



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
AUGUST 4, 2010

CALL TO ORDER: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Azevedo

INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher

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 July 21, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)
 - B. Request for the Norco Redevelopment Agency to be a “Silver” Sponsor of the Horsetown USA Hall of Fame. **Recommended Action: Approve the request to become a “Silver” Sponsor in the amount of \$1,500 for the Horsetown USA Hall of Fame.** (Executive Director)
2. CRA PUBLIC HEARING:
 - A. Approval of a Purchase and Sale Agreement by and between Daniel Schlossberg and the Norco Redevelopment Agency for Agency-Owned Property Located at 1468 Second Street

As part of the Second Street Widening Project, the Norco Redevelopment Agency purchased all of the property at 1468 Second Street and then demolished the substandard structures on that property. The adjacent property owner, Daniel Schlossberg, located at 1885 Valley View Avenue, has offered to purchase the remaining property after the dedication of the necessary right-of-way and merge this property with his to create one parcel.

Recommended Action: Adopt CRA Resolution No. 2010-___, authorizing, as required by Health and Safety Code §33433, the approval of the sale of Agency-owned property at 1468 Second Street acquired for the widening of Second Street in the amount of \$60,000. (City Engineer)

OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No. 4 of the Agenda)*
 - A. City Council Minutes:
Special Joint Meeting and Regular Meeting of July 21, 2010
Recommended Action: Approve the City Council Minutes (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - C. Designation of Voting Delegates for the 2010 League of California Cities Annual Conference. **Recommended Action: That the City Council designate Mayor Pro Tem Hanna as Norco's voting delegate and designate Council Member Azevedo as Norco's alternate.** (City Clerk)
 - D. Approval of the Implementation Agreement for the Santa Ana Regional Municipal NPDES Permit – 2010. **Recommended Action: Approve the NPDES Urban Runoff Discharge Implementation Agreement Santa Ana Region.** (Public Works Director)
 - E. Approval of a One-Year Maintenance Services Contract Extension with Orange County Striping Service, Inc. to Provide Street Striping and Pavement Marking Services. **Recommended Action: Approve the one-year Maintenance Services Contract extension with Orange County Striping Service, Inc. through June 30, 2011.** (Public Works Director)
 - F. Approval of a Two-Year Maintenance Services Contract Extension with Republic ITS, to Provide Traffic Signal Maintenance Services. **Recommended Action: Approve the two-year extension of the Traffic Signal Maintenance Services Agreement with Republic ITS, through June 30, 2012.** (Public Works Director)

- G. Norco Firefighters Association's (NFA) Annual pancake Breakfast. **Recommended Action: That the City Council permit the NFA to continue to use Station 22 to host a community pancake breakfast on an annual basis.** (City Manager)
- H. Amendment to the Horsetown USA Sign Program. **Recommended Action: Approve the amendment to the Horsetown USA Sign Program to include all signs, where appropriate, either developed and/or constructed by the City, and include the Horsetown USA Logo and the City Seal.** City Manger)

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

5. CITY COUNCIL PUBLIC HEARING:

- A. City-Initiated Proposal to Add Chapter 18.58 to the Norco Municipal Code Entitled "Historic Preservation Overlay Zone". (Zone Code Amendment 2010-02)

The purpose of the proposed Historic Preservation Overlay Zone is to allow the City to protect the historic integrity of areas having a significant concentration of historic resources. The Planning Commission reviewed the proposed zone code amendment at its meeting on July 14, 2010 and recommended approval after some modifications to the proposed text. The Historic Preservation Commission also recommended approval at its meeting held on May 13, 2010.

Recommended Action: Adopt Ordinance No. ____ for first reading.
(Planning Director)

6. CITY COUNCIL ITEMS FOR ACTION:

- A. Resolution in Support for Arizona's Adoption of Senate Bill 1070

The Members of the City Council unanimously recommended that a resolution be adopted in support of Arizona SB 1070. The proposed resolution resolves that the City Council stands with the people of Arizona and supports the right of the State of Arizona to create laws to protect and defend its citizens and our country.

Recommended Action: Adopt Resolution No. 2010-____, expressing support for Arizona's adoption of Senate Bill 1070. (City Manager)

B. Discussion of a Potential Ordinance Stipulating Contractor Requirements Related to the Use of E-Verify

At its July 21, 2010 meeting, the City Council directed staff to agendize a discussion item on the E-Verify Program. The City of Norco currently uses E-Verify for all new employees hired by the City. The Council request is to discuss making the use of E-Verify a requirement for all contractors that provide products or services to the City.

Recommended Action: That the Council Members reach consensus regarding bringing forward an ordinance stipulating contracting requirements related to the use of E-Verify. (City Manager)

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

/bj-75865



MINUTES CITY OF NORCO

SPECIAL JOINT MEETING – AB 1234 ETHICS EDUCATION
CITY COUNCIL / HISTORIC PRESERVATION COMMISSION
PLANNING COMMISSION / PARKS AND RECREATION COMMISSION
STREETS, TRAILS AND UTILITIES COMMISSION
CONFERENCE ROOMS "A" & "B"
NORCO CITY HALL – 2870 CLARK AVENUE
JULY 21, 2010

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1. CALL TO ORDER: Mayor Miller called the meeting to order at 3:00 p.m.
 2. ROLL CALL:
 - Mayor Malcolm G. Miller, M.D., **Present**
 - Mayor Pro Tem Berwin Hanna, **Present**
 - Council Member Kathy Azevedo, **Present**
 - Council Member Kevin Bash, **Present**
 - Council Member Harvey C. Sullivan, **Present**
 - Staff**
 - City Manager Beth Groves, **Present**
 - Deputy City Manager/Dir. of Finance Andy Okoro, **Present**
 - Public Works Director Bill Thompson, **Present**
 - City Clerk Brenda Jacobs, **Present**
 - Historic Preservation Commission**
 - Commission Member Linda Dixon, **Present**
 - Commission Member Matthew Potter, **Present**
 - Planning Commission**
 - Commission Member Pat Hedges, **Present**
 - Commission Member Dave Henderson, **Present**
 - Commission Member Greg Newton, **Present**
 - Parks and Recreation Commission**
 - Commission Member Richard Hallam, **Present**
 - Commission Member Jeanine Adams, **Present**
 - Streets, Trails and Utilities Commission**
 - Commission Member Glenn Hedges, **Present**
 - Commission Member Vernon Showalter, **Present**
 - Commission Member Cathey Burt, **Present**
 - Commission Member Tony Mauro, **Present**
 - Commission Member Sherry Walker, **Present**
 3. PUBLIC COMMENTS OR QUESTIONS: No public comments received.
 4. AB 1234 ETHICS EDUCATION: City Attorney John Harper
 5. ADJOURNMENT: There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 5:00 p.m.

BRENDA K. JACOBS
CITY CLERK



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
JULY 21, 2010

CALL TO ORDER: Mayor Miller called the meeting to order at 6:08 p.m.

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

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

City Attorney Harper – **Present**

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

Section 54956.9 – Conference with Legal Counsel – Existing Litigation

Case Name: CACERF Norco, LLC vs. City of Norco
Case Number: RIC 10010637

Case Name: Norco Redevelopment Agency vs. Jeffrey D. Wilhelm and Jeffrey D. Wilhelm, LLC
Case Number: RIC 10008244

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Miller reconvened the meeting at 7:04 p.m.

PLEDGE OF ALLEGIANCE: Council Member Kevin Bash

INVOCATION: Calvary Chapel – Norco
Pastor Louie Montieth

PRESENTATION: NorcoWeb Project
Council Member Bash

City Manager Groves introduced the NorcoWeb project and noted that it was strongly supported by the Economic Development Advisory Council and is designed to be used free of charge by Norco businesses for promotion purposes. Council Member Bash presented the proposed web site and noted that over 1,100 photographs have been taken by his wife, Brigitte Jouxte Bash. Council Member Bash stated that the web site will provide information on the City, local businesses, the history of the City, youth sports

activities, a community calendar, local ranch information, and much more. Council Member Bash stated that this is a new kind of approach for Economic Development to help create commerce in the City. In closing he noted that photographs will be taken of the businesses promoted on the web site and persons interested should contact him.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

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

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

- A. CRA Minutes:
Regular Meeting of July 7, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)

2. OTHER CRA MATTERS: No other CRA matters.

ADJOURNMENT OF CRA: 7:18 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

Mayor Pro Tem Hanna pulled Item 3.D.

M/S Bash/Azevedo 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 June 29, 2010
Regular Meeting of July 7, 2010
Recommended Action: Approve the City Council Minutes (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of July 14, 2010.
Recommended Action: Receive and File (Planning Director)

- C. Procedural Step to Approve Ordinance after Reading of Title Only. **Recommended Action: Approval** (City Clerk)
- D. Resolution Accepting a Grant in the Amount of \$90,000 from the California Office of Traffic Safety and Increasing Revenue, Appropriation and Expenditure. **Recommended Action: Adopt Resolution No. 2010-42.** (Lt. Cooper) **PULLED FOR DISCUSSION**
- E. Quarterly Investment Report for Quarter Ended June 30, 2010. **Recommended Action: Staff recommends that the City Council receive and file the Quarterly Investment Report for the Quarter Ended June 30, 2010.** (City Treasurer)
- F. Ratification of the Fiscal Year 2010-2011 Western Riverside County Regional Wastewater Authority Budget. **Recommended Action: Adopt Resolution No. 2010-43, adopting the Fiscal Year 2010-2011 Western Riverside County Regional Wastewater Authority Budget establishing rates to be charged for conveyance, treatment and disposal of wastewater.** (Public Works Director)
- G. Request to Extend the Contract for the Annual On-Call Street Maintenance Program with Caliber Paving Company, Inc. **Recommended Action: Approve the extension of the Contract for one (1) year.** (Public Works Director)

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

- 3.D. Resolution Accepting a Grant in the Amount of \$90,000 from the California Office of Traffic Safety and Increasing Revenue, Appropriation and Expenditure. **Recommended Action: Adopt Resolution No. 2010-____.** (Lt. Cooper)

Mayor Pro Tem Hanna inquired from Lt. Cooper what the grant would be used for. Lt. Cooper replied that the bulk of the grant money will be used to increase the number of deputies in the City and the rest will probably be used for two DUI check points.

M/S Hanna/Bash to Adopt Resolution No. 2010-42. 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 HEARINGS:

A. Continuation of Landscape Maintenance Districts for the 2010-11 Fiscal Year

Existing landscape maintenance districts (LMDs) must be reviewed and approved annually to continue assessments for the districts. The annual Consumer Price Index (CPI) adjustment per parcel assessment in all districts is 0% according to the 2009 CPI. The City has added to the contract with Valley Crest Landscape, the contractor maintaining the landscape slopes within the districts, to maintain the equestrian trails within the four districts which have trails. This will result in a savings in all of these districts over City staff maintaining the trails. Valley Crest began maintaining the trails on July 1, 2010.

Recommended Actions: That the City Council open the Public Hearing and if no more than 50 percent of the property owners within the District protest, it would be appropriate to adopt Resolution No. 2010-____, (Beazer); Resolution No. 2010-____, (Western Pacific); Resolution No. 2010-____, (Centex); Resolution No. 2010-____, (Norco Ridge Ranch); Resolution No. 2010-____, (Hawk's Crest), ordering the continuation of a Landscaping Maintenance District and confirming a diagram and assessment and providing for an annual assessment levy. (City Engineer)

City Engineer Milano presented the public hearing item noting the following regarding each LMD:

LMD No. 1 - The estimated cost to maintain the District is proposed to increase from \$12,141 to \$12,709 but with the application of previous year's surpluses, the assessment per lot will remain at the 2008/09 level of \$125.33 for a net assessment of \$8,397.00.

LMD No. 2 - The estimate of cost to maintain the District is proposed to decrease from \$186,496 to \$171,353. With the application of previous year's surpluses, the assessment is proposed to remain at previous years' level of \$575.03 per parcel for a net assessment of \$125,931. The decrease in the budget is due to a new equestrian trail maintenance contract with Valley Crest Landscape.

LMD No. 3 - The proposed estimate of costs to maintain the District will decrease from \$85,412 to \$75,110, but with the application of previous year's surpluses, the assessment is proposed to remain at the previous year's level of \$868.43 per parcel for a net assessment of \$71,211. The decrease in the budget is due to a new equestrian trail maintenance contract with Valley Crest Landscape.

LMD No. 4 -In Fiscal Year 2005-06, a full year's levy was assessed in this District (\$471,548 budget, \$804.69 per parcel). With the exception of the acceptance of the equestrian trail in the latter part of the Fiscal Year, the majority of the improvements to be

maintained as part of the District were not accepted as anticipated. These improvements were again anticipated to be accepted within the first quarter of Fiscal Year 2006-07. The surplus of funds collected in Fiscal Year 2005-06 was credited to the property owners in Fiscal Year 2006-07. The per parcel levy that year was reduced from \$863.29, with a District budget of \$490,060 to an assessment of \$327.41 per parcel with the application of the surplus. In Fiscal Year 2007-08, the budget was again set at \$490,068 with credited surpluses reducing the per parcel assessment to the previous level of \$327.41. As directed by the City Council, \$173,000 of previous year's "surplus" and trails operating reserve was set aside to improve those trails which continually erode during rain storms. The proposed budget for Fiscal Year 2010-11 is \$483,837 up from Fiscal Year 2009-10 budget of \$478,611 due to a significant increase in electrical costs not totally offset by the savings in the Valley Crest Landscape trail maintenance contract. A \$20,000 surplus from Fiscal Year 2009-10 is being applied to reduce the assessment levy to \$463,837. The maximum assessment rate allowed per parcel in the district is \$915.65 which could generate a total assessment of \$510,017. This amount exceeds the amount necessary to maintain the district. The per parcel levy for the upcoming Fiscal Year 2010-11 is proposed to be \$863.76, which is an increase from Fiscal Year 2009-10 per parcel assessment of \$814.37, but less than the maximum allowed. Previous Engineer's Reports beginning with the formation of the District, overstated the assessable single-family parcels in Tract 29588 1-5 by 5 lots. The 25 lots in Tract 29588-1, while included in the District, are not contiguous with "Norco Ridge Ranch". They are not located northeast of Ingalls Park and do not received benefit from the assessment district. These lots while listed in the Engineer's Report as assessable, were never levied an assessment. This Engineer's Report corrects this error but listing the subdivision as having a zero assessment.

LMD No. 5 –The estimate of cost to maintain the District will decrease from \$53,401 to \$44,205. The assessment is proposed to be reduced from the previous year's level of \$961.45 per parcel to \$884.10 per parcel. The decrease in the budget is due in part to a new equestrian trail maintenance contract with Valley Crest Landscape.

Public Works Director Thompson responded to Mayor Miller that potable water is used for irrigation and recycled water will be available in 2 to 3 years.

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

Michael Harris. Mr. Harris expressed appreciation to City Engineer Milano for his work on this in cooperation with the residents.

Pat Overstreet. Ms. Overstreet commented on the rutted areas in the Western Pacific area and asked why the trail fencing couldn't be fixed as well. Public Works Director Thompson responded that Valley Crest will be working in this area on the trail fencing.

Jodie Filkens Webber. Ms. Filkens Webber lives in the LMD No. 4 area and inquired about the surplus and how it is calculated. She asked the Council reconsider approving the assessment levy on that LMD. City Engineer Milano commented on her concerns and restated the reasons for the amount of the assessment.

Chairman Miller CLOSED the public hearing.

Public Works Director Thompson responded to Mayor Pro Tem Hanna stating that following the agreement entered into with Corona, the infrastructure will need to be completed in order to begin distributing the reclaimed water and also confirmed that the water could also be used on the golf course. Public Works Director Thompson also confirmed that the goal is to eliminate one or two pumps that impact the LMDs. He added that a booster is a mechanical pump and wears out over time and becomes inefficient.

City Engineer Milano responded to Council Member Sullivan that the LMD No. 4 landscaping is maintained by Valley Crest.

Resolution No. 2010-44, (Beazer), ordering the continuation of a Landscaping Maintenance District and confirming a diagram and assessment and providing for an annual assessment levy. The motion was carried by the following roll call vote:

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

M/S Bash/Azevedo to adopt Resolution No. 2010-45, (Western Pacific), ordering the continuation of a Landscaping Maintenance District and confirming a diagram and assessment and providing for an annual assessment levy. The motion was carried by the following roll call vote:

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

M/S Bash/Hanna to adopt Resolution No. 2010-46, (Centex), ordering the continuation of a Landscaping Maintenance District and confirming a diagram and assessment and providing for an annual assessment levy. The motion was carried by the following roll call vote:

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

M/S Bash/Azevedo to adopt Resolution No. 2010-47, (Norco Ridge Ranch), ordering the continuation of a Landscaping Maintenance District and confirming a diagram and assessment and providing for an annual assessment levy. The motion was carried by the following roll call vote:

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

M/S Bash/Hanna to adopt Resolution No. 2010-48, (Hawk's Crest, ordering the continuation of a Landscaping Maintenance District and confirming a diagram and assessment and providing for an annual assessment levy. The motion was carried by the following roll call vote:

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

B. Rate Adjustments Proposed by Waste Management of the Inland Empire

The existing fifteen-year Franchise Agreement provides that Waste Management is entitled to receive rate adjustments for inflation (based on the Consumer Price Index) and "pass through" disposal cost increases. The Agreement further provides that such rate adjustments shall not be unreasonably withheld. The rate adjustments include a Consumer Price Index (CPI) increase of 1.85 percent from March 2009 to March 2010. It is the City Attorney's opinion that this CPI rate adjustment does not trigger Proposition 218 provisions as the existing agreement provides that the franchisee is entitled to adjust rates on an annual basis to cover increased costs due to inflation based on increases in the CPI. Therefore, following the public hearing process, staff is recommending approval of the proposed rates for disposal services through the contract with Waste Management. The new rates will become effective on August 1, 2010.

Recommended Action: Adopt Resolution No. 2010-___, amending the Agreement between the City of Norco and USA Waste of California, Inc., DBA Waste Management of the Inland Empire, for the collection, transportation, recycling, and disposal of solid waste and approving rates therefore. (Deputy City Manager/Director of Finance)

Deputy City Manager/Director of Finance Okoro presented the public hearing item. He stated that the revised resolution before them notes the removal of two of the fees from the resolution that was included in the agenda packet as distributed:

- ↓ Section 10. ~~Other Commercial Services~~ — Extra Pick Up — 4 Yard Trash \$75.40/pick-up; and
- ↓ Section 11. ~~Roll-Off Services~~ — Open Top with 3 Tons/Per Load — Special Events \$322.77.

The staff report was summarized noting that the only change in the rates is to the service component, which includes salaries / wages and transportation and fuel costs, with a CPI adjustment of 1.85%. Deputy City Manager/Director of Finance Okoro stated that staff has reviewed the fees and concurs with the proposed rates.

Julie Reyes, representing Waste Management, reiterated that the adjustment is applied only to the service component of the rates. In response to Mayor Pro Tem Hanna regarding an e-mail he received from a resident relating to the size of the replacement carts, she stated that Waste Management uses different manufacturers for its carts and even though they do not look the same, they have the same capacity.

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

Norvah Williams. Ms. Williams stated that she is not happy with Waste Management and noted that she gets missed constantly, particularly her manure bins. She further complimented the Waste Management scout driver regarding his customer service skills. In closing, she encouraged the City to go out to bid in 2013 when the contract expires.

Chairman Miller CLOSED the public hearing.

Council Member Azevedo inquired from Julie Reyes regarding the receipt of replacement carts in a more timely manner. Ms. Reyes stated that she will review this with Waste Management staff.

M/S Sullivan/Azevedo to adopt Resolution No. 2010-49, amending the Agreement between the City of Norco and USA Waste of California, Inc., DBA Waste Management of the Inland Empire, for the collection, transportation, recycling, and disposal of solid waste and approving rates therefore. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL ITEMS FOR ACTION:

- A. Consideration of City Membership on the Revised Four Corners Transportation Coalition. **Recommended Action: The Council is recommended to reach consensus regarding the City's membership on the Four Corners Transportation Coalition for Fiscal Year 2010-2011.**
(City Manager)

City Manager Groves commented on the Four Corners Transportation Coalition and stated that in the past the membership fee was \$10,000. She commented on the Coalition's efforts on transportation issues and projects in the four corners area. City Manager Groves stated that the adopted Fiscal Year 2010-2011 Budget does not include funding for the City's membership on the Coalition, as the funding is appropriated in the Redevelopment Agency Budget and difficult administrative decisions were made in order to reduce the impacts to that budget. She further stated that recently, the Coalition Board voted to reduce the annual membership dues from \$10,000 to \$5,000 for the current fiscal in order to reduce the fiscal impact for the cost for membership, as all of the member cities are experiencing the same financial woes. She added that the Coalition Board revised its mission to focus on promoting the economic growth of the region in addition to transportation issues.

Mayor Miller stated that the City has been a member of the Coalition since 2006 and he has been the City's representative for the last 2 years. Mayor Miller highlighted the importance of being a part of the Coalition in order to keep informed of and bring awareness to the City regarding regional impacts from transportation projects, such as the Pine/Schleisman project. Mayor Miller especially noted concerns about the proposed high-speed rail and the importance of the continued monitoring of the project. He also stated that he would continue to represent the City on the Coalition if the membership was continued.

Mayor Pro Tem Hanna stated that he does not have a problem with retaining the City's membership on the coalition and noted the importance of monitoring the high-speed rail project.

Council Member Azevedo stated that with the budget so tight, she cannot support this. She noted that other regional groups that the City participates in are also discussing these transportation issues. She added that the concept is good, but would rather spend that money on local efforts.

Council Member Sullivan stated that he attended the Coalition meetings once or twice in Mayor Miller's absence but does not know of anything that they have done for the City of Norco, other than talk about the Pine/Schleisman Avenue project. He further stated that with the City talking about raising fees, he does not think it would be appropriate to pay this membership fee and cannot support it.

M/S Azevedo/Sullivan to not support the City's membership on the Revised Four Corners Transportation Coalition during Fiscal Year 2010-2011. The motion was carried by the following roll call vote:

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

7. PUBLIC COMMENTS OR QUESTIONS:

Ernie White. Mr. White requested that the City place the support of requiring the use of E-Verify on a future agenda. He noted that the federal government failed to protect citizens and jobs have been taken away from Americans. He would like to see the City form a resolution in support of the Arizona Law. Mr. White provided samples of resolutions passed by the cities of Temecula and Lancaster.

Bobbie Pope. Ms. Pope commented on the arundo removal along the riverbed and noted that it was the citizen's right and obligation to be part of the process to save the trails. Ms. Pope stated that she is against the mechanical removal of the arundo and further stated that she agrees on the removal of the arundo, but is concerned about the preservation of the trails.

Pat Overstreet. Ms. Overstreet provided a reminder, as a member of the Beautification Committee, that Thursday, July 22nd is the deadline for submission of the Norco Pride Contest applications.

Lois Loock. Ms. Loock congratulated Rob Koziel on his lawsuit victory and noted that she personally observed his harassment. She also congratulated Julie Waltz on her lawsuit victory.

Rob Koziel. Mr. Koziel commented on, what he believed was, a staff report written five years ago that was not true. He added that now, five years later, the truth is known and added that he does not believe he was treated fairly by City staff. Mr. Koziel distributed to the Council copies of the judge's opinion from the most recent lawsuit that he won.

Jim Turpin. Mr. Turpin commented on the bluff trails on the west side of Hamner Avenue and noted that he is not in favor of the City's support of the arundo removal. He is in favor of the removal, but not in favor of the use of heavy equipment that he believes would ruin the trails.

Mayor Miller stated that there will be an informational meeting for all interested residents regarding the arundo removal at City Hall, in Conference Rooms A and B, on Monday, July 26th at 1 p.m. The US Army Corps of Engineers and the project engineer will be present to answer questions.

Don Bowker. Mr. Bowker commented on the new signs in the Norco hills at Valley and added that he would like to see the Norco Horsetown USA logo added.

Electronically Submitted by William E. Green and Rosa Zuniga-Green and read by Mayor Miller: Both Bill and I are asking you to support the placement of a large sign “**Norco Horsetown USA**” in lieu of the current **Valley** sign at the entrance of our neighborhood at Valley and Norco Hills Road.

This entrance is a gate way into yet another beautiful part of Norco. It is entered not only by the immediate residents but by many people who don't live in Norco and are on their way to either the Hidden Valley Golf Course or to drive around the neighborhood looking at the homes for sale. Not only do the existing residents need to be reminded where they live, the many people who don't live here and travel into this area also need to know they are in “**Norco Horsetown USA**”

Elizabeth Swindell. Ms. Swindell stated that she moved to Norco for property freedom. She further stated that she is not in favor of this accessory building code that will severely reduce property values and added that the City needs to focus on revenue and sustaining the Norco land value and quality of life. In closing, she noted that if the Council passes this code, there will be hundreds of upset and disappointed residents, potentially resulting in law suits, and supporters and potential votes in future elections will be lost. Ms. Swindell submitted a hard copy of her notes to the City Clerk for the record.

Michael Harris. Mr. Harris commented on the signs in the Norco hills and stated that he is disappointed that this was not discussed with the residents. He stated that he would like to know how these decisions are made and asked why the residents are not involved. He added that he wants the decisions made to represent the people who live in that area.

Jeanine Adams. Ms. Adams complemented Council Member Bash on the proposed web site. She also noted that she supports the use of E-Verify and the adoption of a resolution supporting Arizona. Ms. Adams commented negatively regarding Rob Koziel's statements. In closing, she commented on the arundo removal and the restoration project headed up by the US Army Corps of Engineers, who supports recreation and needs to recognize and be reminded of that.

Herb Higgins. Mr. Higgins commented on a meeting held with the US Army Corps in 2002 and stated that there is an active plan for Orange County Flood to remove the arundo and flood the river up to the Hamner Avenue bridge.

Danny Azevedo. Mr. Azevedo spoke as a citizen of Norco and stated that in 1970, it was already talked about regarding backing up the dam. He stated that, concerning the sign in the Norco hills, it should say Norco Ridge Ranch, as he is proud of Norco and its rural atmosphere. Mr. Azevedo commented on the remarks made regarding Rob Koziel and the reasons why there is a police presence by his restaurant in Corona.

8. OTHER MATTERS – CITY COUNCIL:

A. Norco College Choir Trip to South Africa (Mayor Miller)

Mayor Miller

- ✦ Presented a short video regarding the upcoming trip he will be making to South Africa with the Norco College Choir.
- ✦ Encouraged everyone to attend the Concerts in the Park series.

Council Member Sullivan:

- ✦ Commented on the Full Circle Outreach located at 3266 Valley View and noted that someone turned in an anonymous complaint letter regarding it. He added that he spoke with the City Manager regarding the complaint and added that the City has a policy that no action is taken unless there is a signed complaint submitted. Council Member Sullivan stated that the property is currently for sale and they are working with the Church on the Hill.

Council Member Azevedo:

- ✦ Stated that the way-finding and monument signs were previously approved by the Council and added that they included the Horsetown USA Logo. She noted that the Council approved the design of the signs and it would seem appropriate that we would stay consistent with what was approved.
- ✦ Commented on the empty commercial buildings throughout town and noted that there are some new businesses ready to open and would like to see the residents support them. She further noted the importance to shop in Norco to increase sales tax revenue.

Council Member Bash:

- ✦ Stated that he is working with the Parks and Recreation Department to create an open gym to address the needs of 12 – 18 year old kids. It was noted that Parks, Recreation & Community Services Director Petree is looking into this and will make sure that the City's costs are covered.
- ✦ Commented on complaints from horse riders by the river that there were quite a few people swimming, barbequing and camping along the river. Lt. Cooper noted that the Sheriff's Department is on a response basis and people can call them and they will respond.
- ✦ Stated that there was Council representation at the groundbreaking of the new Norco First Assembly of God Church on Corona Avenue. He noted that the Church is wonderful and he is impressed with the congregation.

Mayor Pro Tem Hanna:

- ✦ Inquired about who is responsible to keep the flood control channels clean as there is a mosquito problem. Public Works Director Thompson noted that it is a joint effort between the City and Riverside County Flood Control.
- ✦ Commented on the second Cowboy Bob and asked when it would be arriving. The City Manager responded that she would look into it and find out.

- ↓ Stated that the National Day of the American Cowboy celebration will be held on Saturday, July 24th and will start at 12:30 with the grand entry displaying flags from 50 States carried by riders on horseback, along with representatives from five military branches. He encouraged everyone to attend the cowboy demonstrations and events.

9. OTHER MATTERS – STAFF:

City Manager Groves

- ↓ Commented on the new signs in the Norco hills noting that there has been quite a bit of Council contacts made regarding them. She added that staff is requesting direction if the Council would like changes to the signs and will then go forward with a process.

M/S Bash/Sullivan to place the discussion regarding the signs on a future agenda. The motion was carried by the following roll call vote:

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

- 10. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 9:19 p.m.

BRENDA K. JACOBS
CITY CLERK

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Beth Groves, Executive Director 

DATE: August 4, 2010

SUBJECT: Request for the Norco Redevelopment Agency to be a "Silver" Sponsor for the Horsetown USA Hall of Fame

RECOMMENDATION: Approve the request to become a "Silver" Sponsor in the amount of \$1,500 for the Horsetown USA Hall of Fame.

SUMMARY: The Norco Redevelopment Agency (Agency) has received a request from the Horsetown USA Hall of Fame (HOF) Committee to be a "Silver" sponsor for its 3rd annual Inauguration Ceremony.

BACKGROUND/ANALYSIS: For the past two years, the City of Norco and the Norco Redevelopment Agency have been sponsors of the Horsetown USA Hall of Fame Inauguration Ceremonies. Last year was an in-kind donation of a waiver of rental fees on City facilities being used for the event and the previous year was a cash donation of \$2,500.

The "Wall of Champions" of The Horsetown USA Hall of Fame is located in the lobby of Norco City Hall. It serves as reminder of Norco's champion equines and equestrians and also serves to promote Horsetown USA.

The HOF Committee has been an active participant in the events and economy of Norco. The HOF and its functions are advertised in equestrian and commercial media in which it also promotes the Horsetown USA brand. It is anticipated that the Induction Ceremony will be attended by equestrians from all over Southern California who will come to see and honor the horses and equestrians from many breeds and disciplines at a single location.

Dave Henderson, Chairman of the Horsetown USA Hall of Fame Committee, submitted the attached letter dated July 21, 2010, requesting that the Agency participate again this year at the \$1,500 level. The event is not being held in a City facility this year, but rather at a riding stable in the City.

FINANCIAL IMPACT: \$1,500 is available in the current fiscal year Norco Redevelopment Agency Budget for purposes of promoting the Horsetown USA brand.

/76173

Attachments: HOF Sponsorship Request Letter



HALL OF FAME

July 21, 2010

Mr. Brian Oulman
Economic Development Director
City of Norco
2870 Clark Avenue
Norco, California 92860

Dear Mr. Oulman:

The Horsetown USA Hall of Fame (HOF) would like to again thank the City of Norco and the Norco Redevelopment Agency for their continued support for the year 2009. The generous donation of Nellie Weaver Hall and 4H Area for our 2nd Annual Inauguration Ceremony was greatly appreciated. This year for our 3rd Annual Inauguration Ceremony we will be celebrating our inductees at the Stacy Turner Riding Academy on October 9th. The participation of the City of Norco and the Norco Redevelopment Agency in each of our first two years has been instrumental in the successes of the HOF and we respectfully request that the support continues.

The HOF is committed to the economic vitality and growth of the Norco economy and we continue our efforts to promote the community with the celebration of equine champions. The 2010 Induction Ceremony will add 12 more Champion Equines and Equestrians to the roies of the Hall of Fame.

The HOF again wishes to thank the City of Norco for the recent upgrade of the Wall of Champions in Norco City Hall. Because of the Wall of Champions and the HOF's dedication to the equestrian lifestyle in Norco, there has been an increasing recognition of the HOF. Community participation in HOF events indicates the value Norco citizens place in the recognition of The Best of The Best in the equestrian/rodeo world and that recognition will continue to translate into value for the local economy.

The HOF is also adding fund raising events to our schedule, but much of our funding will continue to be raised via sponsorships and donations. All donations to the HOF are tax deductible, because of the Tax Exempt Charitable status of the corporation operating the HOF. We hope that the Norco Redevelopment Agency will renew its Silver Sponsorship for the HOF. We will continue to dedicate our efforts to ensure that the \$1,500 brings ever greater rewards to the economy of Norco.

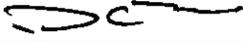
Respectfully,

Dave Henderson
President
Horsetown USA Hall of Fame Committee

CITY OF NORCO STAFF REPORT

TO: Chairman and Members of the Norco Redevelopment Agency

FROM: Beth Groves, Executive Director 

PREPARED BY: Dominic C. Milano, City Engineer 

DATE: August 4, 2010

SUBJECT: Purchase and Sale Agreement for Agency-Owned Property Located at 1468 Second Street

RECOMMENDATION: Adopt **CRA Resolution No. 2010-___**, authorizing as required by Health and Safety Code §33433 the approval of the sale of Agency-owned property at 1468 Second Street acquired for the widening of Second Street.

SUMMARY: As part of the Second Street Widening Project, the Norco Redevelopment Agency ("Agency") purchased all of the property at 1468 Second Street and then demolished the substandard structures on the property. The adjacent property owner, Daniel Schlossberg, located at 1885 Valley View Avenue, has offered to purchase the remaining property after the dedication of the necessary right-of-way and merge this property with his to create one parcel.

BACKGROUND/ANALYSIS: On May 7, 2008, the Agency purchased the property at 1468 Second Street in order to facilitate the widening of Second Street. At the March 2, 2008 regularly scheduled Agency meeting, the Agency Board made the finding that the payment of funds for the acquisition of the property was in accordance with Section 33445(a) of the Community Redevelopment Law of the State of California more particularly "that the improvements are of benefit to the Project Area of the immediate neighborhood in which the project is located." The Agency Board further directed staff to demolish the substandard house, garage, and rental unit on the property to eliminate the blighted condition. This was accomplished after the multiple tenants on the property were relocated.

The basic terms of the agreement are as follows:

- Sale price; \$60,000
- Down payment; (20%); \$12,000
- Agency carries the note of \$48,000 at 5% fixed-interest rate.
- Loan amortized over ten (10) years with a level monthly payment of \$509.11.
- Subject property required to be merged with Buyer's owner occupied property at 1885 Valley View Avenue within 180 days of the close of escrow.
- Agency loan may be subordinated after the merging of the two properties to the existing loan on the 1885 Valley View Avenue property.

Agenda Item 2. A.

Purchase and Sale Agreement
For Excess Agency Owned Property
At 1468 Second Street
Page 2
August 4, 2010

- Loan due and payable at such time after the merger that any refinancing of the existing loan on 1885 Valley View Avenue occurs or a transfer of ownership of merged property occurs.

It is recommended that the Agency Board formally approve the Purchase and Sale Agreement for the property located at 1468 Second Street with Daniel Schlossberg by adopting CRA Resolution and further authorizing the Agency to enter into escrow.

FINANCIAL IMPACT: Funds received for the sale of the subject property will reimburse the Second Street Right-of-Way Acquisition Fund.

/wrt-76210

Attachments: CRA Resolution No. 2010-__
Purchase and Sale Agreement

CRA RESOLUTION NO. 2010-__

A RESOLUTION OF THE NORCO REDEVELOPMENT AGENCY APPROVING A PURCHASE AND SALE AGREEMENT BY AND BETWEEN DANIEL SCHLOSSBERG AND THE NORCO REDEVELOPMENT AGENCY

WHEREAS, the Norco Redevelopment Agency ("Agency") is a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code §33000 *et seq.*) ("CRL"); and

WHEREAS, by previous action duly and regularly taken, the City of Norco ("City") and the Agency adopted the Redevelopment Plan for the Norco Redevelopment Project Area No. One ("Redevelopment Plan"), which Redevelopment Plan delineates the Redevelopment Project Area ("Project Area"); and

WHEREAS, the Agency, under provisions of the California Community Redevelopment Law, is engaged in activities necessary for the execution for the execution of the Redevelopment Plan; and

WHEREAS, the Agency is the owner of that certain real property consisting of approximately 0.26 acres after roadway dedication, located at 1460 Second Street within the Project Area ("Property"); and

WHEREAS, the Property was purchased by the Agency for the widening of Second Street and the Agency desires to sell the remaining Property after the dedication; and

WHEREAS, the Agency desires to sell the Property, which is legal non-conforming lot per the City of Norco Zoning Code, in lot area and lot depth to the adjacent property owner, in which that property is also legal non-conforming in lot area and lot depth; and

WHEREAS, the Agency is requiring as a condition of the sale, that the adjacent property owner merge the property with adjacent property at 1885 Valley View Avenue into one parcel, which would bring the merged lot into zoning code conformance (A1-20,000) in lot area and average lot depth; and

WHEREAS, Agency staff has negotiated a sale by and between the Agency and Daniel Schlossberg, the adjacent property owner ("Buyer") pursuant to which the Agency proposes to convey 0.26 acres of the Property to the Buyer for the sum of Sixty Thousand Dollars (\$60,000.00); and

WHEREAS, Health and Safety Code Section 33433 requires that the Agency prepare a Summary Report prior to disposing of property located in a redevelopment project area and that the Agency Board conduct a noticed public hearing with respect to the Purchase and Sale Agreement, and that the approval of the Purchase and Sale Agreement be accompanied by certain findings and determinations as set forth therein; and

WHEREAS, a Summary Report for the Purchase and Sale Agreement has been prepared and, on the 4th day of August, 2010, the Agency Board held a public hearing on the proposed Purchase and Sale Agreement at which time they reviewed and evaluated all of the information, testimony and evidence presented during the public hearing.

NOW THEREFORE, the Norco Redevelopment Agency hereby resolves as follows:

Section 1. The above Recitals are true and correct and incorporated herein and made a part hereof.

Section 2. That the Agency does hereby find and determine as follows:

a. The Purchase and Sale Agreement effectuates the purposes of the CRL and the Redevelopment Plan, is in the best interests and welfare of the City of Norco, and is of benefit to the Project Area and the City of Norco, in that the Purchase and Sale Agreement assists in the redevelopment of the Project Area by encouraging conformance of lot size and animal keeping requirements to the Agency and City.

b. The Agency's conveyance of the Property will assist in the elimination of blighting conditions in the Project Area in that the Agency Property and the merging of the two substandard properties.

c. The Agency's conveyance of the Property is consistent with the Agency's adopted 2005-2010 Implementation Plan, in that the Implementation Plan identifies in Section 3.1 the objective of eliminating inadequate public services infrastructure or improvements, including private investment to reverse conditions of building deterioration and obsolescence, mixed character and shifting is uses, and impaired investments.

d. The consideration for the Agency's disposition of the Property is not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan.

Section 3. That the Purchase and Sale Agreement by and between Agency and Buyer, a copy of which is on file with the Secretary of the Agency, is hereby approved.

Section 4. That the Agency's Executive Director and Agency's Counsel shall execute the Purchase and Sale Agreement and take such other and further actions, as may be necessary and proper, to carry out the terms of the Purchase and Sale Agreement and the purpose of this Resolution.

Section 5. That the Agency Chairman shall sign the Purchase and Sale Agreement on behalf of the Agency upon its completion.

PASSED AND ADOPTED by the Norco Redevelopment Agency at a regular meeting held on August 4, 2010.

Chairman
Norco Redevelopment Agency

ATTEST:

Secretary, Norco Redevelopment Agency

I, BRENDA JACOBS, Secretary of the Norco Redevelopment Agency, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Norco Redevelopment Agency at a regular meeting thereof held on August 4, 2010, by the following vote of the Norco Redevelopment Agency Members:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Norco Redevelopment Agency on August 4, 2010.

Secretary, Norco Redevelopment Agency

776097

PURCHASE AND SALE AGREEMENT NORCO REDEVELOPMENT AGENCY

THIS PURCHASE AND SALE AGREEMENT (the "Agreement") is made this ___ day of ___, 2010 by and between **Daniel Schlossberg** ("Buyer") and the NORCO REDEVELOPMENT AGENCY ("Agency"). The effective date of this Agreement shall be the date on which both Agency and Buyer have executed this Agreement.

RECITALS

1. Agency is the owner of that certain real property located in the City of Norco, County of Riverside as described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").
2. Buyer desires to purchase and Agency desires to sell the Property subject to the terms and provisions contained herein.
3. Buyer has represented to the Agency that Buyer resides on the adjacent property (1885 Valley View Avenue) as Buyers' principal residence.
4. The Agency desires to sell the Property which is legal non-conforming per City of Norco Zoning Code in lot area and lot depth to Buyer, the adjacent property owner, in which Buyer's property is also legal non-conforming in lot area and lot depth. The Agency is requiring as a condition of sell, that Buyer legally per City of Norco Municipal Code and the Subdivision Map Act of the State of California merger the Property with Buyer's property at 1885 Valley View Avenue into one parcel within one-hundred and eighty (180) days of close of escrow. The merging of these two properties will bring the merged lots into zoning code conformance (A1-20,000) in lot area and average lot depth.

NOW THEREFORE, for good and valuable consideration the parties agree as follows:

1. Purchase and Sale. Upon all the terms and conditions contained herein, Buyer hereby agrees to purchase the Property from Agency and Agency agrees to sell the Property to Buyer.
2. Purchase Price. The purchase price (the "Purchase Price") for the Property shall be **Sixty Thousand Dollars (\$60,000.00)**. Not less than twenty percent (20%) of the Purchase Price shall be funded by cash from the Buyer as a down payment (provided further that such cash shall not be derived from the proceeds of a loan secured by the Property) and the remainder of the Purchase Price shall be funded by a first trust deed from the Agency (the "Lender") and by the Agency Loan.
3. Payment of Purchase Price. The Purchase Price shall be paid as follows:
 - a. Buyer shall deliver to Escrow Holder upon the opening of Escrow, in the form of cash or certified check, the sum of **Five Hundred Dollars (\$500.00)** ("Buyer's Deposit");
 - b. Buyer shall deliver to Escrow Holder prior to the closing of escrow, in the form of cash or certified check, the sum of the balance of the down

payment of eleven thousand, five hundred dollars (\$11,500.00) and escrow fees specified in this agreement.

- c. Buyer shall deliver to Escrow Holder, prior to close of escrow, a Promissory Note in favor of the Agency in the amount of **Forty-Eight Thousand Dollars (\$48,000.00)** evidencing the Agency Loan.

4. Escrow. References in this Agreement to the "Opening of Escrow" shall mean the date a copy of this Agreement, signed by both parties is deposited with Escrow Holder. The Opening of Escrow shall occur within ten days of the Effective Date of this Agreement ("Opening Deadline"). Escrow Holder will notify both parties when Escrow has opened. If Escrow is not opened by Opening Deadline, this Agreement shall terminate at the election of either party by delivery of written notice to the other party and Escrow Holder within five days of the Opening Deadline.

By the Opening of Escrow, Escrow Holder is hereby authorized and instructed to act in accordance with the provisions of this Agreement. Buyer and Agency shall each deposit such other instruments as are reasonably necessary to close Escrow and complete the sale and purchase of the Property in accordance with the terms of this Agreement.

The rights and obligation of each party set forth in this Agreement and agreed to be undertaken by each party are made in and under the terms of this Agreement independent of Escrow. If any requirements relating to the duty of the Escrow Holder under this Agreement are not reasonably acceptable to the Escrow Holder, or if Escrow Holder determines that it requires additional instruction in order to perform its duties hereunder, the parties agree to make such deletions, substitutions and additions to the provision of this Paragraph 4 as may be mutually agreed upon by the parties provided such deletion, substitutions and additions do not substantially change the Agreement or its intent.

5. Close of Escrow. Escrow shall close on the date hereafter mutually specified by Buyer and Agency but in no event later than _____, ____ (the "Outside Date"). In the event this Escrow does not close by the Outside Date and if Buyer is in default of or has failed to comply with any provision of this Agreement, this Escrow may be immediately terminated by written notice to the Escrow Holder from the Agency, and the costs of Escrow shall be paid by Buyer and Escrow Holder.

If Escrow should fail to close because of the failure of Agency to comply with its obligation under this Agreement, this Escrow may be immediately terminated by written notice to the Escrow Holder from the Buyer and the costs of Escrow shall be paid by Agency. However, if Agency has defaulted or failed to comply with any provision of this Agreement, then Buyer at Buyer's option, may elect to hold this Escrow open, tender notice of ability to perform, and wait for Agency's cure of any such default or failure, upon which, Buyer shall have ten days from notice of such cure to present Escrow Holder with all requisite closing documentation and funds as more specifically described in Section 9.b herein.

If the non-defaulting party does not terminate the Escrow, the Escrow Holder shall proceed with the Close of Escrow as soon as possible. If Escrow should fail to close for any other reason, the costs of Escrow and of terminating the Escrow shall be shared equally between the parties.

For purposes of this Agreement, the "Close of Escrow" shall mean the date Agency's Grant Deed, as defined herein, is filed for recordation with the Recorder of Riverside County, California.

6. **Costs and Prorations:** Escrow Holder shall prorate any charges as to the Property (if any) between Agency and Buyer as of the Close of Escrow. Escrow Holder shall prorate real property taxes affecting the Property between Agency and Buyer as of the Close of Escrow based upon the latest available tax bill. The parties agree that if such prorations are inaccurate due to the fact that the latest available tax bill does not represent the taxes actually assessed, the parties will, as soon as tax bills actually covering the period during which the Close of Escrow takes place are available, make such further adjustments outside of Escrow as may be appropriate.

- a. Costs to be Paid by Agency. Agency shall pay the following costs:
 - (i) One half of Escrow Holder's fee;
 - (ii) The cost of any documentary transfer taxes on the grant deed;
 - (iii) The cost of a premium for California Land Title Association Standard Policy of title insurance insuring the Property in the amount of the Purchase Price; and
 - (iv) Fees for recording the Grant Deed.
- b. Costs to be Paid by Buyer. Buyer shall pay the following costs:
 - (i) Fees for recording and filing all documents required by this Agreement other than the Grant Deed;
 - (ii) The costs of any extended coverage, American Land Title Association insurance coverage, including any land survey costs, or other title policy in excess of the premium for the standard coverage (CLTA) policy to be provided by Agency pursuant to Section 6.b (iii) herein; and
 - (iii) One half of Escrow Holder's fee.

7. Buyer's Conditions Precedent to Closing. The obligation of Buyer to complete the purchase and sale of the Property is subject to satisfaction of the following conditions set forth at or prior to the Closing Date:

- a. Agency shall deliver through Escrow (i) an executed and recordable grant deed sufficient to convey title to Buyer (the "Grant Deed") in substantially the form set forth in Exhibit "E" attached hereto and incorporated herein, subject only to the matters described in Section 7.c, below, and (ii) all other documents referenced in Section 9.a.
- b. Agency is not in default in any of its obligation under the terms of this Agreement.
- c. Escrow Holder has committed to deliver to Buyer a standard coverage CLTA Owner's Policy of Title Insurance dated as of the Close of Escrow, issued by Escrow Holder, insuring Buyer in an amount equal to the Purchase Price and showing title to the Property vested in Buyer subject only to:

- (i) Current real property taxes and all unpaid general and special bonds or assessments;
- (ii) The printed exceptions contained in said title insurance policy;
- (iii) All exceptions shown in the preliminary title report prepared by Escrow Holder unless Buyer reasonably objects to any such exception(s) within 30 days of the receipt of said preliminary title report;
- (iv) Any matter suffered, approved or created by Buyer.

8. Agency's Conditions Precedent to Closing. The obligation of the Agency to complete the sale of the Property is subject to the satisfaction of the conditions set forth below at or prior to Close of Escrow.

- a. Buyer is not in default of any of its obligation or representation under the terms of this Agreement.
- b. Buyer shall have deposited with Escrow Holder all documents required hereunder and immediately available funds in an amount equal to the Purchase Price pursuant to Section 3 and Buyer's Share of prorations and costs described herein.

9. Documents to be Delivered at Close of Escrow.

- a. Prior to Close of Escrow, Agency shall deliver the following documents to Escrow Holder:
 - (i) The Grant Deed Exhibit "E", originally executed and acknowledged;
 - (ii) Such funds and documents as are necessary to comply with Agency's obligations under this Agreement, or if not delivered, Escrow Holder is authorized to use Agency's Proceeds from the sale in Escrow Holder's possession to pay such obligations; and
 - (iii) A certification ("Non-Foreign Certification") duly executed by Agency under penalty of perjury in substantially the form of Exhibit "D", setting forth Agency's business address and federal tax identification number, and certifying that Agency is not a "foreign person" for purposes of Section 1445 (as amended) of the Internal Revenue Code of 1986, as amended, and any regulation promulgated thereunder and Agency is a resident taxpayer in the State of California for purposes of Revenue and Taxation Code Sections 18805 and 26131.
- b. Prior to the Close of Escrow, Buyer shall deposit with Escrow:
 - (i) The Purchase Price as required by in Section 3 above; and
 - (ii) Such other funds and documents as are necessary to comply with Buyer's Obligations under this Agreement. Buyer's obligation to deposit the Purchase Price funds as required herein is a material requirement of this Agreement, and if Buyer is unable to obtain the

funds of financing to pay the Purchase Price such failure shall be deemed a default by Buyer under this Agreement, and the provisions of Section 27 herein shall apply.

10. Escrow Holder's Instructions. At such time as (i) the conditions precedent to Close of Escrow described in Sections 7 and 8 above have been satisfied or waived, (ii) Escrow Holder is prepared to issue the title policy described in Section 11 and (iii) Escrow Holder has received the documents and funds specified in Section 9, above, Escrow Holder shall:

- a. Record in the Office of the County Recorder of Riverside County, California ~~the following documents in order set forth herein:~~ i) the Grant Deed; ii) the Declaration; iii) the Agency Deed of Trust; iv) Request for Notice of Default;
- b. Deliver to Agency funds in the amount of the Purchase Price, less Agency's share of prorations and costs described in Section 6; and
- c. Report all information required pursuant to Internal Revenue Code Section 6045(e), and shall provide copies of all such reports to all parties hereto.

11. Title Insurance Policy. At Close of Escrow, Escrow Holder shall issue Buyer a CLTA Owners Policy of Title Insurance (the "Buyer's Title Policy") in the amount equal to the Purchase Price showing fee simple title to Buyer's Interest in the Property vested in Buyer, subject only to those exceptions described in Section 7 above.

12. Agency Loan. The Agency shall loan to Buyer the amount of **Forty-Eight Thousand Dollars \$48,000.00** (the "Agency Loan") subject to the conditions and restriction set forth herein and those set forth in the Promissory Note, Agency Deed of Trust, and the Declaration (as those terms are hereinafter defined). Buyer shall execute, as maker, and deliver to Agency or Administrator a promissory note in favor of the Agency, as holder, in the principal amount of the Agency Loan (the "Note Amount"), in the form of to be prepared by escrow incorporated herein by reference only (the "Note" or "Promissory Note"). The Note shall bear interest of five (5) percent fixed rate, amortized over a period of ten (10) years with level monthly payments of \$509.11 and shall be immediately due and payable in full upon the sale, transfer or refinancing of the Property once the property is legally merged with 1885 Valley View Avenue as required by Recital Section 4 or upon default of this Agreement.

13. Notice to Agency. Buyer (or Buyer's heirs following the death of Buyer) agrees to notify the Agency or Administrator not less than 30 days prior to the proposed (i) sale of the Property, (ii) transfer, including without limitation, lease exchange or other disposition of any interest in the Property, (iii) refinancing of the lien of the Agency Deed of Trust or any prior lien (the "First Lien") to which the lien of the Agency Deed of Trust is subordinate or (iv) the close of Buyer's probate estate.

14. Repayment Upon Sale, Transfer, Refinancing, Failure to Occupy or Default. The Agency Loan shall become due and immediately payable upon the occurrence of any one of the following events (i) sale or transfer of the Property after merging with Buyer owned property at 1885 Valley View Avenue as required by this Agreement, including, without limitation, lease, exchange or other disposition of the Property or any interest therein whether voluntary or involuntary, except a sale of transfer which under federal law, would not, by itself, permit the Agency to exercise a due on sale or due on encumbrance clause, (ii) the refinancing of the lien

of the Agency Deed of Trust or the refinancing of the First Lien of Buyer owned property at 1885 Valley View Avenue, or (iii) such time if or when Buyer is no longer an occupant of the merged properties pursuant to Section 20 of this Agreement or in default of any other obligation under this Agreement. At the request of Buyer, the Agency may, in its sole and absolute discretion, in writing waive the requirements of this Section 14 and defer repayment and/or extend the term of the Agency Loan.

15. Buyer's Conditions Post of Closing. The obligation of Buyer to complete after the closing date of the purchase of Property:

- a) Within ninety days apply with the City of Norco for Parcel Merger of the Property with adjacent Buyer owned property at 1885 Valley View Avenue (APN 125-190-005) and complete merger within ninety days of application.
- b) If Buyer is in default of any of the obligations of this section, Property shall revert back to the Agency and Buyer will be refunded by Agency down payment and principal amount paid on Agency loan, less Agency expenses to process payment.

16. Maintenance of Property. Buyer shall maintain the improvements and landscaping on the Property in a manner consistent with community standards, which will uphold the value of the Property, in accordance with the Declaration and the Norco Municipal Code. Buyer also agrees to comply with any and all covenants and agreements established by any regulatory entity recognized by area property owners and to comply with all applicable federal, state and local laws.

17. Occupancy Standards. The Property shall be used with the Buyer owned principal residence at 1885 Valley View Avenue and for no other purpose. Buyer shall not enter into an agreement for the rental, lease, or resale of the Property without the property being legally merged with 1885 Valley View Avenue.

18. Loan Servicing. The Agency may contract with a private lender to originate and service the Agency Loan.

19. Subordination. The provisions of this Purchase and Sale Agreement allow for the Agency Deed of Trust to be subordinate to the First Lien of Trust on the Buyer's property at 1885 Valley View Avenue after the property is legally merged with Buyer's property at 1885 Valley View and shall not impair the right of Lender, or Lender's assignee or successor in interest, to exercise its remedy under the First Lien in the event of default under the First Lien by Buyer. Such remedies under the First Lien include the right of foreclosure or acceptance of a deed or assignment in lieu of foreclosure. After such foreclosure or acceptance of a deed in lieu of foreclosure, this Purchase and Sale Agreement, the Declaration and the Agency Deed of Trust shall be forever terminated and shall have no further effect as to the Property or any transferee thereafter; provided, however, if the holder of the First Lien acquires title to the Property pursuant to a deed or assignment in lieu of foreclosure, the Purchase and Sale Agreement, the Declaration and the Agency Deed of Trust shall automatically terminate upon such acquisition of title, provided that (i) the Agency has been given written notice of a default under the First Lien, and (ii) the Agency shall not have cured the default under such First Lien within the 30-day period provided in such notice sent to the Agency.

The Agency shall cause a Request for Notice to be recorded on the Property subsequent to the recordation of the First Lien deed of trust or mortgage requesting a statutory notice of default as set forth in the California Civil Code Section 2924b.

20. Indemnification. The Buyer shall defend, indemnify, and hold harmless the Norco Redevelopment Agency and the City of Norco and their respective officers, agents, employees, representatives and volunteers from and against any loss, liability, claim or judgment relating in any manner from the approval of this Agreement.

21. Defaults. Except as otherwise provided in Section 5, failure to delay by either party to perform any term or provision of this Agreement which is not cured within 30 days after receipt of notice from the other party constitutes a default under the Agreement; provided, however, if such default is of the nature requiring more than 30 days to cure, the defaulting party shall avoid default hereunder by commencing to cure within such 30-day period, and there after diligently pursuing such cure to completion. The party who so fails or delays must immediately commence to cure, correct, or remedy such failure or delay, and shall complete such cure, correction or remedy with diligence.

The injured party shall give written notice of default to the party in default, specifying the default complained by the injured party. Except as required to protect against further damage, the injured party may not institute proceedings against the party in default until 30 days after giving such notice. Failure to delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default.

The Buyer and Agency specifically acknowledge this liquidated damages provision by their signatures below:



Buyer

Agency

22. Non-Waiver. Failure to exercise any right the Agency may have or be entitled to, in the event of default hereunder shall not constitute a waiver of such right or any other right in the event of a subsequent default.

23. Documents. Buyer is aware that the escrow will prepare certain documents to secure repayment of the Agency Loan per the terms of this Agreement. Buyer after review and approval agrees to execute the following escrow prepared documents, and any other document reasonably required by the Agency or a participating entity to complete the transaction contemplated herein:

- a) Promissory Note (Exhibit "B")
- b) Agency Deed of Trust (Exhibit "C")

Buyer agrees and acknowledges that the Agency Deed of Trust and Rider thereto and the Declaration shall be recorded against the Property with the County Recorder of the County of Riverside and shall appear of record with respect to and as encumbrances to the Property.

24. Further Assurances. The Buyer shall execute any further documents consistent with the terms of the Agreement, including documents in recordable form, as the Agency shall from time to time find necessary or appropriate to effectuate its proposes in entering into the Agreement and making the Agency Loan.

25. Governing Law. The Buyer hereby agrees to comply with all ordinances, rules, and regulations of the Agency and the City of Norco, (the "City"). Nothing in the Agreement is intended to be, nor shall it be deemed to be, a waiver of any City ordinance, rule, or regulation. This Agreement shall be governed by the laws of the State of California. Any legal action brought under this Agreement must be instituted in the Superior Court of the County of Riverside, State of California, in an appropriate municipal court in that county, or in the Federal District Court in the Central District of California.

26. Amendment of Agreement. No modification, rescission, waiver, release or amendment of any provision of the Agreement shall be made except by a written agreement executed by the Buyer and Agency.

27. Agency May Assign. Agency may, at its option, assign its right to receive repayment of the loan proceeds without obtaining the consent of the Buyer.

28. Buyer Assignment Prohibited. In no event shall Buyer assign or transfer any portion of the Agreement without the prior express written consent of the Agency, which consent may be given or withheld in the Agency's sole discretion. No assumption of the Agency Loan shall be permitted at any time. This section shall not affect or diminish the Agency's right to assign all or any portion of its rights to the proceeds of the Agency Loan hereunder.

29. Relationship of Buyer and Agency. The relationship of Buyer and Agency pursuant to the Agreement is that of buyer/seller and debtor/creditor and, shall not be, construed to be a joint venture, equity venture, partnership, or other relationship.

30. Notices. Any notices, requests or approvals given under this Agreement from one party to another may be personally delivered or deposited with the United States Postal Service for mailing, postage prepaid, registered or certified mail, return receipt requested to the following address:

TO BUYER: Daniel Schlossberg
1885 Valley View Avenue
Norco CA 92860

TO AGENCY: Executive Director
Norco Redevelopment Agency
2870 Clark Avenue
Norco CA 92860

Either party may change its address for notice by giving written notice thereof to the other party.

31. Attorneys' Fees and Costs. In the event that any action is instituted to enforce payment or performance under the Agreement, the parties agree that the non-prevailing party shall be responsible for and shall pay all costs and all attorneys' fees by such prevailing party in enforcing this Agreement.

32. Entire Agreement. The Agreement, together with all attachments hereto, constitutes the entire understanding and agreement of the parties. The Agreement integrates all of the terms and conditions mentioned herein or incidental thereto, and supersedes all prior negotiation, discussions and previous agreements between the Agency and the Buyer concerning all or any part of the subject matter of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written below.

Date: JUNE 1, 2010

BUYER
By: 
Printed Name: DANIEL R. SCHLOSSBERG

Date: _____

By: _____
Printed Name: _____

NORCO REDEVELOPMENT AGENCY

Date: _____

By: _____
Chairman

ATTEST:

Brenda K. Jacobs, Secretary
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

The northerly 150 feet of the easterly 90.00 feet of Lot 5 of Hilldale Tract, in the City of Norco, County of Riverside, State of California, as shown per map recorded in Book 12, page 73 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the southerly 7 feet thereof and;

EXCEPTING THEREFROM the northerly 17.66 feet thereof.

EXHIBIT "B"
PROMISSORY NOTE
(TO BE PREPARED BY ESCROW)

EXHIBIT "C"
AGENCY DEED OF TRUST
(TO BE PREPARED BY ESCROW)

EXHIBIT "D"
NON-FOREIGN CERTIFICATION
(TO BE PREPARED BY ESCROW)

**EXHIBIT "E"
GRANT DEED**

**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: August 4, 2010

SUBJECT: Designation of Voting Delegates for the 2010 League of California Cities Annual Conference

RECOMMENDATION: Staff recommends that the City Council designate Mayor Pro Tem Hanna as Norco's voting delegate and designate Council Member Azevedo as Norco's alternate for the 2010 League of California Cities Annual Conference.

SUMMARY: The League of California Cities will be hosting its Annual Conference in September of 2010. An important part of the Annual Conference is the Annual Business Meeting. In order to vote at that meeting, the City Council must designate a voting delegate, along with up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

BACKGROUND/ANALYSIS: The League of California Cities will be hosting its Annual Conference on September 15 – 17, 2010 in San Diego. One important aspect of the Annual Conference is the Annual Business Meeting when the membership takes action on resolutions. Annual resolutions guide cities and the League in our efforts to improve the quality, responsiveness and vitality of local government in California.

Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the City Council. This designation must be done by Council action and cannot be accomplished by individual action or the mayor or city manager alone.

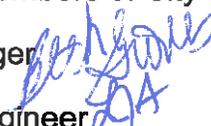
Mayor Pro Tem Hanna and Council Member Azevedo will be attending the League Conference. Therefore, the Council is recommended to designate Mayor Pro Tem Hanna as Norco's voting delegate and Council Member Azevedo as Norco's voting alternate. Upon the Council's designation, the City Clerk will complete the Voting Delegate/Alternate Form and submit it to the League.

FINANCIAL IMPACT: N/A

/bj-76153

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Lori J. Askew, Senior Engineer 

DATE: August 4, 2010

SUBJECT: Approval of the Implementation Agreement for the Santa Ana Region Municipal NPDES Permit - 2010

RECOMMENDATION: Approve the NPDES Urban Runoff Discharge Implementation Agreement Santa Ana Region.

SUMMARY: The Regional Water Quality Control Board – Santa Ana Region issued a new NPDES permit on January 29, 2010. Various agencies share in the implementation of the NPDES Permit and by signing the agreement, all parties mutually agree to cooperate with the requirements set forth in the permit.

BACKGROUND/ANALYSIS: The federal Clean Water Act (CWA) established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the CWA established the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of pollutants from point sources to receiving waters. In 1987, the CWA was amended directing the United States Environmental Protection Agency (USEPA) to develop permitting regulations for storm water discharges from municipal separate storm sewer systems (MS4) and from industrial facilities, including construction sites. Final regulations were promulgated in November 1990. Prior to that date, the USEPA delegated its regulating authority to states with an approved environmental regulatory program of which California was one. This regulatory authority was delegated to the state's Regional Water Quality Control Boards. The counties of Orange, Riverside and San Bernardino and their incorporated cities, located within the Santa Ana Regional Board's jurisdiction requested and were granted area-wide NPDES MS4 permits. Within the County of Riverside, the Riverside County Flood Control and Water Conservation District (RCFC & WCD) was named as the principal permittee and Riverside County and the incorporated cities were named as co-permittees.

The permit gives guidance and outlines requirements the permittees must follow to promote water quality within their jurisdiction. This includes new development and significant redevelopment for public and private projects in addition to capital improvement projects.

The MS4 Permit has a term of five years. This last permit expired on October 26, 2007. The Regional Board issued a new Permit to RCFC & WCD, Riverside County and the fourteen incorporated Cities on January 29, 2010.

City Council Meeting – Approval of Implementation Agreement for Santa Ana Regional
Municipal NPDES Permit - 2010

Page 2

August 4, 2010

It is now required that all permittees sign the implementation agreement indicating their mutual cooperation in adhering to the requirements set forth in the permit.

FINANCIAL IMPACT: Funds in the amount of \$104,146 have been included in the Fiscal Year 2010-2011 Budget for initial NPDES anticipated costs. Approximately \$60,000 is collected through benefit assessment and the remainder is transferred in from RDA and General Fund, in equal amounts. Additional funding will need to be identified in future phases of MS4 Permit implementation. Exact costs and requirements are not known at this time.

lja/76135

Attachment: NPDES Implementation Agreement

AGREEMENT

National Pollutant Discharge Elimination System
Urban Runoff Discharge Permit
Implementation Agreement
Santa Ana Region
(Santa Ana Drainage Area)

This Agreement, entered into as of this _____ day of _____, 2010 by the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (herein called DISTRICT), the COUNTY OF RIVERSIDE (herein called COUNTY), and the CITIES OF BEAUMONT, CALIMESA, CANYON LAKE, CORONA, HEMET, LAKE ELSINORE, MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO and WILDOMAR, (herein called CITIES), establishes the responsibilities of each party concerning compliance with the National Pollutant Discharge Elimination System (NPDES) Urban Runoff Discharge Permit (NPDES Permit) issued by the California Regional Water Quality Control Board - Santa Ana Region pursuant to Order No. R8-2010-0033.

RECITALS

WHEREAS, in 1987 Congress added Section 402(p) to the Federal Clean Water Act (CWA) (33 U.S.C. §1342(p)); and

WHEREAS, Section 402(p) of the CWA requires certain municipalities, industrial facilities and persons conducting certain construction activities to obtain an NPDES Permit before discharging stormwater into navigable waters; and

WHEREAS, Section 402(p) further requires the Federal Environmental Protection Agency (EPA) to promulgate regulations for NPDES Permit applications; and

WHEREAS, EPA adopted such regulations in November 1990; and

WHEREAS, EPA delegated authority to the California Regional Water Quality Control Board-Santa Ana Region (RWQCB-SAR) to administer the NPDES permitting process

within the boundaries of that region; and

WHEREAS, DISTRICT was created to provide for the control of flood and stormwaters within the County of Riverside and is empowered to investigate, examine, measure, analyze, study and inspect matters pertaining to flood and stormwaters; and

WHEREAS, the COUNTY and CITIES have land use authorities and own and operate Municipal Separate Storm Sewer System (MS4) facilities; and

WHEREAS, on August 30, 2000 DISTRICT, COUNTY and CITIES submitted an NPDES Permit Application for an area-wide NPDES Permit; and

WHEREAS, the NPDES Permit Application was submitted in accordance with the previous NPDES Permit (Order No. 96-30, NPDES No. CA 618033) which expired on March 8, 2001; and

WHEREAS, RWQCB-SAR issued a NPDES Permit to DISTRICT, COUNTY and CITIES on October 25, 2002; and

WHEREAS, on April 27, 2007 DISTRICT, COUNTY and CITIES submitted an NPDES Permit Application for an area-wide NPDES Permit; and

WHEREAS, the NPDES Permit Application was submitted in accordance with the previous NPDES Permit (Order No. R8-2002-0011, NPDES No. CA 618033) which expired on October 26, 2007; and

WHEREAS, RWQCB-SAR issued a new NPDES Permit to DISTRICT, COUNTY and CITIES on January 29, 2010; and

WHEREAS, the NPDES Permit governing municipal stormwater discharges meets both the requirements of Section 402(p)(3)(B) of the CWA and all requirements applicable to an NPDES Permit issued under RWQCB-SARs discretionary authority in accordance with Section 402(a)(1)(B) of the CWA; and

WHEREAS, the NPDES Permit designates DISTRICT as the "Principal Permittee", and COUNTY and CITIES as "Co-Permittees"; and

WHEREAS, cooperation between DISTRICT, COUNTY and CITIES in the administration and implementation of the NPDES Permit is in the best interests of DISTRICT, COUNTY and CITIES; and

WHEREAS, DISTRICT is willing to share the expertise of its staff with COUNTY and CITIES so that they can join in implementing the requirements of the NPDES Permit; and

WHEREAS, DISTRICT, COUNTY and CITIES are to perform certain activities prescribed in the NPDES Permit and related to management of the NPDES Permit compliance program that will benefit all parties.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Incorporation of the NPDES Permit. The NPDES Permit issued to DISTRICT, COUNTY and CITIES by RWQCB-SAR pursuant to Order No. R8-2010-0033 is attached to this Agreement as EXHIBIT A and is hereby incorporated by reference in its entirety and made a part of this Agreement.

2. Delegation of Responsibilities. The responsibilities of each of the parties shall be as described in the NPDES Permit and reiterated as follows:

a. DISTRICT shall assume the responsibilities and meet the requirements of the NPDES Permit by complying with Section III.A.1 (RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE) and:

(1) Performing or coordinating all the joint sampling data collection and assessment requirements described in the NPDES Permit

MONITORING AND REPORTING PROGRAM.

- (2) Performing all of the joint reporting requirements described in the NPDES Permit MONITORING AND REPORTING PROGRAM. With respect to such joint reporting requirements, the DISTRICT shall specifically:
 - (a) Prepare the required narrative for all joint reports; and
 - (b) Provide COUNTY and CITIES an opportunity to review and comment on any such narrative.

The cost for implementing the requirements of the joint activities shall be jointly funded as shared costs as described in paragraphs 3 and 4 of this Agreement.

- b. DISTRICT, at no cost to COUNTY and CITIES, shall assume the responsibilities and meet the requirements of the NPDES Permit by:
 - (1) Complying with Section III.A.2 (RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE).
 - (2) Complying with Sections IV (LOCAL IMPLEMENTATION PLAN), V (DISCHARGE PROHIBITIONS), VI (EFFLUENT LIMITATIONS, DISCHARGE SPECIFICATIONS AND OTHER TMDL RELATED REQUIREMENTS), VII (RECEIVING WATER LIMITATIONS), VIII (LEGAL AUTHORITY/ENFORCEMENT), IX (ILLICIT CONNECTIONS/ILLEGAL DISCHARGES (IC/ID); LITTER, DEBRIS AND TRASH CONTROL), X (SEWAGE SPILLS,

INFILTRATION INTO THE MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES), XII (NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)), XIII (PUBLIC EDUCATION AND OUTREACH), XIV (PERMITTEE FACILITIES AND ACTIVITIES), XV (TRAINING PROGRAM FOR STORMWATER MANAGERS, PLANNERS, INSPECTORS AND MUNICIPAL CONTRACTORS), XVI (NOTIFICATION REQUIREMENTS), XVII (PROGRAM MANAGEMENT/DAMP REVIEW), XVIII (FISCAL RESOURCES), XIX (MONITORING AND REPORTING PROGRAM), XX (PROVISIONS), XXI (PERMIT MODIFICATION), XXII (PERMIT EXPIRATION AND RENEWAL) as they pertain to DISTRICT facilities and operations.

- c. COUNTY and CITIES shall, at no cost to DISTRICT, assume the responsibilities and meet the requirements of the NPDES Permit for land area and facilities within their individual jurisdictions by:
- (1) Complying with Section III.B (RESPONSIBILITIES OF THE CO-PERMITTEES).
 - (2) Complying with Sections IV (LOCAL IMPLEMENTATION PLAN), V (DISCHARGE PROHIBITIONS), VI (EFFLUENT

LIMITATIONS, DISCHARGE SPECIFICATIONS AND OTHER TMDL RELATED REQUIREMENTS), VII (RECEIVING WATER LIMITATIONS), VIII (LEGAL AUTHORITY/ENFORCEMENT), IX (ILLICIT CONNECTIONS/ILLEGAL DISCHARGES (IC/ID); LITTER, DEBRIS AND TRASH CONTROL), X (SEWAGE SPILLS, INFILTRATION INTO THE MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES), XI (CO-PERMITTEE INSPECTION PROGRAM), XII (NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)), XIII (PUBLIC EDUCATION AND OUTREACH), XIV (PERMITTEE FACILITIES AND ACTIVITIES), XV (TRAINING PROGRAM FOR STORMWATER MANAGERS, PLANNERS, INSPECTORS AND MUNICIPAL CONTRACTORS), XVI (NOTIFICATION REQUIREMENTS), XVII (PROGRAM MANAGEMENT/DAMP REVIEW), XVIII (FISCAL RESOURCES), XIX (MONITORING AND REPORTING PROGRAM), XX (PROVISIONS), XXI (PERMIT MODIFICATION), XXII (PERMIT EXPIRATION AND RENEWAL) as they pertain to COUNTY and CITIES facilities and operations.

- (3) Demonstrating compliance with all NPDES Permit requirements

through timely implementation of the approved Drainage Area Management Plan (DAMP) and any approved modifications, revisions, or amendments thereto.

(4) Providing to DISTRICT (on DISTRICT approved forms) all information needed to satisfy the reporting requirements described in the NPDES Permit MONITORING AND REPORTING PROGRAM. The COUNTY and CITIES shall specifically:

(a) Provide information on existing stormwater facilities and/or other data as it pertains to COUNTY or CITIES facilities when requested by DISTRICT.

(b) Submit their individual reports to DISTRICT for incorporation into DISTRICT'S narrative no later than November 1 of each year.

3. Budgets. On or before January 15 of each year, the DISTRICT shall prepare and submit a budget for the next fiscal year to the Santa Ana/Santa Margarita Technical Advisory Committee (TAC). The budget shall include anticipated costs and fees for District services or consultant services to prepare manuals, develop programs, implement programs, engage legal counsel on behalf of the Permittees or perform studies relevant to the entire Permit Area. Once consensus has been reached amongst the TAC, the budget will be submitted to the Management Steering Committee.

4. Shared Costs. In the event DISTRICT requires the services of a consultant or consultants to prepare manuals, develop programs or perform studies relevant to the entire

Permit Area, the cost of said consultant services will be shared by DISTRICT, COUNTY and CITIES. The shared costs shall be allocated as follows:

<u>Party</u>	<u>Percentage Contribution</u>
DISTRICT	50
COUNTY & CITIES	50

The individual percentage contribution from COUNTY and individual CITIES shall be a function of population. More specifically, such contribution shall be calculated as the population of COUNTY or individual CITIES, divided by the total population of all the Co-Permittees multiplied by 50, i.e.,:

$$\begin{aligned} \text{Contribution (\%)} &= 50(x_n/x_{tot}) \\ X_n &= \text{population of COUNTY or individual CITIES} \\ X_{tot} &= \text{total population of COUNTY and CITIES in the} \\ &\quad \text{Santa Ana Region} \\ 50 &= \text{total percentage excluding DISTRICT portion} \end{aligned}$$

The population of COUNTY and CITIES will be based on the latest California State Department of Finance population figures issued in May of each year.

The total shared cost of consultant services shall not exceed \$1,000,000.00 annually.

COUNTY and CITIES shall be notified of DISTRICT'S request for proposals from consultants, selection of a consultant, consultant's fee, and contract timetable and payment schedule through the TAC.

COUNTY and CITIES shall pay to DISTRICT their share of the shared costs within 60 days of receipt of an invoice from DISTRICT.

In the event that a subset of the COUNTY or CITIES require the services of a consultant or consultants to prepare manuals, develop programs, implement programs, engage legal counsel, perform studies or any work to satisfy sub-regional permit requirements, the costs of said consultant services shall be shared by the involved parties, in such a manner as approved

by the involved parties. The involved parties may utilize this Agreement to hire a consultant. Tasks performed consistent to this paragraph shall not be subject to the total shared cost limit of \$1,000,000 for area-wide programs.

5. Term of the Agreement. The term of this Agreement shall commence on the date the last duly authorized representative of DISTRICT, COUNTY or CITIES executed it. The term of the Agreement shall be indefinite or as long as required for compliance with the CWA, unless each of the Co-Permittees withdraws in accordance with the terms of this Agreement.

6. Additional Parties. Any City which incorporates after the date of issuance of the NPDES Permit and/or after the date of execution of this Agreement may file a written request with DISTRICT asking to be added as a party. Upon receipt of such a request, DISTRICT shall solicit the approval or denial of each Co-Permittee. If a majority of the Co-Permittees, each having one, co-equal vote, approves the addition of the City, DISTRICT, on behalf of the Co-Permittees, will ask RWQCB-SAR to add the City to the NPDES Permit as an additional Co-Permittee. Once the City is made an additional Co-Permittee to the NPDES Permit, this Agreement shall be amended to reflect the addition, and the City shall, thereafter, comply with all provisions of the NPDES Permit and this Agreement. Upon execution of the amended Agreement, the City shall be responsible for the shared costs discussed in Section 4 of this Agreement for the current and any subsequent budget year.

7. Withdrawal from the Agreement. Any party may withdraw from this Agreement 60 days after giving written notice to DISTRICT and RWQCB-SAR. The withdrawing party shall agree in such notice to file for a separate NPDES Permit and to comply with all of the requirements established by RWQCB-SAR. In addition, withdrawal shall constitute forfeiture of all of the withdrawing party's share of the costs paid described in Section 4 of this Agreement. The withdrawing party shall be responsible for all lawfully assessed

penalties as a consequence of withdrawal. The cost allocations to the remaining parties will be recalculated in the following budget year.

8. Non-compliance with Permit Requirements. Any party found in non-compliance with the conditions of the NPDES Permit within its jurisdictional boundaries shall be solely liable for any lawfully assessed penalties. Common or joint penalties shall be calculated and allocated between the parties according to the formula outlined in Section 4 of this Agreement.

9. Amendments to the Agreement. This Agreement may be amended by consent of the parties which represent a majority of the percentage contribution as described in Section 4 of this Agreement. Each party's vote shall be calculated according to the percentage contribution of each party as described in Section 4 of this Agreement. No amendment to this Agreement shall be effective unless it is in writing and signed by the duly authorized representatives of the majority of the parties.

10. Authorized Signatories. The General Manager-Chief Engineer of DISTRICT, the Chief Executive Officer of COUNTY and the City Managers of CITIES (or their designees) shall be authorized to execute all documents and take all other procedural steps necessary to file for and obtain an NPDES Permit(s) or amendments thereto.

11. Notices. All notices shall be deemed duly given when delivered by hand; or three (3) days after deposit in the U.S. Mail, postage prepaid.

12. Governing Law. This Agreement will be governed and construed in accordance with laws of the State of California. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired hereby.

13. Consent to Waiver and Breach. No term or provision hereof shall be

deemed waived and no breach excused, unless the waiver or breach is consented to in writing, and signed by the party or parties affected. Consent by any party to a waiver or breach by any other party shall not constitute consent to any different or subsequent waiver or breach.

14. Applicability of Prior Agreements. This Agreement and the exhibits attached hereto constitute the entire Agreement between the parties with respect to the subject matter; all prior agreements, representations, statements, negotiations and undertakings are superseded hereby.

15. Execution in Counterparts. This Agreement may be executed and delivered in any number of counterparts or copies ("counterpart") by the parties hereto. When each party has signed and delivered at least one counterpart to the other parties hereto, each counterpart shall be deemed an original and, taken together, shall constitute one and the same Agreement, which shall be binding and effective as to the parties hereto.

//

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and
Water Conservation District
Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By _____
DAVID H.K. HUFF
Deputy County Counsel

By _____
Deputy

(SEAL)

Agreement – National Pollutant Discharge Elimination System
Urban Runoff Discharge Permit Implementation Agreement –
Santa Ana Region

AM:cw

APPROVED AS TO FORM:

CITY OF BEAUMONT

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF CALIMESA

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF CANYON LAKE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF CORONA

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF HEMET

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF LAKE ELSINORE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF MENIFEE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF MORENO VALLEY

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF MURRIETA

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF NORCO

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF PERRIS

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF RIVERSIDE

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF SAN JACINTO

By _____
City Attorney

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

APPROVED AS TO FORM:

CITY OF WILDOMAR

By _____
City Attorney

By _____
Mayor

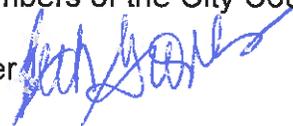
ATTEST:

By _____
City Clerk

(SEAL)

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: August 4, 2010

SUBJECT: Approval of a One-Year Maintenance Services Contract Extension with Orange County Striping Service, Inc. to Provide Street Striping and Pavement Marking Services

RECOMMENDATION: Approve the one-year Maintenance Services Contract extension with Orange County Striping Service, Inc. through June 30, 2011.

SUMMARY: Orange County Striping Service, Inc. has requested the City of Norco approve a one-year extension of the street striping service agreement through June 30, 2011. Orange County has indicated they are willing to provide street striping services without an increase in the 2009/10 pricing levels.

BACKGROUND/ANALYSIS: Orange County Striping Services, Inc. has performed street striping and pavement marking services for the City of Norco since 1996. Their team is familiar with and understands the unique challenges of providing striping services to streets located within the city. Staff has worked with this contractor over the past several years and has been satisfied with their professionalism and commitment to maintain high performance standards.

Based on the request to provide street striping services without an increase, Staff recommends the City Council authorize the extension of the street striping contract with Orange County Striping Service, Inc. through June 30, 2011.

FINANCIAL IMPACT: Funds in the amount of \$40,000 are allocated in 2010/11 Gas Tax (Street Operations Budget 133) and the Measure "A" Capital Improvement Fund (137)

Attachments: Letter of Request

/wrt-76198

Orange County Striping Service

7.22.10

Bill Thompson
City of Norco
2870 Clark Avenue, P.O. Box 428
Norco California 90760

Dear Mr. Thompson

I have reviewed our current pricing with you for re-striping and other misc. work we do in your city. Despite the cost increases in labor, insurance, materials and the ever fluctuating prices of fuel we will be able to hold our prices for the following year. These prices will be good until June 30, 2011. Here is a breakdown of those prices.

Paint 4" Skip Yellow or White Stripe	\$.06	L.F.
Paint 4" Solid Yellow or White Stripe	\$.10	L.F.
Paint 8" Solid Stripe	\$.12	L.F.
Paint 8" Skip Stripe	\$.12	L.F.
Paint Broken Double Yellow Stripe	\$.14	L.F.
Paint Double Yellow Stripe	\$.16	L.F.
Layout Misc. Lining	\$.07	L.F.
Paint 12" solid crosswalk Stripe	\$1.50	L.F.
Paint Stop Ahead Legend	\$72.00	EA.
Paint Signal Ahead Legend	\$88.00	EA.
Paint Slow School Xing Legend	\$112.00	EA.
Paint Keep Clear Legend	\$72.00	EA.
Paint Stop & Bar Legend	\$58.00	EA.
Paint Type IV Turn Arrow	\$6.00	EA.
Paint Straight Arrow	\$6.00	EA.
Paint Misc. Letter	\$10.00	EA.

Orange County Striping Service has enjoyed working with and developing relationships with all of you at the City of Norco. We look forward to working with you this next Year. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Kevin Ebnit
(V.P. Operations)

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: August 4, 2010

SUBJECT: Extension of the Traffic Signal Maintenance Services Contract with Republic ITS

RECOMMENDATION: Approve the two-year extension of the Traffic Signal Maintenance Services Agreement with Republic ITS through June 30, 2012.

SUMMARY: Republic ITS, has requested the City of Norco approve an extension of the traffic signal maintenance services agreement through June 30, 2012. Republic ITS, has indicated they are willing to provide traffic signal maintenance services with a 1.9% Consumer Price Index ("CPI") increase to the 2009/10 pricing levels. Staff is recommending City Council approve the requested two-year extension period.

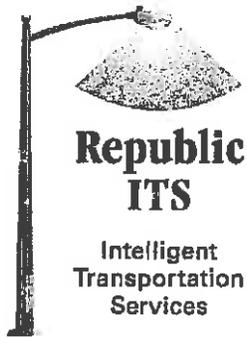
BACKGROUND/ANALYSIS: On December 20, 2006 the City of Norco entered into a traffic signal maintenance service agreement with Republic ITS. The agreement stipulates that an annual CPI adjustment of fees including charges for labor and materials is warranted. Republic ITS, has requested the existing signal maintenance agreement be extended with a 1.9% CPI service price increase through June 30, 2012.

Staff has worked with this contractor over the past few years and is satisfied with their prompt on-call response times and professional performance. Staff anticipated an increase of approximately 3 percent during the fiscal year 2010/11 budget process.

FINANCIAL IMPACT: Funds in the amount of \$45,000 are allocated in the fiscal year 2010/11 Gas Tax Operations Budget (133)

Attachments: Request Letter

/wrt-76199



July 19th 2010

Mr. Bill Thompson
City of Norco
2870 Clark Avenue
Norco, Ca. 92860

City Traffic Signal Maintenance and Extra Ordinary Call out Contract Extension July 1, 2010 to June 30th 2012

Mr. Thompson,

At this time we are offering extend our Traffic Signal Maintenance & Extra Ordinary Call out agreement. The current agreement has expired on June 30th 2010; I have attached a copy of the pricing schedule with our rates. Please note that there has been a CPI increase of 1.9% from the past years contract rates. All emergency work is to be completed on a time & material bases at the prices listed, or by written and accepted proposals. Please feel free to contact me with any questions or concerns.

This offer shall expire 60 days from the date hereof and may be withdrawn by us at any time prior thereto with or without notice. This offer supersedes any prior offers, commitment or orders, contains all terms, conditions and warranties and when accepted, constitutes the entire contract between the parties. The resulting contract shall not be modified except by formal written amendment. This offer shall be accepted by delivery of a copy of this offer duly signed by the City of Norco Representative.

Respectfully,

A handwritten signature in black ink, appearing to read "Jill Petrie", is written over a horizontal line.

Jill Petrie
Republic ITS
Riverside Office
(951) 784-6600 Office
(951) 784-6700 Fax
(909) 376-5692 Cell
jpetrie@republicITS.com

JULY 2010 CPI

NORCO CONTRACT ITEMS	CURRENT RATES	1.90%	NEW RATES
Routine maintenancance of traffic signal and highway lighting system to be performed monthly (per location)	\$82.21	\$1.56	\$83.77
Extraordinary Maintenance Certified Traffic Signal Technician	\$83.27	\$1.58	\$84.85
Extraordinary Maintenance Non-Certified Traffic Signal Technician	\$63.24	\$1.20	\$64.44
Extraordinary Maintenance: Pickup Truck	\$5.27	\$0.10	\$5.37
Extraordinary Maintenance: Bucket Truck	\$28.99	\$0.55	\$29.54
Extraordinary Maintenance: Markup for Material Cost	20%	0%	20%
Replace Type E (6' Diameter Loop Detector)	\$368.90	\$7.01	\$375.91

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: August 4, 2010

SUBJECT: Norco Firefighters Association's (NFA) Annual pancake Breakfast

RECOMMENDATION: That the City Council permit the NFA to continue to use Station 22 to host a community pancake breakfast on an annual basis.

SUMMARY: The Norco Firefighters Association hosts an annual community pancake breakfast at a fire station within the City. The event is a fundraiser that also provides community education on fire prevention and safety topics. This recommended action will clarify the use of a City facility, as well as state that the fundraising is for the Association's benevolence fund which benefits many community organizations, not political action activities. The event is set for Saturday October 9, 2010 at Fire Station 22.

BACKGROUND/ANALYSIS: The pancake breakfast is an annual fundraiser for the NFA. The event also serves as an opportunity for our community to see and receive information on the training and equipment that our city firefighters use to serve this community. This event as an opportunity to educate and promoted our City fire service and raise money for use in our community.

Any funds raised at this event will be used for the Association's Benevolence Fund. The Benevolence Fund has been used to partner with many community organizations to support efforts for local folks in need or to support local youth and sports programs.

The NFA will be responsible for the setting up and taking down of the event. If any city resources are used that impact other departments, the Association will be responsible for those costs. For example, if any tables, chairs or other equipment are requested and available from the City's Parks and Recreation Department, the Association will pay the City-approved fees for the equipment or service.

FINANCIAL IMPACT: None.

/76194

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the Norco City Council

FROM: Beth Groves, City Manager 

DATE: August 4, 2010

SUBJECT: Amendment to the Horsetown USA Sign Program

RECOMMENDATION: Approve the amendment to the Horsetown USA Sign Program to include all signs, where appropriate, either developed and/or constructed by the City, and include the Horsetown USA Logo and the City Seal.

SUMMARY: The Norco Redevelopment Agency ("Agency") approved the final design concepts and guidelines for a City-wide Horsetown USA Sign Program in 2007. The signage program addressed City entry signs, directional signs, pedestrian/equestrian trail signs, and recommendations on potential sign locations. Concerns have arisen regarding the placement/replacement of other signs in the City. It is staff's recommendation to amend the approved Horsetown USA Sign Program stipulating that all signs, where appropriate, that are developed and/or constructed by the City include the Horsetown USA Logo and the City Seal.

BACKGROUND/ANALYSIS: On December 17, 2007, the Agency approved the final design concepts and guidelines for a City-wide Horsetown USA Sign Program, but only certain signs and locations were identified. The Sign Program addresses City entry signs, directional signs, and pedestrian/equestrian trail signs (staff report and minutes attached -- Exhibit "A"). City signage is important to establish a community identity, emphasizing arrival points and reinforcing the image of the community. The signs should express the same design theme in order to encourage uniformity of character throughout the community.

At its meeting held on July 21, 2010, the City Council unanimously recommended that a policy be placed on a future agenda regarding signs throughout the City developed and/or constructed by the City. The approved Horsetown USA Sign Program includes the placement of the Horsetown USA Logo and the City Seal and staff is recommending that the Horsetown USA Sign Program be extended to include all signs, where appropriate, either developed and/or constructed by the City, and include the Horsetown USA Logo and the City Seal.

FINANCIAL IMPACTS: None

/bj-76222

Attachment: Exhibit "A" – December 19, 2007 Staff Report and Minutes

Exhibit "A"

CITY OF NORCO STAFF REPORT

TO: Honorable Chairman and Members of the Norco
Redevelopment Agency

FROM:  Jeff Allred, Executive Director

PREPARED BY: James Daniels, Director Community Development

DATE: December 19, 2007

SUBJECT: Design for Horsetown USA Sign Program

RECOMMENDATION: Approve the final design of the Horsetown USA Sign Program.

SUMMARY: The Agency approved design concepts and guidelines for a City-wide Horsetown USA Sign Program on February 7, 2007. The signage program addresses City entry signs, directional signs, and pedestrian/equestrian trail signs, and makes recommendations on potential sign location, placement, construction materials, and conceptual sign design criteria.

The specifications for the design and placement of the entry monument, "Whoa Drive Slow" sign and the median directional sign are being considered for final approval. Once the final design and placement is approved, a sign packet will be developed for bid purposes.

BACKGROUND/ANALYSIS: On February 7, 2007, the Agency approved design concepts and guidelines for a City-wide Horsetown USA Sign Program. The sign program addresses City entry signs, directional signs, and pedestrian/equestrian trail signs, and makes recommendations regarding potential sign location, placement, construction materials, and sign design criteria. City entry signage is important to establish a community identity, emphasizing an arrival point and reinforce the image of the community as having a unified sign program. The signs will express the same design theme in order to encourage uniformity of character throughout the community.

At this time, an entry monument is proposed to be located within public right-of-way on the west side of Hamner Avenue at the north entrance to the community, in proximity to Alhambra Street (Ref. Exhibit "A" – Proposed North Hamner Avenue Signage). The entry monument has been designed to be approximately twenty feet in width at the widest point, and about fifteen feet wide at the columns portion. The monument would have an overall height of about fifteen feet. The monument would have the **"Welcome**

to Norco” plaque hung between the columns (sign fixed in place so as to not swing), with the **“Norco HorseTown USA”** logo and City seal on the base. The intent of the entry monument is to welcome people to the community. In the future, this monument sign will be placed at other entry locations to the community depending on finances.

A pedestrian/equestrian sign would be located just south of the entry monument. The sign would be approximately eight feet in height and would have the **“Whoa! Drive Slow”** panel on the sign. The **“Whoa! Drive Slow”** sign is intended to slow traffic on Hamner Avenue and is proposed to be used throughout the community at key locations, primarily in residential areas. The signs would alert motorists to **“Whoa – Drive Slow”** and other copy could be used to identify equestrian crossings, equestrian trails, and could provide directions to popular areas in Norco. This sign will be placed at locations throughout the community, again based on finances and necessity.

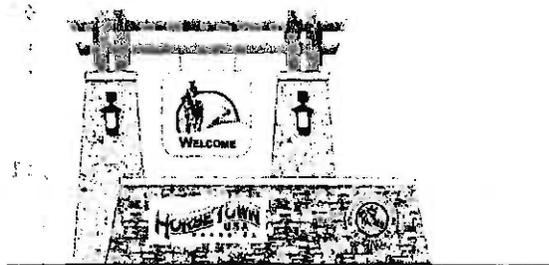
Lastly, a directional monument is proposed in the median island, south of the intersection of Hamner Avenue and Sixth Street. The design of the sign is intended to be visible to motorists and orient them to our animal-keeping community. The height of the sign would be about ten feet. The directional signs are intended to provide direction to public parks or open space, business districts, larger business centers and major facilities within the City. The directional sign is intended primarily for Hamner Avenue, but could be reduced in scale and placed on Sixth Street if median islands are ever developed for the street.

The proposed signs all use the same materials and have the same basic design approved in February of this year. The signs would use a “stacked” rock base and columns (used with all signs) with the cap being concrete. The lattice structures would be a metal or plastic-type material to minimize maintenance requirements. The logos and signs would be constructed of a metal material. A small light fixture, similar to that used on the street lights on Sixth Street would be placed on each of the side columns on the entry sign.

FINANCIAL IMPACTS: No cost estimates have been developed at this point. Staff is requesting final approval of sign design to proceed with design. The Capital Improvement Program (CIP) includes an allocation of \$262,852 in the current 2007-2008 fiscal year for Way-Finding Signs.

/jed-65708

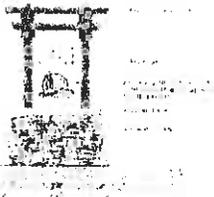
Attachments: Exhibit “A” – Proposed North Hamner Avenue Signage



1 NORTH HAMNER ENTRY MONUMENT



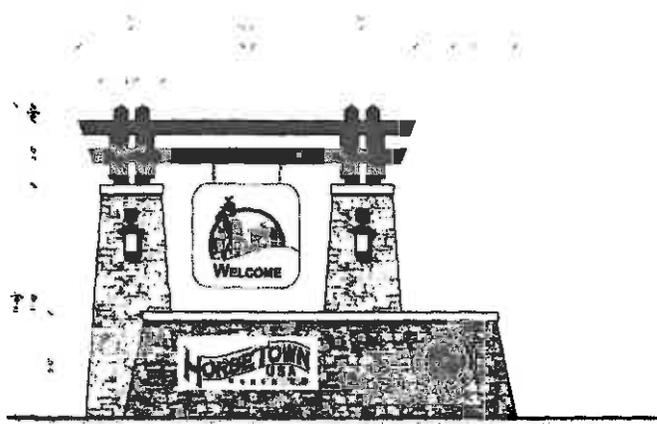
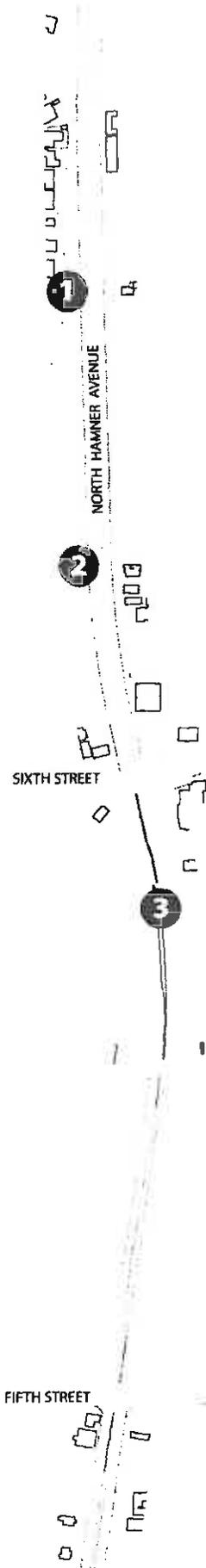
2 "WHOA DRIVE SLOW" SIGN NEAR ALHAMBRA STREET



3 TWO-SIDED MEDIAN DIRECTIONAL SIGNAGE
SOUTH-BOUND FACE SHOWN

PROPOSED
NORTH HAMNER AVE. SIGNAGE

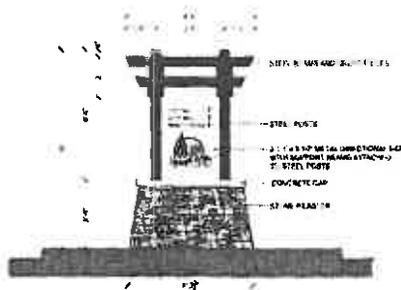
Exhibit "A"



1 NORTH HAMNER ENTRY MONUMENT

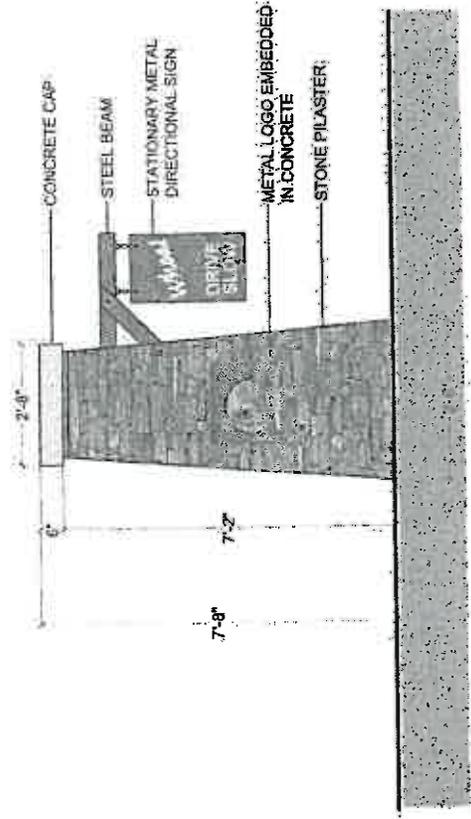


2 "WHOA DRIVE SLOW" SIGN NEAR ALHAMBRA STREET



3 TWO-SIDED MEDIAN DIRECTIONAL SIGNAGE SOUTH-BOUND FACE SHOWN

**PROPOSED
NORTH HAMNER AVE. SIGNAGE**



2 "WHOA DRIVE SLOW" SIGN NEAR ALHAMBRA STREET

CRA ITEM FOR ACTION

9. FROM THE EXECUTIVE DIRECTOR

- A. Design for Horsetown USA Sign Program. **Recommended Action: Approval of Sign Design.** (Director of Community Services)

The Senior Planner noted that the Agency approved design concepts and guidelines for a City-wide Horsetown USA Sign Program on February 7, 2007. The signage program addresses City entry signs, directional signs, and pedestrian/equestrian trail signs, and makes recommendations on potential sign location, placement, construction materials, and conceptual sign design criteria. The Planner presented the specifications for the design and placement of the entry monument, "Whoa Drive Slow" sign and the median directional sign and recommended approval.

Agency Member Azevedo addressed the North Hamner Entry Monument and inquired if the Horsetown USA sign could be bigger and closer to the City seal. In response, the Executive Director indicated that he would pass this suggestion along to the architect.

Agency Member Clark indicated that the last time this was discussed, the City seal was to be placed in all three signs. Discussion was held with the Executive Director indicating that he would pass this suggestion along to the architect. Agency Member Hanna concurred that all signs should have the City seal.

Chairman Hall hoped that the City seal would show up a little better in the final design, noting that it is hard to see in the rendering. If it ends up being hard to see, he suggested that a border be added to help the seal stand out.

M/S Azevedo/Miller to approve the final design for the Horsetown USA sign program with the stipulation to check with the architect on the City seal and possibly extending the Horsetown USA, motion was carried by the following roll call vote:

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

OTHER MATTERS: None.

ADJOURNMENT OF CRA: 7:53 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 886
Next Resolution No. 2007-71

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director
Bill Wilkman, Wilkman Historical Services 

DATE: August 4, 2010

SUBJECT: City-Initiated Proposal to add Chapter 18.58 (Historic Preservation Overlay Zone) to the Norco Municipal Code. (Zone Code Amendment 2010-02)

RECOMMENDATION: Adopt Ordinance No. ____, approving Zone Code Amendment 2010-02, for first reading.

SUMMARY: The purpose of the proposed Historic Preservation Overlay Zone (HPOZ) is to allow the City to protect the historic integrity of areas having a significant concentration of historic resources. The Planning Commission reviewed the proposed zone code amendment at its meeting on July 14, 2010 and recommended approval after some modifications to the proposed text. The Historic Preservation Commission has also recommended approval from its meeting on May 13, 2010.

BACKGROUND/ANALYSIS: The pertinent points of the draft ordinance are as follows:

- An HPOZ does not change the permitted uses of the underlying zone.
- An HPOZ does not change the development standards of the underlying zone, except in cases where a development standard would be in conflict with the design standards listed in the ordinance.
- The creation or amendment of a specific plan within an HPOZ is subject to the review of both the Planning Commission and the Historic Preservation Commission.
- An HPOZ can be initiated by the City Council or a petition representing 75% of an area's property owners.
- An HPOZ must be supported by a report documenting the historic area with a concentration of historic properties.
- At least 50% of the properties in a proposed district must be eligible for historic designation.
- Minor modifications to an HPOZ can be made by city staff, whereas more significant modifications or the repeal of an HPOZ must be accomplished by the same process used to establish an HPOZ.

Historic Preservation Overlay Zone Ordinance

Page 2

August 4, 2010,

- The process for repealing an HPOZ can be initiated by 75% of the property owners or as a result of a disaster.
- The process for establishing an HPOZ involves the certification of the related report, a meeting at the Historic Preservation Commission, and a public hearing at the City Council. Once adopted, the HPOZ appears on the City's zoning map.
- Design review of alterations to historic structures will be the responsibility of the Historic Preservation Commission. Design review of new construction will be accomplished jointly with the Planning Commission's Architectural Review Subcommittee and the Historic Preservation Commission. In both cases, the City Council will make the final decision.
- Demolitions will be handled in accordance with Title 20, the Cultural Resources Ordinance.

Work on a Historic Preservation Overlay Zone was first considered by the Planning Commission in March of 2008. The draft ordinance was set aside pending the establishment of the City's new Historic Preservation Program. In the spring and summer of 2009, subsequent to the creation of the Historic Preservation Program the effort to draft a Historic Preservation Ordinance was resumed. Work on this ordinance was again set aside pending the creation of the Preservation and Development Zone. Subsequent to the adoption and application of the Preservation and Development Zone, work on the Historic Preservation Overlay Zone resumed.

The changes made by the Planning Commission included changing the noticing procedures to match what is required for Planning Commission and City Council public hearings wherein if the standard 300-foot radius from the project boundary does not include a total of 25 property owners the radius is expanded until minimally 25 property owners are notified. Also the draft Ordinance was corrected to re-insert the role of the Planning Commission in its recommending capacity for any zone change requests that would apply the Historic Preservation Overlay Zone to specific properties. This is consistent with the requirements of the Municipal Code for all zone changes.

FISCAL IMPACT: The project would amend the Norco Zoning Code and would not have any direct fiscal impact to the City.

/adr,sk-76185

Attachments: Ordinance ____ Historic Preservation Overlay Zone (HPOZ)

PC Resolution 2010-10

Exhibit (A) – PC Minutes 7/14/10

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 18, BY ADDING CHAPTER 18.58 WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED ESTABLISHING THE HISTORICAL PRESERVATION OVERLAY ZONE (HPOZ). ZONE CODE AMENDMENT 2010-02

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2010-02, an amendment to Norco Municipal Code Title 18 (Zoning Code), adding Chapter 18.58 to establish the Historical Preservation Overlay Zone with related development standards; and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on July 14, 2010 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2010-10 recommending to the City Council that Zone Code Amendment 2010-02 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Zone Code Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of August 4, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, said City Council held a public hearing and received oral and written testimony pertaining to said Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project 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: Title 18 (Zoning) of the Norco Municipal Code shall be revised as follows:

Chapter 18.58
HISTORIC PRESERVATION OVERLAY ZONE

Sections:

- 18.58.02 Purposes.
- 18.58.04 Definitions.
- 18.58.06 Permitted Uses and Development Standards.
- 18.58.08 Specific Plan Areas.
- 18.58.10 Overlay Zone Establishment or Boundary Change.
- 18.58.12 Approval Process
- 18.58.14 Certificate of Appropriateness for Contributing Elements
- 18.58.16 Certificate of Appropriateness for New Construction
- 18.58.18 Certificate of Appropriateness for Non-Contributing Elements
- 18.58.20 Certificate of Appropriateness for the Demolition of a Non-Contributing Element
- 18.58.22 Certificate of Appropriateness for the Demolition of a Contributing Element
- 18.58.24 Appeal
- 18.58.26 Preservation Incentives
- 18.58.28 Enforcement and Penalties.
- 18.58.30 Severability

18.58.02 Purposes.

The purposes of the Historic Preservation Overlay Zone (HPOZ) shall be as follows:

- (1) Protect and enhance the buildings, structures, landscaping, natural features and areas which are representative of important aspects of the City's cultural, social, economic, political, architectural, or natural history.
- (2) Protect and enhance the settings and environment which preserve these buildings, structures, landscaping, natural features, and areas.
- (3) Protect, stabilize, and enhance property values, neighborhoods, and communities.
- (4) Enhance economic prosperity, including facilitating the eligibility of properties for financial benefits and promoting tourist trade and interest.
- (5) Foster public understanding of the history, aesthetics, and identity of the City as reflected in its buildings, structures, landscaping, natural features, and areas.
- (6) Promote public education through the preservation and interpretation of the City's cultural, social, economic, political, architectural, or natural history.

(7) Promote the involvement of the City's diverse neighborhoods in the historic preservation process.

(8) Ensure compliance with the California Environmental Quality Act

18.58.04 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed below:

(1) "Context Statement" means a written document that establishes the relationship between the physical environment of the HPOZ and its history by theme, place and time, and which designates contributing and non-contributing elements in the HPOZ.

(2) "Contributing Element" means any building, structure, landscaping, natural feature, or public improvement identified on the historic resources survey as contributing to the historic significance of the HPOZ.

(3) "Historic Resources Survey" means a document which defines the historic context of the HPOZ and identifies all contributing and non-contributing buildings, structures, landscaping, natural features, and public improvements and which is certified as to its accuracy and completeness by the Cultural Resources Administrator.

(4) "Historic Preservation Overlay Zone" means any area of the City of Norco containing buildings, structures, landscaping, natural features, or public improvements having historic, architectural, cultural, or aesthetic significance and designated as a HPOZ under the provisions of this Chapter.

(5) "Non-Contributing Element" means any building, structure, landscaping, natural feature, or public improvement identified on the historic resources survey as not contributing to the historic significance of the HPOZ or which is not listed in the historic survey.

18.58.06 Permitted Uses and Development Standards.

Except as specified in Section 18.58.80 and 18.58.90, all permitted and conditionally permitted uses and all development standards shall be in accordance with the underlying zone and the regulations of this chapter.

18.58.08 Specific Plan Areas.

Specific Plans and specific plan amendments that affect lands within a HPOZ shall be subject to review and recommendations from the Historic Preservation Commission prior to consideration by the Planning Commission, and City Council.

18.58.10 Overlay Zone Establishment or Boundary Change.

(1) **Initiation:** Consistent with the purposes of this Chapter, procedures for establishing a HPOZ may be initiated by the City Council upon recommendation of the Historic Preservation Commission or upon submission to the City of a petition supporting such an overlay zone signed by at least 75% of the property owners within the proposed district, as recorded on the most recent rolls of the Riverside County Assessor.

(2) **Historic Resources Survey:** A historic resources survey, including all of the minimum components listed below shall be completed by a professional who meets the Secretary of Interior's Qualifications to determine the viability and boundaries of the proposed HPOZ. The applicant shall be responsible for funding the survey. Previous surveys may be used or modified as necessary to meet all the minimum components below:

- a. **Context Statement:** A context statement shall be prepared that establishes the relationship between the physical environment of the HPOZ and its history, thereby allowing the identification of historic features of the area as contributing or non-contributing. The context statement shall present the history of the area by theme, place, and time. It shall define the various historical factors which shaped the development of the area. It shall define a period of significance for the HPOZ and relate historic features to the period of significance. As appropriate, topics shall include historic activities, events, associations with historic persons, architectural styles and movements, architects, designers, building types, building materials, landscape design, geographic patterns, and natural features that influenced the character of the HPOZ.
- b. **Recordation of Resources:** Each resource shall be recorded on State of California Department of Parks and Recreation forms as appropriate.
- c. **Identification of Contributing Elements:** The historic resources survey shall identify contributing elements to the HPOZ. No building, structure, landscaping, natural feature, or public improvement shall be considered a contributing element unless it is identified as a contributing element in the historic resources survey for the applicable HPOZ. To qualify as a Contributing Element, a feature must meet one or more of the following criteria:
 - i. The resource contributes to the historic architectural qualities or historic associations for which the HPOZ is significant because it was present during the period of significance and possesses historic integrity reflecting its character at that time; or

- ii. owing to its unique location or singular physical characteristics, the resource represents an established feature of the neighborhood, community, or City; or
- iii. retaining the building, structure, landscaping, natural feature, or public improvement would contribute to the preservation and protection of a historic place or area of historic interest in the City.

(3) Concentration of Resources: For an area to qualify as a HPOZ, at least 50% of the buildings must be certified to be contributing elements.

(4) Boundaries: Boundaries shall be drawn so as to encompass a clear concentration of contributing elements and reflect the historic context of the proposed HPOZ.

(5) Modification of Previously Certified Historic Resources Survey: Modifications, including boundary changes, re-surveys, partial re-surveys, and minor corrections of a previously certified Historic Resources Survey shall be processed as follows:

- a. Boundary changes or revisions involving a re-survey or partial re-survey shall be processed in accordance with the procedures for establishing a HPOZ.
- b. Revisions involving the correction of technical errors or omissions shall be subject to the review and approval of the Cultural Resources Administrator.

(6) Repeal of a HPOZ: The repeal of a HPOZ may be initiated and processed, subject to the same procedures for establishing a HPOZ, when one or more of the following conditions apply:

- a. As a result of natural disaster or other calamity the number of buildings that are Contributing Elements falls below 50%.
- b. A petition with signatures of at least 75% of the property owners within a HPOZ, as reflected on the most recent County Assessor rolls, requests consideration of the repeal of the HPOZ.

18.58.12 Approval Process:

(1) Application: Application for approval of a HPOZ shall be made on such forms as established by the Cultural Resources Administrator and accompanied by such fees as established by resolution of the City Council.

(2) Certification of Historic Resources Survey: The Historic Resources Survey shall be submitted to the Cultural Resources Administrator for certification. In consultation with a professional meeting the Secretary of

Interior's professional qualifications, the Cultural Resources Administrator shall review the survey for compliance with the standards of this Chapter and shall require revisions as necessary for this purpose.

(3) HPOZ Designation Meeting Date: Upon the filing of a complete application, the matter shall be set for consideration before the Historic Preservation Commission. The date of such meeting shall be not more than sixty (60) days from the date of filing of a complete application.

(4) HPOZ Designation Meeting Notice: The Cultural Resources Administrator shall cause notice of the date, time, place and purpose of the meeting before the Historic Preservation Commission to be given by at least one publication of a notice in a newspaper having general circulation in the City not less than ten (10) days prior to the date of such meeting and by depositing in the United States mail, at least ten (10) days prior to the date of the meeting, a notice addressed to the owner(s) or other person(s) having legal custody and control of the properties within the proposed HPOZ area and to owners of real property within a minimum radius of three hundred feet of the exterior boundaries of the proposed HPOZ area, or within the minimum radius that is required such that a minimum of 25 property owners will be notified. The last known name and address of each owner as shown on the records of the Riverside County Assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or the non-receipt of any notice mailed pursuant to these regulations shall not invalidate any proceedings in connection with the proposed designation.

(5) HPOZ Meeting: A public meeting shall be conducted before the Historic Preservation Commission at the time and place so fixed and noticed. Subsequent to the Historic Preservation Commission meeting, a public hearing shall be conducted before the Planning Commission for a recommendation, and then before the City Council for final decision on the HPOZ application.

(6) HPOZ Designation Investigation: The Historic Preservation Commission shall cause to be made by any of its own members or by the Cultural Resources Administrator, such investigation of facts bearing upon such application as in the opinion of the Commission or Administrator will serve to provide the necessary information to assure Commission action consistent with the intent and purposes of this Chapter.

(7) HPOZ Public Meetings: The Historic Preservation Commission at a public meeting shall forward to the Planning Commission for consideration at a public hearing its recommendation and findings in writing regarding the designation of a HPOZ, in whole or in part, based on the criteria set forth in this Chapter and the facts presented in connection with the application. The recommendations of the Historic Preservation Commission and the Planning Commission shall be

forwarded to the City Council for consideration at a public hearing. The City Council, on the recommendation of the Historic Preservation Commission and Planning Commission, shall make the final determination as to whether the purposes of this Chapter are met by such designation.

(8) HPOZ Designation Ordinance: A HPOZ shall be designated by an ordinance of the City Council, which provides facts and findings based on the criteria for designation as set forth in this Chapter. The Council shall adopt the ordinance by a majority of the members present and voting. Subsequent to adoption by the City Council, the HPOZ shall be defined on the City's zoning map.

(9) Notice of HPOZ Designation: Notice of the designation of a HPOZ by the City Council shall be transmitted to all City departments, the Assessor and the Recorder of Riverside County, and any other departments and governmental agencies the Cultural Resources Administrator deems appropriate. Each City department and division shall incorporate the notice of designation as a HPOZ into its records, so that future decisions or permissions regarding or affecting any HPOZ made by the City or an official of the City will have been made with the knowledge of the HPOZ designation, and in accordance with the procedures set forth in this Chapter. The City Clerk shall record all designating ordinances in the Office of the Riverside County Recorder.

18.58.14 Certificate of Appropriateness for Contributing Elements:

A Certificate of Appropriateness shall be required for all alterations to contributing elements in a HPOZ in accordance with the standards and procedures in Chapter 20.30.

18.58.16 Certificate of Appropriateness for New Construction:

A certificate of appropriateness shall be required for all new buildings or structures, including associated landscaping, or other improvements in a HPOZ in accordance with the procedures in Chapter 20.30, except that the Planning Commission's Architectural Review Subcommittee shall join the Historic Preservation Commission in reviewing and making recommendations, prior to final action by the City Council. In evaluating such projects the following design standards along with any design standards specific to the HPOZ shall be applied to help assure compatibility with contributing elements in the HPOZ, particularly those contributing elements within close proximity. Where zoning standards would allow height, bulk, massing, placement, orientation, lot coverage, grading, site improvements, landscaping, or signs that would be incompatible with the following design standards or the specific design standards of the HPOZ, the design standards shall take precedence:

(1) Design: The design shall be compatible with the prevailing design of the contributing elements in the HPOZ, including colors, materials, and architectural style.

(2) **Height, Bulk, and Massing:** The height, bulk, and massing shall be similar to and reflective of the prevailing height, bulk, and massing of the contributing elements of the HPOZ.

(3) **Placement and Orientation:** The placement and orientation shall be similar to that prevailing among the contributing elements in the HPOZ, including doorways, fenestration, entrances, vehicular access, parking, and setbacks.

(4) **Lot Coverage:** Lot coverage shall be similar to the prevailing lot coverage in the HPOZ.

(5) **Grading:** Grading shall be designed so as to preserve the natural features of the land and to maintain the views toward, and integrity of, the contributing natural features in the HPOZ.

(6) **Site Improvements:** Site improvements, including walls, walkways, lighting, statuary, water features, and the like shall be designed so as to be compatible with those associated with prevailing contributing elements in the HPOZ.

(7) **Landscaping:** Plant materials, layout, placement, and design shall be compatible with the landscaping associated with the prevailing contributing elements in the HPOZ.

(8) **Signs:** Signs shall be of materials, design, colors, style, and types that are compatible with the prevailing contributing elements in the HPOZ.

18.58.18 Certificate of Appropriateness for Non-Contributing Elements

A certificate of appropriateness shall be required for all alterations to existing non-contributing elements in a HPOZ. If a non-contributing element is individually designated or eligible for historical designation, it shall be evaluated in accordance with the procedures and standards in Chapter 20.30. If a non-contributing element is not individually designated or eligible for historical designation, it shall be evaluated in accordance with the procedures in Chapter 20.30 and the following design standards and any specific design standards of the HPOZ to help assure compatibility with contributing elements in the HPOZ, particularly those contributing elements within close proximity. Where zoning standards would allow height, bulk, massing, placement, orientation, lot coverage, grading, site improvements, landscaping, or signs that would be incompatible with the following design standards or the specific design standards of the HPOZ, the design standards shall take precedence:

(1) **Design:** Non-contributing elements may represent a wide variety of design styles. Generally, it is preferred that alterations be respectful of the

original style of the non-contributing element. Where integrity has been disturbed by past alterations, consideration should be given to the restoration of the original style of the building if this is feasible.

(2) Height, Bulk, and Massing: To the extent that height, bulk, and massing are being altered, the alterations shall be compatible with the height, bulk, and massing of the prevailing contributing elements of the HPOZ.

(3) Placement and Orientation: To the extent that placement and orientation are being altered such shall be similar to that prevailing among the contributing elements in the HPOZ, including doorways, fenestration, entrances, vehicular access, parking, and setbacks.

(4) Lot Coverage: Lot coverage shall not be increased if doing so is incompatible with the prevailing lot coverage in the HPOZ.

(5) Grading: Grading shall be designed so as to preserve the natural features of the land and to maintain the views toward, and integrity of, the contributing natural features in the HPOZ.

(6) Site Improvements: Site improvements or alterations to existing site improvements, including walls, walkways, lighting, statuary, water features, and the like shall be designed so as to be compatible with either the existing non-contributing element or those associated with prevailing contributing elements in the HPOZ.

(7) Landscaping: Plant materials, layout, placement, and design shall be compatible with either the existing non-contributing element or the prevailing landscaping associated with the contributing elements in the HPOZ.

(8) Signs: Signs shall be of materials, design, colors, style, and types that are compatible with either the existing non-contributing element or the prevailing contributing elements in the HPOZ.

18.58.20 Certificate of Appropriateness for the Demolition of a Non-Contributing Element

A Certificate of Appropriateness for the demolition of a non-contributing element shall be processed in accordance with the procedures in Sections 20.30.060 and 20.30.080. The City Council, upon recommendation of the Historic Preservation Commission, or the City Council on appeal may approve, grant conditional approval, or deny the application. In reviewing an application to demolish a non-contributing element, consideration shall be given to impacts of the demolition to the essential form and integrity of the historic character of its surrounding built environment.

18.58.22 Certificate of Appropriateness for the Demolition of a Contributing Element

A Certificate of Appropriateness for the demolition of a contributing element shall be processed in accordance with the procedures in Chapter 20.30.

18.58.24 Appeal

Any person aggrieved or affected by a recommendation of the Historic Preservation Commission or Cultural Resources Administrator to approve, conditionally approve or deny an application, or by the failure of the Commission to act within the required time limits may appeal to the City Council any time within fifteen (15) days after the date the Commission or Cultural Resources Administrator announces its decision or is required to announce its decision. An appeal shall be taken by filing a letter of appeal with the Cultural Resources Administrator and by concurrently paying to the City a fee in an amount established by City Council resolution. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within ten (10) days after the receipt of the letter of appeal and the filing fee, the Cultural Resources Administrator shall transmit to the City Council the letter of appeal, copies of the application and all other papers constituting the record upon which the action was taken. The City Council may affirm, reverse or modify the decision of the Cultural Resources Administrator or the recommendation of the Historic Preservation Commission. Such action by the City Council shall be final.

18.58.26 Preservation Incentives

The preservation incentives specified in Chapter 20.35 shall be applicable to all contributors within a HPOZ.

18.58.28 Enforcement and Penalties.

Enforcement and penalties shall be in accordance with Chapter 20.40.

18.58.30 Severability

If any Section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have passed this ordinance and adopted this Chapter, and each Section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases be declared invalid.

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 August 18, 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 August 4, 2010 and thereafter at a regular meeting of said City Council duly held on August 18, 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 August 18, 2010.

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

/sk-76196

RESOLUTION NO. 2010-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 18 "ZONING" OF THE NORCO MUNICIPAL CODE TO ADD CHAPTER 18.58 "HISTORIC PRESERVATION OVERLAY ZONE (HPOZ)" TO ESTABLISH CRITERIA AND REGULATIONS TO ALLOW THE CREATION AND ADMINISTRATION OF HISTORIC PRESERVATION OVERLAY ZONES. ZONE CODE AMENDMENT 2010-02

WHEREAS, the City of Norco initiated Zone Code Amendment 2010-02, a proposed amendment to Title 18 of the Norco Municipal Code to add Chapter 18.58 "Historic Preservation Overlay Zone (HPOZ)" to establish criteria and regulations to allow the creation and administration of HPOZs in the City of Norco; and

WHEREAS, said Zone Code Amendment was submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, said zone code amendment was scheduled for public hearing on June 14, 2010 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held said public hearing and received both oral and written testimony pertaining to said Zone Code Amendment; and

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

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

I. FINDINGS:

- A. The proposed Zone Code Amendment is necessary to establish criteria and regulations to allow Historic Preservation Overlay Zones in the City.
- B. The proposed Historic Preservation Overlay Zone will help protect and enhance the buildings, structures, landscaping, natural features and areas which are representative of important aspects of the City's cultural, social, economic, political, architectural, or natural history.

- C. The proposed Historic Preservation Overlay Zone will help protect and enhance the settings and environment which preserve these buildings, structures, landscaping, natural features, and areas.
 - D. The proposed Historic Preservation Overlay Zone will help protect, stabilize, and enhance property values, neighborhoods, and communities.
 - E. The proposed Historic Preservation Overlay Zone will help enhance economic prosperity, including facilitating the eligibility of properties for financial benefits and promoting tourist trade and interest.
 - F. The proposed Historic Preservation Overlay Zone will help foster public understanding of the history, aesthetics, and identity of the City as reflected in its buildings, structures, landscaping, natural features, and areas.
 - G. The proposed Historic Preservation Overlay Zone will help promote public education through the preservation and interpretation of the City's cultural, social, economic, political, architectural, or natural history.
 - H. The proposed Historic Preservation Overlay Zone will help promote the involvement of the City's diverse neighborhoods in the historic preservation process.
 - I. The proposed Historic Preservation Overlay Zone will help ensure compliance with the California Environmental Quality Act.
 - J. The City has determined that the project is categorically exempt from environmental assessment and the provisions of the Norco Environmental Guidelines pursuant to Section 3.13, Class 5.
- II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled on July 14, 2010 does hereby recommend to the City Council of the City of Norco that Zone Code Amendment 2010-02 be adopted, thereby amending the Norco Municipal Code by adding Chapter 18.58 "Historic Preservation Overlay Zone (HPOZ)" as outlined in attached Exhibit "A".

Resolution 2010-10
Page 3
July 14, 2010

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held on July 14, 2010.

Chairman
Planning Commission
City of Norco, California

ATTEST:

Steve King, Secretary
Planning Commission
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on July 14, 2010 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steve King, Secretary
Planning Commission

/adr-76041

Attachments: Exhibit "A" – Chapter 18.58 – Historic Preservation Overlay Zone (HPOZ) (Doc. 76054)

Chapter 18.58

**HISTORIC PRESERVATION
OVERLAY ZONE**

Sections:

- 18.58.10 Purposes**
- 18.58.20 Definitions**
- 18.58.30 Permitted Uses and Development Standards**
- 18.58.40 Specific Plan Areas**
- 18.58.50 Overlay Zone Establishment or Boundary Change**
- 18.58.60 Approval Process**
- 18.58.70 Certificate of Appropriateness for Contributing Elements**
- 18.58.80 Certificate of Appropriateness for New Construction**
- 18.58.90 Certificate of Appropriateness for Non-Contributing Elements**
- 18.58.100 Certificate of Appropriateness for the Demolition of a Non-Contributing Element**
- 18.58.110 Certificate of Appropriateness for the Demolition of a Contributing Element**
- 18.58.120 Appeal**
- 18.58.130 Preservation Incentives**
- 18.58.140 Enforcement and Penalties**
- 18.58.150 Severability**

(1) Protect and enhance the buildings, structures, landscaping, natural features and areas which are representative of important aspects of the City's cultural, social, economic, political, architectural, or natural history.

(2) Protect and enhance the settings and environment which preserve these buildings, structures, landscaping, natural features, and areas.

(3) Protect, stabilize, and enhance property values, neighborhoods, and communities.

(4) Enhance economic prosperity, including facilitating the eligibility of properties for financial benefits and promoting tourist trade and interest.

(5) Foster public understanding of the history, aesthetics, and identity of the City as reflected in its buildings, structures, landscaping, natural features, and areas.

(6) Promote public education through the preservation and interpretation of the City's cultural, social, economic, political, architectural, or natural history.

(7) Promote the involvement of the City's diverse neighborhoods in the historic preservation process.

(8) Ensure compliance with the California Environmental Quality Act

18.58.10 Purposes: The purposes of the Historic Preservation Overlay Zone (HPOZ) shall be as follows:

18.58.20 Definitions: For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed below:

(1) "Context Statement" means a written document that establishes the relationship between the physical environment of the HPOZ and its history by theme, place and time, and which designates contributing and non-contributing elements in the HPOZ.

(2) "Contributing Element" means any building, structure, landscaping, natural feature, or public improvement identified on the historic resources survey as contributing to the historic significance of the HPOZ.

(3) "Historic Resources Survey" means a document which defines the historic context of the HPOZ and identifies all contributing and non-contributing buildings, structures, landscaping, natural features, and public improvements and which is certified as to its accuracy and completeness by the Cultural Resources Administrator.

(4) "Historic Preservation Overlay Zone" means any area of the City of Norco containing buildings, structures, landscaping, natural features, or public improvements having historic, architectural, cultural, or aesthetic significance and designated as a HPOZ under the provisions of this Chapter.

(5) "Non-Contributing Element" means any building, structure, landscaping, natural feature, or public improvement identified on the historic resources survey as not contributing to the historic significance of the HPOZ or which is not listed in the historic survey.

18.58.30 Permitted Uses and Development Standards: Except as specified in Section 18.58.80 and 18.58.90, all permitted and conditionally permitted uses and all development standards shall be in accordance with the underlying zone and the regulations of this chapter.

18.58.40 Specific Plan Areas: Specific Plans and specific plan amendments that affect lands within a HPOZ shall be subject to review and recommendations from the Historic Preservation Commission prior to consideration by the Planning Commission.

18.58.50 Overlay Zone Establishment or Boundary Change:

(1) Initiation: Consistent with the purposes of this Chapter, procedures for establishing a HPOZ may be initiated by the City Council upon recommendation of the Historic Preservation Commission or upon submission to the City of a petition supporting such an overlay zone signed by at least 75% of the property owners within the proposed district, as recorded on the most recent rolls of the Riverside County Assessor.

(2) **Historic Resources Survey:** A historic resources survey, including the minimum components listed below, shall be completed by a professional who meets the Secretary of Interior's Qualifications to determine the viability and boundaries of the proposed HPOZ. The applicant shall be responsible for funding the survey. Previous surveys may be used or modified as necessary to meet the minimum components below:

a. **Context Statement:** A context statement shall be prepared that establishes the relationship between the physical environment of the HPOZ and its history, thereby allowing the identification of historic features of the area as contributing or non-contributing. The context statement shall present the history of the area by theme, place, and time. It shall define the various historical factors which shaped the development of the area. It shall define a period of significance for the HPOZ and relate historic features to the period of significance. As appropriate, topics shall include historic activities, events, associations with historic persons, architectural styles and movements, architects, designers, building types, building materials, landscape design,

geographic patterns, and natural features that influenced the character of the HPOZ.

b. **Recordation of Resources:** Each resource shall be recorded on State of California Department of Parks and Recreation forms as appropriate.

c. **Identification of Contributing Elements:** The historic resources survey shall identify contributing elements to the HPOZ. No building, structure, landscaping, natural feature, or public improvement shall be considered a contributing element unless it is identified as a contributing element in the historic resources survey for the applicable HPOZ. To qualify as a Contributing Element, a feature must meet one or more of the following criteria:

i. The resource contributes to the historic architectural qualities or historic associations for which the HPOZ is significant because it was present during the period of significance and possesses historic integrity reflecting its character at that time; or

ii. owing to its unique location or singular physical

- characteristics, the resource represents an established feature of the neighborhood, community, or City; or
- iii. retaining the building, structure, landscaping, natural feature, or public improvement would contribute to the preservation and protection of a historic place or area of historic interest in the City.

(3) Concentration of Resources: For an area to qualify as a HPOZ, at least 50% of the buildings must be certified to be contributing elements.

(4) Boundaries: Boundaries shall be drawn so as to encompass a clear concentration of contributing elements and reflect the historic context of the proposed HPOZ.

(5) Modification of Previously Certified Historic Resources Survey: Modifications, including boundary changes, re-surveys, partial re-surveys, and minor corrections of a previously certified Historic Resources Survey shall be processed as follows:

- a. Boundary changes or revisions involving a re-survey or partial re-survey shall be processed in accordance with the procedures for establishing a HPOZ.

- b. Revisions involving the correction of technical errors or omissions shall be subject to the review and approval of the Cultural Resources Administrator.

(6) Repeal of a HPOZ: The repeal of a HPOZ may be initiated and processed, subject to the same procedures for establishing a HPOZ, when one or more of the following conditions apply:

- a. As a result of natural disaster or other calamity the number of buildings that are Contributing Elements falls below 50%.
- b. A petition with signatures of at least 75% of the property owners within a HPOZ, as reflected on the most recent County Assessor rolls, requests consideration of the repeal of the HPOZ.

18.58.60 Approval Process:

(1) Application: Application for approval of a HPOZ shall be made on such forms as established by the Cultural Resources Administrator and accompanied by such fees as established by resolution of the City Council.

(2) Certification of Historic Resources Survey: The Historic Resources Survey shall be submitted to the Cultural Resources Administrator for certification. In consultation with a professional meeting the Secretary of Interior's

professional qualifications, the Cultural Resources Administrator shall review the survey for compliance with the standards of this Chapter and shall require revisions as necessary for this purpose.

(3) HPOZ Designation Meeting Date: Upon the filing of a complete application, the matter shall be set for consideration before the Historic Preservation Commission. The date of such meeting shall be not more than sixty (60) days from the date of filing of a complete application.

(4) HPOZ Designation Meeting Notice: Notice of the date, time, place and purpose of the meeting before the Historic Preservation Commission shall be given by at least one publication of a notice in a newspaper having general circulation in the City not less than ten (10) days prior to the date of such meeting and by depositing in the United States mail, at least ten (10) days prior to the date of the meeting, a notice addressed to the owner(s) or other person(s) having legal custody and control of the properties within the proposed HPOZ area and to property owners within a three hundred-foot radius of the proposed HPOZ area. The last known name and address of each owner as shown on the records of the Riverside County Assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or the non-receipt of any notice mailed pursuant to these regulations shall not invalidate any

proceedings in connection with the proposed designation.

(5) HPOZ Meeting: A public meeting shall be conducted before the Historic Preservation Commission at the time and place so fixed and noticed. The Commission may establish rules for the conduct of its meetings. Subsequent to the Historic Preservation Commission meeting, a public hearing shall be conducted before the City Council for final decision on the HPOZ application.

(6) HPOZ Designation Investigation: The Historic Preservation Commission shall cause to be made by any of its own members or by the Cultural Resources Administrator, such investigation of facts bearing upon such application as in the opinion of the Commission or Administrator will serve to provide the necessary information to assure Commission action consistent with the intent and purposes of this Chapter.

(7) HPOZ Public Hearing: The Historic Preservation Commission shall forward to the City Council its recommendation and findings in writing regarding the designation of a HPOZ, in whole or in part, based on the criteria set forth in this Chapter and the facts presented in connection with the application. The City Council, on the recommendation of the Historic Preservation Commission, shall make the final determination as to whether the purposes of this Chapter are met by such designation. The City Council may

continue such hearing to a time and place certain when such action is deemed necessary or desirable.

(8) HPOZ Designation Ordinance: A HPOZ shall be designated by an ordinance of the City Council, which provides facts and findings based on the criteria for designation as set forth in this Chapter. The Council shall adopt the ordinance by a majority of the members present and voting. Subsequent to adoption by the City Council, the HPOZ shall be defined on the City's zoning map.

(9) Notice of HPOZ Designation: Notice of the designation of a HPOZ by the City Council shall be transmitted to all City departments, the Assessor and the Recorder of Riverside County, and any other departments and governmental agencies the Cultural Resources Administrator deems appropriate. Each City department and division shall incorporate the notice of designation as a HPOZ into its records, so that future decisions or permissions regarding or affecting any HPOZ made by the City or an official of the City will have been made with the knowledge of the HPOZ designation, and in accordance with the procedures set forth in this Chapter. The City Clerk shall record all designating ordinances in the Office of the Riverside County Recorder.

18.58.70 Certificate of Appropriateness for Contributing Elements: A Certificate of Appropriateness shall be required for all alterations to contributing elements in a

HPOZ in accordance with the standards and procedures in Chapter 20.30.

18.58.80 Certificate of Appropriateness for New Construction: A certificate of appropriateness shall be required for all new buildings or structures, including associated landscaping, or other improvements in a HPOZ in accordance with the procedures in Chapter 20.30, except that the Planning Commission's Architectural Review Subcommittee shall join the Historic Preservation Commission in reviewing and making recommendations, prior to final action by the City Council. In evaluating such projects the following design standards along with any design standards specific to the HPOZ shall be applied to help assure compatibility with contributing elements in the HPOZ, particularly those contributing elements within close proximity. Where zoning standards would allow height, bulk, massing, placement, orientation, lot coverage, grading, site improvements, landscaping, or signs that would be incompatible with the following design standards or the specific design standards of the HPOZ, the design standards shall take precedence:

(1) Design: The design shall be compatible with the prevailing design of the contributing elements in the HPOZ, including colors, materials, and architectural style.

(2) Height, Bulk, and Massing: The height, bulk, and massing shall be similar to and reflective of the prevailing height, bulk, and massing of the contributing elements of the HPOZ.

(3) Placement and Orientation: The placement and orientation shall be similar to that prevailing among the contributing elements in the HPOZ, including doorways, fenestration, entrances, vehicular access, parking, and setbacks.

(4) Lot Coverage: Lot coverage shall be similar to the prevailing lot coverage in the HPOZ.

(5) Grading: Grading shall be designed so as to preserve the natural features of the land and to maintain the views toward, and integrity of, the contributing natural features in the HPOZ.

(6) Site Improvements: Site improvements, including walls, walkways, lighting, statuary, water features, and the like shall be designed so as to be compatible with those associated with prevailing contributing elements in the HPOZ.

(7) Landscaping: Plant materials, layout, placement, and design shall be compatible with the landscaping associated with the prevailing contributing elements in the HPOZ.

(8) Signs: Signs shall be of materials, design, colors, style, and types that are compatible with the prevailing contributing elements in the HPOZ.

18.58.90 Certificate of Appropriateness for Non-Contributing Elements: A certificate of appropriateness shall be required for all alterations to existing non-contributing elements in a HPOZ. If a non-contributing element is individually

designated or eligible for historical designation, it shall be evaluated in accordance with the procedures and standards in Chapter 20.30. If a non-contributing element is not individually designated or eligible for historical designation, it shall be evaluated in accordance with the procedures in Chapter 20.30 and the following design standards and any specific design standards of the HPOZ to help assure compatibility with contributing elements in the HPOZ, particularly those contributing elements within close proximity. Where zoning standards would allow height, bulk, massing, placement, orientation, lot coverage, grading, site improvements, landscaping, or signs that would be incompatible with the following design standards or the specific design standards of the HPOZ, the design standards shall take precedence:

(1) Design: Non-contributing elements may represent a wide variety of design styles. Generally, it is preferred that alterations be respectful of the original style of the non-contributing element. Where integrity has been disturbed by past alterations, consideration should be given to the restoration of the original style of the building if this is feasible.

(2) Height, Bulk, and Massing: To the extent that height, bulk, and massing are being altered, the alterations shall be compatible with the height, bulk, and massing of the prevailing contributing elements of the HPOZ.

(3) Placement and Orientation: To the extent that placement and

orientation are being altered such shall be similar to that prevailing among the contributing elements in the HPOZ, including doorways, fenestration, entrances, vehicular access, parking, and setbacks.

(4) Lot Coverage: Lot coverage shall not be increased if doing so is incompatible with the prevailing lot coverage in the HPOZ.

(5) Grading: Grading shall be designed so as to preserve the natural features of the land and to maintain the views toward, and integrity of, the contributing natural features in the HPOZ.

(6) Site Improvements: Site improvements or alterations to existing site improvements, including walls, walkways, lighting, statuary, water features, and the like shall be designed so as to be compatible with either the existing non-contributing element or those associated with prevailing contributing elements in the HPOZ.

(7) Landscaping: Plant materials, layout, placement, and design shall be compatible with either the existing non-contributing element or the prevailing landscaping associated with the contributing elements in the HPOZ.

(8) Signs: Signs shall be of materials, design, colors, style, and types that are compatible with either the existing non-contributing element or the prevailing contributing elements in the HPOZ

18.58.100 Certificate of Appropriateness for the Demolition of a Non-Contributing Element: A Certificate of Appropriateness for the demolition of a non-contributing element shall be processed in accordance with the procedures in Sections 20.30.060 and 20.30.080. The City Council, upon recommendation of the Historic Preservation Commission, or the City Council on appeal may approve, grant conditional approval, or deny the application. In reviewing an application to demolish a non-contributing element, consideration shall be given to impacts of the demolition to the essential form and integrity of the historic character of its surrounding built environment.

18.58.110 Certificate of Appropriateness for the Demolition of a Contributing Element: A Certificate of Appropriateness for the demolition of a contributing element shall be processed in accordance with the procedures in Chapter 20.30.

18.58.120 Appeal: Any person aggrieved or affected by a recommendation of the Historic Preservation Commission or Cultural Resources Administrator to approve, conditionally approve or deny an application, or by the failure of the Commission to act within the required time limits may appeal to the City Council any time within fifteen (15) days after the date the Commission or Cultural Resources Administrator announces its decision or is required to announce its decision. An appeal shall be taken by filing a letter of appeal with the Cultural Resources Administrator and by concurrently paying to the City a fee in an amount established by City

Council resolution. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within ten (10) days after the receipt of the letter of appeal and the filing fee, the Cultural Resources Administrator shall transmit to the City Council the letter of appeal, copies of the application and all other papers constituting the record upon which the action was taken. The City Council may affirm, reverse or modify the decision of the Cultural Resources Administrator or the recommendation of the Historic Preservation Commission. Such action by the City Council shall be final.

18.58.130 Preservation Incentives: The preservation incentives specified in Chapter 20.35 shall be applicable to all contributors within a HPOZ.

18.58.140 Enforcement and Penalties: Enforcement and penalties shall be in accordance with Chapter 20.40.

18.58.150 Severability: If any Section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have passed this ordinance and adopted this Chapter, and each Section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases be declared invalid.

/adr-76054



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
JULY 14, 2010

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Jaffarian, Vice-Chair Hedges, Commissioners Henderson, Newton and Wright.
3. STAFF PRESENT: Planning Director King, Economic Development Director Oulman, Executive Secretary Dvorak
CONSULTANT PRESENT: Bill Wilkman, Historical Preservation

4. PLEDGE OF ALLEGIANCE: Chair Jaffarian

4.A. INTRODUCTION OF COMMISSIONER HENDERSON: by PD King

4.B. ELECTION OF NEW CHAIR AND VICE-CHAIR

MOTION: M/S Wright/Newton to nominate Hedges as chair

AYES: Unanimous

NOES:

ABSENT:

ABSTAIN:

MOTION CARRIED

MOTION: M/S Newton/Hedges to nominate Wright as vice-chair.

AYES: Unanimous

NOES:

ABSENT:

ABSTAIN:

MOTION CARRIED

Outgoing Chair Jaffarian switched seats with incoming Chair Hedges.

5. APPEAL NOTICE: Read by PD King.

6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: None

7. APPROVAL OF MINUTES: Minutes of June 30, 2010

Correct to show Commissioner Wright was at the meeting.

Correct second to reflect Wright on page 5, motion 4.

MOTION: M/S Newton/Hedges to approve the minutes of June 30, 2010 as corrected.

AYES: Hedges, Newton, and Wright

NOES:

ABSENT:

Exhibit "A"

ABSTAIN: Jaffarian and Henderson

MOTION CARRIED

8. CONTINUED ITEMS: None
9. PUBLIC HEARING: **Resolution No. 2010-10**, Zone Code Amendment 2010-02 (City): A request by the City to add Chapter 18.58 to the Norco Municipal Code entitled Historic Preservation Overlay Zone. **Recommendation: Recommendation for Approval to City Council**) Planning Director King

PD King presented the staff report on file in the Planning Division. He noted a few changes made to the report to which the Commissioners agreed to. These were generally clarifying whether a public meeting or a public hearing, and whether the Historic Preservation Commission or the Planning Commission was responsible, and the chain of command up to the City Council.

PC Newton thanked staff for making the above changes. He asked who the Cultural Resources Administrator was.

PD King said that would be Economic Development Director Oulman's second title.

PC Newton questioned Section 18.58, public hearing process, and the concern that not enough people would be noticed using the 300-foot radius and reminded staff about using the 25-property noticing instead.

PD King indicated that because the HPC would not hold public hearings, this portion would be deleted.

Bill Wilkman, Cultural Resources Consultant to the City of Norco, felt the noticing area would be sufficient. The HPC should notify the people on the list beginning at the first meeting level and continuing for each meeting, even though it is not a public hearing process. He explained the overlay is for a large area with historic properties, never just for one property, so that means a lot of properties get noticed.

Mr. Wilkman clarified that in 18.58.120 Appeals, the wording did not mean a conditional use permit. In response to PC Newton, Mr. Wilkman clarified the differences between minor and major modifications; minor being technical errors or omissions, and major being something like taking out a large building.

Vice-Chair Wright noted page one of Resolution 2010-10 needed to reflect July 14, 2010 in the text. He was in support of this item.

PC Jaffarian questioned the need for Finding I in the resolution regarding compliance with the California Environmental Quality Act (CEQA).

PD King said projects always need to be in compliance with CEQA.

About the overlays, PD King said there are already two overlay zones in Norco, animal keeping and transitions from M-1 zones. If there were to be two overlays on one piece of property, this particular overlay zone would over-ride any others.

~~Mr. Wilkman gave a brief explanation that this code amendment will give the City a coordinated way to deal with our historic areas. He explained several sections of the draft ordinance and the purposes for them. Purposes and Definition, for example, protects against court challenges regarding CEQA. Another section explains how to go about establishing the overlay zone, which buildings are contributors or non-contributors, and sets the ground work as to why the district is historic. Mr. Wilkman said at least 50% of the buildings in a district need to be historic. This section also gives the flexibility to make minor changes if a mistake is made.~~

One section covers how set up an historic zone, and how to keep the public informed from the beginning, using agenda postings, newspapers, etc. Also, that all city departments need to know about the ordinance once approved. The development review involves the Planning Commission to a certain degree. The Commission would be involved in new buildings within the historic zone, but not in replacement issues such as windows. This ordinance would give guidance to those writing the specific plans for this area. Non-contributing buildings are also reviewed for design and it is the HPC that makes sure these do not negatively impact the historic district. References to sections in Chapter 20.30 are so that there is nothing repetitive in the Code. The draft ordinance also makes mention that incentives are available to district properties as well.

PC Newton asked about PC review for demolitions on historic sites.

Mr. Wilkman said that was not necessary to have review by the PC as that is not under its jurisdiction.

PC Newton asked for clarification on the PC review of alterations.

It was confirmed that the PC does not need to review minor alterations; however, they will review new buildings.

PC Jaffarian asked about 50% requirement for designation of historic value.

Mr. Wilkman said a huge fire destroying most of the district could render it null and void. Once designated, however, any changes would not affect the initial designation.

PC Jaffarian noted that any changes concerning land elements such as natural rocks, hills, Lake Norconian, etc. would have to come to the City for review.

Chair Hedges opened the public hearing.

Linda Dixon, Chairman of the Historic Preservation Commission, encouraged the Commission to approve this item as it protects for the future certain areas of the city. This will be a long time in the making and future Councils and Commissions need to be aware.

Jeanine Adams said this amendment is so significant for the future. We have a rich heritage to protect and she encouraged recommending approval.

There were no further public comments and Chair Hedges closed the public hearing.

PC Henderson said this draft ordinance was following state law in setting up the ordinance regarding public hearings/meetings. He agreed that it was appropriate to notice as many properties as possible and to keep the public informed of all meetings.

PC Jaffarian asked that under 18.58.60, the last sentence under regarding the City Council continuing said hearing be removed because it is superfluous and the Commission agreed.

PC Jaffarian noted in 18.58.50, item 2 needs to state all of the components below. Mr. Wilkman agreed.

PC Jaffarian asked for clarification on who pays for surveys, because the applicant could be a lot of people or the City. Mr. Wilkman said if the citizens come to the City, they are the applicants and they pay.

All the Commission agreed with the mentioned changes. PC Newton if the item could be approved if the motion included "with changes". Staff confirmed.

MOTION: M/S Jaffarian/Newton to adopt Resolution 2010-10 with the above changes, recommending that the City Council approve Zone Code Amendment 2101-02.

AYES: Unanimous

NOES:

ABSENT:

ABSTAIN:

MOTION CARRIED

10. BUSINESS ITEMS: None

11. CITY COUNCIL: Received and filed.

A. City Council Action Minutes dated July 7, 2010

B. City Council Minutes dated June 16, 2010

12. PLANNING COMMISSION: Oral Reports from Various Committees. None

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: August 4, 2010

SUBJECT: Resolution in Support for Arizona's Adoption of Senate Bill 1070

RECOMMENDATION: Adopt Resolution No. 2010-____, expressing support for Arizona's adoption of Senate Bill 1070.

SUMMARY: The Members of the City Council unanimously recommended that a resolution be adopted in support of Arizona SB 1070. The proposed resolution resolves that the City Council stands with the people of Arizona and supports the right of the State of Arizona to create laws to protect and defend its citizens and our country.

BACKGROUND/ANALYSIS: At its meeting on July 21, 2010, the City Council voted unanimously to consider a resolution in support of the Support Our Law Enforcement and Safe Neighborhoods Act (Arizona SB 1070). Arizona SB 1070 has received national and international attention and has spurred considerable controversy. Arizona SB 1070 contains essentially the following provisions:

1. Requires law enforcement to make a reasonable attempt to verify a person's immigrant status.
2. Requires an illegal alien convicted of a crime to be transferred to Immigration and Customs Enforcement upon release.
3. Makes it a misdemeanor for an illegal alien to work, apply for work, or solicit work.
4. Makes it a misdemeanor to transport or conceal an illegal alien.
5. Authorizes a peace officer to stop a vehicle if he or she has reasonable suspicion to believe the person is in violation of a civil traffic law.
6. Creates a complaint system where a person can report an employer who knowingly hired an illegal alien. The attorney general or county attorney is required to investigate and if the complaint is found to be valid, the court shall award attorney's fees, order the employer to fire all illegal aliens, file quarterly

August 4, 2010

reports for three years and suspend licenses of employers that do not comply up to 10 business days.

7. Requires employers to keep e-verify records for three years or the duration of the employment.
8. Permits the impoundment of a vehicle if the driver is not licensed or a passenger is an illegal alien.
9. Makes it a misdemeanor to be in the United States illegally. The act was signed into law by Governor Jan Brewer on April 23, 2010 and is effective July 28, 2010.

A few examples of cities in Southern California taking a stand on Arizona SB 2070 include the City of Yorba Linda, which has taken a formal supportive position on Arizona SB 1070; the City of Costa Mesa, which passed a resolution calling itself a "rule of law" city but the resolution itself does not mention the Arizona bill; the City of Cypress, which is considering a resolution against the many threatened boycotts directed at Arizona; and the City of Villa Park, which rejected a resolution in support of Arizona SB 1070 because it did not involve city business. In Riverside County, the City's of Hemet and Lake Elsinore formally adopted a resolution/proclamation supporting Arizona SB 1070 and Temecula adopted an ordinance requiring employers who want a business license in the city to use E-Verify.

The proposed resolution formally resolves that the City Council of the City of Norco, California, stands with the people of Arizona and supports the right of the State of Arizona to create laws to protect and defend its citizens and our country.

FINANCIAL IMPACT: None

/bj-76159

Attachment: Resolution No. 2010-____

RESOLUTION NO. 2010-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, EXPRESSING SUPPORT FOR ARIZONA'S ADOPTION OF SENATE BILL 1070

WHEREAS, the City Council of the City of Norco affirms the integrity of the international borders of these United States and the constitutional authority and duty of the federal government to guard and protect those borders, including regulation of the numbers and qualifications of immigrants into the country; and

WHEREAS, in April of this year, the State of Arizona passed, and the Governor signed, Senate Bill 1070 which enables law enforcement to enforce federal immigration law using federal standards protecting the rights of all citizens without violating any individual's civil rights; and

WHEREAS, the Arizona law does not require new documentation, but uses existing identifying documentation to establish a presumption of legal status.

THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, stands with the people of Arizona and supports the right of the State of Arizona to create laws to protect and defend its citizens and our country.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 4, 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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on August 4, 2010 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

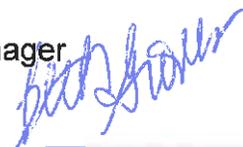
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on August 4, 2010.

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

/bj-76157

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: August 4, 2010

SUBJECT: Discussion of a Potential Ordinance Stipulating Contractor Requirements Related to the Use of E-Verify

RECOMMENDATION: That the Council Members reach consensus regarding bringing forward an ordinance stipulating contracting requirements relating to the use of E-Verify.

SUMMARY: At its July 21, 2010 meeting, the City Council directed staff to agendize a discussion item on the E-Verify Program. The City of Norco currently uses E-Verify for all new employees hired by the City. The Council request is to discuss making the use of E-Verify a requirement for all contractors that provide products or services to the City.

BACKGROUND/ANALYSIS: E-Verify is an internet-based system that electronically verifies the employment eligibility of newly hired employees. E-Verify allows participating employers to electronically compare employee information taken from the Form I-9 (the employee eligibility form used for all new hires) against the records in the Social Security Administration's database and the Department of Homeland Security immigration databases. E-Verify is currently voluntary and free to employers. To participate, an employer must register online and accept the electronic Memorandum of Understanding that details the responsibilities of all parties.

If the City Council seeks to require all contractors doing business with the City to use E-verify, a City ordinance would need to be adopted on the topic "contracting requirements—lawful hiring practices." The ordinance would stipulate who would be affected, any exceptions, the duration of compliance, and how the City would check for compliance.

The ordinance could be drafted and noticed for public hearing at the City's next regularly scheduled Council meeting, or any meeting thereafter.

FINANCIAL IMPACT: None

/76209