



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
APRIL 7, 2010

CALL TO ORDER: Mayor Miller called the meeting to order at 6:13 p.m.

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

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

Deputy City Attorney Burns – **Present**

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

Section 54956.8 – Conference with Real Property Negotiator

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

Negotiating Parties: Norco Redevelopment Agency and EnviroFinance Group

Points Under Negotiation: Price and Terms of Payment

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Groves and Deputy City Manager/Director of Finance Okoro

Employee Organization: Norco Battalion Chiefs Association
Norco Firefighters Association
Norco General Employees Association
Norco Public Works & Parks Maintenance Workers Association

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Miller reconvened the meeting at 7:12 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Hanna

INVOCATION: John Vines, Assistant to the Pastor
New Beginnings Community Church

PROCLAMATION: Yoshimi Yasui
Volunteer work in Haiti

Mayor Miller presented Yoshimi Yasui with a proclamation acknowledging her volunteer work in Haiti. Yoshimi stated that she was trained in four (4) days to perform as a surgical tech while volunteering. A proclamation from Assemblyman Jeff Miller was also presented to her in recognition of her volunteer efforts.

PRESENTATION: Norco High School Student Assistance Program
Community Delinquency Prevention First Place Award Recipient
Dr. Gina Boster

Lt. Cooper commented on the Student Assistance Program at the Norco High School. He further congratulated Dr. Boster and students for the First Place Award that was received by the Norco High School for its participation through this Program.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

- A. CRA Minutes:
Special Meeting of March 24, 2010
Regular Meeting of March 17, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)

M/S Bash/Hanna to approve the CRA Minutes. The motion was carried by the following roll call vote:

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

- B. Resolution Declaring the Intent of the Norco Redevelopment Agency to Dispose of Agency-Owned Real Properties Identified as APN 130-162-039-7 on Acacia Avenue and APN 122-080-051-5 on Valley View Avenue for Development of Infill Housing. **Recommended Action: Adopt CRA Resolution No. 2010-____.** (Housing Manager)

M/S Bash/Sullivan to adopt CRA Resolution No. 2010-07. The motion was carried by the following roll call vote:

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

JOINT CRA/CITY COUNCIL AGENDA AS FOLLOWS:

2. JOINT CRA/CITY CONSENT CALENDAR ITEM:

- A. Ordinance No. 921, Second Reading.** Ordinance Amending the Redevelopment Plan for Norco Redevelopment Project Area No. One (the "Original Area") and the Territory Added by Amendment No. 1 (the "Amendment No. 1 Area") to Extend by Two Years the Time Limits on the Effectiveness of the Redevelopment Plan and the Time Limits on the Repayment of Indebtedness and the Receipt of Tax Increment from the Original Area and the Amendment No. 1 Area. **Recommended Action: Adopt Ordinance No. 921.** (City Clerk)

M/S Sullivan/Azevedo to adopt Ordinance No. 921. The motion was carried by the following roll call vote:

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

OTHER CRA MATTERS: No Other CRA Matters

ADJOURNMENT OF CRA: 7:32 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

Council Member Sullivan pulled Item 3.G and Mayor Pro Tem Hanna pulled Item 3.H.

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

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

- A. City Council Minutes:
Special Meeting of March 24, 2010
Regular Meeting of March 17, 2010
Recommended Action: Approve the Council Minutes (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of March 31, 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. Establishment of a Part-Time, Temporary and Seasonal Employees (PTS) Deferred Compensation Plan. **Recommended Action: Adopt Resolution No. 2010-14, approving a PTS deferred compensation plan and the VantageTrust.** (Deputy City Manager/Director of Finance)
- E. Acceptance of the Sheriff Station Expansion Project as Complete.
Recommended Action: Accept the Sheriff Station Expansion Project as Complete and File a Notice of Completion. (Director of Parks, Recreation and Community Services)
- F. Making Findings and Continuing Existing Rates for Maintaining Flood Control Channels within County Service Area CSA-152. **Recommended Action: Adopt Resolution No 2010-15, making findings and continuing existing rates for maintaining flood control channels within County Service Area CSA-152.** (Deputy City Manager/Director of Finance)
- G. Acceptance of the "Irrevocable Offer to Dedicate" Parkview Drive of Tract 25779. **Recommended Action: Adopt Resolution No. 2010-___, accepting the "Irrevocable Offer to Dedicate" Parkview Drive for public use for street and public utility purposes.** (Director of Public Works) **PULLED FOR DISCUSSION**
- H. Accept Bids and Award the Contract for the Sierra Avenue Street Improvement Project. **Recommended Action: Award the contract to All American Asphalt in the amount of \$535,025.40 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Director of Public Works) **PULLED FOR DISCUSSION**

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

- 3.G. Acceptance of the “Irrevocable Offer to Dedicate” Parkview Drive of Tract 25779. **Recommended Action: Adopt Resolution No. 2010-___, accepting the “Irrevocable Offer to Dedicate” Parkview Drive for public use for street and public utility purposes.** (Director of Public Works)

Council Member Sullivan asked for clarification on the site. Public Works Director Thompson noted that this site was dedicated for right-of-way purposes and that it will provide access to our lift station.

M/S Sullivan/Azevedo to adopt Resolution No. 2010-16, accepting the “Irrevocable Offer to Dedicate” Parkview Drive for public use for street and public utility purposes. The motion was carried by the following roll call vote:

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

- 3.H. Accept Bids and Award the Contract for the Sierra Avenue Street Improvement Project. **Recommended Action: Award the contract to All American Asphalt in the amount of \$535,025.40 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Director of Public Works)

Mayor Pro Tem Hanna requested clarification on this project from Public Works Director Thompson. Director Thompson specified what the project consisted of and what areas would be included.

Council Member Azevedo confirmed that the funding for the Project is through Measure A and Street Capital Improvement Program funds and not from the General Fund.

M/S Hanna/Bash to Award the contract to All American Asphalt in the amount of \$535,025.40 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount. The motion was carried by the following roll call vote:

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

5. CITY COUNCIL PUBLIC HEARING:

A. Ordinance Establishing Regulations for Smoking in Public Parks

In an effort to promote and preserve a healthy environment for children and enhance the quality of life for members of the community, the City Council, at its March 3, 2010 meeting, requested that the Parks and Recreation Commission discuss the issue of smoking in public parks. An ordinance has been drafted for the purpose of regulating and reducing the harmful primary and secondary effects associated with tobacco use and the current threat the effects pose to the public health, safety, and welfare.

Recommended Action: Adopt Ordinance No. _____ for first reading.
(Director of Parks, Recreation & Community Services and Lt. Cooper)

Director Petree and Lt. Cooper presented the City Council item and noted the discussions held by the Parks and Recreation Commission and the UNLOAD Committee.

Donna Newton. Ms. Newton stated that she has been collaborating with the Friday Night Live Group and confirmed that the funding for the signs would be available through the In-the-Zone Tobacco Project.

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

Pat Hedges. Ms. Hedges stated that she has no problem with “no smoking” in the parks but stated that the “no smoking” in the adjacent areas would be unenforceable. Lt. Cooper added that this included only these areas in the park.

James Jo. Mr. Jo spoke representing the Riverside County Tobacco Control Project and commented on the ordinance and listed numerous California communities that have adopted similar ordinances. He further commented on the negative effects from cigarette smoking and the toxicity of the litter caused by the habit. He concluded that there is really no constitutional right to smoke.

Pamela Smith. Ms. Smith stated that there is no constitutional right to take her right to smoke away.

Su Bacon. Ms. Bacon stated that she understands the heart and the motive of this ordinance, but argues that this is government intrusion and added that littering is not currently enforced in the parks.

Lois Loock. Ms. Loock stated that she is against any more regulations taken away from those who smoke and also pay for the parks that the Council is putting restrictions on.

Pat Overstreet. Ms. Overstreet stated that it is a good idea to have a non-smoking area in the bleachers at Ingalls Equestrian and Event Center.

Don Bowker. Mr. Bowker stated that his rights would be taken away if this ordinance was not passed. He noted that there should be designated smoking areas at Ingalls and “no smoking” throughout the rest of the facility.

The teacher and advisor of Friday Night Live, along with several students were in attendance and stated that they went to six parks for two hours picking up cigarette butts. They found and picked up over 1,600 in that time period. Two weeks later, they went back to the same locations and found and picked up 1,100 cigarette butts. A representative from the American Cancer Society was also in attendance and stressed that it is not just the children experiencing the second hand smoke, but it is the right of the entire community to have a safe environment to play in, as most of the cigarette butts were picked up in tot lot play areas.

Jeanine Adams. Ms. Adams stated that she is on the Parks and Recreation Commission as well as attends the UNLOAD Committee meetings. She noted that the negative effects on others is what this is all about and added that the Commission and UNLOAD did not want this to be an unreasonable enforcement issue for the Sheriff Department.

Mayor Miller CLOSED the public hearing.

Mayor Pro Tem Hanna stated that he is in opposition to this ordinance because it steps on our rights and the lack of enforcement that will be available. He added that he has no problem with “no smoking” in the bleachers at Ingalls.

Council Member Azevedo stated that this is a wonderful process to see and hear the concerns from the Norco High School students. She noted that she supports the “no smoking” in the bleachers at Ingalls.

Council Member Sullivan stated that he has been talking to a lot of people about this ordinance and most are against this as they feel that too many of their rights have been taken away by government. He added that he is not sure that passing this ordinance would have an effect on the parents smoking in the tot lot play areas, as most likely it is the parents of the tots that are smoking. He further noted that most people already respect the rights of others in the bleachers at Ingalls and cannot support this ordinance.

Mayor Miller commended the students and individuals that took part in this discussion and noted how we can civilly discuss issues. He briefly commented on the rights of non-smokers and spoke in favor of this ordinance.

M/S Bash/Azevedo to adopt Ordinance No. 922 for first reading. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL ITEM FOR ACTION:

- A. Approval of a Lease Agreement with the Norco Fair Committee for a Community Fair at the George Ingalls Equestrian Event Center

At its February 17, 2010 meeting, the City Council authorized the City Manager and staff to negotiate terms with a community organization, the Norco Fair Committee, for the use of the George Ingalls Equestrian Event Center to put on a fair over Labor Day weekend. Staff has met with the Norco Fair Committee and has reached agreement upon the proposed terms of a Lease Agreement for the use of the George Ingalls Equestrian Event Center.

Recommended Action: Approve the Lease Agreement with the Norco Fair Committee for use of the George Ingalls Equestrian Event Center.
(Director of Parks, Recreation & Community Services)

Director Petree presented the City Council item and noted the terms as presented in the proposed Lease Agreement.

Jim Sassin. Mr. Sassin stated that he worked with Director Petree and Lt. Cooper on this event and thanked them for their ideas and assistance given.

Lois Loock. Ms. Loock informed the Council that she is not a board member of the “real” Norco Chamber of Commerce. She commented on the letter from Mr. Jim Sassin to the City and stated that the Norco Chamber of Commerce had not received its funds from the City. She further commented on the City’s actions taken regarding the fair.

Tommy Vaughn. Mr. Vaughn stated that he is opposed to the \$15,000 give-away as it was ear-marked in the City’s budget for the Chamber. If the Chamber had been given the funds and had the fees waived last year for the fair, they would not be in this situation. He further commented on the downfall of the Chamber and requested that the City take the \$15,000 and pay off the debtors that the Chamber owes.

Cara McCray. Ms. McCray stated that she is a volunteer and in charge of the Queens pageant. She supports Mr. Vaughn regarding the \$15,000 being used to pay off the Chamber’s debtors. She further commented on the negative effects of the two groups in opposition to each other.

Vern Showalter. Mr. Showalter stated that Council is doing for this group what they did not do for the Norco Chamber.

Su Bacon. Ms. Bacon stated that no one took away the fair from the Chamber and added that the last few years showed a decline in the fair. She added that she is hoping that in going forward, both parties can be civil.

Pat Overstreet. Ms. Overstreet stated that she understands that the \$15,000 is seed money for this group and that the profits will be available for next year's fair.

Don Bowker. Mr. Bowker stated that he is on the Hall of Fame Committee and the Council approved seed money for this group. He added that he supports the seed money given to this organization and he knows that the group will be financially transparent.

Robert Leonard. Mr. Leonard stated that the individuals working on the new fair are local people with no agenda and are just trying to put on the fair. He added that if they make a profit, the money will be used for the next fair.

Wendy Hartley. Ms. Hartley stated that the fair is a great opportunity to bring income to the City and expose others to what the City stands for -- "City Living in a Rural Atmosphere."

Jim Sassin. Mr. Sassin stated that he would like to let everyone know that this is a community fair that will be affordable to all involved. He noted the negative comments made by Mr. Vaughn about him.

Linda Dixon. Ms. Dixon stated that she is part of the committee and is so proud of the group that has come together to hold the fair. She added that they have their hearts in this and know what they are doing. She noted that transparency is required for accountability to the City.

Jeanine Adams. Ms. Adams commented on the failure of the past fairs and is in support of the new committee. She noted that the Chamber should pay its own bills and that the City should not pay the bills for them.

Cara McCray. Ms. McCray stated that she was not in opposition to either group and commented on why the two groups should have worked together.

Council Member Sullivan stated that he does not believe in this process and abstained the last time this was voted on. He added that he thought the direction given to staff was to negotiate with both groups and the first group to come up with the money would be given the rights. He noted that the money part bothers him as it is tax-payers money. Council Member Sullivan stated that the Sheriff Department cost is high at events and added that we don't have a problem at our events to require that service. He noted that he is against this overprotection and believes that groups can handle their own security. He added that he will be abstaining.

Council Member Azevedo stated that she had been on the fair committee for over 20 years and has been on both sides fighting for the fair as a Chamber member. She noted that there is really not a Chamber of Commerce any more and commented on what the real constitution of a Chamber should be. Council Member Azevedo stated that the City needs the help of a Chamber during these economic times and to allow the Chamber group back on City property would condone the behavior of not paying non-profits and the City what is owed. She stated that she is concerned about giving the committee the \$15,000, but would consider a possible loan, as they do not have the overhead of the other group and could pay the City back.

Council Member Bash commented on the City's budget shortfall and noted the great things happening in this City. He added that this is a business decision made by the Council and this group gives the Council every reason to believe that they are a credible group. Council Member Bash stated that he cannot see giving the \$15,000 to the committee, but can agree to a loan. He also added that he would agree to waiving the fees.

Mayor Pro Tem Hanna commented on the disruptive appearance that the Chamber reflects to the outside communities. He added that he supports the new group and is glad that the FFA can continue with their livestock show. Mayor Pro Tem Hanna stated that he has no problem waiving the fees this year and agrees to a loan in the amount of \$15,000.

Mayor Miller stated that as a community, we have not been happy with how the fair has been organized, as well as the lack of financial transparency. He added that he has no problem with advancing the seed money because that is what the committee needs. Mayor Miller stated that he is confident that if the organization makes money, they will pay the seed money back to the City, but is not in favor of making this a condition.

Tommy Vaughan. Mr. Vaughan spoke in opposition to the discussed terms of a \$15,000 loan.

M/S Azevedo/Bash to approve the Lease Agreement with the Norco Fair Committee for use of the George Ingalls Equestrian Event Center with the stipulation that within ninety (90) days of the final day of the fair, the \$15,000 in the form of a loan will be due and payable, as well as an actual accounting of expenditures and revenue for said event. The motion was carried by the following roll call vote:

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

7. PUBLIC COMMENTS OR QUESTIONS:

Pamela Smith. Ms. Smith invited everyone to NHA's Casino Night on Saturday evening.

Ed Dixon. Mr. Dixon thanked the City Manager for the new sound system.

Karen Leonard. Ms. Leonard commented on the Cal Poly Pomona College Rodeo this coming weekend.

Don Bowker. Mr. Bowker thanked Public Works Director Thompson for the repair work on the trails in the Norco hills area. He also requested that the trails be brought back to the standard in which they were built.

Vern Showalter. Mr. Showalter congratulated the Council on its decision regarding the community fair.

8. OTHER MATTERS – COUNCIL:

Council Member Bash:

- ✚ Commented on the May 1st Founders Day Ride and the April 24th Earth Day at the Navy Base.

Council Member Azevedo:

- ✚ Commented on the signatures that were being gathered regarding the RDA funds being taken away by the State and noted that the League is running 100,000 short of the required signatures to place this on the ballot.
- ✚ Commented on the WRCOG meeting she attended and noted that at that meeting, she voted not to support the Safe, Clean, Reliable Drinking Water Supply Act of 2010, which is an \$11.14 billion general obligation bond measure.

Council Member Sullivan:

- ✚ Commented on the meetings held with R. J. Brandes for discussion purposes regarding the Silverlakes development and further noted the benefits that this project will provide for Norco.

Mayor Miller:

- ✚ Stated that he serves on the Riverside County Transportation Commission, as well as the Southern California Association of Governments, where discussions are taking place regarding the bullet train that will cost in excess of \$100 Billion. He noted that one of the options presented would take out Norco's entire commercial district and added that he supports the project being "derailed" as it would place the State in further debt.

9. OTHER MATTERS – STAFF:

- A. Research Regarding the Composition of the Corona-Norco Unified School District Governing Board. (City Manager)

City Manager Groves stated that the research regarding this issue was provided in the report and further discussion will take place at future Corona Norco Schools Committee meetings. She noted that recent court cases could affect the future make up of School District Boards. City Manager Groves stated that she was contacted by the Superintendent of the Corona-Norco Unified School District today and that their Board Members are willing to meet more frequently to discuss this issue.

10. ADJOURNMENT: There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 9:27 p.m.

BRENDA K. JACOBS
CITY CLERK

/bj-75255