AGENDA
CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
DECEMBER 1, 2010

CALL TO ORDER:	7:00 p.m.
ROLL CALL:	Mayor Pro Tem Berwin Hanna Council Member Kathy Azevedo Council Member Kevin Bash Council Member Harvey C. Sullivan
PLEDGE OF ALLEGIANCE:	Mayor Pro Tem Hanna
INVOCATION:	Council Member Sullivan

REORGANIZATION OF CITY COUNCIL/NORCO REDEVELOPMENT AGENCY BOARD:

A. Election of Mayor/Chairman
B. Election of Mayor Pro Tem /Vice Chairman

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 November 17, 2010
   Recommended Action: Approve the CRA Minutes. (City Clerk)

2. 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)*

6. CITY COUNCIL ITEM FOR ACTION:

   A. Request for a Twelve-Month Extension of time for Tentative Tract Map 35650 (Essenmacher)

   Tentative Tract Map 35650 is due to expire on December 5, 2010. However, an extension of time can be considered if a request for the extension is submitted prior to the expiration date. The request for extension was submitted on November 18, 2010. The State Subdivision Map Act and the Norco Municipal Code allows for extensions of time on approved tentative maps not ready for final approval by the City Council and recordation with the County Recorder's Office.

   Recommended Action: Approve the extension of time for recording a final map for Tentative Tract Map 35650 with a new expiration date of December 5, 2011. (Planning Director)

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 Memory of Former Mayor Malcolm G. Miller, M.D.

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-76539

A. City Council Minutes:
Regular Meeting of November 17, 2010
Recommended Action: **Approve the City Council Minutes.** (City Clerk)

B. Approval of the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2010. **Recommended Action: Receive and file the Report.** Deputy City Manager/Director of Finance)

C. Approval of Resolutions Fixing the Employer's Contribution and Electing to Establish a Health Benefit Vesting Requirement for Future Retirees Under the Public Employees' Medical and Hospital Care Act. **Recommended Action: Adopt Resolution No. 2010-___, fixing the employer's contribution under the Public employees' medical and Hospital Care Act; and Resolution No. 2010-___, electing to establish a health benefit vesting requirement for future retirees under the Public Employees' Medical and Hospital Care Act.** (Deputy City Manager/Director of Finance)

D. Temporary Right of Entry Agreement between the City of Norco and Western Municipal Water District. **Recommended Action: Approve the Temporary Right of Entry Agreement with Western Municipal Water District to construct the California Rehabilitation Center Auger/Grinder Wastewater System and authorize the City Manager to execute the Agreement.** (Director of Public Works)

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

5. CITY COUNCIL PUBLIC HEARING:

A. Confirming Costs for 2010 Tumbleweed Abatement

The 2010 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2010. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

Recommended Action: Adopt Resolution No. 2010-____, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. (Fire Chief)

MINUTES
CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
NOVEMBER 17, 2010

CALL TO ORDER: Mayor Pro Tem Hanna called the meeting to order at 6:04 p.m.

ROLL CALL:

Mayor Pro Tem Berwin Hanna, **Present**
Council Member Kathy Azevedo, **Present**
Council Member Kevin Bash, **Present**
Council Member Harvey C. Sullivan, **Present**

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

City Attorney Harper – **Present**

Mayor Pro Tem Hanna recommended that one item be added to the Presentation section of the Agenda whereby Julie Reyes, representing Waste Management, will present information on the most recent Norco Trails Cleanup Day.

M/S Hanna/Azevedo to add the recommended item to the Presentation section of the Agenda. The motion was carried by the following roll call vote:

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

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

Section 54957 – Public Employee Performance Evaluation

Title: City Manager

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Pro Tem Hanna reconvened the meeting at 7:09 p.m.

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Calvary Chapel – Norco
Pastor Louie Montieth

Agenda Item 1.A. & 3.A.

PRESENTATIONS: Waste Management, Inc. – Julie Reyes
Follow-up from the Norco Trails Cleanup Day held on Saturday, November 13, 2010

Julie Reyes, representing Waste Management, presented follow-up information on the Norco Trails Cleanup Day held on Saturday, November 13th and noted that the funding for the Norco Trails Cleanup Day was provided by money received from the Keep America Beautiful Grant. The results from the cleanup included almost 10 tons of collected green waste. Greg Newton and Glenn Hedges also commented on the cleanup day and provided additional facts. Mayor Pro Tem Hanna presented certificates of appreciation to Waste Management and the Norco Horsemen's Association for their leadership and work in completing the trails cleanup.

Norco Horsemen's Association
Top Ten Trail Improvement List

Bonnie Slager, representing the Norco Horsemen's Association, presented the Norco Horsemen's Association Top Ten Trail Improvement List for 2010 to the City Council.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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

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

1. CRA
   A. CRA Minutes:
   Regular Meeting of November 3, 2010
   Recommended Action: Approve the CRA Minutes (City Clerk)

JOINT CRA/CITY COUNCIL AGENDA AS FOLLOWS:

2. JOINT CRA/CITY COUNCIL CONSENT ITEM:

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

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

A. Proposed Cancellation of the January 5, 2011 CRA/City Council Regular Meeting. **Recommended Action: Cancel the January 5, 2011 CRA/City Council meeting.** (City Clerk)

3. CITY COUNCIL ITEM FOR ACTION (taken for consideration out of order and originally Agenda Item 7):

A. Economic Incentive Agreement between the City of Norco and Excel Hotel Group

Excel Hotel Group is proposing to build a 96-unit Fairfield by Marriot Inn and Suites in the City of Norco. The proposed project is estimated to generate over $260,000 (average for the first 10 years) annually in Transient Occupancy Tax ("TOT"). Due to the current difficult economic conditions, securing financing for projects of this nature has become exceedingly hard to justify to lenders. To improve the economic attractiveness of the project to potential lenders, the project owner, Excel Hotel Group, has requested an economic incentive in the form of TOT sharing.

Recommended Action: Adopt Resolution No. 2010-___, authorizing the City Manager to Execute an Economic Incentive Agreement with Excel Hotel Group. (Deputy City Manager/Director of Finance)

Deputy City Manager/Director of Finance Okoro stated that Excel Hotel Group is proposing a development project within the City of Norco on a site they own, located at the northeast corner of Hamner Avenue and Fifth Street. The project consists of a 96-unit Fairfield by Marriot Inn and Suites. The following are the key terms of the TOT agreement:

1. The City will retain the first $100,000 of Hotel TOT generated by the project every year without any payment to Excel Hotel Group.
2. After the first $100,000 of annual Hotel TOT, the City will rebate sixty-five percent (65%) of the remaining amount to Excel Hotel Group through the 10th year from the date the Hotel commences operation or until Excel Hotel Group has been paid $1,081,000, whichever comes first.
3. Beginning from the 11th year, the City will retain all TOT generated from the project.

Jodie Webber. Ms. Webber stated that she is concerned over the financial numbers provided in the report and the time period of the negotiations with the developer. She further stated that based on her calculations, she is concerned with the amount of return to the City.

Deputy City Manager/Director of Finance Okoro responded that the 65% will only come into play after the City receives the first $100,000. He also clarified the practices in the industry, and noted that, by far, this agreement is the most favorable to the City.

City Attorney Harper stated that each agreement is dealt with individually, including the source of assistance.

Council Member Sullivan commended staff for their work on a tremendous agreement to bring this hotel into Norco.

Council Member Azevedo stated that she agrees with Council Member Sullivan and also complemented the citizens of Norco for increasing the TOT in the City. She added that this hotel will be a great economic boost to the City and will be a fabulous anchor.

Council Member Bash and **Mayor Pro Tem Hanna** both echoed the statements made by their fellow Council Members.

M/S Bash/Azevedo to adopt Resolution No. 2010-66, authorizing the City Manager to Execute an Economic Incentive Agreement with Excel Hotel Group. The motion was carried by the following roll call vote:

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

4. OTHER CRA MATTERS: No other CRA matters

ADJOURNMENT OF CRA: 7:36 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

5. CITY COUNCIL CONSENT CALENDAR ITEMS:

Council Member Bash pulled Item 5.G.

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

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

A. City Council Minutes:
Regular Meeting of November 3, 2010
Recommended Action: **Approve the City Council Minutes** (City Clerk)

B. Recap of Actions Taken at the Planning Commission Regular Meeting of November 10, 2010. **Recommended Action: Receive and File** (Planning Director)

C. Acceptance of the Ingalls Park Design/Build of the Equestrian Arena Cover Project as Complete. **Recommended Action: Accept the Ingalls Park Design/Build of the Equestrian Arena Cover Project as complete and direct the City Clerk to file a Notice of Completion with the County Recorder's Office.** (Director of Parks, Recreation & Community Services)

D. Acceptance of the Reservoir No. 4 Booster Pump Station Project as Complete. **Recommended Action: Accept the Reservoir No. 4 Booster Pump Station as complete and direct the City Clerk to file a Notice of Completion with the County Recorder's Office**. (Director of Public Works)

E. Award of Contract and Acceptance of Bid for the Fiscal Year 2010-11 Trail Fence Project to Valley Cities Fence Inc. **Recommended Action: Approve Award of Bid and Issue Notice to Proceed to Valley Cities/Gonzales Fence Inc**. (Director of Public Works)

F. Approval to Declare Various City Assets as Surplus Property. **Recommended Action: Declare various City assets as surplus and authorize the Deputy City Manager/Director of Finance to dispose of surplus assets through appropriate means.** (Deputy City Manager/Director of Finance)

G. Appointment of One Member to the Economic Development Advisory Council. **Recommended Action: The Economic Development Advisory Council recommends that the City Council appoint Patrick Malone to the Economic Development Advisory Council to fill a vacated seat term through June of 2014.** (City Clerk)

6. ITEMS PULLED FROM THE CITY COUNCIL CONSENT CALENDAR:

5.G. Appointment of One Member to the Economic Development Advisory Council. **Recommended Action: The Economic Development Advisory Council recommends that the City Council appoint Patrick Malone to the Economic Development Advisory Council to fill a vacated seat term through June of 2014.** (City Clerk)

Council Member Bash welcomed Mr. Patrick Malone to the EDAC.

M/S Bash/Sullivan to appoint Patrick Malone to the Economic Development Advisory Council to fill a vacated seat term through June of 2014. The motion was carried by the following roll call vote:

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

7. CITY COUNCIL PUBLIC HEARING:

A. Proposed Projects for the Use of Community Development Block Grant Funds (Program Year 2011-2012) Through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency

Applications for 2011-2012 Community Development Block Grant Funds are due to the Riverside County Economic Development Agency no later than December 2, 2010. City staff has been asked to estimate funding needs based on funding for Program Year 2010-2011, and is presenting funding applications for Council consideration based on an estimate. Final adjustments will be made to selected programs and projects once the actual allocation amount is known.

Recommended Action: The following projects are recommended to be submitted for funding through the Community Development Block Grant Program for Program year 2011-2012:

1. **Norco Party Pardners ($10,000)**
2. **Senior Citizens Recreation and Community Service Leader ($10,000)**
3. **Ingalls Park ADA Restroom Project ($110,000)**

(Housing Manager)

Housing Manager DeGrado presented the CDBG funding opportunities for 2011-2012 and explained the allowed uses of these funds.

Council Member Azevedo commented on the restroom project and asked if it will be like the restroom at Parmenter Park.

Director Petree responded that it would be pre-fabricated and similar to the restroom at Pikes Peak Park.

Mayor Pro Tem Hanna OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Jodie Webber. Ms. Webber noted concerns about the Party Partners request for funding and asked for clarification.

Housing Manager DeGrado stated that $10,000 is the most we can request from the County of Riverside for that project and further explained the breakdown of the funding requirements.

Mayor Pro Tem Hanna CLOSED the public hearing.

Council Member Azevedo commented on the history of Party Pardners and noted that the program has proved its merit to the surrounding communities.

M/S Sullivan/Bash to approve the projects as recommended to be submitted for funding through the Community Development Block Grant Program for Program Year 2011-2012. The motion was carried by the following roll call vote:

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

8. PUBLIC COMMENTS OR QUESTIONS:

Mike Box. Mr. Box stated concerns he has regarding an individual that is videotaping the Council meetings and added that he had asked that individual not to film him and his minor daughter at a recent meeting. He noted that what this individual does with the films is not ethical, as he edits them.

Pat Overstreet. Ms. Overstreet commented on the Sixth Annual Horsetown USA Parade of Lights & Winter Festival to be held on Saturday, December 4, 2010, and invited everyone to attend. She noted that this is a great event and is free to the public.

Norvah Williams. Ms. Williams commented on her previous complaints made about Waste Management and "took back" those complaints noting that her current service is great.

Denise Shoemaker. Ms. Shoemaker stated that she did not appreciate receiving the email in regards to the new fee structure for the community room at Fire Station 22, noting that it appeared to be addressed to just a few organizations.

9. OTHER MATTERS – COUNCIL:

Council Member Bash:

- Commented on the December 7th event and noted that he has been made aware that some of the military personnel serving in Afghanistan are feeling forgotten.
- Noted that the Norco High School Choir is really incredible and stated that he is hoping that a holiday show can be put together for the Norco Seniors.

Council Member Azevedo:

- Reported that the UNLOAD Committee has received $1,000 from the United Way for an upcoming community awareness event.
- Commented on a grant received from the federal government for the Manure-to-Energy Project and further asked the City Manager to add some additional information. **City Manager Groves** stated that the City was awarded funding for the Manure-to-Energy Project, in partnership with Chevron, for the initial feasibility study and the EIR. She thanked Deputy City Manager/Director of Finance Okoro and Director Thompson for putting this together and added that this does not obligate the City to move forward with the project.

Council Member Sullivan:

- Stated that Mr. Dick White fell and broke his hip a week ago Saturday. He noted this because of the fact that Mr. White was placed in a rehabilitation center, where he will stay until there is a handicap rail/ramp installed at his house. Council Member Sullivan asked for any volunteers willing to build this ramp for Mr. White.

Mayor Pro Tem Hanna:

- Complimented the persons that volunteer for the food program in Norco.
- Thanked staff for putting together the volunteer program in Norco and noted that the certification program for volunteers to assist at the George Ingalls Equestrian Event Center is working very well.

10. OTHER MATTERS – STAFF: Nothing to report from staff.

11. ADJOURNMENT: There being no further business to come before the City Council, Mayor Pro Tem Hanna adjourned the meeting at 8:11 p.m.

BRENDA K. JACOBS
CITY CLERK

/bj-77093

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Beth Groves, City Manager
PREPARED BY:	Andy Okoro, Deputy City Manager/Director of Finance
DATE:	December 1, 2010
SUBJECT:	Approval of the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2010
RECOMMENDATION:	Staff recommends that the City Council receive and file the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2010.

SUMMARY: Staff is recommending that the City Council receive and file the City's annual reports for Community Facilities Districts 2001-1 and 2002-1 for fiscal year ended June 30, 2010. This report meets the requirements of the Government Code.

BACKGROUND/ ANALYSIS: Government Code Section 50075.3 requires the chief fiscal officer of a levying local agency to file a report with its governing body at least once a year on Community Facilities Districts formed on or after January 1, 2001. The report is to contain information on the amount of funds collected and expended as well as information on the status of any project required or authorized to be funded by the Community Facilities Districts (CFD).

CFD 2001-1 (Norco Ridge Ranch) was approved by the Council on February 2, 2001 and by the qualified electors, being the land owners, within the boundaries of the District on April 18, 2001. The completed public improvements financed with Bonds issued by the District included the reconstruction of sanitary facilities; construction of domestic and reclaimed water transmission and storage facilities; storm drain facilities, including storm drains, channels, detention, retention and/or cache basins; street improvements including curb, gutters, striping, lighting, signalization, signage; public walls and barriers; dry utilities; Ingalls Park, horse arena improvements; and public park, recreation and/or open space facilities. These improvements have been completed and accepted for maintenance by the City.

CFD 2002-1 (KB Norco 50) was approved by the Council on March 20, 2002 and by the qualified electors on November 6, 2002. The proceeds of the CFD Bonds issued were used to pay for public improvements consisting of sewer, water, storm drain and street improvements. The improvements also included curbs, gutters, asphalt pavement,

equestrian trail, parkway trees and irrigation. All improvements have been completed and accepted by the City for maintenance since September 21, 2005.

Attachments 1 and 2 provide summary of fiscal year 2009/2010 revenues and expenditures for CFD Districts 2001-1 and 2002-1 respectively. Revenues consist of assessment levies on property owners and interest income. Revenues derived from the assessment are used to pay for debt service on the Bonds issued to finance the improvements which benefit property owners in each District.

FINANCIAL INPACT: This report is for information only.

/jk-77121
Attachments: 1) Financial Report for CFD 2001-1
2) Financial Report for CFD 2002-1

City of Norco
Statement of Sources and Uses of Funds
Community Facilities District 2001-1
(Norco Ridge Ranch)
Fiscal Year Ended June 30, 2010

Beginning Fund Balance		$ 2,188,382
Revenues:		
CFD 2001-1 Assessments	2,833,303	
Interest Income	43,347	
Total Revenues		2,876,650
Expenditures:		
Debt Service	2,106,644	
Miscellaneous	113,532	
Total Expenditures		2,220,176
Ending Fund Balance		$ 2,844,856

Attachment 1

City of Norco
Statement of Sources and Uses of Funds
Community Facilities District 2002-1
(KB Norco 50)
Fiscal Year Ended June 30, 2010

Beginning Fund Balance		$	391,043
Revenues:			
CFD 2002-1 Assessments	207,164		
Interest Income	7,293		
Total Revenues			214,457
Expenditures:			
Debt Service	158,730		
Miscellaneous	16,582		
Total Expenditures			175,312
Ending Fund Balance		$	430,188

Attachment 2

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

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

DATE: December 1, 2010

SUBJECT: Approval of Resolutions Fixing the Employer's Contribution and Establishing a Health Benefit Vesting Requirement for Future Retirees Under the Public Employees' Medical and Hospital Care Act

RECOMMENDATION: Adopt **Resolution No. 2010-___**, fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act, and
Resolution No. 2010-___, electing to establish a health benefit vesting requirement for future retirees under the Public Employees' Medical and Hospital Care Act.

SUMMARY: The first Resolution (Attachment A) will amend the contract with California Public Employers Retirement System (CalPERS) under the Public Employees' Medical and Hospital Care Act to retain the Miscellaneous Group for health benefit for current retirees and to provide City health premium subsidy capped at $1,250 a month for existing retirees who are not subject to the City's Vesting Schedule. The second Resolution (Attachment B) re-adopts the City's previously implemented Vesting Schedule to make it applicable by bargaining units for health benefits purposes.

BACKGROUND/ANALYSIS: At the inception of the City's health insurance contract with CalPERS, the City chose to provide equal contribution subsidy for actives and retirees towards their health insurance premiums. With the equal contribution provision, the cap of $1,250 recently approved by City Council will also apply to existing and future retirees except for those retirees covered under the State's Vesting Schedule which the City adopted in 2004. The first Resolution (Attachment A) fixes the City's contribution at $1,250 a month for unvested current and future retirees.

At its November 3, 2010 meeting, the City Council approved amendment to the CalPERS health contract to provide flexibility for City contribution subsidy towards employees' health insurance premium to be based on bargaining groups instead of retirement groups. With this change, CalPERS requires the City to re-adopt the State's Vesting Schedule which the City implemented in September 2004. The only change to the proposed Resolution from the 2004 Resolution is that City health insurance

premium contributions under the Vesting Schedule will now be by bargaining groups instead of by retirement group in the 2004 Resolution.

The Vesting Schedule provides for graduated contribution by the City based on the number of years of service. As an example, to be eligible to receive 50% of premium, an employee must have ten years CalPERS service credit five of which must be with the City of Norco. Each additional year of service credit after ten years increases City contribution by 5% until 20 years at which time the retiring employee is eligible for full premium.

FINANCIAL IMPACT: It is estimated that the change in medical insurance benefit could generate about $8,000 savings for the remainder of FY2010-2011.

Attachments: Resolutions
/jk-77112

RESOLUTION NO. 2010-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

WHEREAS, (1) Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b)(1) of the Act, and

WHEREAS, (2) City of Norco is a local agency contracting under the Act; now, therefore be it

RESOLVED, (a) That the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of:

CODE	BARGAINING UNIT	CONTRIBUTION PER MONTH
001	Miscellaneous	$ 1,250

Plus administrative fees and Contingency Fund Assessments; and be it further

RESOLVED, (b) That City of Norco has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 1, 2010.

_____
Mayor of the City of Norco, California

ATTEST:

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

Attachment A

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on December 1, 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 December 1, 2010.

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

/jk-77114

RESOLUTION NO. 2010-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING REQUIREMENT FOR FUTURE RETIREES UNDER PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

WHEREAS, (1) Government Code 22893 provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act may amend its resolution to provide a post retirement vesting requirement, and

WHEREAS, (2) The City of Norco is a local agency contracting under the Act, and

WHEREAS, (3) The City of Norco certifies, certain employees are represented by a bargaining unit and subject to a memorandum of understanding, and

WHEREAS, (4) The credited service for purposes of determining the percentage of employer contributions shall mean service as defined in Section 20069, except that not less than five years of that service shall be performed entirely with the City of Norco; and

WHEREAS, (5) The contribution for active employees shall not be less then what is defined in Government Code Section 22892(b); now therefore it be

RESOLVED, (a) That the employer's contribution for each **retired** employee first hired on or after the effective date of this resolution shall be as listed:

CODE	BARGAINING UNIT	CONTRIBUTION PER MONTH
003	Management	Full Premium
004	Mid-Management/Confidential	Full Premium
005	General Employees	Full Premium
006	Public Works & Parks Maintenance	Full Premium

plus Administrative fees and Contingency Reserve Fund, but not more than 100 percent of the premium applicable to him or her, nor less than the 100 percent of the weighted average of the health benefits plan premiums for employees or annuitants enrolled for self alone plus 90 percent of the weighted average of the additional premiums required for enrollment of family members

Attachment B

in the four health benefits plans that have the largest number of enrollments; and be it further

RESOLVED, (b) That the percentage of employer contribution payable for post retirement health benefits for each retired employee shall be based on the employee's completed years of credited service based upon Government Code Section 22893; plus administrative fees and Contingency Reserve Fund assessments; and be it further

RESOLVED, (c) That the City of Norco has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (d) That coverage under the Act be effective on January 1, 2011.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 1, 2010.

_____
Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on December 1, 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 December 1, 2010.

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

/jk-77113

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

PREPARED BY: William R. Thompson, Public Works Director

DATE: October 6, 2010

SUBJECT: Temporary Right of Entry Agreement between the City of Norco and Western Municipal Water District

MOTION TO: That City Council approve a Temporary Right of Entry Agreement with Western Municipal Water District to construct the California Rehabilitation Center Auger/Grinder Wastewater System and authorize the City Manager to execute the agreement.

SUMMARY: Staff is requesting approval of a Temporary Right of Entry Agreement ("Agreement") with Western Municipal Water District ("Western") to construct the California Rehabilitation Center ("CRC") Auger/Grinder Wastewater System Project on the Santa Ana Regional Interceptor ("SARI") lateral located on Western Avenue.

BACKGROUND/ANALYSIS: At their October 20, 1020 meeting, the City Council awarded contract to Atom Inc. to construct the Auger/Grinder Project. The wastewater system was designed to be constructed on the existing 15" diameter SARI lateral owned and operated by Western. The SARI lateral currently carries the entire CRC waste stream to Orange County for treatment.

The City, Western and CRC have entered into a Memorandum of Agreement (MOA) to transfer ownership of the SARI lateral to the City of Norco. The MOA describes the construction of the auger/grinder wastewater system, arrangement for the CRC waste stream to be diverted to the Western Riverside County Regional Wastewater Authority ("WRCRWA") facility for treatment, and the assignment of the SARI pipeline and treatment capacity right.

The Agreement will allow Norco, its employees, consultants and contractors, reasonable entry and access to the CRC Lateral, at mutually convenient times, and at times during which Western's representative can be present at the CRC Lateral initially for construction, and subsequently for operation, of the Pretreatment Facilities.

Staff is recommending approval of the Agreement to complete the construction of the wastewater facility. Legal counsel has reviewed the agreement.

FINANCIAL IMPACT: N/A

/wrt-77129
Attachments: Temporary Right of Entry Agreement

Agenda Item 3.D.

TEMPORARY RIGHT OF ENTRY AGREEMENT
BY AND BETWEEN
WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY
AND THE
CITY OF NORCO

THIS AGREEMENT is made by and between the WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY ("Western"), and CITY OF NORCO ("Norco"), and is effective on the date executed by each Party's authorized officials. Western and Norco are sometimes individually and collectively referred to as "Party" or "Parties" respectively.

RECITALS

A. Western is a municipal water district and owns and operates a sewer lateral ("CRC Lateral") currently utilized by the California Rehabilitation Center ("CRC") to discharge to the Santa Ana Regional Interceptor Line ("SARI"). Norco intends to take the CRC discharges out of the SARI and instead arrange for such discharges to be diverted to the Western Riverside County Regional Wastewater Authority ("WRCRWA") facilities through the CRC Lateral pursuant to negotiations and separate agreement between Norco and Western whereby Norco would purchase Western's Northern CRC Lateral (described below), lease from Western capacity in the WRCRWA facilities and sell to Western 750,000 gpd of SARI discharge right.

B. In the meanwhile, the CRC is required by Santa Ana Watershed Project Authority ("SAWPA") to build a bar-screen and/or grinder ("Pretreatment Facilities"), which Norco agrees to construct in order to comply with SAWPA's compliance order directed to the CRC. The location of the Pretreatment Facilities will be on the CRC Lateral between the CRC and Norco's Second Street Lift Station (the "Northern CRC Lateral") initially for construction, and subsequently for operation, of the Pretreatment Facilities.

C. The Parties desire to enter into this Agreement to allow Norco, its employees, consultants and contractors, reasonable entry and access to the Northern CRC Lateral, at mutually convenient times, and at times during which Western's representative can be present at the Northern CRC Lateral initially for construction, and subsequently for operation, of the Pretreatment Facilities.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, Western and Norco hereby agree as follows:

1. Temporary Authority to Enter and Access Western's Northern CRC Lateral for Purposes of Constructing the Pretreatment Facilities.

1a. Designated Individuals. Norco shall officially designate its employees, consultants and contractors who are to have such temporary authority to enter and access Western's Northern CRC Lateral which designated employees, consultants and contractors must first be approved by Western in writing. Norco's officially designated employees, consultants and contractors, are hereby temporarily authorized to enter the Northern CRC Lateral on days and at times that are mutually convenient to the Parties, scheduled in advance, on weekdays during regular business hours and while a Western representative is present at the Northern CRC Lateral for construction of the Pretreatment Facilities.

1b. Term of Agreement for Construction. The entry and access hereby authorized to Norco is temporary and shall automatically expire on *March 1*, 2011, and this temporary right of entry for construction shall no longer be valid, unless it is mutually agreed in writing by both Parties to extend the term of this Agreement. Notwithstanding the foregoing, upon five (5) days written notice, Western, in its sole discretion, may, at any time, terminate or suspend, the authorization provided by this Agreement. On the fifth (5th) day after Norco receives such a notice, Norco and its employees, consultants and contractors shall vacate the Northern CRC Lateral leaving it secure and operational. By way of an example but without limitation, such a notice may be provided if there is a need to do so for security reasons.

1c. Consideration for Construction Right of Entry. Norco shall diligently pursue an agreement with Western whereby Norco will purchase the Northern CRC Lateral from Western, lease from Western capacity in WRCRWA facilities, and sell to Western a 750,000 gallon per day discharge right in the SARI, currently owned by the CRC. If Western determines in its sole discretion that Norco has not exercised such diligence or that such an agreement is not likely Western may terminate this Agreement on five (5) days notice as provided in Section 1b above.

2. Extended Authority to Enter and Access Western's Northern CRC Lateral for Operation and Maintenance of the Pretreatment Facilities.

2a. Designated Individuals. Norco's officially designated employees, consultants and contractors previously approved by Western in writing are hereby temporarily authorized to enter the Northern CRC Lateral at any time for purposes of operating and maintaining the Pretreatment Facilities.

2b. Term of Agreement for Operation and Maintenance. The entry and access hereby authorized to Norco is temporary and shall automatically expire on *June 30*, 2011, and this temporary right of entry for operation and maintenance of the Pretreatment Facilities shall no longer be valid, unless it is mutually agreed in writing by the Parties to extend the term of this Agreement. Notwithstanding the foregoing, upon five (5) days written notice, Western, in its sole discretion, may, at any time, terminate or

suspend, the authorization provided by this Agreement. On the fifth (5th) day after Norco receives such a notice, Norco and its employees, consultants and contractors shall vacate the Northern CRC Lateral leaving it secure and operational.

2c. Consideration for Extended Right of Entry for Operation. Norco agrees to diligently pursue the Agreement with Western whereby Norco will purchase the Northern CRC Lateral from Western, lease from Western's discharge capacity in WRCRWA facilities, and sell to Western a 750,000 gallon per day discharge right in the SARI, currently owned by the CRC. If Western determines in its sole discretion that Norco has not exercised such diligence or that such an agreement is not likely Western may terminate this Agreement on five (5) days notice as provided in Section 2b above. In the event said Agreement has not been finalized by June 30, 2011, Norco with Western's written authorization shall begin renting capacity in the entire CRC Lateral from Western, month-to-month with rent payments due and payable the first of each month beginning July 1, 2011 and continuing until Western has either transferred ownership of the Northern CRC Lateral to Norco or terminated Norco's authorization to rent such discharge capacity. Rent amount shall be $ 600 per month for the first year (fiscal year 2011/12) increasing $600 per month each subsequent fiscal year not to exceed $3500 per month. Western, at its sole discretion may use the rent payments for repair and replacement as the CRC Lateral ages. Norco shall include the entire CRC Lateral in its Sanitary Sewer Management Plan in compliance with State Order 2006-0003, adopted May 2, 2006 by the California State Water Resources Control Board and shall report any Sanitary Sewer Overflow as a Norco operation. Western will work with Norco to obtain a permit from the SAWPA for discharge to SARI, as Norco will be replacing the CRC as a direct discharger to SARI during the term of the rental. The construction, operation and maintenance of the Pretreatment Facilities shall be the sole and exclusive obligation and responsibility of Norco.

3. Norco to Comply With All Applicable Laws Including the California Environmental Quality Act. Norco shall comply with all requirements of federal, state and local laws and ordinances in connection with the right of entry and access authorized by this Agreement and the construction, operation and maintenance of the Pretreatment Facilities. Norco, as the Lead Agency, shall comply with the requirements, if any, of the California Environmental Quality Act ("CEQA") in connection with the right of entry and access authorized by this Agreement, and agrees to obtain all appropriate governmental permits and approvals, if any.

4. Norco to Indemnify Western. Norco shall indemnify and hold harmless Western and SAWPA, their officers, employees and agents and their member agencies, from any claims, damages, lawsuits, regulatory actions, fines and penalties, including attorneys fees and litigation expenses arising therefrom, which relate to or are occasioned by the right of entry and access authorized by this Agreement, the construction and operation of the Pretreatment Facilities, and any violation of law, including CEQA. Norco's indemnity and hold harmless obligation includes any claims made by Norco's employees, consultants or contractors related to their entry and access to the Northern CRC Lateral in accordance with this Agreement.

5. Norco's Access Limited to Entry for Purposes of Norco Facilities. Norco's authorization under this Agreement is limited solely to the construction, operation and maintenance of the Norco Facilities at the Northern CRC Lateral.

6. Norco is to Have Insurance. Norco shall, at all times during which Norco has authority under this Agreement to enter upon and access the Northern CRC Lateral, maintain a policy or policies of comprehensive liability insurance, including Northern CRC Lateral damages, in an amount of no less than $1,000,000.00, which shall insure Western, as an additional insured, against any liability for injury to person(s) and/or Northern CRC Lateral occurring in, arising from, or relating to the right of entry and access authorized by this Agreement. Such insurance shall provide coverage to Western in the event that Norco's entry upon and access of the Northern CRC Lateral, either directly or indirectly, results in damage to the Northern CRC Lateral, including SAWPA's SARI system and related facilities associated with the Northern CRC Lateral. Such insurance policy or policies shall also be issued by a responsible insurance company with a "Best" rating of at least "A-; VII", and admitted to do business in, and regulated by, the State of California. Each such insurance policy shall be primary and noncontributory with any policies carried by Western and, to the extent obtainable, such coverage shall be payable notwithstanding any act or negligence of Western that might otherwise result in forfeiture of insurance. Each such insurance policy shall provide that a thirty (30) day notice of cancellation and of any material modification of coverage shall be given to Western as a named additional insured. Norco agrees that upon failure to insure as provided herein, or to pay premiums with the insurance, Western may contract for the insurance and pay the premiums, and all sums expended by Western for insurance shall be reimbursed by Norco to Western. Norco shall maintain and provide Western with evidence of workers compensation insurance meeting at least the minimum requirements for such insurance under the laws of the State of California.

7. Utilities. Norco shall make all arrangements and pay for all utilities and services furnished or used by Norco in connection with its right of entry and access upon the Northern CRC Lateral.

8. No Toxic or Hazardous Waste. Norco represents and warrants that Norco and its employees, agents, consultants, contractors and anyone else acting on Norco's behalf will not store, dispose, produce, use, transport or manufacture any toxic or hazardous waste or materials as defined or regulated by local, state or federal laws on the Northern CRC Lateral.

9. Assignment Prohibited. Norco shall not assign, convey or transfer this Agreement.

10. Entire Agreement. This Agreement contains the entire agreement between the Parties as to the matters herein provided for and may only be amended by a subsequent written agreement signed on behalf of both Parties.

11. Warranty of Authority. The undersigned signatories represent and warrant that they have the full authority to sign this document on behalf of their respective agencies, and that all necessary board or legal actions have been taken.

12. Notices. The advance arrangements required for entry and access to the Northern CRC Lateral shall be between authorized representatives of Norco and Western. Any other notices under this Agreement shall be in writing and delivered personally or transmitted through the United States mail by certified mail, postage prepaid or by facsimile transmission, if a hard copy of the same is followed by delivery through the United States mail, first class, postage prepaid, addressed as follows:

Western Municipal Water District of Riverside County
Attention: Jeffrey D. Sims, Assistant General Manager
450 Alessandro Boulevard
Riverside, California 92508
Telephone: 951-789-5000
Telecopier: 951-780-3837

City of Norco
Attention: Bill Thompson, Director of Public Works
2870 Clark Avenue
Norco, California 92860
Telephone: 951-270-5601
Telecopier: 951-270-5607

13. Definitions. The CRC Lateral begins at Rincon Street and Auburndale Avenue in the City of Corona and ends at 5th and Western Avenue in the City of Norco, a total length of 16,200 feet. (See attached Exhibit A.) The Northern CRC Lateral, the northern 10,500 feet of the CRC Lateral, begins at 2nd Street and River Road in the City of Norco and ends at 5th Street and Western Avenue in the City of Norco. (See attached Exhibit B.)

14. Counterparts. This Agreement may be signed in counterparts and such counterparts shall be treated as one Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be entered into as of the last date written below.

WESTERN MUNICIPAL WATER DISTRICT
OF RIVERSIDE COUNTY

Dated: _____ By: _____

CITY OF NORCO

Dated: _____ By: _____
City Manager

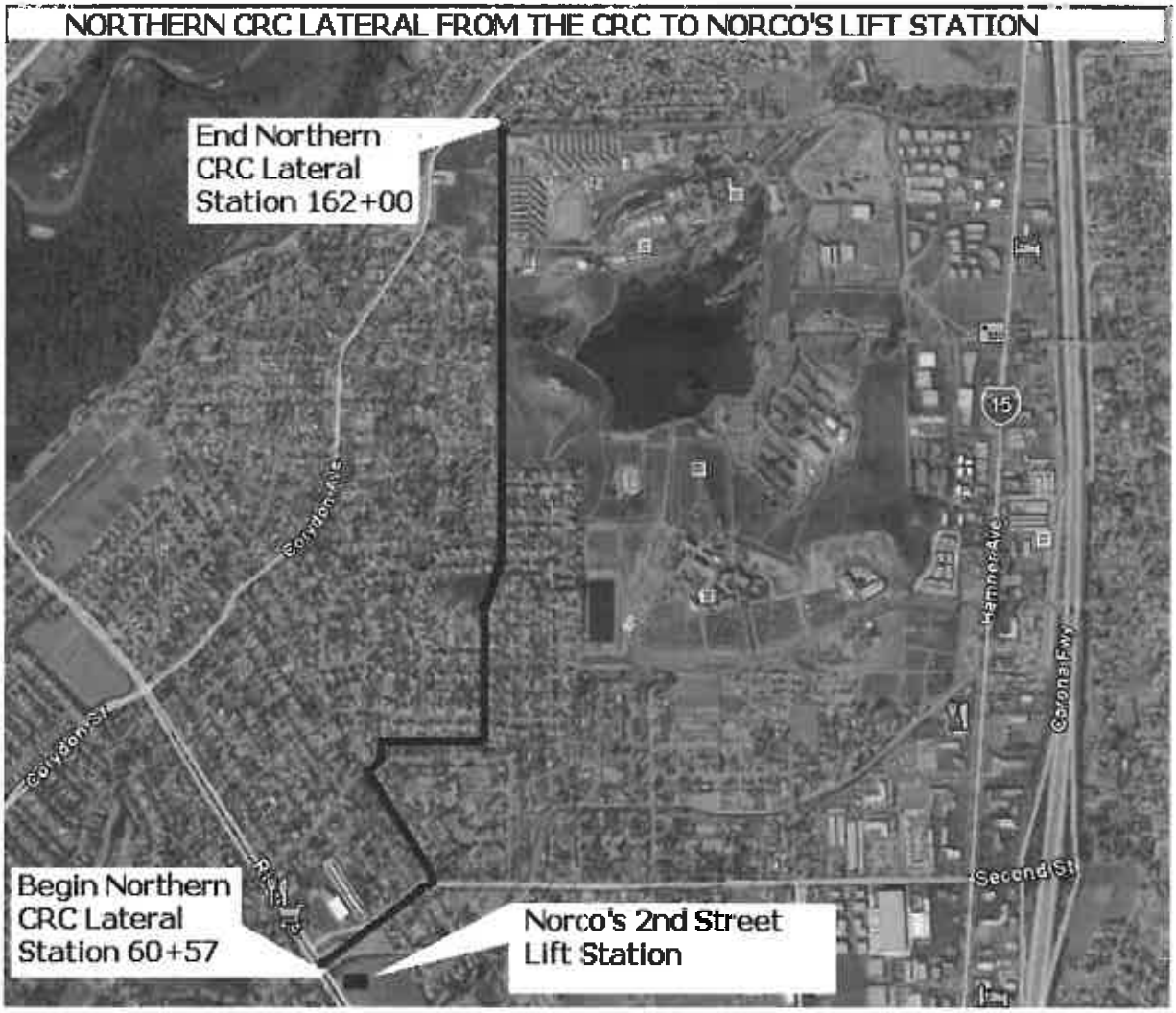
EXHIBIT A

TEMPORARY RIGHT OF ENTRY AGREEMENT
BY AND BETWEEN
WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY
AND THE
CITY OF NORCO

WESTERN OWNS THE ENTIRE CRC LATERAL FROM THE CRC TO SARI

EXHIBIT B

TEMPORARY RIGHT OF ENTRY AGREEMENT
BY AND BETWEEN
WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY
AND THE
CITY OF NORCO



/wrt-77130

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Beth Groves, City Manager
PREPARED BY:	Dave Carlson, Fire Chief
DATE:	December 1, 2010
SUBJECT:	Public Hearing Confirming Costs for 2010 Tumbleweed Abatement
RECOMMENDATION:	Adopt **Resolution No. 2010-____**, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City.

SUMMARY: The 2010 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2010. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.

BACKGROUND/ANALYSIS: The City's weed abatement contractor has completed the removal of tumbleweeds from vacant properties whose owners failed to abate. The Notices to Abate Tumbleweeds were mailed on August 5, 2010 pursuant to Council's declaration on March 3, 2010 that seasonal, recurring tumbleweeds and hazardous vegetation constitute a public nuisance. The deadline to comply with the abatement notice was September 17, 2010.

Exhibit "A" – 2010 Tumbleweed Abatement Report of Costs shows both the contractor's cost and the Fire Department's administrative fee. Property owners will be invoiced for these costs; and if not paid, property liens will be assessed through the Riverside County Auditor-Controller's Office.

FINANCIAL IMPACT: Costs to abate weeds on vacant property are paid by the property owner or special assessment property tax liens.

/mb-76988
Attachments: Resolution No. 2010-_____
Exhibit "A" – 2010 Tumbleweed Abatement Report of Costs

RESOLUTION NO. 2010-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, CONFIRMING THE REPORT OF COSTS FOR ABATEMENT OF WEEDS AND HAZARDOUS VEGETATION AS A PUBLIC NUISANCE AND IMPOSING SPECIAL ASSESSMENT LIENS ON VACANT PARCELS WITHIN THE CITY

WHEREAS, the City Council declared that seasonal and recurring weeds and hazardous vegetation, growing upon and in front of vacant property in the City of Norco, constitute a public nuisance and also declared its intent to provide for abatement by adopting Resolution No. 2010-10 on March 3, 2010; and

WHEREAS, the Notice to Destroy Weeds and Hazardous Vegetation was given to property owners of vacant property in accordance with Chapter 13, Article 2, Section 39567.1 of the State of California Government Code and Resolution No. 2010-10; and

WHEREAS, the City Council held a Public Hearing on May 5, 2010, and all objections to the proposed abatement of weeds and hazardous vegetation on vacant parcels were heard and considered in accordance with the State of California Government Code and Resolution No. 2010-10; and

WHEREAS, the City Council ordered the Fire Chief to have such nuisances abated by adopting Resolution No. 2010-20 on May 5, 2010; and

WHEREAS, an itemized report showing the cost to abate the nuisances that were on or in front of vacant parcels has been prepared and submitted to the City Council for confirmation; and

WHEREAS, a copy of the report of costs was posted near the door of the Council Chamber at least three days prior to the Public Hearing; and

WHEREAS, the Public Hearing being held by City Council is for the purpose of receiving and considering the report of costs showing abatement costs and hearing objections from property owners liable to be assessed for such costs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, California, does hereby find and declare that the 2010 Tumbleweed Abatement Report of Costs, Exhibit "A" on nuisance abatement for vacant parcels is confirmed, and that the costs are also confirmed as special assessment property liens against the vacant parcels whose property owners do not pay the invoiced amount.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 1, 2010.

_____
Mayor of the City of Norco, California

ATTEST:

_____
Brenda Jacobs, City Clerk
City of Norco, California

I, Brenda 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 December 1, 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 December 1, 2010.

_____
Brenda Jacobs, City Clerk
City of Norco, California

/mb-76989

NORCO FIRE DEPARTMENT

2010 TUMBLEWEED ABATEMENT REPORT OF COSTS
Exhibit "A"

PARCEL NO.	OWNER OF RECORD	PARCEL ACREAGE	CONTRACTOR'S FEE	ADMIN FEE	TOTAL CHARGE
125-270-012	Eugene Eustaquio 3 Dogwood South Irvine, CA 92612	1.08	100.00	100.00	200.00
131-070-014	George Sinichak 13814 Walnut St. Whittier, CA 90602	4.44	500.00	500.00	1,000.00
131-320-026	Excel Corona c/o Suresh Patel 9663 Tierra Grande No. 204 San Diego, CA 92106	2.17	470.00	470.00	940.00
133-090-010	George Callaway c/o Tom Rohde 2058 N. Mills Av. Claremont, CA 91711-2812	2.18	119.90	119.90	239.80
	Total Charges		$ 1,189.90	$ 1,189.90	$ 2,379.80

/mb-76991

CITY OF NORCO
STAFF REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Beth Groves, City Manager
PREPARED BY:	Alma Robles, Senior Planner
DATE:	December 1, 2010
SUBJECT:	Request for a Twelve-Month Extension of Time for Tentative Tract Map 35650 (Essenmacher)
RECOMMENDATION:	Staff recommends that the City Council approve the extension of time for recording a final map for Tentative Tract Map 35650 with a new expiration date of December 5, 2011.

SUMMARY: Tentative Tract Map 35650 is due to expire on December 5, 2010. However, an extension of time can be considered if a request for the extension is submitted prior to the expiration date. The request for extension was submitted on November 18, 2010. The State Subdivision Map Act and the Norco Municipal Code allows for extensions of time on approved tentative maps not ready for final approval by the City Council and recordation with the County Recorder's Office.

BACKGROUND/ANALYSIS: On December 5, 2007, the City Council approved Tentative Tract Map 35650, a request to subdivide approximately four acres into seven parcels for residential development (ref. Exhibit "D" – Tentative Parcel Map 35650). The property is located at 3079 Temescal Avenue within the A-1-20 zone (ref. Exhibit "A" – Location Map). The map was approved for a two-year period (ref. Exhibit "B" – Resolution 2007-70) with an expiration date of December 5, 2009, but was extended to December 5, 2010 by the City Council on November 4, 2009.

The Norco Municipal Code, Title 17 Subdivisions, permits tentative maps to be extended for three consecutive one-year time periods for a maximum of five years. This is the second request for an extension of time, which was submitted on November 18, 2010 and if approved, would extend the expiration date of the map one year to December 5, 2011.

The map is very close to being recorded and staff is in the process of verifying whether all of the conditions of approval for recordation of the map have been met; however, this will not be done before the expiration date. The applicant delayed recordation of the map due to the downturn in the economy (ref. Exhibit "C" – Letter dated November 18, 2010).

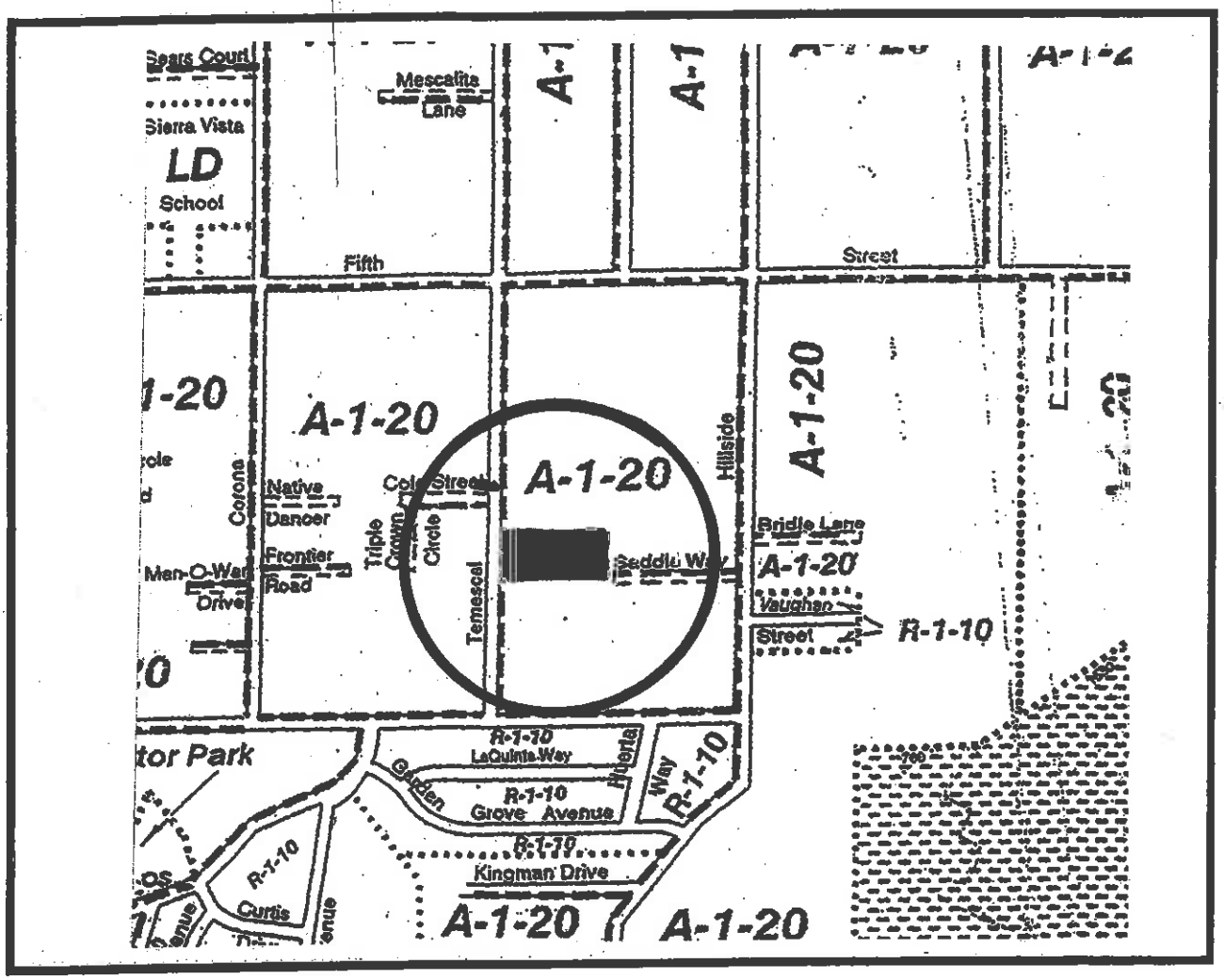
Tentative Parcel Map 35650 complies with all provisions of the Norco Municipal Code, the State Subdivision Map Act and the A-1-20 zone. Staff supports the requested extension.

FINANCIAL IMPACT: None identified.

/adr-77127

Attachments: Exhibit "A" – Location Map
Exhibit "B" – CC Resolution 2007-70
Exhibit "C" – Letter, Essenmacher dated 11/18/10
Exhibit "D" – TTM 35650

LOCATION MAP



Not to Scale

N

PROJECT: Tentative Tract Map 35650

APPLICANT: Todd Essenmacher

LOCATION: 3079 Temescal Avenue

Exhibit "A"

RESOLUTION NO. 2007-70

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

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

> The Southerly 4.0 acres of Lot 8, of the resubdivison of a portion of Block 18 and all of the Blocks 29 and 30 of Riverside Orange Heights, of Tract No. 2, in the City of Norco, County of Riverside, State of California, as per map recorded in Book 9 Page(s) 10, of Maps, in the office of the County Recorder of said County.
>
> Excepting the interest in the Westerly 6 feet as conveyed to the County of Riverside by Deed recorded July 27, 1964 as instrument No. 91458, Official Records,
>
> More generally described as a rectangular-shaped area of about 4.0 acres, located at the northeast corner of Temescal Avenue and Wrangler Way, having a frontage on the east side of Temescal Avenue of about 276 feet, a frontage on the north side of Wrangle Way of about 630 feet, having a maximum depth of about 276 feet, and being further described as 3079 Temescal Avenue(Assessor's Parcel Number 123-050-004); and

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

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

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

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

EXHIBIT "B"

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

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

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

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

I. FINDINGS:

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

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

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

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

II. DETERMINATION:

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

1. Approval is based on Exhibit "D", dated November 8, 2007 and incorporated herein by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions.

2. The recorded owner of the property shall submit to the Planning Department, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.

3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.

4. The applicant shall pay all applicable fees associated with this proposal and the subdivision of land. Furthermore, the applicant shall pay all development fees in accordance with the NMC prior to approval of the final map.

5. All provisions of Chapters 17 and 18 of the NMC shall be met as it relates to the division of land.

6. The submittal, approval, and recordation of a subdivision map in accordance with the provisions of the State Subdivision Map Act and the City Subdivision Ordinance prior to the issuance of any permits is required.

7. Approval of the tentative map shall expire if the subject map has not been recorded within a two-year period from the date of City Council approval.

8. Extension of the tentative map approval shall only be considered if the applicant filing said map submits a written request for extension to the City Planning Department stating the response for the request, **at least 30 days before the map approval is due to expire,** pursuant to and in compliance with Section 17.16.170 of the City Subdivision Ordinance.

9. The project shall have a dedicated "primary animal-keeping area" (PAKA) on each lot created within the subdivision map. The size of the PAKA shall be as set forth and shown on the Tentative Tract Map and in compliance with all requirements in Section 18.13.11 of the NMC. Furthermore, the dedicated PAKA shall be recorded on each lot.

10. Each lot shall be designed to have a minimum 15-foot flat, clear, and direct access from the street to the rear yard and the PAKA. The access shall be graded flat for vehicular access, be free and clear of all obstructions from the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##

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

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

Mayor of the City of Norco, California

ATTEST:

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on December 5, 2007.

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

/adr-67366

TODD MARVIN ESSENMACHER

November 18, 2010

City of Norco
2870 Clark Ave.
Norco, Ca 92860

RE: TTM 35650 time extension

To Whom It May Concern:

I am requesting an extension on the Tenative Map 35650. I need to extend this due to the economic slow down.

If you have any questions or need any additional information please feel free to contact my controller, Tami Kuskie, at 714-627-2165

Sincerely,

Todd Essenmacher

EXHIBIT "C"

601 N BATAVIA – ORANGE, CA 92868 – 714-538-4386