



# MINUTES CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
DECEMBER 15, 2010

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CALL TO ORDER: Mayor Hanna called the meeting to order at 6:02 p.m.

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

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

City Attorney Harper – **Present**

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

**Section 54956.9 – Conference with Legal Counsel – Existing Litigation**

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

Case Number: RIC 10008244

Case Name: CACERF Norco, LLC vs. City of Norco

Case Number: RIC 10010637

Case Name: Sedrak vs. City of Norco

Case Number: RIC 10022513

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Hanna reconvened the meeting at 7:02 p.m.

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Dr. Jeff Mooney, Pastor  
*First Baptist Church*

Mayor Hanna read a statement provided by the family of Roy Rike, who passed away earlier in the week -- "It was because of the love Roy had for The City Norco and the families in Norco, Roy continued serving those families by helping develop The Norco Citizens on Patrol. His goal was to keep not only his family safe but all the families in Norco." Mayor Hanna stated that the Council Meeting would be adjourned in memory of Roy Rike.

**REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:**

1. CRA CONSENT CALENDAR ITEMS:

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

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

- A. CRA Minutes:  
Regular Meeting of December 1, 2010  
**Recommended Action: Approve the CRA Minutes** (City Clerk)
- B. Approval of Fiscal Year 2009-2010 Annual Financial Reports of the Norco Redevelopment Agency **Recommended Action: Approve the Reports** (Deputy City Manager/Director of Finance)

2. OTHER CRA MATTERS:

ADJOURNMENT OF CRA: 7:07

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

**M/S Bash/Azevedo to approve the 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**

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes:  
Regular Meeting of December 1, 2010  
Special Meeting of November 24, 2010  
**Recommended Action: Approve the City Council Minutes** (City Clerk)
- B. Recap of Actions Taken at the Planning Commission Regular Meeting of December 8, 2010. **Recommended Action: Receive and File** (Planning Director)

- C. Appointments to Standing Committees and Other Governmental Agencies. **Recommended Action: Approve the Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2011 calendar year.** (City Clerk)
  - D. Acceptance of Bids and Award of Contract for Norco Ridge Ranch Park Development. **Recommended Action: Award the base bid contract to Micon Construction, Inc. in the amount of \$469,528.38 and authorize the City Manager to approve contract change orders up to 10 percent of the net contract amount.** (Director of Parks, Recreation & Community Services Director)
4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR: No items pulled.
5. CITY COUNCIL PUBLIC HEARINGS:
- A. Ordinance Amending Chapters 2.20.040, 2.22.040, 2.23.040 and 2.26.040 of Title 2 of the Norco Municipal Code to Add "Never Been Convicted of a Felony" as a Requirement for Membership on a City Commission (Code Change 2010-05)

*At its meeting held on December 1, 2010, the City Council voted to consider an ordinance that would add a requirement to the qualifications to serve on a City Commission that the person was never convicted of a felony. Staff prepared an ordinance for the Council's consideration that includes this membership requirement for all of the City Commissions.*

**Recommended Action: Adopt Ordinance No. \_\_\_\_ for first reading.**  
(City Manager)

**City Manager Groves** presented the public hearing item. She noted that in reviewing the current commission's membership requirements, revisions were made to create uniformity in the requirements. As the age requirements varied for the commissions, all of the age requirements were changed to eighteen (18), as this is the legal age to become a registered voter. The stipulation that a member must be a Citizen of the United States was also included in all of the commission requirements, as it was not included in the requirements for the Street, Trails and Utilities Commission and the Historic Preservation Commission. These changes will make the requirements standardized for all of the City commissions.

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

**Chris Brooks.** Mr. Brooks spoke in favor of the current process and against the proposed ordinance.

**Curtis Coombs.** Mr. Coombs spoke against the ordinance as proposed.

**Pat Overstreet.** Ms. Overstreet spoke in favor of the proposed ordinance.

**Mayor Hanna CLOSED the public hearing.**

**Council Member Sullivan** stated that when he read what happened in Corona with a convicted felon serving on the Planning Commission, he thought the City of Norco should look into this. He noted that he would be open to other suggestions and believes a person has a right, once convicted and has served time, to live a life unobstructed by things that follow them around.

**Council Member Azevedo** commented on the requirements to serve on a City Council. City Attorney Harper noted that “never been convicted of a felony” is not one of the requirements and further noted that one of the requirements is to be a registered voter, which requires that “you are not in prison or on parole for conviction of a felony.” Council Member Azevedo stated that commission members should not have different stipulations than Council Members.

**Mayor Pro Tem Bash** commented that a person cannot coach in the community if convicted of a felon and the City needs to make sure that we set a bar. He noted that he likes the ordinance and it is a good move for the Council.

**Mayor Hanna** stated that he supports the ordinance and noted that if we are going to have the proper people coaching the kids, the leaders of the City should be placed in the same category.

**M/S Bash/Sullivan to adopt Ordinance No. 928 for first reading. The motion was carried by the following roll call vote:**

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

- B. Extension of the Transportation Uniform Mitigation Fee (TUMF) Reduction Period

*The WRCOG Executive Committee approved a reduction in the TUMF in October 2009 with an expiration date of December 31, 2010, authorizing member jurisdictions – if they chose – to reduce TUMF fees assessed on new development during this period. The WRCOG Executive Committee voted to extend the ability for local jurisdictions to implement a 25% or 50% fee reduction for up to one more year from January 1, 2011, to December 31, 2011, with a maximum cap of \$20 million for all uncollected TUMF revenues resulting from the fee reduction since implementation of the policy. The ability for local jurisdictions to implement the fee reduction will be terminated automatically on December 31, 2011, or once the \$20 million aggregate cap in uncollected TUMF revenue is reached upon*

*notification by letter from the WRCOG Executive Director at the direction of the WRCOG Executive Committee.*

**Recommended Actions:**

**Individually Adopt:**

**Ordinance No. \_\_\_\_\_, for first reading,** extending the temporary TUMF reduction of the Western Riverside County Transportation Mitigation Fee (TUMF) program; and

**Resolution No. 2010-\_\_\_\_,** extending the temporary fee reduction period under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) program.

(City Manager)

**City Manager Groves** presented the public hearing item.

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

**Vern Showalter.** Mr. Showalter noted that WRCOG is a good thing for the City and in this case could hurt the City in the long run. He noted that at this time, it would be good to reduce the TUMF fees to attract development.

**Mayor Hanna CLOSED the public hearing.**

**Council Member Azevedo** stated that the intent of the WRCOG Executive Committee is to work with the jurisdictions regarding the pay back money and keep the TUMF fees at a reduction to encourage development.

**Council Member Sullivan** stated that with the projects coming up, he is all in favor of this. He added that this has been a great thing for Norco and the City will benefit from it.

**M/S Bash/Azevedo to adopt Ordinance No. 929 for first reading. The motion was carried by the following roll call vote:**

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

**M/S Bash/Sullivan to adopt Resolution No. 2010-71, extending the temporary fee reduction period under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) program. The motion was carried by the following roll call vote:**

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

**6. CITY COUNCIL ITEMS FOR ACTION:**

- A. Professional Services Agreement with Chevron Energy Solutions -- Manure-to-Energy Project**

*In 2008, Chevron Energy Solutions conducted a preliminary Horse Manure Conversion Feasibility Study for the City at no charge. The results of the preliminary feasibility study showed that thermal conversion of horse manure and bedding material into electricity appears to be a viable proposition, both technologically and financially. The City Council will now consider a Professional Services Agreement with Chevron Energy Solutions for the performance of a detailed Engineering Feasibility Study of a horse manure-to-energy project. The cost of this study will be funded 80% with a congressional designated project grant from the U.S. Department of Energy (DOE) and 20% from the Sewer Fund.*

**Recommended Action:** Adopt **Resolution No. 2010- \_\_\_\_\_**, authorizing execution of a Professional Services Agreement with Chevron Energy Solutions for performance of engineering study of a horse manure-to-energy project. (Deputy City Manager/Director of Finance)

**City Manager Groves** introduced the item. **Deputy City Manager/Director of Finance Okoro** provided an overview of the project. Representatives from Chevron were in attendance to assist with the presentation. The background of the project was presented noting that this is the long term option for the disposing of horse manure. The two sites being considered are the WRCRWA location and the 4000 Bluff Street location. In terms of funding, currently there is \$750,000 available through a Congressional Designate Project grant that requires a match in the amount of \$187,500 from the City. The total available funding for the project is \$937,000. Besides the Feasibility Study, the available funding should cover the cost of the Environmental Impact Study. It was noted that Chevron can provide the best technology and is financially strong, with expertise in finding incentives and grants.

**City Manager Groves** stated that the feasibility study would determine the "inputs" that could be used for the project. She noted that the City is looking for a way to determine if this is a viable project and further noted that the cost of manure disposal for the City will continue to grow. This is a way for the Council to use the feasibility study to determine if the project should continue.

**Deputy City Manager/Director of Finance Okoro** stated that the Council will not be approving the Professional Services Agreement tonight as the paper work for the grant has not been completed. He noted that the approval will be brought back to the Council at the January 19, 2011 meeting.

**Mayor Pro Tem Bash** stated that this is an important project for the City.

**Council Member Azevedo** stated that she is excited about the project. She inquired about the feasibility study and noted that WRCRWA was receptive to this site in the past. Public Works Director Thompson stated that our thought process is to bring the Council the most information possible, including information on the WRCRWA site.

**Council Member Sullivan** thanked Deputy City Manager/Director of Finance Okoro for working on this project and getting the grant funding needed. He noted that technology has come a long way and this is a good way to get rid of the City's manure. He further noted that once the feasibility study is completed, he believes there will be more grant money available.

**Mayor Hanna** thanked staff and the representatives from Chevron that were present for working on this and noted how important this project was for Malcolm Miller. In response to a question asked by Mayor Hanna, Public Works Director Thompson stated that the cost for disposal continues to change and the City is at their mercy as far as costs.

**Pat Overstreet.** Ms. Overstreet stated that the City needs the motto "from horse poop to the power grid".

**Curtis Coombs.** Mr. Coombs stated that these types of projects have a lot to offer, and noted that this is not just a horse manure solution, but offers a lot of solutions to other jurisdictions. He stated that the City should be cautious about new technology projects and encouraged due diligence.

**Vern Showalter.** Mr. Showalter commented on the project and noted that this is a win-win situation for the City.

**M/S Sullivan/Bash to receive and file the report. The motion was carried by the following roll call vote:**

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

- B. Consideration of the Display of the National Motto "In God We Trust" in the Council Chambers

*At its meeting held on December 1, 2010, the City Council voted to consider the placement of the motto "In God We Trust" in the City Council Chambers. The Council is recommended to adopt a resolution supporting the display of "In God We Trust" in the Council Chambers and place it near the City Seal whenever the Chambers is being used for official City business.*

**Recommended Action: Adopt Resolution No. 2010-\_\_\_, supporting the display of the national motto "In God We Trust" in the Norco City Council Chambers in a prominent location near the City Seal whenever the Chambers is being used for official City business. (City Manager)**

**City Manager Groves** presented the City Council item.

**Linda Dixon.** Ms. Dixon spoke in support of the item.

**Ed Dixon.** Mr. Dixon spoke in support of the item.

**Larry Kleasner.** Mr. Kleasner spoke in support of the item.

**Pat Overstreet.** Ms. Overstreet spoke in support of the item.

**Vern Showalter.** Mr. Showalter spoke in support of the item.

**Julie Waltz.** Ms. Waltz spoke in support of the item.

**Council Member Sullivan** thanked those that spoke in favor of the item. He commented on the information provided to him by Council Member Jacquie Sullivan from Bakersfield. He noted that this is something we should not have to vote on and hopes that if it passes, he will encourage other jurisdictions to do the same.

**Council Member Azevedo** thanked Council Member Sullivan for bringing this to the attention of the Council.

**Mayor Pro Tem Bash** stated that this issue has always been voted on, and has been always talked about and discussed.

**M/S Sullivan/Azevedo to adopt Resolution No. 2010-72, supporting the display of the national motto "In God We Trust" in the Norco City Council Chambers in a prominent location near the City Seal whenever the Chambers is being used for official City business. The motion was carried by the following roll call vote:**

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

**7. PUBLIC COMMENTS OR QUESTIONS:**

**Julie Waltz.** Ms. Waltz asked for a response to her request on October 6 for a proclamation for Lois Loock ("Granny"). Council Member Sullivan responded to her that she should contact the City Clerk.

**8. OTHER MATTERS – COUNCIL:**

**Mayor Pro Tem Bash:**

- ✚ Stated that he is pleased with how staff is working on economic development. He noted that the changes that have occurred are phenomenal.

**Council Member Azevedo:**

- ✚ Stated that the Mounted Posse wants to clean graffiti off of stop signs and noted that she will suggest that they call Public Works Director Thompson.
- ✚ Commented on the upcoming Relay for Life and challenged the City to have a team.
- ✚ Thanked staff and residents for all their work on the Parade of Lights and Winter Festival.

**Council Member Sullivan:**

- ✚ Reflected back on 2010 and thanked staff for their hard work on the budget. He commented that the Council is focused on economic development and Norco will become a destination where businesses will want to come. He stated that we have a great City and need to move forward.

**Mayor Hanna:**

- ✚ Thanked staff and fellow Council Members and noted that the City has a bright future ahead. He complimented the staff at the Animal Shelter for taking in all of the abandoned horses. Mayor Hanna noted a call from a resident regarding the chlorine in the City water. Public Works Director Thompson stated that our local ground water is injected through a vacuum system and is regulated closely.

9. OTHER MATTERS – STAFF: No comments received from staff.
10. OATH OF OFFICE: The Oath of Office was administered to Council Member Greg Newton by City Clerk Jacobs.
11. ADJOURNMENT: There being no further business to come before the City Council, Mayor Hanna adjourned the meeting at 8:36 p.m. in memory of Roy Rike.

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BRENDA K. JACOBS  
CITY CLERK

/bj-77310