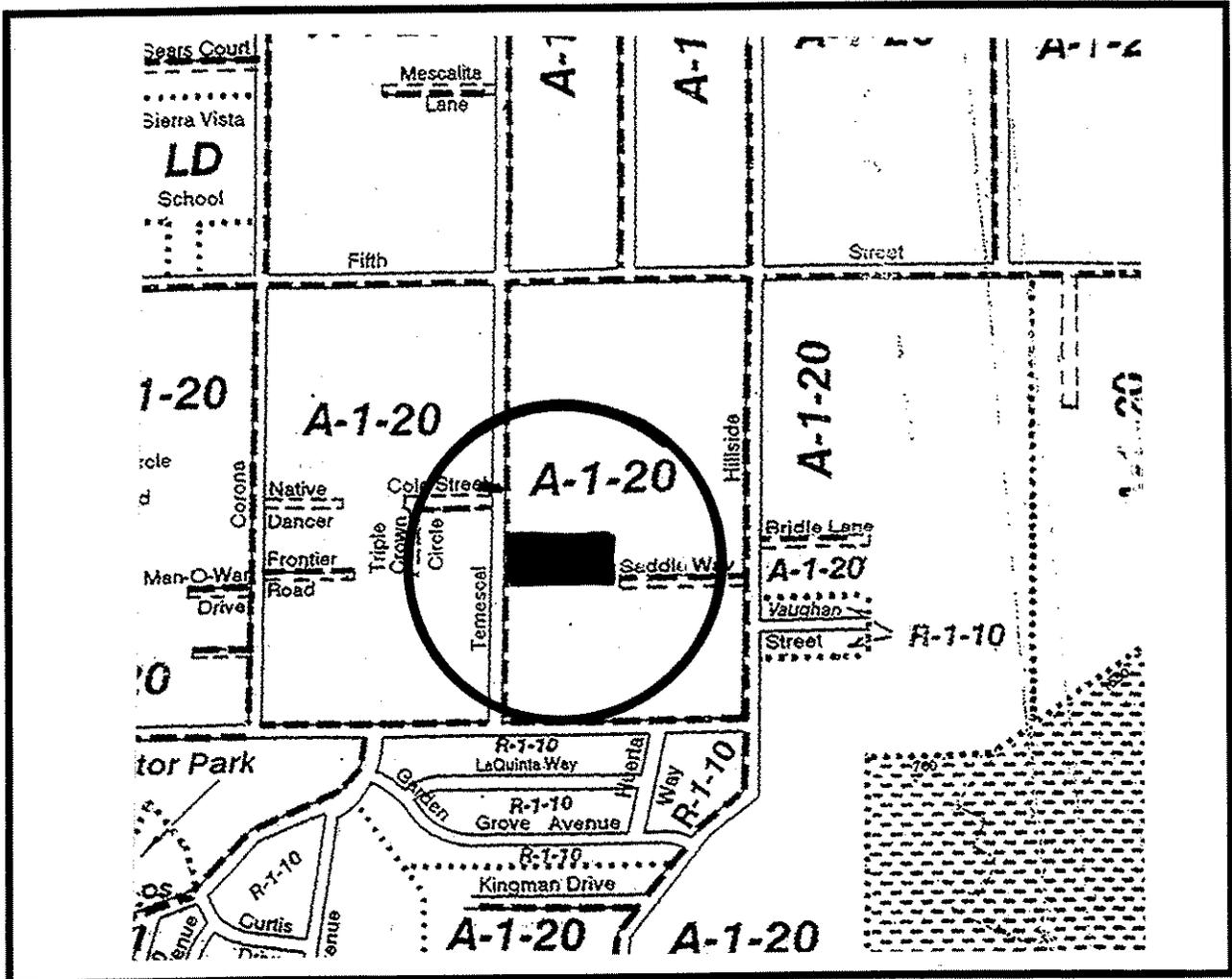
Tentative Parcel Map 35650 complies with all provisions of the Norco Municipal Code, the State Subdivision Map Act and the A-1-20 zone. Staff supports the requested extension.

FINANCIAL IMPACT: None identified.

/adr-73931

Attachments: Exhibit "A" – Location Map
Exhibit "B" – CC Resolution 2007-70
Exhibit "C" – Letter, Essenmacher dated 10/21/09
Exhibit "D" – TTM 35650

LOCATION MAP



Not to Scale



PROJECT: Tentative Tract Map 35650
APPLICANT: Todd Essenmacher
LOCATION: 3079 Temescal Avenue

Exhibit "A"

RESOLUTION NO. 2007-70

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO,
CALIFORNIA APPROVING TENTATIVE TRACT MAP 35650.**

WHEREAS, TODD ESSENMACHER submitted an application to the City of Norco, California for a tentative tract map under the provisions of Title 17 of the Norco Municipal Code, on property generally described as:

The Southerly 4.0 acres of Lot 8, of the resubdivision of a portion of Block 18 and all of the Blocks 29 and 30 of Riverside Orange Heights, of Tract No. 2, in the City of Norco, County of Riverside, State of California, as per map recorded in Book 9 Page(s) 10, of Maps, in the office of the County Recorder of said County.

Excepting the interest in the Westerly 6 feet as conveyed to the County of Riverside by Deed recorded July 27, 1964 as instrument No. 91458, Official Records,

More generally described as a rectangular-shaped area of about 4.0 acres, located at the northeast corner of Temescal Avenue and Wrangler Way, having a frontage on the east side of Temescal Avenue of about 276 feet, a frontage on the north side of Wrangle Way of about 630 feet, having a maximum depth of about 276 feet, and being further described as 3079 Temescal Avenue(Assessor's Parcel Number 123-050-004); and

WHEREAS, the application for the subdivision was duly submitted to the City's Planning Commission for recommendation at a public hearing for which proper notice of the hearing was given; and

WHEREAS, said application was scheduled for public hearing on November 14, 2007, at 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, and said Commission held a public hearing and received oral and written testimony pertaining to said application; and

WHEREAS, based on findings of fact, the Planning Commission adopted Planning Commission Resolution No. 2007-35, recommending to the City Council that Tentative Tract Map 35650 be approved for reasons as set forth in said Resolution; and

WHEREAS, hearing of the Tentative Tract Map was duly noticed and scheduled for public hearing by the City Council at their meeting of December 5, 2007, at 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

EXHIBIT "B"

WHEREAS, at the time and place noticed, the City Council held the public hearing and received oral and written testimony pertaining to the application for Tentative Tract Map 35650; and

WHEREAS, the proposed map depicted on Tentative Tract Map 35650, Exhibit "D" dated November 8, 2007, and on file with the Planning Department, is consistent with the City's General Plan, and meets all regulations regarding subdivisions; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project will not have a significant effect on the environment.

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

I. FINDINGS:

A. The map is consistent with the Norco General Plan. The site is designated Residential Agricultural and zoned A-1-20 (Agricultural-Low Density, Residential). The proposed lots as designed and conditioned meet all A-1-20 zoning requirements related to lot area and dimension standards.

B. None of the conditions for mandatory denial as set forth in Subsections (a) through (g) of Section 66474, Article 1, Chapter 4, Division 2, Title 7, of the California Government Code exist with respect to said subdivision.

C. The proposed subdivision together with provisions for its design and improvement is consistent with applicable general plans of the City pursuant to Section 66473.5, Article 1, Chapter 4, Division 2, Title 7, of the California Government Code.

D. The City of Norco, acting as the Lead Agency, has prepared an Initial Study in conformance with the California Environmental Quality Act of 1970 (CEQA) as amended, and in compliance with procedures of the Norco Environmental Guidelines. The Initial Study determined that the project will not have any potential for significant effects on the environment. As a result, the City of Norco has issued a Negative Declaration for the project.

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, in session assembled on December 5, 2007 does hereby approve Tentative Tract Map 35650 for a period of 24 months, subject to the following conditions:

1. Approval is based on Exhibit "D", dated November 8, 2007 and incorporated herein by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions.
2. The recorded owner of the property shall submit to the Planning Department, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
3. The project shall 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.
4. The applicant shall pay all applicable fees associated with this proposal and the subdivision of land. Furthermore, the applicant shall pay all development fees in accordance with the NMC prior to approval of the final map.
5. All provisions of Chapters 17 and 18 of the NMC shall be met as it relates to the division of land.
6. The submittal, approval, and recordation of a subdivision map in accordance with the provisions of the State Subdivision Map Act and the City Subdivision Ordinance prior to the issuance of any permits is required.
7. Approval of the tentative map shall expire if the subject map has not been recorded within a two-year period from the date of City Council approval.
8. Extension of the tentative map approval shall only be considered if the applicant filing said map submits a written request for extension to the City Planning Department stating the response for the request, **at least 30 days before the map approval is due to expire**, pursuant to and in compliance with Section 17.16.170 of the City Subdivision Ordinance.
9. The project shall have a dedicated "primary animal-keeping area" (PAKA) on each lot created within the subdivision map. The size of the PAKA shall be as set forth and shown on the Tentative Tract Map and in compliance with all requirements in Section 18.13.11 of the NMC. Furthermore, the dedicated PAKA shall be recorded on each lot.
10. Each lot shall be designed to have a minimum 15-foot flat, clear, and direct access from the street to the rear yard and the PAKA. The access shall be graded flat for vehicular access, be free and clear of all obstructions from the

eave line out 15 feet and have a vertical clearance of at least 16 feet. This dedicated access shall be recorded on each lot.

11. Each lot created within the subject map shall have a minimum area of 20,000 square feet and an 18,000 square-foot pad area, excluding any proposed access and trail easements.

12. All lots in the map must meet the minimum lot depth, width, and frontage of the zone, exclusive of right-of-way dedication, open space easements and equestrian trails.

13. The applicant must pay off any and all special assessments on the property to be subdivided prior to recordation of the final map. Instead of the payment of said special assessment, the applicant must pay to have the special assessment "split" for each proposed parcel.

14. The applicant must obtain written authorization granting permission for any work to be completed on property in which he is not the sole owner. A copy of this written authorization must be submitted to the City Engineer's office prior to start of work.

15. All lots within this subdivision shall be served by underground utilities. All utility locations shall be incorporated into the public improvements plans and shall be prepared on standard size sheets by a registered civil engineer for approval by the City Engineer. A plan check deposit of \$250 per sheet shall be posted prior to checking and standard fees paid prior to plan approval.

16. This project shall be connected to the City's sewer system; and the applicant shall pay all associated connection fees to the City of Norco prior to building permit issuance.

17. The project shall be connected to the City's water system; and the applicant shall pay all associated connection fees to the City of Norco prior to building permit issuance.

18. Existing water meters are required to be upgraded to current City standards.

19. Irrigation lines require reduce pressure backflow preventors to be installed to City Standards.

20. The applicant shall submit separate on-site utility plans for the installation of on-site sewer, water and any necessary storm drain systems in a manner meeting the approval of the City Engineer.

21. The applicant shall complete/construct public improvements to the required half-street width fronting the project site on both Temescal Avenue and Wrangler Way.

22. Street dedication and improvements shall be provided to accommodate a horse trail on the north side of Wrangler Way.

23. A registered civil engineer shall prepare street improvement plans on 24" x 36" mylar for approval by the City Engineer. Striping and signing shall be included as part of these plans, when required. Striping and legends shall be thermoplastic paint. A plan check deposit may be required prior to plan checking and standard fees shall be paid prior to plan approval.

24. The applicant shall construct public improvements as prepared on approved plans.

25. A bond or surety device shall be posted and an agreement executed to the satisfaction of the City Engineer and City Attorney, guaranteeing completion of all public improvements. NOTE: Upon acceptance by the City Council of the public improvements, the City will release the Labor and Materials bond within 180 days, and reduce the Faithful Performance Bond to 10 percent of the original amount and release it after a period of one year if no liens have been filed and the work remains in satisfactory condition. The Monumentation Bond will be released immediately upon receipt of certification that all monuments have been set.

26. Dedication of the necessary public right-of-way for the ultimate half-street width on Wrangler Way shall be offered to the City of Norco in accordance with City standards, and on City standard forms prepared by a registered civil engineer or licensed land surveyor for approval by the City Engineer.

27. Driveway approaches shall be constructed in accordance with City Standards as approved by the City Engineer.

28. Existing trees in right-of-way along Wrangler Way shall be removed and replaced with street trees approved for the area. The size of these trees shall be approved by the Public Works Department.

29. Street tree planting, parkway landscaping, and irrigation plans shall be prepared on standard size sheets by a registered civil engineer or landscape architect for approval by the City Engineer and Director of Community Development, and shall be submitted at the time of initial submission of all improvement plans.

All street tree installations shall conform to the Street Tree Master Plan as approved by the Parks and Recreation Commission and City Council.

30. The catch basin/storm drain existing on Temescal Avenue shall be relocated and upsized as deemed necessary by the City Engineer and supporting hydrology.

31. All drainage facilities for this project shall conform to the requirements and standards of the City of Norco. All the storm drain outlets shall be designed with energy dissipation/transition structures to mitigate higher outlet velocities.

32. Prior to development on any lot within the subject map, the north end of Lots 1 thru 5 shall be raised so that these properties drain towards Wrangler Way.

33. Prior to development on any lot within the subject map, a private drainage easement across the rear (north side) of Lots 1 thru 5, and on the north side of Lot 6 shall be incorporated into the map to accommodate existing historic flow from properties on the north side of Saddle Way, in addition to minor cross lot drainage as a result of the small slope created towards the rear of these properties.

34. Except for the minor cross lot drainage as allowed in Condition 33, cross lot drainage shall not be allowed.

35. Prior to development on each lot within the subject map, an on-site grading and drainage plan shall be prepared for this project by a registered civil engineer for approval by the City Engineer. Plans shall be on 24"x36" mylar sheets with mass grading and drainage shown at a maximum scale of 1" = 40'. Precise grading information, such as house plots, drainage swales and hardscape may be included if the plan is prepared at 1"= 30' or larger. The applicant's engineer shall submit a rough grade certification stipulating completion of all grading operations in conformance with the approved plan prior to the issuance of building permits.

36. Prior to the issuance of a grading permit, the applicant's engineer shall prepare and submit an erosion control plan covering all construction. Maintenance of the necessary erosion control devices shall be the responsibility of the applicant. Any emergency repair to these devices performed by City crews shall be billed to the applicant and paid for prior to the release of certificate of occupancy.

37. Prior to issuance of a grading permit, a complete hydrology and hydraulic study shall be prepared by a registered civil engineer for approval by the City Engineer. Those recommendations of the report, as approved by the City Engi-

neer, shall be incorporated into the public improvement plans and site development plans prior to their approval.

38. The applicant shall submit a preliminary soils report, prepared by a California-licensed soils engineer, prior to issuance of grading permit.

39. The applicant shall submit a current title report (no more than 30 days old) for the project site showing all existing property ownership, easements and rights of title.

40. A City of Norco Public Works encroachment permit shall be taken out for all work in the public right-of-way prior to the start of work. All work shall be done in accordance with City Standards, and/or otherwise specified to the satisfaction of the City Engineer and completed prior to certificate of occupancy.

41. No construction activity work shall be permitted after 6 p.m. or dusk, or before 7 a.m. or on Saturdays, Sundays or holidays without prior written approval from the City Engineer.

42. A tentative map shall be approved prior to the issuance of a grading permit and a final map shall be recorded prior to the issuance of a building permit and within 24 months from the date of tentative map approval.

43. A final map shall be prepared on 18" x 24" sheets and approved by the City Engineer prior to recordation. A plan check deposit shall be paid prior to plan check.

44. Prior to the issuance of a grading permit, the applicant shall apply for a Nation Pollution Discharge Elimination Systems (NPDES). Proof of compliance (a copy of the Notice of Intent and application fee) shall be submitted to the Engineering Department prior to start of work. No work completed shall cause a violation of the City-wide NPDES Permit.

45. A preliminary Water Quality Management Plan (WQMP) shall be submitted prior to site grading plan submittal. A Final WQMP shall be submitted and approved by the City Engineer. Prior to issuance of a grading permit, the property owner shall record a Covenant and Agreement, or other approved instrument, with the County Clerk Recorder to inform future property owners of the requirement to implement the approved WQMP.

46. The applicant shall meet all standards and conditions of the Planning, Fire, Engineering, Building and Safety Departments, and all other applicable departments and agencies.

47. The proposed project lies within an area subject to an area-wide Transportation Uniform Mitigation Fee (TUMF). The City has adopted the TUMF program, and this project shall be subject to the payment of these fees prior to the issuance of any building permits unless exempted by ordinance.

48. The proposed project lies within the Western Riverside Council of Governments (WRCOG) area-wide Multi-Species Habitat Conservation Plan (MSHCP). The City has adopted the MSHCP program and if applicable, this project shall be subject to the payment of these fees prior to the issuance of building permits.

49. This subdivision of property shall satisfy all conditions of the Subdivision Map Act relating to the "Quimby Act" prior to the recordation of the final map. The applicant shall contact the City of Norco Parks and Recreation Department for payment of required fees. Proof of compliance/payment of required fees shall be required and provided for final recordation of the subject map.

50. Existing walls on proposed Lot 7 of the subject map shall be removed unless they are determined to meet the requirements of the NMC as they exist.

51. Existing walls that will cross any of the proposed lots shall be removed.

##

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 5, 2007.

December 5, 2007

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 5, 2007.



Mayor of the City of Norco, California

ATTEST

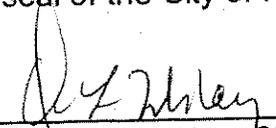


Debra L. McNay, City Clerk
City of Norco, California

I, DEBRA L. MCNAY, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on December 5, 2007 by the following vote of the City Council:

AYES: HALL, AZEVEDO, HANNA
NOES: CLARK, MILLER
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 December 5, 2007.



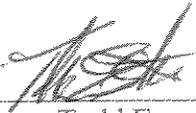
Debra L. McNay, City Clerk
City of Norco, California

/adr-67366

To: City of Norco Building Dept.
From: Todd Essenmacher
Re: Tract No. 35650

I respectfully request an extension regarding the final map for Tract No. 35650 located at 3079 Temescal Ave. This request is due to the downturn in the economy and the completion of plans.

Sincerely,



Owner, Todd Essenmacher

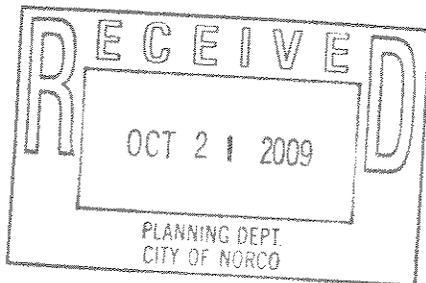

Project Manager, Lance De Steuben

EXHIBIT "C"

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, Interim City Manager *Beth Groves*

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

DATE: November 4, 2009

SUBJECT: Approval of the City of Norco Sanitary Sewer System Management Plan

RECOMMENDATION: That City Council approve the City of Norco Sanitary Sewer Management Plan "SSMP" per the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, State Water Resources Control Board Order No. 2006-0003-DWQ.

SUMMARY: On May 2, 2006, the California State Water Resources Control Board ("State Board") adopted Order No. 2006-0003-DWQ ("the Order") implementing statewide regulations related to the operation and maintenance of sanitary sewer systems. The State Board was created by legislature in 1967 to provide a single authority for water allocation and water quality, which provides comprehensive protection of State of California waters. The State Board oversees and administers regulations related to groundwater, storm water, wastewater, water recycling and other related issues.

BACKGROUND/ANALYSIS: In April 2004, the State Board began to investigate potential solutions to reduce both the number and volume of Sanitary Sewer Overflows ("SSOs") that occur throughout the state, often impacting health, safety and the environment. The most noticeable impact of SSOs is the closure of public beaches due to sewage spills. With the aging of the sanitary sewer systems within the state, and varying levels of effort and funding to manage those sanitary systems, the State Board believed the frequency of SSOs would continue to increase unless the State Board initiated a formal action to implement regulations to manage and enforce SSOs statewide.

The regulations adopted by the State Board apply to all Federal and state agencies, municipalities, counties, special districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length and that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California.

The State Board determined that to properly facilitate funding and management of sanitary sewer systems, each system operator must develop and implement a system-specific SSMP. To be effective, SSMPs must include provisions to provide proper and efficient management, operation, and maintenance, while taking into consideration risk

management and cost benefit analysis. Additionally, an SSMP must contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential health conditions.

The City of Norco owns, operates and manages approximately 120 miles of clay gravity flow 6" – 27" diameter collection lines, 600 pre-cast concrete manholes and cleanouts, 2 siphons and 12 sewer lift stations, including force main piping. The City discharges its waste stream the Western Riverside County Regional Wastewater Authority (WRCRWA), a joint power authority formed to plan construct and operate a cost effective regional wastewater system for the conveyance, tertiary treatment and disposal of sewage from the participating agencies. Member agencies include the City of Norco, Jurupa Community Services District (J.C.S.D.), Western Municipal Water District (WMWD), Home Gardens Sanitary District (HGSD) and the Santa Ana Watershed Project Authority (SAWPA).

Staff has prepared the necessary reports required by the State Board, consistent with the Order regulating SSOs and recommends that the City Council approve the City of Norco Sanitary Sewer Management Plan per State Water Resources Control Board Order No. 2006-003-DWQ.

A full copy of the SSMP is on file with the City Clerk, and will be available for review on the cities web page.

FINANCIAL IMPACT: On-going operation and maintenance costs, currently within the Sewer Operations Fund (Fund 126-809).

Attachments:

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, Interim City Manager *Beth Groves*

PREPARED BY: Jack Frye, Fire Chief

DATE: November 4, 2009

SUBJECT: Resolution Increasing Revenue, Appropriation and Expenditure from the Governor's Office of Homeland Security in the amount of \$13,937 for Radio Equipment

RECOMMENDATION: Adopt **Resolution No. 2009-___**.

SUMMARY: The Norco Fire Department participates in the State of California's Master Mutual Aid Program and responds to disastrous fire emergencies throughout the state as well as within the county. An important safety requirement during those emergencies is the ability to communicate with all emergency equipment assigned to the emergency.

BACKGROUND/ANALYSIS: A major focus of the Governor's Office of Homeland Security is improving radio interoperability for fire equipment throughout the State of California. Standardization of communications equipment affords emergency vehicles the ability to communicate with each other during emergencies wherever they are assigned.

Previous grants have been received that have provided the Norco Fire Department with some of the communications equipment that has been installed on our front line apparatus. This additional grant funding will enable the department to complete the purchase and installation of this new equipment.

FINANCIAL IMPACT: Acceptance of the grant will not have any financial impact on the current budget. It will, however, allow for the purchase of additional radio equipment in the amount of \$13,937 and complete the installation of the new radio equipment. Revenue in the amount of \$13,937 will be deposited into Account No. 122-000-53305 and appropriations and expenditures in that same amount will be taken from Account No. 122-761-43100 in FY 2010.

/jf-73939

Attachment: Resolution No. 2009-_____

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, INCREASING REVENUE, APPROPRIATION AND EXPENDITURE IN THE AMOUNT OF \$13,937 FROM THE STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF HOMELAND SECURITY FOR THE PURCHASE OF RADIO EQUIPMENT FOR IMPROVED EMERGENCY INTEROPERABILITY

WHEREAS, the City of Norco desires to participate with state and local governmental agencies in improving emergency communications through advanced radio interoperability; and

WHEREAS, the City of Norco will receive, and accepts, a Radio Grant from the Governor's Office of Homeland Security for FY 09-10 in the amount of \$13,937 for the purchase of new radio equipment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does hereby increase revenue in the amount of \$13,937 (Account No. 122-000-53305) and increase appropriation and expenditure in the amount of \$13,937 (Account No. 122-761-43100) .

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on November 4, 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 November 4, 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 November 4, 2009.

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

/jf-73943

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: John R. Harper, City Attorney 

PREPARED BY: Andy Okoro, Deputy City Manager/Director of Finance

DATE: November 4, 2009

SUBJECT: Approval of Contract and Appointment of City Manager

RECOMMENDATION: That the City Council approve the Employment Agreement and appointment of Beth Groves as City Manager.

SUMMARY: On June 17, 2009, The City Council voted unanimously to appoint Beth Groves as the Interim City Manager for the City of Norco, effective June 18, 2009. Staff is recommending that the City Council now approve the appointment of Beth Groves as the City Manager.

BACKGROUND/ANALYSIS: On June 17, 2009, the City Council unanimously voted to appoint Beth Groves as the Interim City Manager. On October 21, 2009 and then on October 28, 2009, the City Council met to consider the appointment of City Manager. Staff is now recommending that the City Council confirm the appointment of Beth Groves as the City Manager and approve the related Employment Agreement.

FISCAL IMPACT: The cost of salaries and benefits for the position of the City Manager is included in the Fiscal Year 2009-2010 Operating Budget for the City and Redevelopment Agency. Any necessary adjustments to the amount already included in the Operating Budget will be listed as part of the Mid-Year Budget Adjustments.

/ao-74001

Attachment: Employment Agreement

EMPLOYMENT AGREEMENT

This Agreement is effective November 4, 2009 by and between the City of Norco, a municipal corporation (hereinafter "City") and Beth Groves, an individual (hereinafter "Groves").

The parties hereto agree as follows:

1. RECITALS: This Agreement is made and entered into with respect to the following facts:
 - a. That City desires to obtain the services of a qualified individual to act as the City Manager for said City; and
 - b. Based on Groves' education, training and experience, the City Council determined that Groves is well qualified to perform the duties assigned to the office of City Manager.
 - c. That Groves has agreed to perform the same on the terms and conditions hereinafter set forth; and
 - d. That the public interest, convenience and necessity require the execution of this Agreement.
2. TERM:
 - a. The initial term of this Agreement shall be for two years from the date of this contract. Thereafter, the term of this Agreement may be extended for a period not exceeding one year commencing on November 5, 2011 and each successive year shall be renewed each year, on November 5, unless the City Council chooses not to do so. If extended, the renewal shall be for one additional year, unless otherwise agreed by the parties. In the event the City Council takes no action either to renew the Agreement, or to notify Groves that it will not extend the Agreement, then the Agreement will automatically be extended one year. Nothing in this Agreement shall prevent, limit or otherwise interfere with the rights of Groves to resign at any time from her position with City, subject only to the provisions set forth in this Agreement.
 - b. Notwithstanding the above, it is also understood and agreed that the Employee shall be retained a minimum of three (3) months following any change on the City Council, thereby allowing the new City Council adequate time to assess the Employee's performance.
3. OTHER EMPLOYMENT: Groves may engage in part-time teaching (one class per quarter) provided that such employment does not conflict with performance under this agreement.
4. TERMINATION: This Agreement may be terminated by:
 - a. Mutual agreement of the parties hereto, expressed in writing; or

- b. Forty-five day written notice given by Groves. The said termination shall be effective upon the forty-sixth day after the giving of such notice; or
 - c. Unilateral action of the City Council. In the event the involuntary termination is not for cause, as defined in Exhibit "B", attached hereto during the period of this agreement, Groves shall receive a total of six months severance pay, including all fringe benefits and accrued leaves. In the event that said involuntary termination is for cause, Groves shall be entitled to compensation for that period actually worked prior to said termination, plus all accrued and vested benefits.
5. **COMPENSATION:** Groves shall be required to devote her full time (other than as stipulated in section 3 of this agreement) to the position of City Manager. For and in consideration of Groves' services to be rendered pursuant to this Agreement, her salary is hereby established as shown on Exhibit A which is made part hereof . Should the City Council and Groves agree to renew this contract after November 4, 2011, Groves' annual compensation consisting of actual salary and any amount contributed on her behalf by the City to a deferred Compensation Plan shall be at least 95% of average salary paid to the city Managers of certain designated Cities. The designated Cities include the cities of: Banning, Barstow, Beaumont, Cathedral City, Coachella, Colton, Highland, La Quinta, Lake Elsinore, Loma Linda, Montclair, Palm Desert, Palm Springs, 29 Palms, and San Jacinto. The City Manager shall be paid in the same manner and at the same times as other City employees are paid. City agrees not to reduce the salary or fringe benefits of Groves at any time during employment.
6. **BENEFITS:** Groves shall be provided with the following benefits in addition to the compensation specified in Paragraph 4 above:
 - a. **LEAVE:** On December 18, 2009 Groves shall be credited with 40 hours of administrative leave and 60 hours of vacation leave. Thereafter, administrative leave shall be accrued at a rate of 6.67 hours per month and vacation leave at a rate of 10 hours per month. Unused administrative leave days may not be carried over from one contract year to the next. Vacation days accrued but not taken may be carried over from one contract year to the next up to a maximum of 240 hours. Sick leave shall accrue at the same rate as City department heads. Any vacation leave to be taken that exceeds one week must be approved in advance by the City Mayor.
 - b. **INSURANCE:** Groves shall receive the same benefits of life, dental, health, vision, disability, and worker's compensation as is now, or which may hereafter be, in effect for the department heads of the City, except Groves shall also receive term life insurance coverage in the amount of \$125,000 during the period covered by this Agreement.
 - c. **AUTOMOBILE ALLOWANCE:** Groves shall receive a monthly automobile allowance of \$500.

- d. DEFERRED COMPENSATION: Groves shall be entitled to participate in the City's 457 Deferred Compensation Plan. City's contribution to Groves 457 Deferred Compensation Account shall be outlined in Exhibit A.
- e. PERS RETIREMENT: City shall pay Groves' 8% share in PERS, 2.7% at 55 Retirement Formula.

7. PERFORMANCE EXPECTATIONS AND EVALUATION:

- a. The City shall make a reasonable effort to review and evaluate Groves' performance at least annually prior November 4, during the term of this Agreement. Said review and evaluation shall address specific criteria developed jointly by the City Council and Groves. Further, the Mayor shall provide Groves with a summary written statement of findings of the evaluation and provide an adequate opportunity for Groves to discuss her evaluation with the City Council in closed session. Failure to perform the annual evaluation shall not be a condition to any termination pursuant to Section 4, hereof.
- b. The City Council and Groves shall define the goals and performance objectives that they determine necessary for the proper operation of the City and for the attainment of the City Council's policy objectives. The City Council shall further establish a relative priority among those goals and objectives and shall establish the priorities in writing.

8. OFFICE AND PROFESSIONAL DEVELOPMENT EXPENSES: City agrees to budget and to pay for the professional dues of Groves necessary for her membership in the International City/County Management Association (ICMA). City also agrees to pay for her travel expenses for professional and official travel, meetings, and occasions including annual conference hosted by the League of California Cities, and any other national, regional, state, and local government groups and committees that she may participate in through the course of her work on behalf of the City.

9. INDEMNIFICATION: City shall defend, hold harmless, and indemnify Groves against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of her duties in accordance with California Government Code Section 825 and other applicable provisions of state law. City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered therefrom.

10. BONDING: City shall bear the full cost of any fidelity or other bonds required of Groves under any applicable law or ordinance.

11. OTHER TERMS AND CONDITIONS: All provisions of the Norco Municipal Code and regulations and rules of the City related to other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to Groves as they would to any department head of the city, in addition to the benefits enumerated herein.

12. GENERAL PROVISIONS:

- a. The text herein shall constitute the entire Agreement between the two parties.
- b. This Agreement shall be binding upon and shall inure to the benefits of the heirs at law and executors or administrators of the estate of Groves.

13. NOTICES:

- a. CITY: Mayor of the City of Norco
2870 Clark Avenue
Norco CA 92860
- b. GROVES: Beth Groves
2870 Clark Avenue
Norco, CA 92860

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as applicable to civil judicial process. Notice shall be deemed given as of the date of personal service, or if by mail, pursuant to the provisions of the California Code of Civil Procedure, Section 1013. The address for service of any party hereto may be changed at any time by giving written notice to the other party.

Executed on _____, 2009 at Norco, California.

CITY OF NORCO

BY: _____
Kathy Azevedo, Mayor

Beth Groves

ATTEST:

Brenda Jacobs, City Clerk of
the City of Norco, California

APPROVED AS TO FORM:

John Harper, City Attorney

EXHIBIT A
COMPENSATION

<u>Effective Date</u>	<u>Monthly Salary</u>	<u>457 Plan Monthly Contribution</u>	<u>Total Monthly Compensation</u>
November 4, 2009	12,813	47	12,861
July 1, 2010	13,582	359	13,941
July 1, 2011	14,397	715	15,112

EXHIBIT "B"

GROUNDS FOR TERMINATION

1. Misfeasance or malfeasance in office.
2. Conviction of a felonious crime.
3. Willful breach or habitual neglect of duties agreed to under this Agreement, after receipt of written notice of the specific improvements required to correct the performance deficiencies.
4. Refusal to follow the reasonable directives of the City Council, after receipt of written notice of the directives to be followed.
5. Willful violation of written rules and policies of the City, after receipt of written notice of the corrections required.
6. Conviction of a clearly dishonest act toward the City, such as fraud, misappropriation or embezzlement.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: November 4, 2009

SUBJECT: Amendment to the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and Adoption of a Temporary TUMF Reduction

RECOMMENDATION: 1.) Adopt **Ordinance No. _____, for first reading** -- Amending and Superseding Ordinance No. 855 to update its participation in the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and adoption of a temporary TUMF reduction; and

2.) Adopt **Resolution No. 2009-____**, establishing a revised and updated fee schedule applicable under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and adopting a temporary TUMF reduction.

SUMMARY: The City is a Member Agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and sixteen (16) cities located in Western Riverside County. Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG prepared a new nexus study ("2009 Nexus Study") to update the fees. The WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions update their fees by amending their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction. The WRCOG Executive Committee also authorized a temporary reduction in fees.

BACKGROUND/ANALYSIS: Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials due to new development in Western Riverside County could be made up in part by a Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial and industrial development. As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the City participated in the preparation of a certain "Western Riverside County Transportation Uniform Fee Nexus Study," ("2002 Nexus Study") later adopted by the WRCOG Executive Committee. Based on the 2002 Nexus Study, the City adopted and implemented an ordinance authorizing the City's participation in a TUMF Program.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG has prepared a new nexus study ("2009 Nexus Study") to update the fees. The 2009 Nexus Study includes an Addendum discussing the need for a temporary reduction in fees. On September 14 and October 5, 2009, the WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions update their fees by amending their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction. The WRCOG Executive Committee also authorized a temporary reduction in fees.

The proposed Ordinance provides the legal basis for a revised TUMF schedule and a one year temporary reduction in fees. The Ordinance also revises definitions of "Class A" and "Class B" Office and establishes a definition for "TUMF participating jurisdiction." The actual TUMF schedule and temporary fee schedule will be established through the Resolution, which the City Council may amend from time to time when needed.

In accordance with the Mitigation Fee Act, the proposed Ordinance and 2009 Nexus Study:

- (i) identifies the purpose of the revised fees;
- (ii) identifies the use to which the revised fees is to be put, including identification of any facilities to be financed;
- (iii) determines how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
- (iv) determines how there is a reasonable relationship between the need for the public facilities and the type of development project upon which the fees are imposed; and
- (v) determines how there is a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facility attributable to the development on which the fees are imposed.

The Addendum discussing the need for a temporary fee reduction also sets forth a set of adjustments to the maximum TUMF share of the various Network and Transit project costs and addresses the issue of the resultant Program funding shortfall. The adjustments assure a balance between the overall fee revenues generated at the reduced fee levels and the eligible project costs upon which the TUMF is based and the revenues expended.

The proposed resolution establishes the revised and updated fee schedule applicable under the WRCOG TUMF Program and adopts a temporary TUMF reduction period, expiring on December 31, 2010. The proposed resolution also establishes the TUMF schedule applicable beginning January 1, 2010, following the expiration of the temporary TUMF reduction period. All of the proposed fees, with the exception of Class A and B Office, are lower than the current applicable fees.

The proposed resolution repeals Resolution No. 2009-14 and becomes effective on January 17, 2010, which is the same date the proposed ordinance will become effective, or 60 days following the adoption of the ordinance.

/bj-73877

Attachments: Ordinance No. _____, for first reading (attachments on file in the City Clerks office)
Resolution No. _____
TUMF Fact Sheet



TRANSPORTATION UNIFORM MITIGATION FEE NEXUS STUDY 2009 UPDATE – TEMPORARY FEE REDUCTION KEY FACTS

The impact of the economic recession on the construction sector in the Inland Empire, including Western Riverside County, is staggering. The area lost 48,650 jobs in 2008 with a further loss of 82,600 jobs forecast in 2009. Construction employment has fallen 49.0% from a peak of 127,500 in 2006 to 67,100 in 2009.

ACTION: TEMPORARY REDUCTION IN TUMF FOR ONE YEAR

Recognizing the significance of the current economic recession to Western Riverside County, business, community and government leaders established the Riverside Economic Development Red Team in 2008. A primary recommendation from the Red Team is to reduce impact fees in order to stimulate more development activity. On October 5 2009 the WRCOG Executive Committee authorized a temporary 50% reduction in the current TUMF commencing immediately upon action by participating jurisdictions to amend their fee structure and ends December 31, 2010.

TUMF REDUCTION IMPLICATIONS

- Reduces the fees paid by each new development to mitigate its impact on the regional transportation system.
- Means that the development is no longer contributing a fair share of the total cost to mitigate the cumulative impacts of new development on the regional transportation system.
- The program adjustment will be reflected in a commensurate reduction in the maximum TUMF share of the costs for each project in the Program. Subsequently, the TUMF revenues available for project programming activities, including planning, design and construction, along with credits and reimbursements, are also reduced proportionately.
- Since the burden to mitigate the impacts of the development cannot be passed on to other developments through the TUMF program, it is necessary for the TUMF revenues that are forfeited during the temporary reduction period to be made up from other sources.

TUMF PROGRAM REVENUE SHORTFALL

- Exemptions and waivers attributed to Government and Public Sector land use exemptions (9% of Program), the previous multi-year phase in of TUMF for non-residential land uses (2%) and pre-existing local agency developer agreements and vesting (5%) are anticipated to create an overall Program shortfall of approximately 16% which equates to approximately \$602 million total.
- Local sponsoring agencies and private developers have a responsibility to seek alternative funding sources to meet the TUMF program funding shortfall, which could comprise utilization of traditional transportation funding sources (such as STP, CMAQ, Measure A and other discretionary federal, state or local transportation funds) and in-kind services (such as local agency planning, engineering or right of way acquisition, or right of way and roadway facility dedications by private developers).
- To ensure the funding shortfall is adequately addressed in accordance with the provision of the Mitigation Fee Act, a mandatory alternate match requirement may need to be established with the TUMF, including projects sponsored by public agencies and those completed by private developers.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA AMENDING AND SUPERCEDING ORDINANCE NO. 855 TO UPDATE ITS PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AND ADOPT A TEMPORARY TUMF REDUCTION

The City Council of the City of Norco does hereby ordain as follows:

SECTION 1: Norco Municipal Code Section 3.50 (Transportation Uniform Mitigation Fee) is hereby amended to read as follows:

Section 3.50.010 Title. This Ordinance shall be known as the "Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009" ("Ordinance").

Section 3.50.015 Findings.

A. The City is a Member Agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and 16 cities located in Western Riverside County. Acting in concert, the Member Agencies of WRCOG developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the "Regional System") could be made up in part by a Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial and industrial development. A map depicting the boundaries of Western Riverside County and the Regional System is attached hereto as Exhibit "A" and incorporated herein. As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the City participated in the preparation of a certain "Western Riverside County Transportation Uniform Mitigation Fee Nexus Study", dated October 18, 2002 ("2002 Nexus Study") prepared in compliance with the California Government Code, Section 66000 et seq., the Mitigation Fee Act, and adopted by the WRCOG Executive Committee. Based on this 2002 Nexus Study, the City adopted and implemented an ordinance authorizing its participation in a TUMF Program.

B. WRCOG, with the assistance of TUMF Participating Jurisdictions, has prepared an updated nexus study entitled "Transportation Uniform Mitigation Fee Nexus Study: 2009 Update" ("2009 Nexus Study") pursuant to California Government Code sections 66000 et seq. (the Mitigation Fee Act), for the purpose of updating the fees. On September 14 and October 5, 2009, the WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions amend their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction in order to update the TUMF Program.

C. Consistent with its previous findings made in the adoption of Ordinance No. 855, the City Council has been informed and advised, and hereby finds, that if the capacity of the Regional System is not enlarged and unless development contributes to the cost of improving the Regional System, the result will be substantial traffic congestion in all parts of Western Riverside County, with unacceptable Levels of Service. Furthermore, the failure to mitigate growing traffic impacts on the Regional System will substantially impair the ability of public safety services (police and fire) to respond and, thus, adversely affect the public health, safety and welfare. Therefore, continuation of a TUMF Program is essential.

D. However, the City Council realizes the impact of an economic recession on development and the construction sector in Western Riverside County as indicated in the Addendum to the 2009 Nexus Study, attached and incorporated as part of the 2009 Nexus Study in Exhibit "B." The City Council finds that that a temporarily fifty percent (50%) reduction in TUMF fees through December 31, 2010 will encourage economic development by reducing the overall cost of development. The same adjustment of the entire TUMF Program will also assure that each development continues to contribute a fair share of the total Program costs without unduly burdening later projects to make up the TUMF revenues that would be effectively forfeited during the temporary reduction period. The City Council further finds that the resulting minor decrease in TUMF revenues will not have a material effect on the ability to fulfill the purposes of the TUMF Program or the ability to make the findings recited herein pursuant to the Mitigation Fee Act.

E. The City Council finds and determines that there is a reasonable and rational relationship between the use of the TUMF and the type of development projects on which the fees are imposed because the fees will be used to construct the transportation improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development in which the TUMF will be levied.

F. The City Council finds and determines that there is a reasonable and rational relationship between the need for the improvements to the Regional System and the type of development projects on which the TUMF is imposed because it will be necessary for the residential and non-residential users of such projects to have access to the Regional system. Such development will benefit from the Regional System improvements and the burden of such developments will be mitigated in part by payment of the TUMF.

G. The City Council finds and determines that the cost estimates set forth in the new 2009 Nexus Study are reasonable cost estimates for constructing the Regional System improvements and the facilities that compromise the Regional System, and that the amount of the TUMF expected to be generated by new development will not exceed the total fair share cost to such development.

H. The fees collected pursuant to this Ordinance shall be used to help pay for the design, planning, construction of and real acquisition for the Regional System improvements and its facilities as identified in the 2009 Nexus Study. The need for the improvements and facilities is related to new development because such development results in additional traffic and creates the demand for the improvements.

I. By notice duly given and published, the City Council set the time and place for a public hearing on the 2009 Nexus Study and the fees proposed thereunder, and at least ten (10) days prior to this hearing, the City Council made the 2009 Nexus Study available to the public.

J. At the time and place set for the hearing, the City Council duly considered data and information provided by the public relative to the cost of the improvements and facilities for which the fees are proposed and all other comments, whether written or oral, submitted prior to the conclusion of the hearing.

K. The City Council finds that the 2009 Nexus Study proposes a fair and equitable method for distributing a portion of the unfunded costs of improvements and facilities to the Regional system.

L. The City Council hereby adopts the 2009 Nexus Study, including its Addendum regarding temporary fee reduction, and its findings. The 2009 Nexus Study is attached and incorporated herein as Exhibit "B."

M. The City Council hereby adopts this Ordinance to amend and supersede the provisions of Ordinance No. 855.

Section 3.50.020 Definitions. For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings:

A. **"Class 'A' Office"** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class 'A' Office shall be as follows: (i) minimum of three stories (exception will be made for March JPA, where height requirements exist); (ii) minimum of 10,000 square feet per floor; (iii) steel frame construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/ exits for commercial uses within the building.

B. **“Class ‘B’ Office”** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class ‘B’ Office shall be as follows: (i) minimum of two stories; (ii) minimum of 15,000 square feet per floor; (iii) steel frame, concrete or masonry shell construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/exits for commercial uses within the building.

C. **“Development Project”** or **“Project”** means any project undertaken for the purposes of development, including the issuance of a permit for construction.

D. **“Gross Acreage”** means the total property area as shown on a land division of a map of record, or described through a recorded legal description of the property. This area shall be bounded by road rights of way and property lines.

E. **“Habitable Structure”** means any structure or part thereof where persons reside, congregate or work and which is legally occupied in whole or part in accordance with applicable building codes, and state and local laws.

F. **“Industrial Project”** means any development project that proposes any industrial or manufacturing use allowed in the following Ordinance No. 348 zoning classifications: I-P, M-S-C, M-M, M-H, M-R, M-R-A, A-1, A-P, A-2, A-D, W-E, or SP with one of the aforementioned zones used as the base zone.

G. **“Low Income Residential Housing”** means residential units in publicly subsidized projects constructed as housing for low-income households as such households are defined pursuant to section 50079.5 of the Health and Safety Code. “Publicly subsidized projects,” as the term is used herein, shall not include any project or project applicant receiving a tax credit provided by the State of California Franchise Tax Board.

H. **“Multi Family Residential Unit”** means a development project that has a density of greater than eight (8) residential dwelling units per gross acre.

I. **“Non-Residential Unit”** means retail commercial, service commercial and industrial development which is designed primarily for non-dwelling use, but shall include hotels and motels.

J. **“Recognized Financing District”** means a Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

K. **“Residential Dwelling Unit”** means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. “Residential Dwelling Unit” shall not include hotels or motels.

L. **“Retail Commercial Project”** means any development project that proposes any commercial use not defined as a service commercial project allowed in the following Ordinance No. 348 classifications: R-1, R-R, R-R-O, R-1-A, R-A, R-2, R-2-A, R-3, R-3-A, R-T, R-T-R, R-4, R-5, R-6, C-1/C-P, C-T, C-P-S, C-R, C-O, R-V-C, C-V, W-2, R-D, N-A, W-2-M, W-1, or SP with one of the aforementioned zones used as the base zone.

M. **“Service Commercial Project”** means any development project that is predominately dedicated to business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices.

N. **“Single Family Residential Unit”** means each residential dwelling unit in a development that has a density of eight (8) units to the gross acre or less.

O. **“TUMF Participating Jurisdiction”** means a jurisdiction in Western Riverside County which has adopted and implemented an ordinance authorizing participation in the TUMF Program and complies with all regulations established in the TUMF Administrative Plan, as adopted and amended from time to time by the WRCOG.

Section 3.50.020 Establishment of the Transportation Uniform Mitigation Fee.

A. **Adoption of TUMF Schedule.** The City Council shall adopt an applicable TUMF schedule through a separate resolution, which may be amended from time to time.

B. **Fee Calculation.** The fees shall be calculated according to the calculation methodology fee set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. The following shall be observed for purposes of calculating the fee:

i. For non-residential projects, the fee rate utilized shall be based upon the predominant use of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

ii. For non residential projects, the fee shall be calculated on the total square footage of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

C. **Fee Adjustment.** The fee schedule may be periodically reviewed and the amounts adjusted by the WRCOG Executive Committee. By amendment to the Ordinance, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the Regional System including, but not limited to, debt service, lease payments and construction costs. The adjustment of the fees may also reflect changes in the facilities required to be constructed, in estimated revenues received pursuant to this Ordinance, as well as the availability or lack thereof of other funds with which to construct the Regional System. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of this Ordinance.

D. **Temporary Fee Reduction Period.**

i. Notwithstanding, under Section 3.50.020 of Ordinance No. 855 and the adopted TUMF schedule, the City Council may, by separate resolution, adopt a reduced TUMF fee schedule applicable only through December 31, 2010. The TUMF may be so reduced by up to fifty percent (50%) of fees established in the schedule adopted pursuant to Section 3.50.020 of this Ordinance. If fees are reduced, all other sections of Ordinance No. 855 shall still be effect during the temporary fee reduction period. After December 31, 2010, the regular TUMF schedule, as adopted by the City Council and revised from time to time pursuant to Section 3.50.020 of this Ordinance, shall automatically apply.

ii. If reduced fees are paid pursuant to this Section 4D at issuance of a building permit and either the application or the building permit expires, subsequent building permit application on the same parcel shall be subject to the full TUMF amount, unless the temporary fee reduction period is still in effect at the time the subsequent application is made.

E. **Purpose.** The purpose of the TUMF is to fund those certain improvements to the Regional System as depicted in Exhibit "A" and identified in the 2009 Nexus Study, Exhibit "B."

F. **Applicability.** The TUMF shall apply to all new development within the City, unless otherwise exempt hereunder.

G. **Exemptions.** The following new development shall be exempt from the TUMF:

i. Low income residential housing.

ii. Government/public buildings, public schools and public facilities.

iii. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.

iv. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code section 65864 *et seq*, prior to the effective date of this Ordinance, wherein the imposition of new fees are expressly prohibited provided that if the term of such a Development Agreement is extended by amendment or by any other manner after the effective date of this Ordinance, the TUMF shall be imposed.

v. Guest Dwellings.

vi. Additional single family residential units located on the same parcel pursuant to the provisions of any agricultural zoning classifications set forth in the Municipal Code.

vii. Kennels and Catteries established in connection with an existing single family residential unit.

viii. Detached Second Units.

ix. The sanctuary building of a church or other house of worship, eligible for a property tax exemption.

x. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.

H. **Credit.** Regional System improvements may be credited toward the TUMF in accordance with the TUMF Administrative Plan and the following:

Regional Tier

i. **Arterial Credits:** If a developer constructs arterial improvements identified on the Regional System, the developer shall receive credit for all costs associated with the arterial component based on approved Nexus Study, including Addendum 1, for the Regional System effective at the time the credit agreement is entered into. WRCOG staff must pre-approve any credit agreements that deviate from the standard WRCOG approved format.

ii. **Other Credits:** In special circumstances, when a developer constructs off-site improvements such as an interchange, bridge, or railroad grade separation, credits shall be determined by WRCOG and the City in consultation with the developer. All such credits must have prior written approval from WRCOG.

iii. The amount of the development fee credit shall not exceed the maximum amount determined by the Nexus Study, including Addendum 1, for the Regional System at the time the credit agreement is entered into or actual costs, whichever is less.

Local Tier

i. The local jurisdictions shall compare facilities in local fee programs against the Regional System and eliminate any overlap in its local fee program except where there is a Recognized Financing District has been established.

ii. If there is a Recognized Financing District established, the local agency may credit that portion of the facility identified in both programs against the TUMF in accordance with the TUMF Administrative Plan.

Section 3.50.040 Reimbursements. Should the developer construct Regional System improvements in excess of the TUMF fee obligation, the developer may be reimbursed based on actual costs or the approved Nexus Study, including Addendum 1, effective at the time the agreement was entered into, whichever is less. Reimbursements shall be enacted through an agreement between the developer and the City, contingent on funds being available and approved by WRCOG. In all cases, however, reimbursements under such special agreements must coincide with construction of the transportation improvements as scheduled in the five-year Capital Improvements Program adopted annually by WRCOG.

Section 3.50.050 Procedures for the Levy, Collection and Disposition of Fees.

A. **Authority of the Building Department.** The Director of Building & Safety, or his/her designee, is hereby authorized to levy and collect the TUMF and make all determinations required by this Ordinance.

B. **Payment.** Payment of the fees shall be as follows:

i. The fees shall be paid at the time a certificate of occupancy is issued for the Development Project or upon final inspection, whichever comes first (the "Payment Date"). However this section should not be construed to prevent payment of the fees prior to issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a building permit, and the fee payment shall be calculated based on the fee in effect at that time, provided the developer tenders the full amount of his/her TUMF obligation. If the developer makes only a partial payment prior to the Payment Date, the amount of the fee due shall be based on the TUMF fee schedule in place on the Payment Date. The fees shall be calculated according to fee schedule set forth in the Ordinance and the calculation methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time.

ii. The fees required to be paid shall be the fee amounts in effect at the time of payment is due under this Ordinance, not the date the Ordinance is initially adopted. The City shall not enter into a development agreement which freezes future adjustments of the TUMF.

iii. If all or part of any development project is sold prior to payment of the fee, the property shall continue to be subject to the requirement for payment of the fee. The obligation to pay the fee shall run with the land and be binding on all the successors in interest to the property.

iv. Fees shall not be waived.

C. **Disposition of Fees.** All fees collected hereunder shall be transmitted to the Executive Director of WRCOG within thirty (30) days for deposit, investment, accounting and expenditure in accordance with the provisions of this Ordinance and the Mitigation Fee Act.

D. **Appeals.** Appeals shall be filed with WRCOG in accordance with the provisions of the TUMF Administrative Plan. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, application of the legal action stay and application of exemption.

E. **Reports to WRCOG.** The Director of Building and Safety, or his/her designee, shall prepare and deliver to the Executive Director of WRCOG, periodic reports as will be established under Section 3.50.050 of this Ordinance.

Section 3.50.060 Appointment of the TUMF Administrator.

WRCOG is hereby appointed as the Administrator of the Transportation Uniform Mitigation Fee Program. WRCOG is hereby authorized to receive all fees generated from the TUMF within the City, and to invest, account for and expend such fees in accordance with the provisions of this Ordinance and the Mitigation Fee Act. The detailed administrative procedures concerning the implementation of this Ordinance shall be contained in the TUMF Administrative Plan adopted May 5, 2003, and as may be amended from time to time. Furthermore, the TUMF Administrator shall use the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time, for the purpose of calculating a developer's TUMF obligation. In addition to detailing the methodology for calculating all TUMF obligations of different categories of new development, the purpose of the Fee Calculation Handbook is to clarify for the TUMF Administrator, where necessary, the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances.

WRCOG shall expend only that amount of the funds generated from the TUMF for staff support, audit, administrative expenses, and contract services that are

necessary and reasonable to carry out its responsibilities and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the revenue raised by the TUMF Program. The TUMF Administrative Plan further outlines the fiscal responsibilities and limitations of the Administrator.

Section 3.50.070 Severability. If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 3.50.080 Judicial Review. In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance.

Section 3.50.090 Ordinance 855. This Ordinance supersedes the provisions of Ordinance 855, provided this Ordinance is not declared invalid or unenforceable by a court of competent jurisdiction. If, for whatever reason, this Ordinance is declared invalid or unenforceable by a court of competent jurisdiction, Ordinance 855 and all other related ordinances, resolution, and polices shall remain in full force and effect.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective sixty (60) days after its adoption.

SECTION 3: POSTING: The mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within fifteen (15) days of its passage to be posted at no less than five (5) public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 18, 2009.

Mayor of the City of Norco

ATTEST:

Brenda K. Jacobs
City Clerk of the City of Norco

Ordinance No. ____

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November 4, 2009

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 November 4, 2009 and thereafter at a regular meeting of said City Council duly held on November 18, 2009, it was duly passed and adopted by the following vote of the City Council, to-wit:

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 November 18, 2009.

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

/bj-73901

Attachments: Exhibit "A" – Boundaries Map
Exhibit "B" – TUMF 2009 Nexus Study

/bj-73901

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, ESTABLISHING A REVISED AND UPDATED FEE SCHEDULE APPLICABLE UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AND ADOPTING A TEMPORARY TUMF REDUCTION

WHEREAS, The City is a Member Agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and 16 cities located in Western Riverside County; and

WHEREAS, acting in concert, the Member Agencies of WRCOG developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the "Regional System") could be made up in part by a Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial and industrial development. A map depicting the boundaries of Western Riverside County and the Regional System; and

WHEREAS, in furtherance of this plan, the WRCOG Executive Committee adopted the "Western Riverside County Transportation Uniform Fee Nexus Study", dated October 18, 2002 (the "2002 Nexus Study"); and

WHEREAS, based on the 2002 Nexus Study, the City adopted Ordinance 804 on February 5, 2003 pursuant to California Government Code sections 66000 *et seq.* authorizing the City to impose the Transportation Uniform Mitigation Fee ("TUMF") upon new development; and

WHEREAS, WRCOG, with the assistance of TUMF Participating Jurisdictions, has prepared an updated nexus study entitled "Transportation Uniform Mitigation Fee Nexus Study: 2009 Update" ("2009 Nexus Study") pursuant to California Government Code sections 66000 *et seq.* (the Mitigation Fee Act), for the purpose of updating the fees, and

WHEREAS, Section 3.50.020 of the TUMF Ordinance authorizes periodic review and adjustment to the applicable TUMF in accordance with any adjustments made by the WRCOG Executive Committee; and

WHEREAS, On September 14 and October 5, 2009, the WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions amend their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction in order to update the TUMF Program; and

WHEREAS, the levying of TUMF has been reviewed by the City Council and staff in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines and it has been determined that the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

Section 1. Title and Findings.

This Resolution shall be known as the "Western Riverside County Transportation Uniform Mitigation Fee Program Resolution of 2009" ("Resolution"). Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) the City Council hereby readopts all findings included in Ordinance No. _____, including those findings made in the 2009 Nexus Study and its Addendum.

Section 2. Establishment of the Transportation Uniform Mitigation Fee Schedule.

In accordance with Ordinance No. _____, adopted by the City Council on _____, 2009, the City Council adopts the following TUMF schedule applicable to all new development projects, applicable beginning January 1, 2010:

- (1) \$8,873.00 per single family residential unit
- (2) \$6,231.00 per multi-family residential unit
- (3) \$ 1.73 per square foot of an industrial project
- (4) \$10.49 per square foot of a retail commercial project
- (5) \$ 4.19 per square foot of a service commercial project
- (6) \$ 2.19 per square foot of a service Class A and B Office

Section 3. Temporary TUMF Reduction Period.

i Notwithstanding, under Section 3.50.020 of Ordinance No. 855 and the adopted TUMF schedule, the City Council may, by separate resolution, adopt a reduced TUMF fee schedule applicable only through December 31, 2010. All other sections of Ordinance No. 855 shall still be effect during this temporary fee reduction period. After December 31, 2010, the regular TUMF schedule adopted in Section 2 of this Resolution, or as revised by the City Council from time to time through a separate resolution, shall automatically apply.

- (1) \$4,437.00 per single family residential unit
- (2) \$3,115.00 per multi-family residential unit
- (3) \$ 0.86 per square foot of an industrial project

- (4) \$ 5.24 per square foot of a retail commercial project
- (5) \$ 2.10 per square foot of a service commercial project
- (6) \$ 1.10 per square foot of a service Class A and B Office

ii. If reduced fees are paid pursuant to this Section 3i at the time application is made for a building permit and either the application or the building permit expires, subsequent building permit application on the same parcel shall be subject to the full TUMF amount, unless the temporary fee reduction period is still in effect at the time the subsequent application is made.

(iii) No provision of this Resolution shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment. This Resolution does not create any new TUMF.

Section 5. Severability.

If any one or more of the terms, provisions or sections of this Resolution shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Resolution shall not be affected thereby and shall be valid and enforceable.

Section 6. Effective Date.

This Resolution repeals Resolution No. 2009-14 and shall become effective on January 17, 2010.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on November 4, 2009.

Mayor of the City of Norco, California

ATTEST:

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

Resolution No. 2009-____

Page 4

November 4, 2009

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 November 4, 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 November 4, 2009.

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

/bj-73887

**CITY OF NORCO
MEMORANDUM**

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, Interim City Manager 

PREPARED BY: Steve King, Planning Manager 

DATE: November 4, 2009

SUBJECT: General Plan Amendment 2009-01A-D, Zone Code Amendment 2009-01, Zone Change 2009-01, and Zone Change 2009-02; City-Initiated Proposals to Add a New Land Use Designation Entitled Preservation and Development to the General Plan and to Change the Land Use Designations on Three Non-Contiguous Groupings of Properties; and to Create a New Zone "Preservation and Development" and Change the Zoning on Two Non-Contiguous Groupings of Properties.

RECOMMENDATION: **Adopt:**

Resolution No. 2009-___, General Plan Amendment 2009-01D (City of Norco); A proposal to amend the land use categories on property corresponding to the Silverlakes Equestrian and Sports Park from "Public Lands" to "Park."

Continue to December 16, 2009

Resolution No. 2009-___, General Plan Amendment 2009-01A (City of Norco); A proposal to amend the Land Use Element of the General Plan by adding a new land use category to be titled "Preservation and Development."

Resolution No. 2009-___, General Plan Amendment 2009-01B (City of Norco); A proposal to amend the Land Use categories on property corresponding to the former Wyle Laboratories property (APN's 123-080-028; 123-260-003, -004, -006, -010; 123-250-007, -006, -005; 123-320-001; 123-330-011, -001, -036) from "Industrial-Special Research" and "Hillside" to "Preservation and Development."

Resolution No. 2009-___, General Plan Amendment 2009-01C (City of Norco); A proposal to amend the Land Use categories on property corresponding to the former Norconian Resort around Lake Norconian (APNs 129-190-003, -002; 129-200-008; -007, -005; 129-210-006, -005, -004) from

Agenda Item 4.B.

"Institutional and Public Lands" to "Preservation and Development."

Ordinance No.-___, First Reading: Zone Code Amendment 2009-01 (City of Norco); A proposal to establish a new zone with corresponding development standards entitled "Preservation and Development" zone.

Ordinance No. ___, First Reading: Zone Change 2009-01 (City of Norco); A proposal to change existing zoning on property corresponding to former Wyle Laboratories property (APNs listed above) from "General Manufacturing" and "Hillside" to "Preservation and Development."

Ordinance No. ___, First Reading: Zone Change 2009-02 (City of Norco); A proposal to change existing zoning on property corresponding to the former Norconian Resort around Lake Norconian (APNs listed above) from "Open Space" and "Limited Development" to "Preservation and Development."

SUMMARY: A series of General Plan Amendments, a Zone Code Amendment, and Zone Changes that are being proposed to establish a new Preservation and Development (PAD) zone for those areas of the City where development has been limited due to facilities that existed when the City incorporated and for which operations continued after incorporation. These areas have significant and identifiable resources whether historical, natural, open space or other type of resource important to the City's history and lifestyle, and are worth preserving. Currently, there is no zoning that is conducive to development that preserves these resources once the properties come into private ownership and/or become available for other uses. Since the number, type, and level of significance of these resources is still largely unknown, the City is unable to establish any detailed zoning regulations. The proposed Preservation and Development (PAD) zone would minimally require the preparation of a specific plan prior to any development and it would be through that plan that resources could be identified and protected.

On October 28, 2009 the Planning Commission voted to recommend approval of General Plan Amendment 2009-01D (Silverlakes) but continued all of the items related to the proposed new zone to an undetermined date.

BACKGROUND: The Land Use Element is one of seven required elements in the General Plan. Per state guidelines the Land Use Element should address the following issues pursuant to the State General Plan Guidelines:

1. distribution of housing, business, and industry;
2. distribution of open space;
3. distribution of mineral resources;
4. distribution of recreational facilities and opportunities;

5. location of educational facilities;
6. location of public buildings and grounds;
7. location of solid and liquid waste facilities and renewable energy facilities;
8. identification of areas subject to flooding; and
9. other private and public uses of land as necessary.

An overall update to the Land Use Element was approved by the City Council on October 7, 2009. The changes in the update were minor and reflected goals and policies that had already been discussed and adopted through other avenues, including the update to the Housing Element. The changes also included updated data showing the latest figures for population growth and economic development.

This proposed amendment would create a new land use designation entitled "Preservation and Development" along with a new zone entitled the same. The intent is to "provide for the coordinated development of planned commercial projects in an orderly and aesthetically pleasing manner that recognizes and preserves significant natural landscape features, open lands, and historical buildings." The General Plan Amendment would also change the land use designation on two groupings of properties where issues of preservation will ultimately need to be considered:

Area 1: Approximately 428 acres located north of the Norco Hills Specific Plan, east of Hillside Avenue and south and west of the Norco Ridge Ranch Specific Plan (ref. Exhibit "A"). Change the existing land use designation from Industrial – Special Research (ISR) and Hillside (HS), to Preservation and Development (PAD).

Area 2: Approximately 475 acres located around Lake Norconian, north of Third Street, east of Western Avenue, south of Fifth Street, and west of the City Hall/School District complex (ref. Exhibit "B"). Change the existing land use designations from Public Lands (PL) and Institutional (IN), to Preservation and Development (PAD).

This General Plan Amendment would also change the land use designation on the Silverlakes property (Area 3) from Public Lands (PL) to Parks (P) (ref. Exhibit "C"). This third area will not be subject to the PAD zone.

The Planning Commission at its October 28, 2009 meeting continued all of the above-described actions to a date uncertain which will require re-noticing with the exception of the General Plan Amendment for Silverlakes which was recommended for approval.

ANALYSIS: The General Plan Amendment and related zone code amendment and zone changes is being recommended because there are areas in the City that are primarily open and underdeveloped because of previous or existing land uses that have been there since the City incorporated. Associated with those areas are unique and significant features, both natural and built, that define the community and represent a significant part of the City's history. There currently is not zoning in place to guide development once those properties become available for private ownership and/or development.

The first area is land that was associated with the Wyle Laboratories facility that existed when the City incorporated. The facility itself was primarily a closed facility to the public because of the sensitive nature of some of the tests that were performed there. The zoning that existed when the City incorporated was conducive to the testing that occurred at the facility and allowed primarily heavy industrial uses. This zoning was carried over from Riverside County after the City incorporated.

Wyle Laboratories has since vacated the property and a clean-up is being overseen by the State Department of Toxic Substances Control. Roughly half of the property, that portion associated with the upper basin, has already been declared clean and can be considered for development. The current zoning of the property is General Manufacturing which, because of the heavy industrial uses that are permitted in that zone, is not conducive to the surrounding residential development that has since occurred there. The proposed PAD land use designation and zoning would allow development only after a specific plan has been prepared, and would only allow development within the confines of a planned commercial development, a planned recreational development, or a planned resort development with no permanent residential development allowed. Development could only occur after resources have been identified for preservation and the methods for protecting those resources established.

The second area consists of those properties originally associated with the Norconian Hotel and Resort and that now consist of the Naval Surface Warfare Center, Riverside Community College, and the California Rehabilitation Center. These properties are all currently under jurisdiction of other public agencies that are responsible for making their own land use decisions. These separate state and federal agencies do work with the City on major development projects and decisions; however, the new proposed zoning would only be applicable for enforcement when any of these properties change to private ownership. The intent is to have that zoning in place before any of the properties do come under private ownership so that significant historical and natural resources will have immediate protection thereupon.

Ultimately, protection of resources in these areas will come by way of specific plans that will identify the significant resources and what implementation measures will be needed. Once that has been accomplished, development on non-impacted properties will be permitted through planned community development standards that will be set by the specific plans.

The third area consists of those lots that are part of the Silverlakes Equestrian and Sports Park. The General Plan Amendment would change the land use designation from "Public Lands" to "Parks." The intent is to make the Silverlakes project eligible for more grant funding that might not otherwise be available with the current land use designation. Also the project was basically entitled as an active park rather than open space. Again, this is the only item that has been recommended for approval by the Planning Commission at this point.

General Plan Amendment 2009-01A-D, Zone Code Amendment, Zone Changes
Page 5
November 4, 2009

Attachment: Planning Commission Resolution 2009-22
Resolution No. 2009-___ – General Plan Amendment 2009-01D
Exhibit "A" – Proposed Land Use Designation Area 1
Exhibit "B" – Proposed Land Use Designation Area 2
Exhibit "C" – Proposed Land Use Designation Area 3

/sk-73977

RESOLUTION NO. 2009-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 2009-01D TO AMEND THE LAND USE CATEGORIES ON PROPERTY GENERALLY CORRESPONDING TO THE APPROVED SILVERLAKES EQUESTRIAN AND SPORTS PARK FROM PUBLIC LANDS TO PARK. GENERAL PLAN AMENDMENT 2009-01D (APN 152-060-004, -011; 152-070-001, -011, -002)

WHEREAS, the City of Norco, California initiated General Plan Amendment 2009-01D on property generally described as:

Portion of Sections 31, of T. 2S., R. 6W as shown on Map Book 152, Pages 6, 7 of Maps, Records of Riverside County, State of California.

WHEREAS, the General Plan 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 General Plan Amendment was scheduled for public hearing on October 28, 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 General Plan Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2009-22 recommending to the City Council that General Plan Amendment 2009-01D be adopted; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project will not create significant impact pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and that a Negative Declaration be adopted.

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

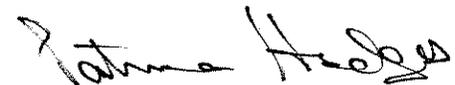
I. FINDINGS:

- A. The proposed General Plan Amendment is consistent with, and not contrary to, the Norco General Plan Land Use Element and the Zoning Code since the project addresses a new land use on properties that is consistent with the existing land use and would allow development that is consistent with existing land use patterns in the area.

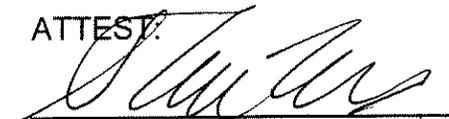
- B. The General Plan Amendment will allow more opportunities for grant funding that might otherwise not be available to the project because of the current land use designation.
- C. The project (proposed amendment) has been determined to not have a significant effect pursuant to the California Environmental Quality Act and the City of Norco Environmental Guidelines and a Negative Declaration has been adopted.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled October 28, 2009 hereby recommends to the City Council of the City of Norco that General Plan Amendment 2009-01D be adopted, thereby changing the Land Use Category on said properties from Institutional and Public Lands to Preservation and Development.

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held October 28, 2009.


Patricia Hedges, Vice-Chair
Planning Commission
City of Norco, California

ATTEST:


Steve King, Secretary
Planning Commission
City of Norco, California

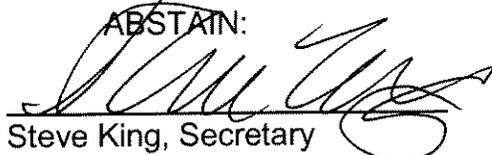
I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held October 28, 2009 by the following roll call vote:

AYES: Harris, Hedges, Newton and Wright

NOES:

ABSENT: Jaffarian

ABSTAIN:


Steve King, Secretary
Planning Commission

RESOLUTION NO. 2009-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING GENERAL PLAN AMENDMENT 2009-01D TO AMEND THE LAND USE CATEGORIES ON PROPERTY GENERALLY CORRESPONDING TO THE APPROVED SILVERLAKES EQUESTRIAN AND SPORTS PARK FROM PUBLIC LANDS TO PARK. GENERAL PLAN AMENDMENT 2009-01D (APN 152-060-004, -011; 152-070-001, -011, -002)

WHEREAS, the City of Norco, California initiated General Plan Amendment 2009-01D on property generally described as:

Portion of Sections 31, of T. 2S., R. 6W as shown on Map Book 152, Pages 6, 7 of Maps, Records of Riverside County, State of California.

WHEREAS, the General Plan 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 General Plan Amendment was scheduled for public hearing on October 28, 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 General Plan Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2009-22 recommending to the City Council that General Plan Amendment 2009-01D be adopted; and

WHEREAS, the General Plan Amendment was duly submitted to said City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the General Plan Amendment was scheduled for public hearing on November 4, 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 City Council held a public hearing and received both oral and written testimony pertaining to the General Plan Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project will not create significant impact pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and a Negative Declaration is adopted.

NOW, THEREFORE, the City Council of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed General Plan Amendment is consistent with, and not contrary to, the Norco General Plan Land Use Element and the Zoning Code since the project addresses a new land use on properties that is consistent with the existing land use designation and would allow development that is consistent with existing land use patterns in the area.
- B. The General Plan Amendment will allow more opportunities for grant funding that might otherwise not be available to the project because of the current land use designation.
- C. The project (proposed amendment) has been determined to not have a significant effect pursuant to the California Environmental Quality Act and the City of Norco Environmental Guidelines and a Negative Declaration has been adopted.

II. DETERMINATION: NOW THEREFORE, the City Council of the City of Norco, California, in session assembled November 4, 2009 does hereby approve General Plan Amendment 2009-01D, changing the land use designation on said properties from Public Lands to Park.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 4, 2009.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs
City Clerk
City of Norco, California

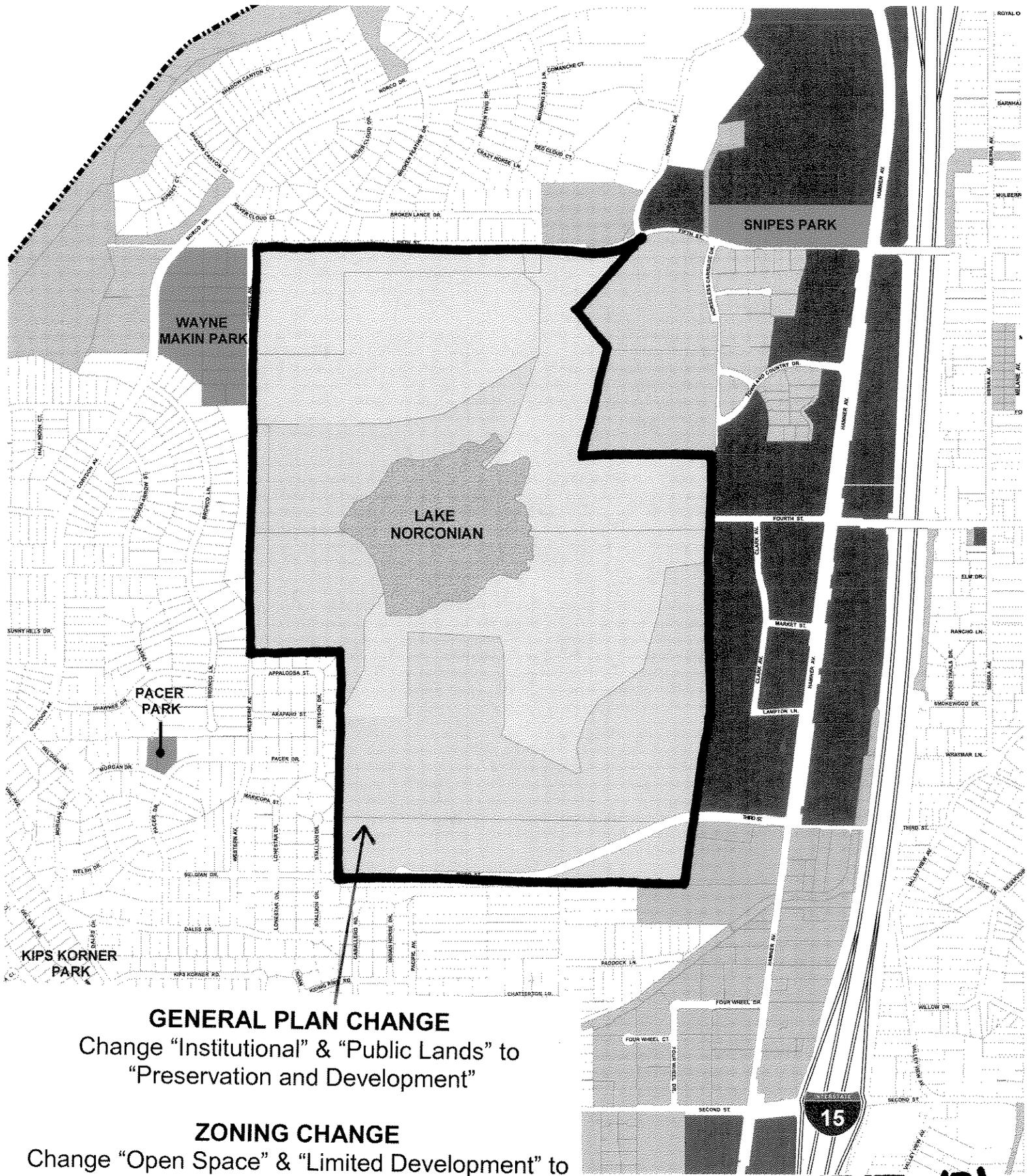
The City Clerk of the City of Norco, California, does certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Norco at a regular meeting thereof held on November 4, 2009 by the following roll call vote:

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 November 4, 2009.

Brenda K. Jacobs
City Clerk
City of Norco, California

/sk-73982



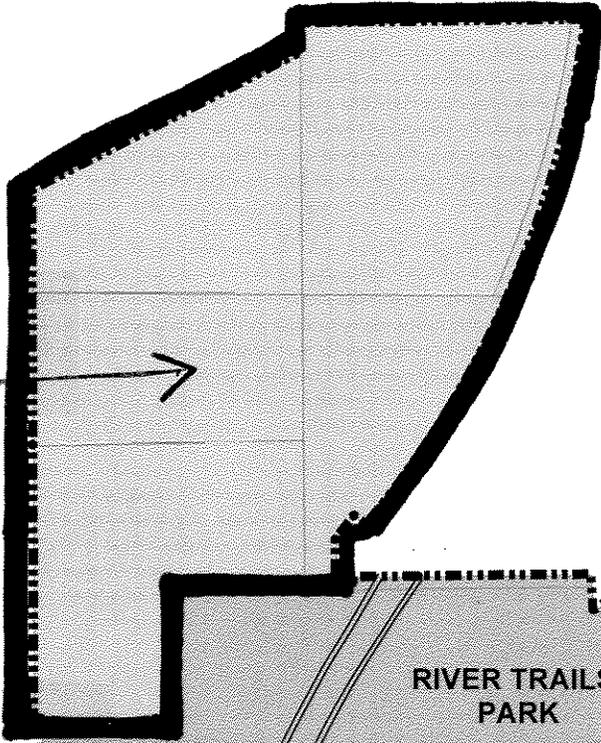
GENERAL PLAN CHANGE

Change "Institutional" & "Public Lands" to
"Preservation and Development"

ZONING CHANGE

Change "Open Space" & "Limited Development" to
"Preservation and Development"

GENERAL PLAN CHANGE
Change "Public Lands" to
"Park"



**RIVER TRAILS
PARK**

**CLARK
FIELD**

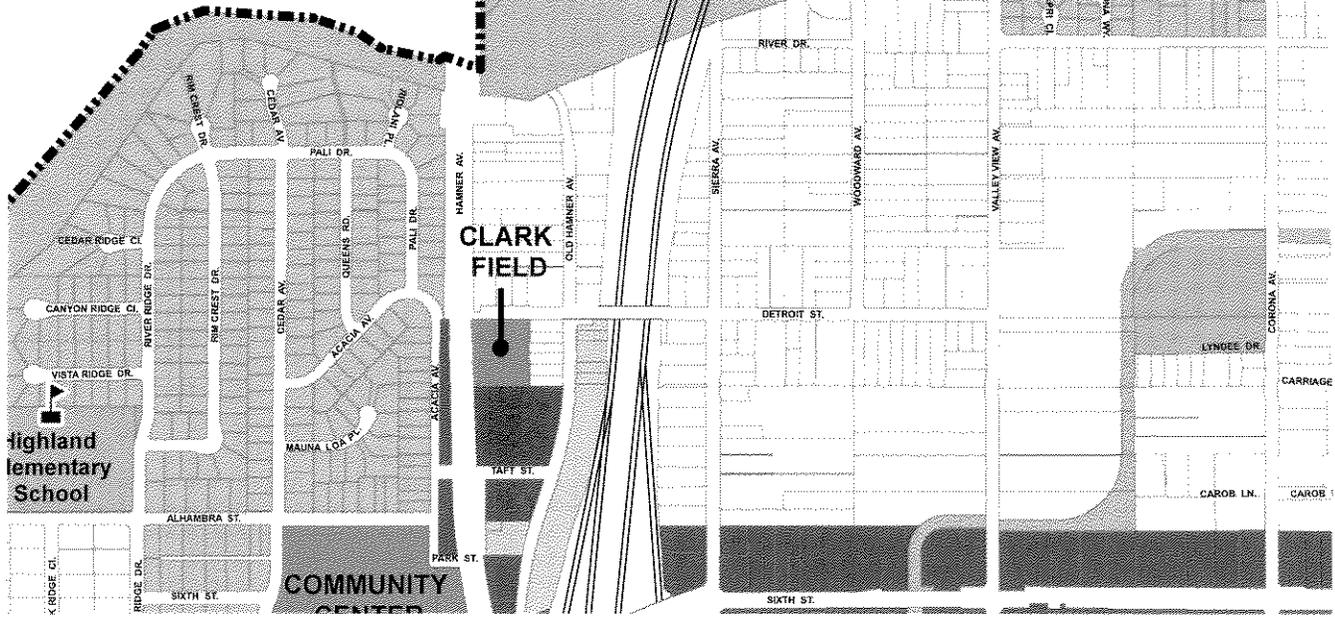


EXHIBIT 'C'

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, Interim City Manager 

PREPARED BY: Alma D. Robles, Senior Planner 

DATE: November 4, 2009

SUBJECT: A Request to Change the Applicant on Record for an Approved Entertainment Permit that Allows Live Entertainment Subject to Conditions, at the Saddle Sore Saloon Located at 343 Sixth Street in the C-4 Zone. Entertainment Permit 2009-02 (Mckee)

RECOMMENDATION: Adopt **Resolution No. 2009-___**, approving Entertainment Permit 2009-02.

SUMMARY: The Saddle Sore Saloon restaurant located at 343 Sixth Street is in the process of being sold to a new owner (ref. Exhibit "A" – Location Map and Exhibit "B" – Site Plan). This is a request to allow a change in the applicant on record for an approved entertainment permit that allows live entertainment subject to conditions. Adoption of the proposed resolution would continue the conditions of approval for the existing entertainment permit.

BACKGROUND/ANALYSIS: Entertainment currently allowed at the Saddle Sore Saloon consists of the following:

- Mondays, Tuesdays, and Wednesdays, from 8 p.m. until midnight, consisting of a country music duo act, cowboy poets, karaoke, a live band consisting of five members or less, a disc jockey, dancing, or dance lessons; and
- Thursdays, Fridays, Saturdays, Sundays, and holidays, from 12 noon until 1 a.m., consisting of a country music duo act, cowboy poets, karaoke, a live band consisting of five members or less, a disc jockey, dancing, or dance lessons; and
- Special occasion entertainment shall be allowed on holidays and shall not be permitted later than 1 a.m.

The definition of allowable entertainment does not include any type of band with more than five members. Entertainment that is different than described above requires approval of a special event permit. Attached for the City Council's review is City Council Resolution 2009-54 that currently governs entertainment at the site (ref. Exhibit "C" – Resolution 2009-54 for Entertainment Permit 2009-01).

ANALYSIS/EVALUATION: Entertainment Permit 2009-02 is a request to change the applicant on record for an approved entertainment permit. Jenny Mckee is the applicant and potentially the new owner of the Saddle Sore Saloon. Her husband, Jeff Mckee, will assist with management of the business.

The Saddle Sore Saloon is currently in the process of being sold to a new owner. All existing City permits on the subject establishment would transfer to the new owner except for the entertainment permit. The conditions of approval for the existing entertainment permit indicate that the permit is not transferable, and the existing resolution for approval makes certain findings concerning the background of the applicant currently on file with the City.

With a new owner/applicant for the Saddle Sore Saloon (the business only and not the property), a new entertainment permit application needs to be filed and a new resolution must be adopted with findings pertaining to the new applicant/owner's background and any other person who will be directly engaged in the management and operation of the place of entertainment. This would be required in order to continue allowing entertainment at the subject establishment.

The applicant is not requesting modifications to the existing conditions. The potential new owner is fully aware of existing conditions and will adhere to the entertainment that is currently allowed if approved by the City Council. There will also be no change in the existing occupant load or floor plan (ref. Exhibit "D" – Existing Floor Plan).

The following findings are required to be made with the approval of an entertainment permit:

- A. That the conduct of entertainment, as proposed by the applicant, if permitted, will comply with all applicable laws, included but not limited to the City's building, zoning and health regulations; and
- B. That the applicant and any other person who will be directly engaged in the management and operation of the place of entertainment, other than one who participates in an act of entertainment:
 - 1) has not been convicted in a court of competent jurisdiction, by final judgment of:
 - a) an offense involving the presentation, exhibition, or performance of an obscene production, motion picture, play or act; or
 - b) an offense involving lewd conduct; or
 - c) an offense involving use of force and violence upon the person of another; or
 - d) an offense involving misconduct with children.

2) has not allowed or permitted acts of sexual misconduct to be committed in prior business operations; and

C. That the normal operation of the proposed entertainment at the proposed location will not interfere with the peace and quiet of any surrounding residential neighborhood; and

D. That the applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the city in conjunction therewith.

Background checks were done on the applicant/owner and on the business manager by the Sheriff's Department to address the above listed findings (as they pertain to the Sheriff's Department), with satisfactory results. The Department did not express concerns over the change of ownership and has recommend approval.

CONCLUSION: Based on the minor nature of this request to change the owner of record for an existing entertainment permit, staff is in support of the approval of Entertainment Permit 2009-02. The attached draft resolution for approval includes all of the existing conditions (under Resolution 2009-54 for Entertainment Permit 2009-01), but now refers to the new applicant/owner.

/adr-73923

Attachments: CCR No. 2009-____
Exhibit "A" – Location Map
Exhibit "B" – Site Plan
Exhibit "C" – CC Resolution 2009-54
Exhibit "D" – Existing Floor Plan

RESOLUTION NO. 2009-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING A REQUEST TO CHANGE THE APPLICANT ON RECORD FOR AN APPROVED ENTERTAINMENT PERMIT THAT ALLOWS LIVE ENTERTAINMENT SUBJECT TO CONDITIONS, AT THE SADDLE SORE SALOON LOCATED AT 343 SIXTH STREET IN THE C-4 ZONE. ENTERTAINMENT PERMIT 2009-02

WHEREAS, JENNY MCKEE submitted an application to the City of Norco, California for an entertainment permit under provisions of Chapter 5.08, Title 5 of the Norco Municipal Code on property generally described as:

That portion of Lot 16, Block 40 of the Norco Farms Tract No. 3 as shown by map on file in Book 12, Page 33 of Maps, Records of Riverside County, California,

More generally described as a rectangular-shaped area of about 0.81 acres, located on the north side of Sixth Street, approximately 182 feet west of the centerline of California Avenue; and more specifically described as 343 Sixth Street; and

WHEREAS, notice of public hearing on said petition was given on the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on November 4, 2009 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the City Council of the City of Norco; and

WHEREAS, at the said time and place, said City Council heard and considered both oral and written evidence pertaining to said petition; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is categorically exempt from environmental assessment.

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

I. FINDINGS:

A. The conduct of entertainment will comply with all applicable laws, included but not limited to City building, zoning and health regulations.

B. The applicant and any other person who will be directly engaged in the management and operation of the place of entertainment, other than one who participates in an act of entertainment:

1) has not been convicted in a court of competent jurisdiction, by final judgement of:

a) an offense involving the presentation, exhibition, or performance of an obscene production, motion picture, play or act; or

b) an offense involving lewd conduct; or

c) an offense involving use of force and violence upon the person of another; or

d) an offense involving misconduct with children.

2) has not allowed or permitted acts of sexual misconduct to be committed in prior business operations.

C. The normal operation of the proposed entertainment at the proposed location will not interfere with the peace and quiet of any surrounding residential neighborhood as long as it is operated in compliance with the conditions of approval.

D. The applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the City in conjunction therewith.

E. The City has determined that the project is categorically exempt from environmental assessment and the provisions of the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13, Class 1.

II. DETERMINATION:

NOW, THEREFORE, the City Council of the City of Norco does hereby approve Entertainment Permit 2009-02 for the Saddle Sore Saloon located at 343 Sixth Street, subject, but not limited to, the following conditions:

1. The City Council may suspend or revoke this permit, pursuant to Section 5.08.100 of the Norco Municipal Code, if it finds and determines that:

A) The entertainment as conducted by permittee, his agent or employee, or any person connected or associated with the permittee as partner, director, officer, general manager or other person, who is exercising managerial

authority of, or in behalf of permittee or any entertainer, acting under the authority of such permit, does not comply with all applicable laws, including but not limited to the City's building, zoning and health regulations; or

B) Permittee, his agent or employee, or any person connected or associated with the permittee as partner, director, officer, general manager or other person, who is exercising managerial authority of, or in behalf of permittee, or any entertainer, acting under the authority of such permit, has:

- 1) knowingly made any false, misleading or fraudulent statement of fact in the permit application, or any other document required by the City in conjunction therewith; or
- 2) been convicted in a court of competent jurisdiction by final judgement of:
 - a) an offense involving the presentation, exhibition, or performance of any obscene production, motion picture, play or act; or
 - b) an offense involving lewd conduct; or
 - c) an offense involving use of force and violence upon the person of another; or
 - d) an offense involving misconduct with children.
- 3) allowed or permitted acts of sexual misconduct to be committed at the place of entertainment; or
- 4) violated or broke any conditions imposed by the City Council concerning the permit or the entertainment allowed hereunder; or
- 5) 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 undesirable activities creating an increased demand for public services.

2. Live entertainment shall be permitted during specified hours and shall be subject to review if difficulties or complaints are received by the City. The entertainment allowed shall consist of the following:

A) Mondays, Tuesdays, and Wednesdays, from 8 p.m. until midnight, consisting of a country music duo act, cowboy poets, karaoke, a live band consisting of five members or less, a disc jockey, dancing, or dance lessons; and

B) Thursdays, Fridays, Saturdays, Sundays, and holidays, from 12 noon until 1 a.m., consisting of a country music duo act, cowboy poets, karaoke, a live band consisting of five members or less, a disc jockey, dancing, or dance lessons; and

C) Special occasion entertainment shall be allowed on holidays and shall not be permitted later than 1 a.m.

3. The Entertainment Permit does not allow any type of band with more than five members to play at the facility. Any type of entertainment that is different than described in above Condition No. 2 or within Condition No. 3 shall require approval of a special event permit, as indicated in the procedures outlined in Norco Municipal Code Chapter 18.51 "Special Events."

4. Loitering outside of the premises shall be prohibited.

5. Issuance of a valid business license by the Norco Fiscal and Support Services shall be required.

6. This permit shall be valid only for the proposed business (Saddle Sore Saloon) and shall not be transferable to a new owner.

7. The entertainment allowed with approval of this permit shall cease as a result of problems relating to parking and/or noise. Entertainment shall not be reinstated until a remedy to such problems is found and implemented.

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PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on November 4, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on November 4, 2009 by the following vote of the City Council:

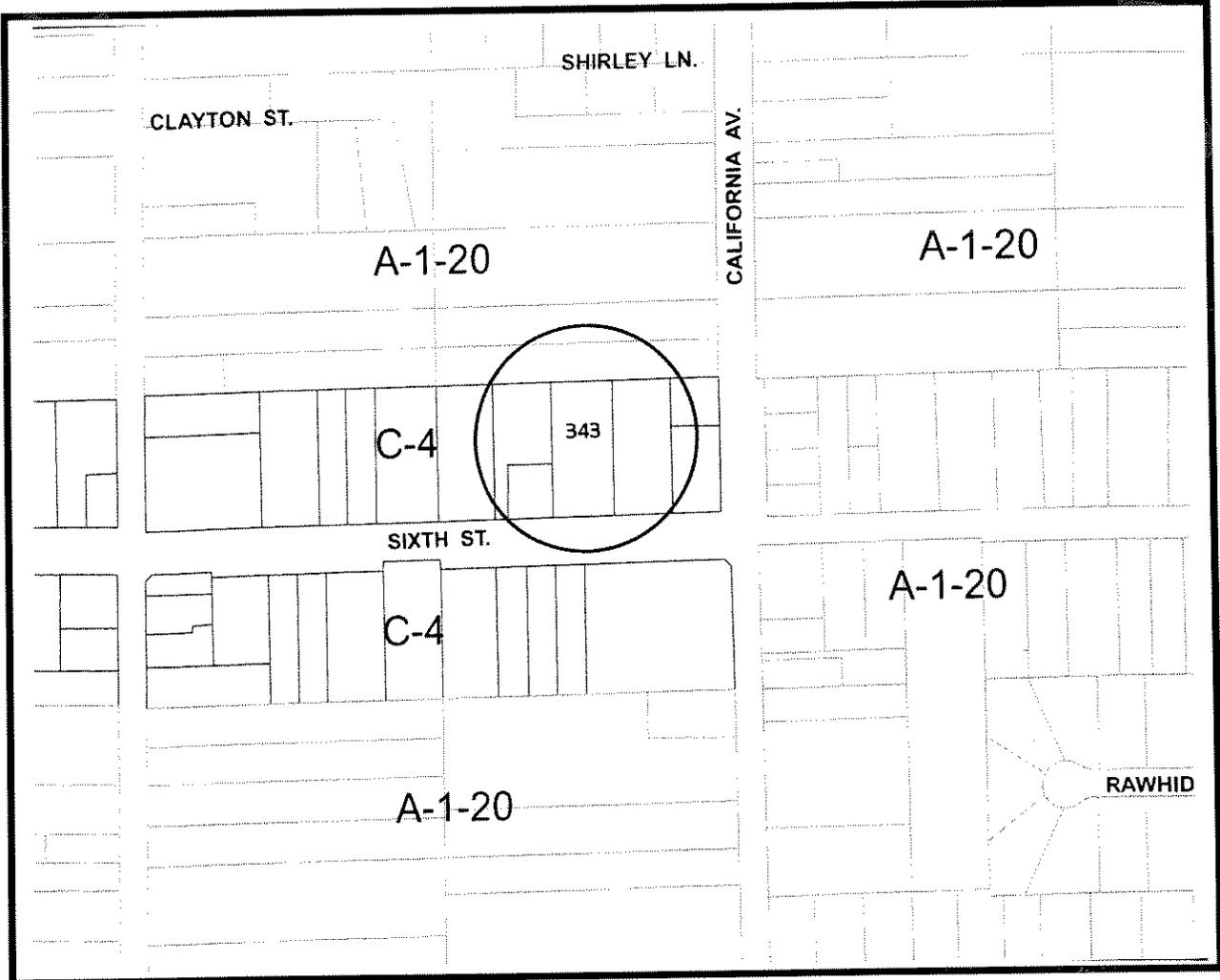
AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on November 4, 2009.

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

/adr-73924

LOCATION MAP



Not to Scale



PROJECT: Entertainment Permit 2009-02
APPLICANT: Jenny Mckee
LOCATION: 343 Sixth Street

Exhibit "A"

RESOLUTION NO. 2009-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING A REQUEST TO CHANGE THE APPLICANT ON RECORD FOR AN APPROVED ENTERTAINMENT PERMIT THAT ALLOWS LIVE ENTERTAINMENT SUBJECT TO CONDITIONS AND TO EXPAND THE PERMIT TO INCLUDE A DISC JOCKEY AND DANCING, AT THE SADDLE SORE SALOON LOCATED AT 343 SIXTH STREET IN THE C-4 ZONE. ENTERTAINMENT PERMIT 2009-01

WHEREAS, JOSE AND VALOUNNY DELACRUZ/DAISY DLC., INC, submitted an application to the City of Norco, California for an entertainment permit under provisions of Chapter 5.08, Title 5 of the Norco Municipal Code on property generally described as:

That portion of Lot 16, Block 40 of the Norco Farms Tract No. 3 as shown by map on file in Book 12, Page 33 of Maps, Records of Riverside County, California,

More generally described as a rectangular-shaped area of about 0.81 acres, located on the north side of Sixth Street, approximately 182 feet west of the centerline of California Avenue; and more specifically described as 343 Sixth Street; and

WHEREAS, notice of public hearing on said petition was given on the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on July 1, 2009 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the City Council of the City of Norco; and

WHEREAS, at the said time and place, said City Council heard and considered both oral and written evidence pertaining to said petition; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is categorically exempt from environmental assessment.

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

I. FINDINGS:

EXHIBIT "C"

A. The conduct of entertainment will comply with all applicable laws, included but not limited to City building, zoning and health regulations.

B. The applicant and any other person who will be directly engaged in the management and operation of the place of entertainment, other than one who participates in an act of entertainment:

1) has not been convicted in a court of competent jurisdiction, by final judgement of:

a) an offense involving the presentation, exhibition, or performance of an obscene production, motion picture, play or act; or

b) an offense involving lewd conduct; or

c) an offense involving use of force and violence upon the person of another; or

d) an offense involving misconduct with children.

2) has not allowed or permitted acts of sexual misconduct to be committed in prior business operations.

C. The normal operation of the proposed entertainment at the proposed location will not interfere with the peace and quiet of any surrounding residential neighborhood as long as it is operated in compliance with the conditions of approval.

D. The applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application, or any other document required by the City in conjunction therewith.

E. The City has determined that the project is categorically exempt from environmental assessment and the provisions of the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13, Class 1.

II. DETERMINATION:

NOW, THEREFORE, the City Council of the City of Norco does hereby approve Entertainment Permit 2009-01 for the Saddle Sore Saloon located at 343 Sixth Street, subject, but not limited to, the following conditions:

1. The City Council may suspend or revoke this permit, pursuant to Section 5.08.100 of the Norco Municipal Code, if it finds and determines that:

A) The entertainment as conducted by permittee, his agent or employee, or any person connected or associated with the permittee as partner, director, officer, general manager or other person, who is exercising managerial authority of, or in behalf of permittee or any entertainer, acting under the authority of such permit, does not comply with all applicable laws, including but not limited to the City's building, zoning and health regulations; or

B) Permittee, his agent or employee, or any person connected or associated with the permittee as partner, director, officer, general manager or other person, who is exercising managerial authority of, or in behalf of permittee, or any entertainer, acting under the authority of such permit, has:

1) knowingly made any false, misleading or fraudulent statement of fact in the permit application, or any other document required by the City in conjunction therewith; or

2) been convicted in a court of competent jurisdiction by final judgement of:

a) an offense involving the presentation, exhibition, or performance of any obscene production, motion picture, play or act; or

b) an offense involving lewd conduct; or

c) an offense involving use of force and violence upon the person of another; or

d) an offense involving misconduct with children.

3) allowed or permitted acts of sexual misconduct to be committed at the place of entertainment; or

4) violated or broke any conditions imposed by the City Council concerning the permit or the entertainment allowed hereunder; or

5) 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 undesirable activities creating an increased demand for public services.

2. Live entertainment shall be permitted during specified hours and shall be subject to review if difficulties or complaints are received by the City. The entertainment allowed shall consist of the following:

A) Mondays, Tuesdays, and Wednesdays, from 8 p.m. until midnight, to consist of a country music duo act, cowboy poets, karaoke, a live band consisting of five members or less, a disc jockey, dancing, or dance lessons; and

B) Thursdays, Fridays, Saturdays, Sundays, and holidays, from 12 noon until 1 a.m., to consist of a country music duo act, cowboy poets, karaoke, a live band consisting of five members or less, a disc jockey, dancing, or dance lessons; and

C) Special occasion entertainment shall be allowed on holidays and shall not be permitted later than 1 a.m.

3. The Entertainment Permit does not allow any type of band with more than five members to play at the facility. Any type of entertainment that is different than described in above Condition No. 2 or within Condition No. 3 shall require approval of a special event permit, as indicated in the procedures outlined in Norco Municipal Code Chapter 18.51 "Special Events."

4. Loitering outside of the premises shall be prohibited.

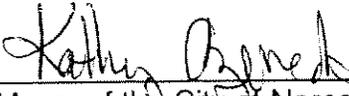
5. Issuance of a valid business license by the Norco Fiscal and Support Services shall be required.

6. This permit shall be valid only for the proposed business (Saddle Sore Saloon) and shall not be transferable to a new owner.

7. The entertainment allowed with approval of this permit shall cease as a result of problems relating to parking and/or noise. Entertainment shall not be reinstated until a remedy to such problems is found and implemented.

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PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on July 1, 2009.



Mayor of the City of Norco, California

ATTEST: _____

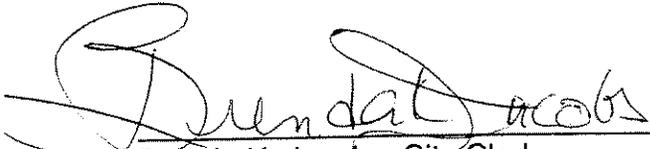


Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on July 1, 2009 by the following vote of the Council:

AZEVEDO, MILLER, HANNA, MACGREGOR, HALL
NOES: NONE
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 July 1, 2009.



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

/adr-72874