



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
FEBRUARY 3, 2010

CALL TO ORDER: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Pastor Vernie Fletcher
Grace Fellowship Church

PRESENTATION: Recognition of the 81st Anniversary of the
Opening of the Norconian (February 2, 1929)

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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 January 20, 2010
Special Meeting of January 25, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)

2. CRA PUBLIC HEARING:

A. Approval of an Owner Participation Agreement, by and between the Norco Redevelopment Agency and GWEN Phoenix, LLC, as part of the Norco Façade Improvement Program, at 3646 Hamner Avenue

Recommended Action: Continue the CRA Public Hearing to February 17, 2010 to allow time for the Participant to submit final required documents. (Director of Economic Development)

3. JOINT CRA/CITY COUNCIL CONTINUED PUBLIC HEARINGS:

- A. Development of 122 Acres of Property Known as the Silverlakes Equestrian and Sports Park:

This joint public hearing includes several interrelated documents and actions related to the Silverlakes project on Hamner Avenue at the north end of the City. Staff has been working diligently with the Belstarr development team to negotiate the provisions in these complex agreements. Progress continues to be made and the developer has continued to fund the staff and consultant costs associated with the process. Continuing the joint public hearing item will assure that all necessary documents and agreements are ready in order to provide a complete package to the City Council/Agency Board for consideration.

Recommended Actions: Continue the CRA/City Council Joint Public Hearing to March 17, 2010. (Executive Director/City Manager)

4. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

5. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No. 6 of the Agenda.)*

- A. City Council Minutes:
Regular Meeting of January 20, 2010
Special Meeting of January 25, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of January 27, 2010. **Recommended Action: Receive and File (Planning Manager)**
- C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- D. **Ordinance No. 918, Second Reading.** City-Initiated Proposal to Amend Title 6, Chapter 6.42 of the Norco Municipal Code Applying the Ten Percent (10%) Waste Hauler Franchise Fee to Service Providers Other Than the City's Exclusive Franchisee for Refuse Collection, Recycling and Disposal. **Recommended Action: Adopt Ordinance No. 918**

- E. Approval of a Two-Year Weed Abatement Contract Extension with Warren Brothers Tractor Work to Provide Weed Abatement on Vacant Parcels. **Recommended Action: Approve a Two-Year Contract Extension** (Fire Chief)
 - F. Approval of Contract with Pierce Fire Apparatus for the Purchase of a Replacement Fire Engine. **Recommended Action: Approve Contract** (Fire Chief)
 - G. Appropriation of Additional Funds for the Reservoir No. 4 Booster Pump Station Project. **Recommended Action: Adopt Resolution No. 2010-____, appropriating additional funds for the Reservoir No. 4 Booster Pump Station Project in an amount not to exceed \$170,000.** (Director of Public Works)
 - H. Acceptance of Bids & Award Contract for the Annual On-Call Street Maintenance Program. **Recommended Action: Approve and award the contract for the Annual On-Call Street Maintenance Program to Caliber Paving Company, Inc.** (Director of Public Works)
 - I. Fiscal Year 2010 Second Quarter Budget Performance Report. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
 - J. Resolution Amending the City's Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974. **Recommended Action: Adopt Resolution No. 2010-____, amending the City's Conflict of Interest Code.** (City Clerk)
6. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:
7. CITY COUNCIL PUBLIC HEARINGS:
- A. Ordinance Amending Specific Text in the Norco Municipal Code to Correctly Reference the Title of Deputy City Manager/Director of Finance

The Norco Municipal Code makes several references to the title of Director of Fiscal and Support Services. As this title has been reclassified to the title of Deputy City Manager/Director of Finance, the proposed Ordinance has been prepared to correctly reference that title throughout the entire NMC. Code Change 2010-02.

Recommended Action: Adopt Ordinance No. ____ for first reading.
(City Clerk)

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

The City Council and Planning Commission have been working to amend the Norco Municipal Code to address excessively large accessory structures in residential and agricultural zones. Staff and the Planning Commission are currently in review of a revised proposal that is anticipated to get to the City Council in March, but it will not be before the current moratorium expires. The proposed moratorium extension will allow staff and Planning Commission to finish a recommendation to the City Council.

Recommended Action: Adopt Ordinance No. 919 to become effective immediately. (Planning Manager)

- 8. 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.
- 9. OTHER MATTERS - COUNCIL OR STAFF:
- 10. 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.



MINUTES
CITY OF NORCO
SPECIAL MEETING – STUDY SESSION
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
CONFERENCE ROOMS “A” & “B”
NORCO CITY HALL – 2870 CLARK AVENUE
JANUARY 25, 2010

1. CALL TO ORDER: 2:03 p.m.
2. ROLL CALL:
Mayor Malcolm G. 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: Carlson, Cooper, Groves,
Jacobs, King, Okoro, Oulman, Petree and
Thompson
3. PLEDGE OF ALLEGIANCE: Council Member Azevedo
4. PUBLIC COMMENTS OR QUESTIONS: No Public Comments
5. CITY COUNCIL STUDY SESSION ITEMS:
 - A. Overview from the City Manager

City Manager Groves stated that the objectives of this study session are to 1) Provide an update on the General Fund’s fiscal performance for the first six months of FY 2009-10; 2) Discuss other important trends affecting the General Fund; and 3) Provide an update for the Redevelopment Agency Operating Fund. Sales tax revenues two years ago reflected 40% of the General Fund revenues, and are now at 24%. It is still unknown if the State will make any decisions regarding Motor Vehicle License Fees. City Manager Groves reviewed the General Fund discretionary expenditures and noted that these expenditures are for the services that the City provides to its residents. The reasons for revenue revisions include 1) The general economic slowdown; 2) Auto Mall closures; 3) The decrease in assessed values; 4) Declining participation in the Wee People Program; 5) A low cash balance and interest earnings rate; and 6) Potential revisions to the Vehicle License Fee.

B. Mid-Year Budget Update

Deputy City Manager/Director of Finance Okoro presented the mid-year Budget update for FY 2009-10. The General Fund revenues by source were reviewed, noting a revenue shortfall of approximately \$1.4 million. With added potential enhancements of \$934,000 and identified mid-year reductions of \$199,000, the remaining shortfall that will need to be made up in this fiscal year budget is \$225,383.

In response to Council Member Azevedo, Deputy City Manager/Director of Finance Okoro stated that based on the number of workers compensation cases and the severity of the cases, the costs are higher this year than previous years.

Agenda Items 1.A. & 5.A.

The General Fund revenue and expenditure summary for FY 2009-10 was presented noting that the estimated shortfall before one-time items is approximately \$2.3 million. The list of one-time items transferred into the General Fund in FY 2009-10 was presented noting a net effect of approximately \$1.5 million. The "true" Budget shortfall for FY 2009-10 totals approximately \$3.8 million.

Five-year trend charts reviewing sales tax revenue, revenues and expenditures and General Fund balances were presented. Deputy City Manager/Director of Finance Okoro noted great concern regarding the sales tax revenue trends, moving downward from \$6 million in FY 2005-06 to \$3 million in FY 2009-10. Discussion was held regarding the need for a "reserve" fund, noting that in this Fiscal Year there is not the required 25% of the budget available for emergencies. The FY 2010-11 General Fund minimum cash flow requirements could have an ending cash balance in December of 2010 of a negative \$538,554 if revenue trends continue and expenditures remained the same.

The RDA Operating Fund revisions were presented noting the decline in assessed value, declining cash balance and lower investment earning rate and the change in the way tax increment is allocated between the Agency and the County of Riverside. The total net difference between the revenues in the FY 2009-10 Budget and the anticipated year-end amount is approximately negative \$1.1 million. The RDA expenditures will be increased due to pass-through payments from the Agency to the County of Riverside in the amount of approximately \$1.4 million.

Discussion was held regarding the money that the State is potentially "taking away" from the Redevelopment Agency in the amounts of \$4.9 million this fiscal year and \$1 million next fiscal year. It was clarified to the Council that this money would come from the existing RDA Fund Balance. Deputy City Manager/Director of Finance Okoro stated that the existing RDA fund balance is approximately \$9 million.

Mayor Miller stated that the reason for the law suit against the State is to protect this \$6 million. He noted that the League of California Cities has promoted the initiative process to the Council Members and the Council Members will be asking the community to sign a petition to protect the City's revenues.

City Manager Groves stated that the actions and proposals required to meet this remaining budget shortfall of \$225,383 will be brought to the Council on February 17th for its consideration. Following discussion regarding "ideas" for solving this budget deficit, City Manager Groves stated that all of this information is very useful and will be discussed at the upcoming Strategic Planning Workshop.

6. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 3:16 p.m.

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Beth Groves, Executive Director 

PREPARED BY: Brian Oulman, Economic Development Director

DATE: February 3, 2010

SUBJECT: Approval of an Owner Participation Agreement with GWEN Phoenix, LLC as part of the Façade Improvement Program

RECOMMENDATION: Continue the CRA Public Hearing to February 17, 2010.

SUMMARY: GWEN Phoenix, LLC ("Participant"), the owner of the building located at 3646 Hamner Avenue, has submitted a request to participate in the Façade Improvement Program, initiated through an application by its tenant, HCR Homes & Land. The proposed Owner Participation Agreement ("OPA") will fund a Western-themed renovation of the building façade, as well as complementary signage, lighting and landscaping. The Façade Improvement Program ("Program") is designed to promote Norco's signature theme of "Horsetown USA."

The applicant was unable to provide all required competitive bids in time for the agenda preparation deadline for the February 3 public hearing. Therefore, staff recommends the public hearing for the agenda item be continued to the Agency Board meeting of February 17, 2010.

/rg-74691

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council
Chairman and Members of the Norco Redevelopment Agency

FROM: Beth Groves, City Manager/Executive Director 

DATE: February 3, 2010

SUBJECT: Development of 122 Acres of Property Known as the
Silverlakes Equestrian and Sports Park

RECOMMENDATION: Continue the Joint Public Hearing to March 17, 2010.

SUMMARY: This public hearing includes several interrelated documents and actions related to the Silverlakes project on Hamner Avenue at the north end of the City. Staff has been working diligently with the Belstarr development team to negotiate the provisions in these complex agreements. Progress continues to be made and the developer has continued to fund the staff and consultant costs associated with the process. Continuing the joint public hearing item will assure that all necessary documents and agreements are ready in order to provide a complete package to the City Council/Agency Board for consideration.

/bj-74123



**ACTION MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
JANUARY 27, 2010**

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: **Chair Jaffarian, Vice-Chair Hedges, Commission Members Harris, Newton and Wright**
3. STAFF PRESENT: **Planning Manager King, Senior Planner Robles, and Executive Secretary Dvorak**
4. PLEDGE OF ALLEGIANCE: **Commission Member Wright**
5. APPEAL NOTICE: **Read by Planning Manager King**
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **None**
7. APPROVAL OF MINUTES: Minutes of January 13, 2010: **Approved 5-0 with corrections.**
8. CONTINUED ITEM: Continued Discussion of a Proposed Amendment in Residential and Animal-Keeping Zones Regarding Lot Coverage and the Size of Permitted Accessory Buildings. Recommended Action: Direction (PM King). (From January 13, 2010): **Action: The Planning Commission reviewed the draft proposal, added some new revisions, made some corrections, and provided more direction. Staff was directed that the item be presented again in draft form before setting the public hearing.**
9. PUBLIC HEARING: **Resolution No. 2010-___**; Zone Code Amendment 2008-09 (City): A Proposed Ordinance to Amend Title 18 (Zoning) of the Norco Municipal Code to Regulate the Size of Accessory Buildings Allowed in Agricultural and Residential Zones. PUBLIC HEARING TO BE CONTINUED TO FEBRUARY 10, 2010. ITEM BEING HEARD UNDER ITEM 8 ABOVE. **Continued off-calendar; 5-0.**
10. BUSINESS ITEM: **Resolution 2010-01**; Site Plan 2009-07 (Wells): A Request for Site Plan Approval to Allow the Conversion of an Existing Residential Building into a Commercial Office Building at 911 Sixth Street in the C-4 zone. Recommendation: Approval (Senior Planner Robles): **Approved 5-0. This approval is final unless appealed to the City Council.**

11. CITY COUNCIL: **Received and filed.**
 - A. City Council Action Minutes dated January 20, 2010
 - B. City Council Minutes dated December 14, 2009 (Study Session), December 16, 2009 (Regular Meeting) and January 13, 2010 (Special Meeting)
12. STAFF: Current Work Program: **Received and filed.**
13. OTHER MATTERS:
 - Appointment of a Planning Commission Member to the Norconian Strategic Plan Committee, with one alternate. **Commission Members Pat Hedges and Greg Newton volunteered.**
 - **Commissioner Hedges asked for a status on Wall Design and on the “No Parking” signage for the vacant lots in front of the Community Center. It was reported that Code Compliance was working diligently with Wall Design and that the “No Parking” signage was being worked on.**
 - **Commissioner Newton questioned why the flag in front of City Hall was not being flown during business hours.**
14. ADJOURNMENT: **8:54 p.m.**

/adr-74706

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 3, 2010

SUBJECT: City-Initiated Proposal to Amend Title 6, Chapter 6.42 of the Norco Municipal Code Applying the Ten Percent (10%) Waste Hauler Franchise Fee to Service Providers Other Than the City's Exclusive Franchisee for Refuse Collection, Recycling and Disposal

RECOMMENDATION: Adopt **Ordinance No. 918** for second reading.

SUMMARY: The first reading of Ordinance No. 918 was held on January 20, 2010 and was unanimously adopted by the City Council. Staff is recommending that the City Council adopt Ordinance No. 918 for second reading. This code change is a City-initiated proposal to City-Initiated Proposal to amend Title 6, Chapter 6.42 of the Norco Municipal Code applying the ten percent (10%) waste hauler franchise fee to service providers other than the City's exclusive franchisee for refuse collection, recycling and disposal.

Attachment: Ordinance No. 918

/bj-74592

ORDINANCE NO. 918

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 6, CHAPTER 6.42 OF THE NORCO MUNICIPAL CODE TO APPLY THE TEN PERCENT (10%) WASTE HAULER FRANCHISE FEE TO SERVICE PROVIDERS OTHER THAN THE CITY'S EXCLUSIVE FRANCHISEE FOR REFUSE COLLECTION, RECYCLING AND DISPOSAL.

WHEREAS, Waste Management, Inc. is the City of Norco's current exclusive franchisee for refuse collection, recycling and disposal, pursuant to an agreement dated April 15, 1998; and

WHEREAS, the City's agreement with Waste Management, Inc. includes a 10% franchise fee, based on gross revenues from all services; and

WHEREAS, this 10% fee imposed by the City is average for Riverside County municipalities; and

WHEREAS, a Code Amendment will formalize that fee for the current franchisee and subsequent franchisees, as well as other providers lawfully contracted by eligible property owners; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that this Code Amendment is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1: Norco Municipal Code Title 6 "Health and Sanitation" is hereby amended as follows.

Section 6.42.020 "License -- Required Exceptions" of Chapter 6.42 the Norco Municipal Code is hereby amended as follows:

It shall be unlawful for any person to collect or transport refuse or recyclable materials in the incorporated area of the City without an unrevoked current license issued by the City. Applications for a license shall be made to the City upon an approved form. Persons hauling refuse or garbage from their residences or refuse or garbage produced in the course of their own business or occasional hauling for others where there is no charge for such service shall not be required to comply with the equipment standards set forth in this Chapter. In the event that the City determines pursuant to Public Resources Code, Section 40059, to award an exclusive franchise to

provide for refuse collection, recycling and disposal in residential and/or commercial/industrial areas of the City, it shall be unlawful for any person or entity other than the franchisee to collect, recycle or dispose of refuse, including recyclable materials generated within the City. In the event that the City, pursuant to the Public Resources Code, Section 40059, awards an exclusive franchise to provide for refuse collection, recycling and disposal services, a franchise fee equivalent to ten percent (10%) of franchisee's gross revenues from all services shall be imposed by the City to defray the costs of maintaining and repairing City rights-of-way affected by heavy equipment used by the franchisee.

To the extent that any provision of the franchise agreement is inconsistent with this Chapter, the provision of the franchise agreement shall prevail. Notwithstanding the above, this provision shall specifically not preclude individual residential property owners from recycling personally any of their own refuse, nevertheless, all persons and entities shall be required to participate in any franchise program enacted by the City pursuant to the California Integrated Waste Management Act of 1989. (Ord. 633, 1993; Ord. 433 Sec. 2, 1979). In the event that an eligible property owner, such as a government entity, lawfully contracts with a waste hauler other than the exclusive franchisee for refuse collection, recycling and disposal services, a franchise fee equivalent to ten percent (10%) of hauler's gross revenues from all services may be imposed by the City to defray the costs of maintaining and repairing City rights-of-way affected by heavy equipment used by the private contractors. Any waste hauler not bound to an exclusive franchise agreement shall provide detailed quarterly reports on its activities in a form approved by the City.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held February 3, 2010.

Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on January 20, 2010 and thereafter at a regular meeting of said City Council duly held on February 3, 2010, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 3, 2010.

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

/ao-74459

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Dave Carlson, Fire Chief 

DATE: February 3, 2010

SUBJECT: Approval of a Two-Year Weed Abatement Contract Extension with Warren Brothers Tractor Work to Provide Weed Abatement on Vacant Parcels

RECOMMENDATION: Staff recommends City Council approve a two-year extension of the vacant parcel weed abatement contract with Warren Brothers Tractor Work.

SUMMARY: Warren Brothers Tractor Work has requested approval of a two-year extension of the vacant parcel weed abatement contract with the City. The existing contract allows for extensions providing both parties mutually agree to the same terms and conditions.

BACKGROUND/ANALYSIS: The City's weed abatement contractor for vacant parcels is Warren Brothers Tractor Work. On January 10, 2010, Warren Brothers requested an extension of the existing contract for a period of two years at the same contract rates as agreed upon in the 2007 contract. If there are any rate changes during the next two-year period, Warren Brothers will submit an itemized statement with justification for the increases to City Council for review and approval.

The contract extension will also include lot clearing of Parks & Recreation parcels.

Staff has worked with Warren Brothers over the past several years and has been satisfied with their service performance. It is recommended that the City Council authorize the extension of their contract through February 3, 2012.

FINANCIAL IMPACT: Funds are allocated in the FY 2009-2010 General Fund Weed Abatement Maintenance Account.

/mb-74562

Attachments: Letter of Request
Refuse Abatement Contract Dated February 3, 1999

W.B.T.W.

7731 GRANDVIEW ST.

CORONA CA. 92881

TELE/FAX 951 737-2227

JANUARY 10 2010

NORCO FIRE DEPT. & THE CITY OF NORCO,

TO WHOM IT MAY CONCERN

1. WE (WARREN BROS. TRACOR WORK) WISH TO CONTINUE TO SUPPLY

THE CITY OF NORCO WITH OUR SERVICES AS A WEEDABATEMENT

CONTRACTOR FOR THE NEXT TWO YEARS

2. WE WILL PROVIDE OUR SERVICES @ THE SAME RATE AS AGREED UPON

IN THE 2007 CONTRACT

3. IF RATES SHOULD NEED TO BE CHANGED, WE WILL SUBMIT A ITEMIZED

STATEMENT TO WHY THE CHANGES SHOULD INCUR AND WHAT WE

WOULD LIKE THE CHANGES TO BE, SO IT CAN BE VOTED ON BY CITY

CONSUL

ATTN: MARY

THANK YOU,

David Hwanen

WEED AND HAZARDOUS VEGETATION ABATEMENT CONTRACT

This CONTRACT, made and entered into this 3rd day of February, 1999, by and between Warren Brothers Tractor Work, hereinafter called "CONTRACTOR," and the CITY OF NORCO, a municipal corporation, hereinafter referred to as "CITY."

WITNESSED

WHEREAS, the CITY has awarded a contract to the CONTRACTOR for performing the work hereinafter mentioned in accordance with the proposal of said CONTRACTOR,

NOW, THEREFORE, IT IS AGREED by the CITY and the CONTRACTOR as follows:

1. SCOPE OF WORK: The CONTRACTOR, as an independent CONTRACTOR, shall furnish all labor, methods or processes, implements, tools, machinery and equipment required for performing the work as outlined in the PLANS AND SPECIFICATIONS for said work which PLANS AND SPECIFICATIONS are made a part of this CONTRACT as if wholly set forth herein, and in accordance with the CONTRACTOR'S bid, which is also made a part of this CONTRACT, a copy of which is attached hereto.

The estimated work includes the following:

368 parcels less than 10 acres each requiring complete removal of the hazards. Approximately 533.51 total acres.

31 parcels 10 acres and larger requiring a 30 foot fire break around the outside perimeter and 30 foot breaks which divide the property into five acre parcels or less. Approximately 1,506.28 total acres.

2. TIME OF PERFORMANCE/LIQUIDATED DAMAGES: The CONTRACTOR shall diligently prosecute the work to completion on or before June 18, 1999 (privately owned), and July 27, 1999 (City owned), or in accordance with the directions of the CITY's Fire Chief or his/her authorized representative(s). Time is of the essence. The parties acknowledge that damages for the failure to complete the work are impossible to calculate and therefore agree that liquidated damages in the amount of \$250 per day for each and every day the work is not completed after June 18, 1999, (privately owned) and July 27, 1999 (City owned).

3. PROGRESS PAYMENTS: Prior to the fifteenth day of the next month following the commencement of the work, there shall be paid to the CONTRACTOR a sum equal to 90 percent of the value of the work completed since the commencement of the work as determined by the CITY; and thereafter, prior to the fifteenth day of each successive month as the work progresses, the CONTRACTOR shall be paid such sums as will bring the payments each month up to 90 percent of the value of the work completed since the commencement of the work as determined by the CITY, less previous payments. The final payment, if unencumbered or any part thereof encumbered, shall be pursuant to Paragraph 5.

4. CONTRACT SECURITY: Concurrently with the execution hereof, the CONTRACTOR shall furnish to the CITY: (1) Performance Bond of at least \$30,000; (2) Payment Bond of at least \$15,000, executed by corporate sureties acceptable to CITY.

4a. GUARANTEE BY CONTRACTOR IN LIEU OF BOND: In Lieu of Faithful Performance and Payment Bonds, CONTRACTOR shall provide a Cash Bond in the amount of \$1,500. CITY shall hold said Cash Bond, pursuant to Paragraph 3. Said Bond shall be held for a period of six months from the date the final work performed under this CONTRACT, is accepted

by CITY. In the event no work and/or labor liens are filed within said six-month period, said Bond held by CITY shall be reimbursed to CONTRACTOR

5. HOLD HARMLESS AGREEMENT AND CONTRACTOR'S INSURANCE: CONTRACTOR hereby agrees to, and shall hold the CITY, its Council, its elective and appointive officers, agents and employees, harmless from any liability for damage or claims, for personal injury damage, including death, as well as from property damage claims, which may arise from the CONTRACTOR'S, or any of the subcontractor's operations under this CONTRACT regardless of whether or not the CONTRACTOR's insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

The CONTRACTOR shall not commence work under this CONTRACT until he/she has obtained all insurance required under this Section, and such insurance shall have been approved by the CITY as to form, amount and carrier; nor shall the CONTRACTOR allow any subcontractor to commence work on any subcontract until these requirements have been met.

Said insurance shall include: (1) Public Liability Insurance of at least \$500,000/\$1,000,000 for injury or death; (2) Property Damage Insurance of at least \$100,000 that insures capacity; (3) Workmen's Compensation adequate to the requirements of the provisions of Section 3700 of the Labor Code of the State of California.

6. CONTRACT PERIOD: The period of this contract shall be from February 3, 1999 to February 3, 2000, unless extended by mutual agreement of both parties under the same terms and conditions as provided for herein on a yearly basis.

7. OTHER DOCUMENTS INCLUDED: It is further agreed by the parties hereto that the following documents are incorporated herein by reference and are to be read and construed as to the full, complete and integrated terms of this CONTRACT. What is called for in one document is as binding as though fully set forth in all documents, inclusive of:

- A. Notice Inviting Sealed Bids
- B. Instructions to Bidders
- C. Bid Proposal Form Instruction
- D. Bid Proposal Form
- E. Plans and Specifications
- F. Contract Performance Bond
- G. Payment Bond

8. CONTRACTOR'S AFFIDAVIT: After completion of the work contemplated by this CONTRACT, the CONTRACTOR shall file with the CITY, his affidavit stating that all workmen and persons employed, all firms supplying materials, and all subcontractors upon the project have been paid in full, and that there are no claims outstanding against the project for either labor or material except certain items, if any, to be set forth in an affidavit covering disputed claims; or items in connection with Notices to withhold, which have been filed under the provisions of the statutes of the State of California.

9. CONTRACTOR'S WAIVER: The acceptance by the CONTRACTOR of the payment of the final certificate shall constitute a waiver of all claims against the CITY under or arising from this CONTRACT.

10. LABOR: Wage scale, hours of labor and alien labor shall be governed by the applicable Sections of the Labor Code of the State of California.

11. **TERMINATION:** If CONTRACTOR fails or refuses to prosecute the work with diligence, or fails to complete the work within the time specified, or is adjudged a bankrupt, or makes an assignment for the benefit of creditors, or becomes insolvent, or violates any provisions of the CONTRACT documents, CITY may give notice in writing of its intention to terminate the CONTRACT. Unless the violation ceases within ten (10) days after said notice of intention has been served on CONTRACTOR, CITY may terminate this CONTRACT upon the expiration of that time.

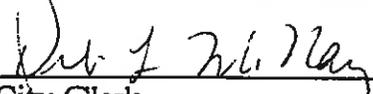
12. **CONTRACTOR'S INDEPENDENT INVESTIGATION:** No plea of ignorance of conditions that exist or that may hereafter exist, or of conditions or difficulties that may be encountered in the execution of the work under this CONTRACT as a result of failure to make the necessary independent examinations and investigations, and no plea of reliance on initial investigations or reports prepared by CITY for purpose of letting this CONTRACT out to bid, will be accepted as an excuse for any failure or omission on the part of CONTRACTOR to fulfill in every detail all requirements of said CONTRACT, specifications and plans. Nor will such reasons be accepted as a basis for any claims whatsoever, for extra compensation or for extension of time.

13. **ATTORNEY'S FEES:** If any action at law or in equity is necessary to enforce or interpret the terms of this CONTRACT, the prevailing party shall be entitled to reasonable attorney's fees, costs and necessary disbursements, in addition to any other relief to which he may be entitle. If any action is brought against the CONTRACTOR or any Sub-Contractor to enforce a Stop Notice or Notice to Withhold, which names the CITY as a party to said action, CITY shall be entitled to reasonable attorney's fees, costs and necessary disbursements.

14. **PERMITS:** CONTRACTOR shall obtain from CITY, County or other responsible public agencies, all licenses (including City Business License) and permits, and pay all fees related thereto, necessary to complete the job.

15. **ASSIGNMENT:** No assignment by the CONTRACTOR of this Contract or any part hereof, or of funds to be received hereunder, will be recognized by the CITY unless such assignment has had prior to written approval and consent of the CITY and surety.

ATTEST: CITY OF NORCO

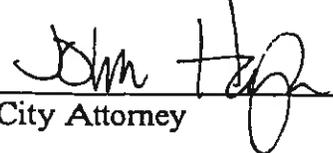


City Clerk



Mayor

APPROVED AS TO FORM:



City Attorney

CONTRACTOR:

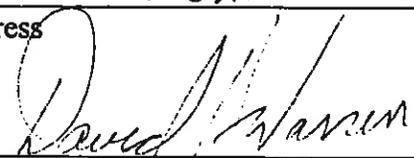
WARREN BROS. TRACTOR WORK
Name

APPROVED AS TO CONTENT:



Fire Chief

7731 GRANDVIEW ST CORONA
Address

BY: 

CITY OF NORCO
 WEED & HAZARDOUS VEGETATION ABATEMENT PROGRAM
 CALENDAR YEAR 1999
 BID NO. 98 - 01

ITEM	UNIT	DESCRIPTION	RATE
1.	Lots	Clean lots (less than 0.25 acre) and adjacent parkways or portions thereof, one (1) discing operation.	Per Lot \$ <u>5000</u>
2.	Lots	Clean lots (0.25 acre or more, but less than 0.50 acres) and adjacent parkways, or portions thereof, one (1) discing operation.	Per Lot \$ <u>5000</u>
3.	Lots	Clean lots (0.50 acre or more, but less than 1.0 acre) and adjacent parkways, or portions thereof, one (1) discing operation.	Per Lot \$ <u>5000</u>
4.	Acre	Clean lots (1 acre or more) and adjacent parkways or portions thereof, including one (1) discing operation.	Per Acre \$ <u>3500</u>
5.	Sq. Ft.	Hand clean lots and parkways or portions thereof, including all equipment as required.	Per Sq. Ft. \$ <u>5 CENTS</u>
6.	Lineal Ft.	Disc or Mow fire breaks minimum 30 feet wide.	Per Lineal Ft \$ <u>100</u>

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Dave Carlson, Fire Chief 

DATE: February 3, 2010

SUBJECT: Approval of Contract with Pierce Fire Apparatus for the Purchase of a Replacement Fire Engine

RECOMMENDATION: Staff recommends that the City Council approve the contract with Pierce Fire Apparatus for the purchase of a replacement fire engine, in the amount not to exceed \$575,000, using the City of Chino completed bid process.

SUMMARY: This purchase is critical in order to maintain a current and reliable fleet of front-line and reserve apparatus to provide emergency services to the City of Norco. We are presently behind two years in our replacement program. This is a piggyback purchase on Chino Valley Independent Fire District's Purchase Order #101408SH, which will save us time and money.

BACKGROUND/ANALYSIS: The approved apparatus replacement program that we currently use states that a new engine will be used in front-line status for the first ten years and then placed in reserve status for five additional years and then replaced. In Fiscal Year 1992-1993, E-21R (City vehicle #173) was purchased and placed in service.

According to our apparatus replacement program, E-21R should have been replaced in Fiscal Year 2007-2008. As you can see, we are already two years overdue. If we order the replacement engine now, it will be delivered in Fiscal Year 2010-2011, replacing an 18-year old unit.

New emission requirements went into affect on January 1, 2010, which will raise the cost of a new fire engine approximately \$18,000.00 to \$22,000.00. Pierce Fire Apparatus purchased a number of model year 2009 engines to be placed in new 2010 fire apparatus. Because of this, the \$18,000.00 to \$22,000.00 up-charge can be averted.

If prepaid, the estimated cost of a new 2010 fire apparatus with a 2009 engine is \$518,038.00. After adding sales tax at 8.75% (\$45,328.00), the cost would be \$563,366.00. Two additional items that we would need to add are a headset

communications system, estimated at \$7,000.00, and dispatch radios mobile/portables estimated at \$15,000.00. We have a Homeland Security Grant that could pay for the dispatch radios. The total cost for the fire apparatus, adding the cost for the headset communications system would be \$570,366.00.

FINANCIAL IMPACT: The new apparatus cost will not exceed \$575,000.00. The proposed purchase is within the Vehicle Replacement Program guideline and is funded in the Capital Replacement 142 Fund.

/mb-74486

Attachments: Pierce Proposal
Chino Valley Independent Fire District Requisition/Purchase Order
Addendum to Purchase Order

December 22, 2009

City of Norco Fire Department
3902 Hillside Ave
Norco, CA 91760



Proposal for Furnishing Fire Apparatus

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Pierce Manufacturing, Inc. at its corporate office in Appleton, Wisconsin, the apparatus and equipment herein name for the following prices.

One (1) Pierce Arrow XT Pierce's Ultimate Configuration (PUC) as per the enclosed proposal for Chino Valley Independent Fire District, PO#101408SH, dated 10/14/08 for the delivered sum of	\$ 481,174.00
2009 NFPA 1901 changes for order after Jan 1 st 2009	\$ 12,500.00
Price increase for 2009 model year change	\$ 14,436.00
Changes to specifications per City of Norco Fire Department	\$ 29,821.00
Sub Total	\$ 537,931.00
Discount for paying upon award of purchase order (100% Prepay)	\$ - 19,893.00
Total Price (Plus Applicable Sales Tax When Apparatus is Titled)	<u>\$ 518,038.00</u>

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war or international conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about **8 to 9 months** after receipt of this order and the acceptance thereof at our office at Appleton, Wisconsin, and to be delivered to at Norco, California.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company or the order to purchase, and provided such alternations do not materially affect the cost of the construction of the apparatus.

The proposal for the fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of initial purchase, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of initial purchase, except where modified by customer requirements. Any increased costs incurred by the first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within sixty (60) days from date, the right is reserved to withdraw this proposition.

PIERCE MANUFACTURING, INC.

By: _____
Sales Representative
Timothy J. Olley

December 22, 2009

City of Norco Fire Department
3902 Hillside Ave
Norco, CA 91760



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PIERCE MANUFACTURING, INC.

By: 
Sales Representative
Timothy J. Olley

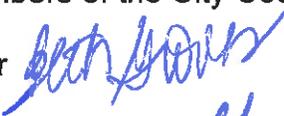
ADDENDUM TO PURCHASE ORDER # 101408SH

DATED October 14, 2008

The above-referenced Purchase Order is hereby expressly made contingent upon the occurrence of both of the following events: (1) the full execution of a purchase agreement mutually acceptable to the Chino Valley Independent Fire Protection District and the Vendor; and (2) the provision to the Chino Valley Independent Fire Protection District of performance security (i.e. performance bond, etc.) acceptable in form and amount to the Chino Valley Fire Protection District.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: David Gilbertson, Deputy City Engineer 

DATE: February 3, 2010

SUBJECT: Appropriation of Additional Funds for the Reservoir No. 4 Booster Pump Station Project

RECOMMENDATION: Adopt **Resolution No. 2010-____**, appropriating additional funds for the Reservoir No. 4 Booster Pump Station Project in an amount not to exceed \$170,000.

SUMMARY: The Reservoir No. 4 Booster Pump Station Project consists of the installation of a booster pump station at the existing Reservoir No. 4 site to deliver potable water to the recently completed Reservoir No. 5. The project requires change orders due to extraordinary rock excavation for the underground conduit installation. In addition, a dispute has arisen with the contractor over the installation of the required Southern California Edison (SCE) conduit. In order to avoid potential litigation, staff has reached a settlement with the contractor for this work.

BACKGROUND/ANALYSIS: On September 2, 2009, the City Council awarded a public works contract to Metro Builders & Engineers Group, Ltd. in the amount of \$563,580 to construct a Booster Pump Station at Reservoir No. 4. During construction, it was determined that the site contained an unusually large amount of hard rock that required extraordinary excavation techniques in order to construct the pipelines and pump house foundations. The additional cost to perform the extraordinary excavation is approximately \$100,000.

The project also required the installation of 1,600 lineal feet of Southern California Edison (SCE) conduit be constructed from the intersection of El Paso Drive and Big Pine Lane to the project site. SCE designed the conduit and wire installation plans that were included in the bid specifications. During the installation the contractor requested the design be relocated from the street into the equestrian trail along El Paso. During the redesign it was discovered that SCE had not accounted for approximately 400' of conduit needed to complete the project. The additional cost to perform the conduit installation and settlement is approximately \$70,000.

February 3, 2010

There is a portion of the SCE conduit installation contract in dispute because the contractor believes that the bid specifications did not clearly identify the scope of work. Staff believes that this portion of the work is clearly identified in the specifications and directed the contractor to proceed with the installation of the SCE conduit under the *Disputed Work* provisions of the Green Book. In order to avoid potential litigation regarding this portion of the work, staff has included in the additional appropriation amount a settlement with the contractor to complete the entire project.

FINANCIAL IMPACT: A resolution has been prepared to appropriate an additional \$170,000 for the additional improvements from the Water Improvement Fund (Fund 144) to the Reservoir No. 4 Booster Pump Station Project. The estimated available fund balance in the Water Improvement Fund 144, as of July 1, 2009 is \$11,984,021.

/dg-74693

Attachment: Resolution No. 2010-____

RESOLUTION NO. 2010-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO,
CALIFORNIA APPROPRIATING ADDITIONAL FUNDS IN THE
AMOUNT OF \$170,000 FOR THE CONSTRUCTION OF THE
RESERVOIR NO. 4 BOOSTER PUMP STATION PROJECT**

WHEREAS, the Norco City Council ("Council"), has approved a Capital Improvement Program for the construction of public improvements for the benefit of the Community; and

WHEREAS, the improvements of the Reservoir No. 4 Booster Pump Station Project will improve the water supply and fire flows to the adjacent residences; and

WHEREAS, the improvements of the Reservoir No. 4 Booster Pump Station Project will reduce the need for further costly repairs; and

WHEREAS, funding is available through the Water Improvement Fund (Fund 144).

NOW THEREFORE, BE IT RESOLVED that the amount of \$170,000 shall be appropriated from the Water Improvement Fund to the Reservoir No. 4 Booster Pump Station Project.

PASSED AND ADOPTED by the City Council at a regular meeting held on February 3, 2010.

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 February 3, 2010 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 February 3, 2010.

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

/dg-74694

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

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

DATE: February 3, 2010

SUBJECT: Acceptance of Bids & Award Contract for the Annual On-Call Street Maintenance Program

RECOMMENDATION: Approve and award the contract for the Annual On-Call Street Maintenance Program to Caliber Paving Company, Inc.

SUMMARY: Bids for the Annual On-Call Street Maintenance Program were opened on January 19, 2010 with Caliber Paving Company, Inc. having the lowest average unit costs in the eleven maintenance bid items. It is recommended that the annual on-call maintenance contract be awarded to Caliber Paving Company, Inc.

BACKGROUND/ANALYSIS: Staff completed revised specifications for bidding purposes and on January 19, 2010, unit price bids were received for eleven different street maintenance items. The bid package included a variety of roadway repair disciplines; concrete repairs, asphalt pavement removals and replacement, pavement grinding and overlays, curb installation, sidewalk construction and replacement. The unit bids were analyzed by extending two of the bid items, using a third as a possible tie breaker. The analysis included a square foot removal and replacement cost for each item to come up with a theoretical total. This scenario is comparable to a typical City work order request for roadway repairs issued to a Contractor. Utilizing this procedure to evaluate the maintenance costs, the bid results were as follows:

Contractor No. 1	Caliber Paving Company, Inc.
Contractor No. 2	Hardy and Harper, Inc.
Contractor No. 3	Kad Paving Company

The proposed annual contract is for the 2009/10 Fiscal Year, and will terminate June 30, 2010.

The bid summary sheet is attached for Council's review.

FINANCIAL IMPACT: The project is funded from portions of the Gas Tax Street Fund 133-801-34100 and the Measure A Capital Improvement Fund 137 in the amount of \$75,000.

/wrt-74692

BID SUMMARY SHEET									
Annual On-Call Street Maintenance Program 2009/2010									
Engineer's Estimate									
Caliber Paving Co., Inc.									
Hardy & Harper, Inc.									
KAD Paving Co.									
ITEM	QUANTITY	UNITS	DESCRIPTION	UNIT BID	TOTAL	UNIT BID	TOTAL	UNIT BID	TOTAL
1	2000+	SF	Sawcut, remove & dispose of existing pavement & construct full depth AC 4-inch thick (R & R)	\$3.50	\$4.50	\$4.50	\$4.25	\$4.25	\$4.25
2	2000+	SF	Construct 2-inch thick AC overlay (Type III C2-AR-4000)	\$1.50	\$1.40	\$1.40	\$2.00	\$2.00	\$2.00
3	1-20	EA	Adjust manhole covers to finish grade per CoN Std. 535	\$350.00	\$350.00	\$350.00	\$950.00	\$950.00	\$950.00
4	2000+	SF	Grind, dispose & repave, 0.10' depth	\$2.50	\$1.80	\$1.80	\$0.30	\$0.30	\$0.30
5	0-1000 1001-3000 3001+	LF	Remove, dispose & replace Type C 6-inch curb & gutter per CoN Std. 200	\$38.00 \$24.00 \$22.00	\$24.00 \$20.00 \$18.00	\$24.00 \$20.00 \$18.00	\$47.00 \$37.00 \$29.00	\$47.00 \$37.00 \$29.00	\$47.00 \$37.00 \$29.00
6	0-1000	SF	Remove, dispose & replace 4-inch thick sidewalk, per SSPWC	\$5.65	\$4.50	\$4.50	\$4.25	\$4.25	\$4.25
7	0-100 101-300 301+	SF	Remove, dispose & replace 6-inch thick cross gutter, per CoN Std. 225	\$24.00 \$21.00 \$17.00	\$10.00 \$9.00 \$8.00	\$10.00 \$9.00 \$8.00	\$18.00 \$16.00 \$14.00	\$18.00 \$16.00 \$14.00	\$18.00 \$16.00 \$14.00
8	1-100 101-500 501-1000 1001+	SF	Construct new 4-inch thick sidewalk per SSPWC	\$7.00 \$6.00 \$4.50 \$4.00	\$6.00 \$5.50 \$4.50 \$4.00	\$6.00 \$5.50 \$4.50 \$4.00	\$6.75 \$5.75 \$4.75 \$3.75	\$6.75 \$5.75 \$4.75 \$3.75	\$6.75 \$5.75 \$4.75 \$3.75
9	0-1000	LF	Construct new 6-inch thick curb & gutter Type C per CoN Std. 200	\$22.00	\$21.00	\$21.00	\$25.00	\$25.00	\$25.00
10	0-1000	LF	Construct 6-inch AC Curb per RC Std. 212	\$6.50	\$5.50	\$5.50	\$7.08	\$7.08	\$7.08
11	0-3000	LF	Construct 1-inch thick AC leveling course	\$1.00	\$3.00	\$3.00	\$1.20	\$1.20	\$1.20
TOTAL BID AMOUNT									

Doc: 60467-74516

BID SUMMARY SHEET											
Annual On-Call Street Maintenance Program 2009/2010											
A & Y Asphalt Contractors, Inc. NPG, Inc. S & S Grading and Paving, Inc. All American Asphalt											
ITEM	QUANTITY	UNITS	DESCRIPTION	UNIT BID	TOTAL						
1	2000+	SF	Sawcut, remove & dispose of existing pavement & construct full depth AC 4-inch thick (R & R)	\$4.50	\$5.45	\$6.00	\$7.50	\$6.00	\$7.50	\$6.00	\$7.50
2	2000+	SF	Construct 2-inch thick AC overlay (Type III C2-AR-4000)	\$2.50	\$2.85	\$2.50	\$3.45	\$2.50	\$3.45	\$2.50	\$3.45
3	1-20	EA	Adjust manhole covers to finish grade per CoN Std. 535	\$750.00	\$750.00	\$500.00	\$600.00	\$500.00	\$600.00	\$500.00	\$600.00
4	2000+	SF	Grind, dispose & repave, 0.10' depth	\$3.35	\$2.75	\$3.00	\$6.50	\$3.00	\$6.50	\$3.00	\$6.50
5	0-1000	LF	Remove, dispose & replace Type C 6-inch curb & gutter per CoN Std. 200	\$50.00	\$45.50	\$30.00	\$43.00	\$45.00	\$43.00	\$45.00	\$43.00
	1001-3000	LF		\$45.00	\$43.50	\$24.00	\$38.00	\$43.00	\$38.00	\$45.00	\$43.00
	3001+	LF		\$38.00	\$41.50	\$22.00	\$34.00	\$22.00	\$34.00	\$22.00	\$34.00
6	0-1000	SF	Remove, dispose & replace 4-inch thick sidewalk, per SSPWC	\$10.00	\$9.50	\$6.00	\$13.00	\$6.00	\$13.00	\$6.00	\$13.00
7	0-100	SF	Remove, dispose & replace 6-inch thick cross gutter, per CoN Std. 225	\$18.00	\$24.95	\$20.00	\$66.00	\$20.00	\$66.00	\$20.00	\$66.00
	101-300	SF		\$17.00	\$22.75	\$13.00	\$65.00	\$13.00	\$65.00	\$13.00	\$65.00
	301+	SF		\$16.00	\$17.50	\$13.00	\$30.00	\$13.00	\$30.00	\$13.00	\$30.00
8	1-100	SF	Construct new 4-inch thick sidewalk per SSPWC	\$11.00	\$4.75	\$8.00	\$32.00	\$8.00	\$32.00	\$8.00	\$32.00
	101-500	SF		\$9.50	\$4.25	\$3.50	\$31.00	\$3.50	\$31.00	\$3.50	\$31.00
	501-1000	SF		\$7.50	\$4.00	\$3.50	\$13.00	\$3.50	\$13.00	\$3.50	\$13.00
	1001+	SF		\$6.50	\$3.75	\$3.50	\$6.50	\$3.50	\$6.50	\$3.50	\$6.50
9	0-1000	LF	Construct new 6-inch thick curb & gutter Type C per CoN Std. 200	\$40.00	\$39.75	\$12.00	\$33.00	\$12.00	\$33.00	\$12.00	\$33.00
10	0-1000	LF	Construct 6-inch AC Curb per RC Std. 212	\$15.00	\$21.50	\$8.50	\$11.50	\$8.50	\$11.50	\$8.50	\$11.50
11	0-3000	LF	Construct 1-inch thick AC leveling course	\$2.25	\$5.00	\$1.00	\$3.00	\$1.00	\$3.00	\$1.00	\$3.00
TOTAL BID AMOUNT											

Doc. 69467

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/Director of Finance

DATE: February 3, 2010

SUBJECT: Fiscal Year 2010 Second Quarter Budget Performance Report

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2010 second quarter budget performance report.

SUMMARY: One of the department's annual goals is to inform City Council timely on actual operating budget results relative to the annual adopted budget. This report provides information on how actual results through December 31, 2009 compared to the adopted budget. Significant variances identified as a result of analyzing the budget performance through December 31, 2009 will be outlined in the mid-year budget amendments report to be presented to the City Council on February 17, 2010.

BACKGROUND/ANALYSIS: As part of revenue and expenditure reporting and monitoring program, staff has provided Council with quarterly budget performance reports since Fiscal Year 2004. This report provides a status update on the City's Fiscal Year 2010 (FY10) second quarter budget performance for Operating Funds. As a result of timing differences, the first six months of data may not be reflective of what the ultimate year-end numbers will be at June 30, 2010. However, when these numbers are analyzed in conjunction with other historic and currently available data, the information can be useful in determining changes that may be made to the adopted budget and to identify any corrective actions that should be taken to control expenditures.

Attachment 1 provides a summary of revenues and expenditures through December 31, 2009. Where necessary, footnotes have been used to provide information on why actual revenues and expenditures vary from the budget.

General Fund Revenues

Including the effects of timing differences, some significant differences have been identified between adopted budget and actual results through December 31, 2009. These significant changes will be recommended as adjustments through the Mid-Year budget amendment.

- **Property Tax:** The low percentage of property tax revenue received as of December 31, 2009 is due to the uneven nature of property tax receipts. The bulk of property tax revenue is received in the months of January and May of each year. However, using the most recent assessed value and receipt information from the county, it is anticipated that actual property tax receipts by year-end will be less than the adopted budget.
- **Sales Tax:** There is usually a time lag between when sales transactions occur and the time the City receives payment from the state. Based on actual receipts through December 31, 2009 and known future receipts under the "triple flip" arrangement, staff projects that sales tax revenue for the year will be less than the amount included in the adopted budget.
- **Franchise Fees:** Most of the revenues in this category are from electric and gas franchises which are received once a year. The City is yet to receive payment for electric and gas franchise fees. Refuse franchise revenues are received monthly while cable TV franchises are received quarterly. While cable TV franchise revenues appear to be tracking in line with budget, refuse franchise fees are tracking slightly below budget.
- **Motor Vehicle In-Lieu Fees:** The low percentage of the budget received as of December 31, 2009 is due to the elimination of the "backfill" which was replaced with property tax. The first installment of the replacement property tax amount has not been received. Consequently, at this point staff has limited information to make any projection regarding potential variance from the adopted budget. As more information becomes available on this critical revenue item, staff will report back to City Council and recommend any necessary adjustment to the budget.
- **Community Development:** Building permits and engineering revenues appear to be tracking significantly below budget. However, budgeted revenues include anticipated receipts from permits related to the development of the Silverlakes property. Any receipts from this development will likely be received during the second half of the fiscal year.
- **Community Services/Recreation:** This revenue category appears to be tracking below budget due to decreased participation in the Wee People Program. The decrease in revenues will be recommended for revision in the Mid-Year budget amendment report.

General Fund Expenditures

General Fund expenditures are tracking to the adopted budget. As shown on the attached report, expenditures in the Sheriff's department are below budget because of the time lag in county billing. Non-departmental expenditures are above budget because of one-time expenditures that are paid at the beginning of the fiscal year. The variance

in the inspection division is due to accrued leave payouts. While the variance in the Citizens on Patrol Program is due to long standing workers compensation claim. As of December 31, 2009, nearly 85% and 69% of constant staffing budget in fire suppression paramedic divisions respectively has been expended due to unanticipated workers compensation absences.

Other Funds

This second quarter report reflects minimal tax increment receipt for both the Redevelopment Agency and Low-Mod Funds. This is because the first installment from the County will be received in late January and will be reflected in next quarter's update. However, due to reductions in assessed values, tax increment receipts will come below budget. The anticipated difference will be incorporated in the Mid-Year budget revisions. Redevelopment Agency operating and debt service expenditures are tracking within budget. Pass through expenditures which are recognized when tax increment revenues are received are expected to exceed budget due to change in the way pass-through payments to other taxing entities are calculated.

Expenditures and revenues in the Water Fund are tracking within budget. Sewer Fund revenues are tracking in line to the approved budget while expenditures are tracking slightly below budget.

FISCAL IMPACT: None.

/jk-74686

Attachment: Budget and Actual Comparative Analysis

City of Norco
Budget and Actual Comparative Report
For the Two Quarters Ended December 31, 2009

	Original Budget	Amended Budget	Year to Date Actual	Remaining Budget	% Achieved
GENERAL FUND					
REVENUES					
Property taxes	1,395,191	1,395,191	379,829	1,015,362	27% (1)
Sales taxes	4,100,000	4,100,000	829,941	3,270,059	20% (2)
Other taxes	755,334	755,334	372,307	383,027	49% (3)
Total taxes	<u>6,250,525</u>	<u>6,250,525</u>	<u>1,582,077</u>	<u>4,668,448</u>	<u>25%</u>
Franchise Fees	1,146,079	1,146,079	255,825	890,254	22% (3)
Motor vehicle in-lieu fees	2,329,000	2,329,000	13,491	2,315,509	1% (4)
Intergovernmental	60,295	60,295	18,129	42,166	30% (3)
Fines and Penalties	345,890	345,890	146,648	199,242	42%
Interest income/Lease	234,513	234,513	65,650	168,863	28% (5)
Community Development fees	605,034	605,034	180,412	424,622	30% (6)
Community Services/Recreation	795,171	795,171	371,772	423,399	47%
Other revenues	1,465,375	1,465,375	757,550	707,825	52%
Operating transfers	1,768,776	1,768,776	531,665	1,237,111	30% (7)
Total revenues	<u>15,000,658</u>	<u>15,000,658</u>	<u>3,923,219</u>	<u>11,077,439</u>	<u>26%</u>
EXPENDITURES					
Legislative					
City Council	52,096	52,096	21,994	30,102	42%
City Attorney	75,599	75,599	23,322	52,277	31%
City Clerk	149,457	149,457	59,656	89,801	40%
City Manager	121,690	121,690	60,656	61,034	50%
Parks, Recreation & Community Services					
Recreation	930,160	930,160	384,792	545,368	41%
Youth & Teen	346,180	346,180	118,432	227,748	34%
Park Maintenance	748,585	748,585	324,345	424,240	43%
Senior Citizens	162,914	162,914	50,590	112,324	31%
Public Buildings	371,145	371,145	168,667	202,478	45%
Animal Control	651,376	651,376	339,127	312,249	52%
Planning					
Community Development	202,345	202,345	96,479	105,866	48%
Public Works/Engineering					
Building & Safety	325,404	325,404	138,560	186,844	43%
Code Enforcement	3,100	3,100	965	2,135	31%
Engineering	247,039	247,039	107,438	139,601	43%
Inspection	124,746	124,746	119,854	4,892	96% (14)
Parkway Maintenance	72,679	72,679	21,840	50,839	30%
Fire Department					
Fire Suppression	2,853,658	2,853,658	1,411,721	1,441,937	49% (12)
Paramedic	1,734,579	1,734,579	838,949	895,630	48%
Emergency Services	3,560	3,560	438	3,122	12%
Police Protection					
Sheriff	5,347,950	5,347,950	1,771,286	3,576,664	33% (8)
Citizens on Patrol	18,286	18,286	17,096	1,190	93% (9)
Crossing Guards	64,589	64,589	20,055	44,534	31%
Fiscal and Support Services					
Administrative	400,745	400,745	189,157	211,588	47%
Non-Departmental	2,055,542	2,055,542	1,164,122	891,420	57% (10)
Total Expenditures	<u>17,063,424</u>	<u>17,063,424</u>	<u>7,449,541</u>	<u>9,613,883</u>	<u>44%</u>
Net revenues and expenditures	<u>(2,062,766)</u>	<u>(2,062,766)</u>	<u>(3,526,322)</u>		

City of Norco
Budget and Actual Comparative Report
For the Two Quarters Ended December 31, 2009

	Original Budget	Amended Budget	Year to Date Actual	Remaining Budget	%	
					Achieved	
REDEVELOPMENT AGENCY						
REVENUES						
Tax Increment	12,257,190	12,257,190	-	12,257,190	0%	(11)
Interest and Lease Income	535,950	535,950	131,087	404,863	24%	
Reimbursements	60,000	60,000	98,954	(38,954)	165%	(3)
School Bond	1,038,200	1,038,200	-	1,038,200	0%	(3)
Total Revenues	<u>13,891,340</u>	<u>13,891,340</u>	<u>230,041</u>	<u>13,661,299</u>	<u>2%</u>	
EXPENDITURES						
Redevelopment Administration	1,649,607	1,649,607	720,180	929,427	44%	
Redevelopment Agency Debt Service	5,198,624	5,198,624	1,917,547	3,281,077	37%	
Pass Thru Agreement	6,528,406	6,528,406	13,837	6,514,569	0%	(3)
Total Expenditures	<u>13,376,637</u>	<u>13,376,637</u>	<u>2,651,564</u>	<u>10,725,073</u>	<u>20%</u>	
Net revenues over (under) expenditures	<u>514,703</u>	<u>514,703</u>	<u>(2,421,523)</u>			
LOW-MOD INCOME HOUSING						
REVENUES						
Tax Increment	3,037,500	3,037,500	-	3,037,500	0%	(11)
Interest and Lease Income	10,000	10,000	18,493	(8,493)	185%	(3)
Other Revenue	45,100	45,100	208,259	(163,159)	462%	(13)
Total Revenues	<u>3,092,600</u>	<u>3,092,600</u>	<u>226,752</u>	<u>2,865,848</u>	<u>7%</u>	
EXPENDITURES						
Low-Mod Income Housing Program	469,530	469,530	184,807	284,723	39%	
Grant Programs	2,901,500	2,901,500	658,755	2,242,745	23%	
Redevelopment Agency Debt Service	1,030,408	1,030,408	322,703	707,705	31%	
Total Expenditures	<u>4,401,438</u>	<u>4,401,438</u>	<u>1,166,265</u>	<u>3,235,173</u>	<u>26%</u>	
Net revenues over (under) expenditures	<u>(1,308,838)</u>	<u>(1,308,838)</u>	<u>(939,513)</u>			
COMMUNITY DEVELOPMENT						
BLOCK GRANT						
Revenues	491,795	491,795	114,221	377,574	23%	
Expenditures	491,795	491,795	112,521	379,274	23%	
Net revenues over (under) expenditures	<u>-</u>	<u>-</u>	<u>1,700</u>			
WATER FUND						
Revenues	7,447,687	7,447,687	3,348,852	4,098,835	45%	
Expenditures	7,410,184	7,410,184	3,398,498	4,011,686	46%	
Net profit (loss)	<u>37,503</u>	<u>37,503</u>	<u>(49,646)</u>			
SEWER FUND						
Revenues	4,295,606	4,295,606	1,875,837	2,419,769	44%	
Expenditures	4,030,265	4,030,265	1,655,821	2,374,444	41%	
Net profit (loss)	<u>265,341</u>	<u>265,341</u>	<u>220,016</u>			
GAS TAX						
Revenues	442,560	442,560	117,230	325,330	26%	
Expenditures	503,368	503,368	238,914	264,454	47%	
Net revenues and expenditures	<u>(60,808)</u>	<u>(60,808)</u>	<u>(121,684)</u>			

**City of Norco
Budget and Actual Comparative Report
For the Two Quarters Ended December 31, 2009**

	Original Budget	Amended Budget	Year to Date Actual	Remaining Budget	% Achieved
<u>NPDES FUND</u>					
Revenues	110,000	110,000	25,004	84,996	23%
Expenditures	105,984	105,984	30,696	75,288	29%
Net revenues and expenditures	<u>4,016</u>	<u>4,016</u>	<u>(5,692)</u>		
<u>MISCELLANEOUS GRANTS</u>					
Revenues	285,055	399,769	136,360	263,409	34%
Expenditures	283,148	403,237	155,356	247,881	39%
Net revenues and expenditures	<u>1,907</u>	<u>(3,468)</u>	<u>(18,996)</u>		

FOOTNOTES :

1. The secured property tax amount received to date represents the receipt of a portion of the payment by property owners of the first installment. The remainder of the first installment is usually received in late January.
2. Reflects receipts for the first four months and excludes the triple flip allocations received in January and May.
3. Due to uneven collection of revenues throughout the year.
4. Due to the elimination of Vehicle License Fee (VLF) backfill and the permanent reduction of VLF from 2% to .65%; County auditors will allocate the settle-up amounts in January and May.
5. Most of investment earnings are recognized on a quarterly basis in the month following the end of the quarter.
6. Includes fees anticipated to be collected from the Silverlakes development. Fees likely to be collected later in the fiscal year
7. Transfer of AB 1389 to the General Fund will be made after Council adopts a resolution making the election.
8. Reflects payment of Sheriff contract expenditures through November
9. Expenditures include \$8,056 of unbudgeted workers compensation costs for citizens on patrol.
10. Most of the expenditures are one-time and are paid at the beginning of the fiscal year.
11. First installment payment of tax increment from the county is expected in late January
12. Fire Department has spent 84% of their constant staffing budget as of December mainly due to employees on workers compensation
13. Reflects sale of property receipts of \$196,145.
14. The overage is due to payment of accrued leave for employee that retired

**CITY OF NORCO
STAFF REPORT**

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 3, 2010

SUBJECT: Resolution Amending and Approving the City's Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974

RECOMMENDATION: Adopt **Resolution No. 2010-___**, amending the City's Conflict of Interest Code.

SUMMARY: Every two years the City Council is required to review and update its Conflict of Interest Code. Staff is recommending several changes in order to keep the code up-to-date, including the addition and deletion of Designated Employees and the revision of Designated Employees title changes.

BACKGROUND/ANALYSIS: In keeping with state law under the Political Reform Act of 1974, it is necessary to update the listing of designated employees who are required to file the Form 700 Statement of Economic Interest. This proposed Resolution reflects the following additions, revisions and deletion of Designated Employees listed on Exhibit "A":

Additions:

Accountant
Accounting Manager
Historic Preservation Commission
Housing Specialist
IT Manager
Senior Engineer

Revisions:

~~Director of Fiscal and Support Services~~
Deputy City Manager/Director of Finance
~~Public Works Supervisor~~
Public Works Superintendent

Deletion:

~~Associate Civil Engineer~~

The City Attorney has reviewed this list and concurs with the changes. Adopting this Resolution will bring the City's Conflict of Interest Code up-to-date.

/bj-74675

Attachments: Resolution 2010-___

RESOLUTION NO. 2010-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING AND APPROVING THE CITY'S CONFLICT OF INTEREST CODE APPLICABLE TO DESIGNATED EMPLOYEES PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Political Reform Act, Government Code Sections 8100 et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the City Council of the City of Norco, California, at its regular meeting of April 16, 2008, adopted Resolution No. 2008-25 updating its Conflict of Interest Code; and

WHEREAS, Exhibit "A" of that Resolution is amended from time-to-time in order to incorporate revisions and/or additions to the list of Designated Employees and Disclosure Categories; and

WHEREAS, it is necessary to update Exhibit "A" which contains the list of designated positions subject to the Conflict of Interest Code and the financial disclosure categories applicable to each position in order to ensure that the list accurately reflects currently existing positions and job duties.

NOW, THEREFORE, the City Council of the City of Norco, California, hereby resolves as follows:

SECTION 1: Resolution No. 2008-25 is hereby repealed in its entirety.

SECTION 2: The City of Norco's Conflict of Interest Code incorporates the Fair Political Practices Commission Regulation 18730 by reference.

SECTION 3: DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES. Exhibit "A" lists the amended designated positions included in the Conflict of Interest Code and is attached hereto. Exhibit "B" lists the disclosure categories and is attached hereto.

SECTION 4: EFFECTIVE DATE. This Resolution shall become effective upon approval by the City Council of the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 3, 2010.

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 regular meeting held on February 3, 2010 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 February 3, 2010.

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

/bj-74259

EXHIBIT "A"

DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

City Manager, City Attorney, City Treasurer, Deputy City Manager/Director of Finance, Planning Commissioners	(Only in reference to disqualification provisions. For purposes of disclosure, the City Manager is governed by the Code provisions of Article 2, Chapter 7 of the Political Reform Act of 1974.)
Accountant	1, 2, 3, 4, 7, 10, 11, 12, 13, 14, 16, 17, 18, 20
Accounting Manager	1, 2, 3, 4, 7, 10, 11, 12, 13, 14, 16, 17, 18, 20
Building Official	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20
City Clerk	5, 6, 7, 8, 15
City Engineer	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20
Deputy City Attorney	1, 2, 4, 8, 9, 16
Economic Development Advisory Council	1, 2, 3, 4, 8, 14, 15
Economic Development Director	1, 4, 8, 13, 14
Fire Battalion Chief	1, 2, 3, 4, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20
Fire Chief	1, 2, 3, 4, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20
Historic Preservation Commission	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20
Housing Manager	1, 4, 8, 13, 14
Housing Specialist	1, 4, 8, 13, 14
IT Manager	1, 3, 5, 6, 7, 10, 15
Parks, Rec. & Community Services Commission	1, 2, 3, 4, 7, 8, 14, 15, 16

Parks, Rec. & Community Services Director	1, 2, 3, 4, 7, 8, 14, 15, 16
Planning Manager	1, 2, 3, 4, 10, 11, 12, 14, 17, 18
Public Works Director	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20
Public Works Superintendent	1, 2, 3, 4, 7, 10, 11, 12, 13, 17, 18, 20
Senior Engineer	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20
Senior Planner	1, 2, 3, 4, 10, 13, 14
Senior Building Inspector	1, 2, 3, 4, 10, 11, 12, 13, 14, 17, 18, 20
Street, Trails & Utilities Commission	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20
Superintendent of Animal Control & Equestrian Services	1, 2, 3, 4, 5, 7, 8, 14, 15, 16
Superintendent of Parks and Buildings	1, 2, 3, 4, 7, 10, 11, 12, 13, 17, 18, 20
Superintendent of Rec. & Community Services	1, 2, 3, 4, 5, 7, 8, 14, 15, 16

EXHIBIT "B"

DISCLOSURE CATEGORIES

1. Real property within the City or two miles thereof.
2. Construction and building materials, and construction equipment parts and service.
3. Engineering, surveying and architectural services and supplies.
4. Real estate development.
5. Office equipment and supplies.
6. Computer hardware and software, and computer services.
7. Equipment rental.
8. Newspapers and printing.
9. Banks and Savings and Loans.
10. Pipes, valves, pumps, motors, meters or other water system materials, parts or equipment.
11. Sewer system chemicals or supplies, including chlorine and other such chemicals.
12. Petroleum products and supplies.
13. Public utilities and mutual water companies.
14. Title insurance and escrow companies or services.
15. Employment and manpower agencies.
16. Insurance and insurance services including brokers and agencies.
17. Safety equipment and supplies.
18. Motor vehicles, parts and service.
19. Fire prevention and fire fighting equipment, supplies and services.
20. Private investigation or protection related agencies, equipment and services.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 3, 2010

SUBJECT: Proposed Ordinance Amending Specific Text in the Norco Municipal Code to Correctly Reference the Title of Deputy City Manager/Director of Finance. Code Change 2010-02

RECOMMENDATION: Adopt Ordinance No. _____ for first reading.

SUMMARY: The Norco Municipal Code ("NMC") makes several references to the title of Director of Fiscal and Support Services. As this title has been reclassified to the title of Deputy City Manager/Director of Finance, the proposed Ordinance has been prepared to correctly reference that title throughout the entire NMC.

BACKGROUND/ANALYSIS: In May of 2009, the restructuring of duties and responsibilities necessitated a reclassification of the position of Director of Fiscal and Support Services to Deputy City Manager/Director of Finance. As the NMC references the title of Director of Fiscal and Support Services, an Ordinance has been prepared to amend that text throughout the specific Chapters of the NMC to correctly reference the reclassified title.

The Ordinance sites the specific Chapters and Sections where the title is referenced and shall be replaced with the title of Deputy City Manager/Director of Finance.

FINANCIAL IMPACT: N/A

/bj-74406

Attachment: Ordinance for First Reading

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO SPECIFIC TEXT IN THE NORCO MUNICIPAL CODE TO CORRECTLY REFERENCE THE TITLE OF DEPUTY CITY MANAGER/DIRECTOR OF FINANCE. CODE CHANGE 2010-02

WHEREAS, the Norco Municipal Code ("NMC") makes several references to the title of Director of Fiscal and Support Services; and

WHEREAS, this title has been reclassified to the title Deputy City Manager/Director of Finance; and

WHEREAS, amendments to the text throughout the specific Chapters of the NMC are required to correctly reference the reclassified title.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1: The title of Director of Fiscal and Support Services shall be replaced with the Deputy City Manager/Deputy City Manager in the following Chapters and Sections of the NMC as reflected below:

Chapter 2.12

2.12.010 Office established.

There is established the office of Deputy City Manager/Director of Finance.

2.12.020 Powers--Duties.

Pursuant to the provisions of Sections 37209 and 40805.5 of the Government Code, the powers and duties of the city clerk as imposed on the city clerk by Chapter 4, Part 2, Division 3 of Title 4 of the Government Code and by Sections 40802 and 40804 through 40805 of the Government Code are transferred to the Deputy City Manager/Director of Finance.

The Deputy City Manager/Director of Finance shall be the accounting officer of the city and shall maintain records readily reflecting the financial condition of the city.

He shall prepare all disbursements including payrolls and the preparation of invoices. He shall be responsible for inventory and budget control.

He shall prepare and publish financial reports as required by state law.

Chapter 3.36

3.36.040 Exemptions.

No tax shall be imposed upon:

- (1) Any person as to whom, or any occupancy as to which, it is beyond the power of city to impose the tax herein provided;
- (2) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a term prescribed by the Deputy City Manager/Director of Finance.

3.36.060 Registration.

Within thirty days after the effective date of this chapter, or within thirty days after commencing business, whichever is later, each operator or any hotel renting occupancy to transients shall register said hotel with the Deputy City Manager/Director of Finance and obtain from that office a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- (1) The name of the operator;
- (2) The address of the hotel;
- (3) The date upon which the certificate was issued; by registering with Deputy City Manager/Director of Finance for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Deputy City Manager/Director of Finance. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in any unlawful manner, not to operate a hotel without strictly complying with all local applicable laws including but not limited to those requiring a permit from any board, commission, department, agency or office of said City. This certificate does not constitute a permit.

3.36.070 Reporting and Remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Deputy City Manager/Director of Finance, make a return to the Deputy City Manager/Director of Finance on forms provided by that office, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Deputy City Manager/Director of Finance. The Deputy City Manager/Director of Finance may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this ordinance shall be held in trust for the account of the City until payment thereof is made to the Deputy City Manager/Director of Finance.

3.36.080 Penalties and Interest.

(1) Original Delinquency. Any operator who fails to remit any tax imposed by this ordinance within the time required shall pay a penalty of 10% of the amount of the tax in addition to the amount of the tax.

(2) Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10% of the amount of the tax in addition the amount of the tax and the 10% penalty first imposed.

(3) Fraud. If the Deputy City Manager/Director of Finance determines that the nonpayment of any remittance due under this ordinance is due to fraud, a penalty of 25% of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraph (1) and (2) of this section. (Ord. 836, Sec. 4; 2005)

(4) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one-half of 1% per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(5) Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be come a part of the tax herein required to be paid.

3.36.090 Failure to Collect and Report Tax.

Determination of tax by Deputy City Manager/Director of Finance. If any operator shall fail or refuse to collect said tax and to make, within the time provided in this ordinance, any report and remittance of said tax or any portion thereof required by this ordinance, the Deputy City Manager/Director of Finance shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Deputy City Manager/Director of Finance shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this ordinance and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this ordinance. In case such determination is made, the Deputy City Manager/Director of Finance shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the Deputy City Manager/Director of Finance for a hearing before said Deputy City Manager/Director of Finance on the amount assessed. If application by the operator for a hearing is not made within the time prescribed the tax, interest and penalties, if any, determined by the Deputy City Manager/Director of Finance shall become final and conclusive and immediately due and payable. If such application is made, the Deputy City Manager/Director of Finance shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the

Deputy City Manager/Director of Finance shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable fifteen (15) days after said written notice is given unless an appeal is taken as provided in Section 3.36.100 hereof.

3.36.100 Appeal.

Any operator who believes he is aggrieved by any decision of the city clerk with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council of city by filing a notice of appeal with the Deputy City Manager/Director of Finance within fifteen days of the serving or mailing of the determination of tax due. The council shall fix a time and place for hearing such appeal, and the Deputy City Manager/Director of Finance shall give notice in writing of said time and place for hearing to such operator at his last known place of address. The findings and determinations of the council at the hearing shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.36.110 Records.

It shall be the duty of every operator liable for the collection and payment to city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of any payment to the city which records the Deputy City Manager/Director of Finance shall have the right to inspect at all reasonable times and places.

3.36.120 Refunds.

(a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by city under this chapter, it may be refunded as provided in sections (b) and (c) of this section provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded is filed with the Deputy City Manager/Director of Finance within three years of the date of payment. The claim shall be on forms prescribed and furnished by the Deputy City Manager/Director of Finance.

(b) An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Deputy City Manager/Director of Finance that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

(c) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection (a) of this section, but only when the tax was paid by the transient directly to the Deputy City Manager/Director of Finance or when the transient having paid the tax to the operator, establishes to the satisfaction of the Deputy City

Manager/Director of Finance that the transient has been unable to obtain a refund from the operator who collected the tax.

(d) No refund shall be paid under the provisions of this section unless the claimant establishes his right hereto by written records showing entitlement thereto.

3.36.130 Actions to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owned by the transient to city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city of Norco for the recovery of such amount.

3.36.140 Violations.

It shall be unlawful for any operator or other person to fail or refuse to register as required herein, or to furnish any return required to be made, or to fail or refuse to furnish a supplemental return or other data required by the Deputy City Manager/Director of Finance or to render a false or fraudulent return or claim, or to make, render, sign or verify any report or claim which is false or fraudulent.

Chapter 6.45

6.45.100 Penalty.

Any manure collection service billing which is unpaid in whole or in part on the date due is declared delinquent. A penalty in the amount of 10 percent of the unpaid balance of such bill, including any charges stated therein, shall be imposed. The City Manager or Deputy City Manager/Director of Finance shall have the authority to waive or remove penalty charges for reasonable causes.

Chapter 14.04

14.04.045 Designated.

- (a) "City" means City of Norco.
- (b) "Cost" means the cost of labor, material, transportation, supervision, engineering, legal services and all other necessary overhead expenses.
- (c) "Council" means the City Council of City.
- (d) "Cross-connection" means any physical connection between the piping system from the city service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the city distribution mains.
- (e) "Director" means the City's Public Works Director on infrastructure matters and Deputy City Manager/Director of Finance on water billing/collection matters.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity

of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held March 17, 2010.

Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on March 3, 2010 and thereafter at a regular meeting of said City Council duly held on March 17, 2010, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on March 17, 2010.

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

/bj-74566

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Manager 

DATE: February 3, 2010

SUBJECT: Urgency Ordinance for the Extension of an Existing Moratorium on the Approval of New Plans for the Construction of Accessory Structures that Exceed 2,500 Square Feet on Residentially and Agriculturally-Zoned Properties

RECOMMENDATION: Adopt **Ordinance No. ____** (urgency), extending the existing moratorium to February 18, 2011 on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially and agriculturally-zoned properties.

SUMMARY: The City Council and Planning Commission have been working to amend the Norco Municipal Code (NMC) to address excessively large accessory structures in residential and agricultural zones. Staff and the Planning Commission are currently in review of a revised proposal that is anticipated to get to the City Council in March, but it will not be before the current moratorium expires. The proposed moratorium extension will allow staff and Planning Commission to finish a recommendation to the City Council.

BACKGROUND/ANALYSIS: The current code regulations regarding the size of accessory structures still allow very large structures that have the potential to eliminate future animal-keeping potential on some lots and can have a negative impact to neighboring properties and neighborhoods. A moratorium was adopted on accessory structures that exceed 2,500 square feet (excepting structures that have dirt floors only) and that moratorium is due to expire on February 18, 2010. State law allows for extensions of moratoriums provided that progress is being made toward new regulations that will replace the need for the moratorium.

The City Council has reviewed two separate recommendations in the past year from the Planning Commission; and the Planning Commission and staff are currently working on a revised recommendation that addresses the concerns that have been brought up by the City Council in the previous reviews. It is anticipated that the revised recommendation will be ready for review by the City Council in March 2010.

FINANCIAL IMPACT: N/A

/sk-71941

Attachments: Ordinance No. ____

Agenda Item 7.B.

ORDINANCE NO. ____

AN URGENCY ORDINANCE OF THE CITY OF NORCO EXTENDING AN EXISTING MORATORIUM ON THE APPROVAL OF NEW PLANS FOR THE CONSTRUCTION OF ACCESSORY STRUCTURES THAT EXCEED 2,500 SQUARE FEET ON RESIDENTIALLY AND AGRICULTURALLY-ZONED PROPERTIES

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

SECTION 1: Purpose and findings.

A. Accessory structures are a permitted use in the City where the only control on the size of said structures in residentially and agriculturally-zoned properties is a limitation on the maximum coverage of the flat pad area. This, however, does not take into account the disparity in lot and pad sizes of existing residentially and agriculturally-zoned lots in the City and the potential for excessively-large accessory structures on some lots.

B. A City's General Plan is commonly referred to as the "constitution" for development within the City. It is a comprehensive statement of the community's vision of its long-term or ultimate physical form and development policies. The General Plan, and the implementing City zoning ordinances establish goals, policies, and regulations to provide for the harmonious and orderly development of land uses in the City and to protect the public health, safety, and welfare. One of the stated goals of the Land Use Element is the preservation of a small plot, agricultural/animal-keeping lifestyle which by its nature requires a unique approach to land use for a city in an urban setting. Excessively large accessory buildings are seen as a potential threat to this stated goal of the Land Use Element.

C. The City Council hereby finds that there does not exist in the Norco Municipal Code (NMC) adequate information and standards for the regulation of large accessory structures.

D. The City Council finds it appropriate that City staff continue studying possible amendments to the City's General Plan and Zoning Ordinance relating to the size of allowed accessory structures and further finds that in order to analyze and examine specific criteria and standards and impacts concerning the construction of large accessory structures on residentially and agriculturally-zoned properties within the City the current moratorium on any such structures must be extended.

E. The City Council does hereby adopt an urgency ordinance extending the existing moratorium on the approval of new plans for the construction of accessory structures that exceed 2,500 square feet on residentially and agriculturally-zoned properties, which moratorium was ordered extended for a period of 10 months and 13 days from the ending date of the temporary moratorium that ended on April 5, 2009; and was thereafter amended on September 2, 2009 to exclude from the moratorium structures that exceed 2,500 square feet provided that the floors remained dirt.

F. The City Council finds that the current moratorium on any such structures that expires on February 18, 2010 shall be extended; and hereby orders a moratorium extension for a period of 12 months to February 18, 2011.

SECTION 2: Interim prohibition/moratorium on land use approvals and building permits in all residential and agricultural residential zoning districts for accessory structures that exceed 2,500 square feet and do not have dirt floors, or are not otherwise subject to approval of a conditional use permit. Based on the foregoing, the City Council further finds that the issuing of any building permit for any accessory structure that exceeds 2,500 square feet would constitute an immediate danger and threat to the public health, peace, safety and welfare to citizens of Norco.

Based on the findings set forth herein, the facts and evidence presented in staff's report to the City Council on this matter, and the written and verbal testimony presented by City staff and members of the Norco community, no building permit or other applicable entitlement shall be issued for any accessory structure that exceeds 2,500 square feet in residentially and agriculturally-zoned properties that has other than a dirt floor, or is not otherwise subject to approval of a conditional use permit by the City of Norco Planning Commission.

SECTION 3: Immediate threat to health, safety and welfare. Based on the findings herein, this ordinance is adopted pursuant to California Government Code Section 65858 to address a current and immediate threat to the public health, safety and welfare. This City Council has determined that, without further appropriate study by City staff relating to the conditions under which large accessory structures will be regulated within the City's residential and agricultural/residential zones, issuing building permits and any other applicable entitlement for accessory structures larger than 2,500 square feet could subject the City and its citizens to the adverse effects, and thus result in a threat to the public health, safety and welfare.

SECTION 4: Effective Period. In accordance with California Government Code Section 65858, this ordinance shall be in full force and effect for a period of 12 months from the ending date of the current moratorium, or February 18, 2010, having been extended from the ending date of the original temporary moratorium, or April 5, 2009.

SECTION 5: Written Report. Pursuant to Section 65858 of the California Government Code, a written report has been issued describing the measures thus far taken to alleviate the conditions which led to the adoption of a moratorium ordinance.

SECTION 6: Conflicting Laws. For the term of this ordinance, as set forth in Section 4 above, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of the City's Municipal Code, or any ordinance, resolution or policy of the City, all such conflicting provisions shall be suspended.

SECTION 7: Conflicting Laws. Pursuant to CEQA Guidelines (California Code of Regulations, §§ 15000 *et seq.*) Section 15061, this City Council finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this ordinance will have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) and the City's Guidelines for Implementation of CEQA and the project is therefore exempt. CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this ordinance will maintain existing environmental conditions and have no effect on the environment because the effect will be to prohibit the approval of accessory structures that exceed 2,500 square feet in residentially-zoned properties, for the limited period of 10 months and 13 days from the ending date of the current temporary moratorium, or April 5, 2009.

SECTION 8: Severability. In any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part hereof, is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unlawful.

SECTION 9: Adoption. This ordinance shall be adopted by no less than a four-fifths vote of the City Council pursuant to Government Code Section 65858.

SECTION 10: Publication and Posting. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the newspaper of general circulation within the City.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 3, 2010.

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 Urgency Ordinance was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 3, 2010 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 February 3, 2010.

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