



MINUTES CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
DECEMBER 16, 2009

CALL TO ORDER: 6:01 p.m.

ROLL CALL: Mayor Malcolm Miller, **Present**
Mayor Pro Tem Berwin Hanna, **Present**
Council Member Kathy Azevedo, **Present**
Council Member Kevin Bash, **Present**
Council Member Harvey C. Sullivan, **Present**

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

Deputy City Attorney Burns – **Present**

M/S Azevedo/Bash to add the following item to the agenda as the need to take immediate action on it arose subsequent to the agenda being posted:

Closed Session:

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

The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

M/S Bash/Hanna to add the following item to the agenda as the need to take immediate action on it arose subsequent to the agenda being posted:

City Council Consent Calendar – Item No. 4.K.:

Resolution Authorizing Submittal of an Application to the California Energy Commission's Energy Efficiency Conservation Block Grant (EECBG) Program Providing \$153,259 for Energy Efficiency Improvements. **Recommended Action: Adopt Resolution No. 2009-____.** (Director of Parks, Recreation & Community Services)

The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

THE CITY COUNCIL/NORCO REDEVELOPMENT AGENCY BOARD 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

Street Address or Parcel Numbers: APN's 123-080-028; 123-260-003, -004, -006, -010; 123-250-007, -006, -005; 123-320-001; 123-330-011, -001, -036

Negotiating Parties: Norco Redevelopment Agency and Michael McMullen, EnviroFinance Group

Points Under Negotiation: Price and Terms of Payment

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Miller reconvened the meeting at 7:15 p.m.

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church
Council Member Sullivan gave the invocation as Pastor Fletcher was not able to be present

INTRODUCTION: Mayor Miller introduced Fire Chief Dave Carlson.

PRESENTATIONS:

Tournament of Roses Parade Entries:
Molly Jenks
Nicki McGinnis

Each of the individuals commented on their entry in the Parade.

On behalf of Western Riverside County
Regional Conservation Authority:
Frank Hall

One additional award was presented to Frank Hall from the Riverside County Transportation Commission.

Mayor Miller commented on the blood drive for Frank Hall and Gerry Sassin to be held on December 22 at City Hall and asked that the community participate.

Waste Management Update:
Julie Reyes, Manager of Community Relations

Ms. Reyes spoke in response to community concerns regarding the pick up of manure bins. She clarified that there was a misunderstanding regarding the natural gas trucks from Waste Management and their ability to pick up manure. Ms. Reyes assured the Council that Waste Management will make sure that the community will be serviced and that the manure will be picked up. She commented briefly on the natural gas fleet of trucks that have serviced Norco for over 3 years and added that they are a significant benefit to community as they are quieter, reduce greenhouse gas emissions, and produce 90 % less carbon dioxide than diesel trucks.

Ms. Reyes stated that Waste Management is proud of the City and its manure diversion program. She stated that through October of this year, the City recycled 17,000 tons of manure, with a 65% diversion rate. Ms. Reyes added that in order to improve communication, Waste Management will be developing a manure collection fact sheet which will be mailed by City staff in the next 60 days to current customers.

Council Member Azevedo requested that the day could be changed for replacement of carts that break. Ms. Reyes responded that this is being looked at by Waste Management and will be brought back as a proposal to City staff.

Mayor Miller asked what the cost differential is between the two trucks. Ms. Reyes responded that there is a cost of approximately \$300,000 per natural gas truck.

City Manager Groves noted that the issue is that when these incidents happen, the City needs a backup plan in order to respond to customers.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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

AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

1. CRA CONSENT CALENDAR ITEMS:

- A. CRA Minutes:
Special Meeting of November 30, 2009
Regular Meeting of December 2, 2009.
Recommended Action: Approve the CRA Minutes (City Clerk)

2. JOINT CRA/CITY COUNCIL CONTINUED PUBLIC HEARING:

- A. Development of 122 Acres of Property Known as the Silverlakes Equestrian and Sports Park:
- a. Norco Silverlakes Ground Lease between the City of Norco and the Norco Redevelopment Agency.
 - b. Norco Silverlakes Ground Sub-Lease between the City of Norco and Belstarr Sports Management, LLC.
 - c. Shared Use Agreement between the City of Norco and Belstarr Sports Management, LLC.
 - d. Report of the Norco Redevelopment Agency concerning the disposition of the Redevelopment Agency property pursuant to California Health & Safety Code Section 33433.
 - e. Report of the Norco Redevelopment Agency concerning disposition of Redevelopment Agency property pursuant to California Health & Safety Code Section 33679.
 - f. Amendment to Conditional Use Permit No. 2008-09.
 - g. Review of Draft Development Agreement among the City of Norco, Norco Redevelopment Agency and Belstarr Sports Management, LLC.
 - h. Resolution to Adopt Finding that the Silverlakes Sports and Equestrian Park project is consistent with the Deed Restriction on the 122-acre Silverlakes property.

Recommended Action: Continue the Joint Public Hearing to January 20, 2010 as the required documents for approval are still in the review process. (City Manager)

City Manager Groves stated that the completion of the document preparation will not be completed in time for the January 20, 2010 Council Meeting. Therefore, she recommended continuing the Joint Public Hearing to February 3, 2010.

M/S Bash/Hanna to continued the Joint Public Hearing to February 3, 2010. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

3. OTHER CRA MATTERS: No Other CRA Matters

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Mayor Miller pulled Item No. 4.E. for discussion.

M/S Sullivan/Bash 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, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes:
Special Meeting of November 30, 2009
Regular Meeting of December 2, 2009.
Recommended Action: Approve the City Council Minutes (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of December 9, 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. Authorization for the Destruction of Certain City Records. **Recommended Action: Adopt Resolution No. 2009-86, authorizing the destruction of those certain City records.** (City Clerk)
- E. Appointments to Standing Committees and Other Governmental Agencies. **Recommended Action: Approve the Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2010 calendar year.** (City Clerk)
PULLED FOR DISCUSSION
- F. **Ordinance No. 914, Second Reading.** City-Initiated Proposal to Add Chapter 9.81 Entitled "Sale of Drug Paraphernalia" to the Norco Municipal Code to Protect and Promote the Health, Safety and General Welfare of the Youth and Other Residents of the City of Norco. **Recommended Action: Adopt Ordinance No. 914.** (City Clerk)
- G. Resolution Approving the Extension of the Memorandum of Understanding between the City of Norco and the Norco Battalion Chiefs Association through June 30, 2010. **Recommended Action: Adopt Resolution No. 2009-87.** (Deputy City Manager/Director of Finance)
- H. Authorization to Enter Into a Five-Year Lease Agreement with Konica/Minolta for Eight Digital Multi-Function Devices. **Recommended Action: Authorize staff to enter into a five-year Lease Agreement with Konica/Minolta for two – Model C652, four – Model C360 and two – Model C200 digital multi-function devices.** (Deputy City Manager/Director of Finance)
- I. Acceptance of the Street Improvements Project at River Road and Second Street, as Complete. **Recommended Action: That the City Council accepts the Street Improvements Project at River Road and Second Street as complete and to file the Notice of Completion with the County Recorder's Office.** (Director of Public Works)
- J. Appropriation of Funds for the Renovation of Well No. 12. **Recommended Action: Adopt Resolution No. 2009-88, appropriating funds for the repair and rehabilitation of Well No. 12 in an amount not-to-exceed \$75,000.** (Director of Public Works)
- K. Resolution Authorizing Submittal of an Application to the California Energy Commission's Energy Efficiency Conservation Block Grant (EECBG) Program Providing \$153,259 for Energy Efficiency Improvements. **Recommended Action: Adopt Resolution No. 2009-89.** (Director of Parks, Recreation & Community Services)

5. CITY COUNCIL PUBLIC HEARING:

- A. General Plan Amendment 2009-01A-C, 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 and Zoning on Two 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.

Recommended Action: Individually Adopt:

- 1.) **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."**
- 2.) **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."**
- 3.) **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."**

4.) 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.

5.) 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.”

6.) 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)

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

Planning Manager King presented the Council Item as stated in the summary on the agenda and from the PowerPoint presentation.

Letter for the Record received from CACERF Norco LLC, current owners of the former Wyle Labs property. Provided comments in opposition on the proposed General Plan Amendment, Zone Code Amendment and Zone Change to the Former Wyle Labs Property and asked that these items be continued.

James Camp. Mr. Camp spoke representing CACERF Norco LLC and was just hired today. He noted the history regarding the property. His client is asking for more time, as they were not included in any of the previous discussions regarding the Wyle property. He stated that approval of this zone change would significantly impact his clients. Mr. Camp stated that his clients do not have any immediate plans for the property, as they have only owned it for 1 ½ weeks.

Mayor Pro Tem Hanna asked if the proposed resolutions will protect any unnecessary grading from taking place. Planning Manager King stated that yes, it would prohibit any grading unless required for immediate public safety.

Council Member Azevedo stated that she thinks that the zone changes benefit Mr. Camp’s client and that the Industrial Zone is limiting and the new zone change provides endless opportunity. She further noted that she is thrilled to work with them and added that this could be a win-win for both sides. **Mr. Camp** took exception with this as it removes residential and industrial as opportunities for his client. He stated that he believes it can be cleaned up for residential and there will be a lot of open space left.

Council Member Sullivan stated that the zone change will benefit the company. He further noted that he personally would like to see the property stay as is and following conversations with the community, agrees that this zone change is in the City's best interest. **Mr. Camp** again asked for consideration to continue this zone change.

Don Bowker. Mr. Bowker spoke in support of the stated recommendations.

Linda Dixon. Ms. Dixon spoke in support of the stated recommendations.

Su Bacon. Ms. Bacon spoke in support of the stated recommendations.

Greg Newton. Mr. Newton spoke in support of the stated recommendations. He then asked Deputy City Attorney Burns to comment on the legality regarding the comments from Mr. Camp.

Deputy City Attorney Burns stated that this action is not a taking and that there is economic use on the property. He further noted that the Council will take the appropriate action.

Norva Williams. Ms. Williams stated that the owners could sell the land to the City for \$1.

Mayor Miller confirmed the comment in the received letter stating that "CACERF Norco LLC does not presently have any development plans for the property and is willing to commit not to submit any development applications to the City during the time that discussions are occurring."

Dave Henderson. Mr. Henderson spoke in support of the stated recommendations.

Mr. Camp stated this has nothing to do with economics, but on zoning. He further stated that this would cause impairment to the value and will be a partial taking.

Mayor Miller CLOSED the public hearing.

City Council discussion followed in support of discussions with the property owners regarding the City buying the property.

Mayor Miller inquired about any impacts on postponing this zone change. In response, City Manager Groves stated that the existing zoning would stay in tact.

Deputy City Attorney Burns again confirmed that the letter received from CACERF Norco LLC stated that they will not submit any development proposals. He further stated that the City might think of implementing a moratorium if there are concerns.

M/S Sullivan/Bash to adopt Resolution No. 2009-90, 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." The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

M/S Sullivan/Bash to adopt Resolution No. 2009-91, 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." The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

M/S Bash/Hanna to adopt Resolution No. 2009-92, 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." The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

M/S Bash/Azevedo to adopt Ordinance No. 915, 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. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

M/S Hanna/Bash to adopt Ordinance No. 916, 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.” The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

M/S Azevedo/Bash to adopt Ordinance No. 917, 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.”. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

6. ITEM PULLED FROM CITY COUNCIL CONSENT CALENDAR:

4.E. Appointments to Standing Committees and Other Governmental Agencies.
Recommended Action: Approve the Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2010 calendar year. (City Clerk)

Mayor Miller noted the correction on the appointment to the Riverside Conservation Authority as Kevin Bash.

M/S Azevedo/Hanna to approve the Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2010 calendar year. The motion was carried by the following roll call vote:

**AYES: AZEVEDO, BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE**

7. PUBLIC COMMENTS OR QUESTIONS:

Denise Shoemaker. Ms. Shoemaker enjoys the emails from the Mayor and the information sent.

8. OTHER MATTERS - COUNCIL OR STAFF:

Mayor Pro Tem Hanna:

- ✚ Stated that he would like to see an item placed on the January 20, 2010 agenda with a report outlining the various options for putting on the 2010 Norco Valley Fair. Council discussion followed.

Tom Wilson. Mr. Wilson, representing The Crossroads Group, stated that he is disappointed with the fair and would like to work with the City in the production of the 2010 Norco Valley Fair.

Council Member Sullivan noted that the fair is run by the Chamber, a private entity, and cautioned the Council on making decisions on this. He noted that the Council should wait until information is received from the Chamber.

Kevin Russell. Mr. Russell stated that the Chamber intends to put on the Norco Valley Fair in 2010.

Council Member Azevedo stated that she knows a lot about the Fair and added that it is trademarked to the Norco Chamber of Commerce. She stated that she is aware that there are some concerns with the Sheriff Department. Council Member Azevedo noted that the Fair is a tradition in Norco and agrees that there needs to be open communication with the Chamber before the January 20th Council meeting.

Council Member Bash stated that he would like to have this discussion about the Fair with the Chamber. He commented on the need for the Fair to be profitable.

Lt. Cooper noted that the Sheriff Department is still owed \$8,400 from the Chamber.

City Manager Groves clarified that this item will be placed on the January 20th agenda and asked how much staff work will be required. She would request that alternatives be presented for Council discussion and consideration.

Director Petree stated that the current lease agreement with the Chamber has expired.

Council Member Sullivan stated that he does not have a problem placing this on the agenda, but if it requires more than one hour of staff time, it needs approval by the Council for placement on the agenda. Council Member Sullivan stated that looking at others to take over fair would not be appropriate at this time.

M/S Miller/no second to the motion to place on a future agenda preliminary options for moving forward with the Norco Valley Fair. Mayor Miller withdrew the motion.

Substitute Motion M/S Azevedo/Sullivan to place an item on the January 20, 2010 agenda reporting discussions with the Chamber indicating its intent regarding the 2010 Norco Valley Fair. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, MILLER, SULLIVAN
NOES: HANNA
ABSENT: NONE
ABSTAIN: NONE

Council Member Sullivan:

- ✚ Invited everybody to a Christmas event at the Rodeo Burger and Boot Barn Center where Santa will be available from 10 a.m. – 2 p.m., along with other holiday activities for the family.

Council Member Azevedo:

- ✚ Stated that in her mind, Toby Gerhart is the Heisman winner and noted that community members are talking about holding a “Toby Gerhart Day.” She would like the Council and community to come up with some ideas to honor him.
- ✚ Complimented the Parade Committee and the Parks, Recreation & Community Services Department for their work on the Parade of Lights.
- ✚ Commented that the Lake Norconian Foundation Pearl Harbor Day Event was outstanding.
- ✚ Noted that Ellen, known as the “mama” of every rodeo queen, passed away unexpectedly and the services are from 1 -5 p.m. on Friday at Nellie Weaver Hall.

Council Member Bash:

- ✚ Commented on Paul Jones Jr., who is the most “winning” quarter horse trainer in the world.

Mayor Miller:

- ✚ Provided a presentation on the Western Riverside County Regional Wastewater Authority Solar Power System.

9. ADJOURNMENT: M/S Sullivan/Bash and unanimously approved to adjourn the meeting at 9:03 p.m.

BRENDA K. JACOBS
CITY CLERK