



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
FEBRUARY 2, 2011

CALL TO ORDER: 6:00 p.m.

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

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

Section 54957.6 – Conference with Labor Negotiator

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

Employee Organization: Norco Firefighters Association

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Azevedo

INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Agency, any public comments on any of the Consent Items will be heard. There will be no separate action unless Members of the Agency Board request specific items be removed from the Consent Calendar)*

A. CRA Minutes:
Regular Meeting of January 19, 2011
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)*
 - A. City Council Minutes:
Special Meeting of January 25, 2011
Regular Meeting of January 19, 2011
Recommended Action: **Approve the City Council Minutes** (City Clerk)
 - B. Recap of Actions Taken at the Planning Commission Regular Meeting of January 26, 2011. **Recommended Action: Receive and File** (Planning Director)
 - C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - D. Approval of Fire Department Discipline and Administrative Review Policy and Procedure **Recommended Action: Adopt Resolution No. 2011 ____, approving the Fire Department Discipline and Administrative Review Policy and Procedure.** (Deputy City Manager/Director of Finance)
 - E. Award of a Professional Services Contract to Design a New Traffic Signal Project at the Intersection of Hamner Avenue and Detroit Street.
Recommended Action: Award a professional services contract to W.G. Zimmerman, Inc. to design a new traffic signal at the intersection of Hamner Avenue and Detroit Street Project in an amount not-to-exceed \$12,500; and adopt Resolution No. 2011-____, appropriating \$12,500 for the design of the new traffic signal. (Contract City Engineer)
 - F. Extension of the Term of the Declaration of a Local Emergency Dated December 22, 2010. **Recommended Action: Extend the term of the declaration of the existence of a Local Emergency two weeks to February 16, 2011.** (City Manager)
4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

5. CITY COUNCIL PUBLIC HEARING:

- A. City-Initiated Proposal to Amend the Norco Municipal Code Adding Chapter 5.10 Establishing Regulations for Filming Permits (Code Amendment 2011-01)

There are currently no codified regulations governing the filming of motion pictures, television and commercials in the City of Norco. Currently, production companies obtain special event permits for film shoots in the community. The establishment of new film regulations would provide a clear, predictable and equitable permitting process, while creating restrictions that mitigate the impact of filming on streets and neighborhoods.

Recommended Action: Adopt Ordinance No. ___ for first reading.
(Contract Economic Development Specialist)

6. 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.

7. OTHER MATTERS – COUNCIL:

8. OTHER MATTERS – STAFF:

9. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.

/bj-77097



**MINUTES
CITY OF NORCO
SPECIAL MEETING
CITY COUNCIL**

**CONFERENCE ROOMS "A" & "B"
NORCO CITY HALL – 2870 CLARK AVENUE
JANUARY 25, 2011**

1. CALL TO ORDER: Mayor Hanna called the meeting to order at 2:09 p.m.
2. ROLL CALL: Mayor Berwin Hanna, **Present**
Mayor Pro Tem Kevin Bash, **Present**
Council Member Kathy Azevedo, **Present**
Council Member Greg Newton, **Present**
Council Member Harvey C. Sullivan, **Present (Arrived Late)**
3. PLEDGE OF ALLEGIANCE: Mayor Hanna
4. PUBLIC COMMENTS OR QUESTIONS: No public comments
5. DISCUSSION ITEM:

A. Update on Water and Sewer Rates

City Manager Groves noted that this is a follow-up from the study session held in October when the financial condition of the Water and Sewer Funds was discussed.

Deputy City Manager/Director of Finance Okoro presented information regarding water and sewer rates. **(The PowerPoint presentation is attached hereto and incorporated herein.)**

Water Fund.

Two alternative options were presented to the Council for review and discussion. The Water Fund and Revenue & Expenditure Forecast were reviewed through FY 2012-13, noting a concerning ending working capital forecast at a negative \$5,051,142. In this current fiscal year, the operating income will show a loss of \$1,422,348. If nothing is done, at the end of this fiscal year, the ending working capital will be a negative \$1,974,195.

Two alternative options proposed to the Council are as follows:

Alternative No. 1.

The assumptions for the proposed rate adjustments for this alternative include rates based on an amount needed to close the gap between revenues and expenditures by the end of FY 2012-13. The revenue needs include \$100,000 set aside for capital replacement in FY 2010-11 and \$300,000 each year thereafter.

The rate adjustments would be implemented as follows:

First Rate Adjustment

- Commodity rate is increased by 38% from \$1.33 per unit to \$1.84 on April 1, 2011.
- Fixed rate is increased 33% for each meter size on April 1, 2011.

Agenda Items 1.A. & 3.A.

Second Rate Adjustment

- Commodity rate is increased by 10% from \$1.84 per unit to \$2.02 on April 1, 2012.

Third Rate Adjustment

- Fixed rate is increased by 10% for each meter size on July 1, 2012.

The proposed water rates, projected Water Fund financial summary with rate adjustment, and graphs proving additional financial information were presented and included in the presentation attached. Staff noted that rate studies will continue to be completed and tiered rates will be discussed in the near future, as mandated by the State.

In response to questions from the Council Members, staff stated that the previous water rates adjustment structure ended in 2009 and were supposed to be looked at again. Noted was the increase cost in purchased water and the debt service paid on borrowed money, which has added about \$700,000 to the expenditure base.

Public Works Director Thompson stated that repairs continue to be made to the current water and sewer infrastructure. The annual money funded in the budget (approximately \$300,000) for capital improvements is required for the City to be a functioning water district.

Alternative No. 2.

The assumptions for the proposed rate adjustments for this alternative include rates based on an amount needed to close the gap between revenues and expenditures by the end of FY 2012-13. The revenue needs include \$100,000 set aside for capital replacement in FY 2010-11 and \$300,000 each year thereafter.

The rate adjustments would be implemented as follows:

First Rate Adjustment

- Commodity rate is increased by 38% from \$1.33 per unit to \$1.84 on April 1, 2011.
- Fixed rate is increased 33% for each meter size on April 1, 2011.

Second Rate Adjustment

- Commodity rate is increased by 15% for each meter on April 1, 2012.

Third Rate Adjustment

- Fixed rate is increased by 15% for each meter size on July 1, 2012.

The proposed water rates, projected Water Fund financial summary with rate adjustment, and graphs proving additional financial information were presented and included in the presentation attached.

Director Thompson stated that the industry standard is based on a 1 inch meter and further noted that there are very few customers with 3 inch and above size meters. Slides were presented showing the comparison in different city and water district charges based on 28 units of consumption. Noted was that the City of Riverside runs its own utility company and is looking at raising rates. It was further noted that the JCSD will also be looking at raising rates.

Discussion was held regarding what the City can do to prevent this rate increase in the future. City Attorney Harper noted that the City is fairly limited in how rates are calculated and the increase in purchasing water brought about this discussion today. Director Thompson stated that the tiered rate structure will be studied and should help to prevent this problem. Deputy City Manager/Director of Finance Okoro stated that in FY 2009-10, the Council was told that the Water Fund was no longer breaking even and new rates were required to be reviewed. Other concerns were voiced by the Council Members regarding the assistance to the senior citizens through the SWAT Program, and if that would continue to subsidize them to bring the cost down. City Manager Groves noted that this is a decision that will be made by the Council and clarified that the senior citizens would need to qualify for that subsidy.

Sewer Fund.

The assumptions for the proposed sewer rate adjustments are as follows:

- The proposed rates are based on the amount needed to avoid exhausting current working capital.
- Relies on draw from existing working capital to cover future shortfall.
- Revenues needs include set-aside for capital replacement of \$100,000 in FY 2010-11 and \$250,000 thereafter.
- Maintain the current balance between fixed charge, flow charge and non-connect charge.

The rate adjustments would be implemented as follows:

- First rate increase of 15% implemented on July 1, 2011.
- Second rate increase of 10% implemented on July 1, 2012.

The Sewer Fund proposed rates were presented and included in the PowerPoint presentation attached. Even with the recommended rate increased, by FY 2010-13, the Sewer Fund will have an ending working capital of only \$178,608.

The average residential water and sewer costs for Alternative No. 1 and Alternative No. 2 were presented. City Manager Groves stated that she and Deputy City Manager/Director of Finance Okoro both recommend Alternative No. 1.

The City Council unanimously voiced support for staff to bring Alternative No. 1 forward to a public hearing.

Deputy City Manager/Director of Finance Okoro stated that the next steps will be to send out the Proposition 218 Notice of Public Hearing on January 27, 2011, followed by the public hearing which will be conducted on March 16, 2011.

6. THE CITY COUNCIL/CRA RECESSED TO CLOSED SESSION AT 3:35 P.M. (SECTION 54954) TO CONSIDER THE FOLLOWING MATTERS:

Section 54957.6 – Conference with Labor Negotiator

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

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

7. ADJOURNMENT: With nothing to report from Closed Session, Mayor Hanna adjourned the meeting at 5:30 p.m.

BRENDA K. JACOBS
CITY CLERK

/bj-77642

Attachment: PowerPoint Presentation



**City Council Study Session
Water and Sewer Rates Update
January 25, 2011**

TOPICS

- ◆ Water & Sewer Funds Last Five Years Financial Data
- ◆ Review FY 2010-2011 to FY 2012-2013 Water & Sewer Funds Projected Financial Data without Rate Adjustment
- ◆ Review Proposed Rate Adjustments – 2 Alternatives for the Water Fund
- ◆ Review Projected Financial Results from Proposed Rate Increase
- ◆ Review Impact of Proposed Rate Adjustment on the Average Water Customer
- ◆ Compare Proposed New Rates with Rates from Similar Jurisdictions

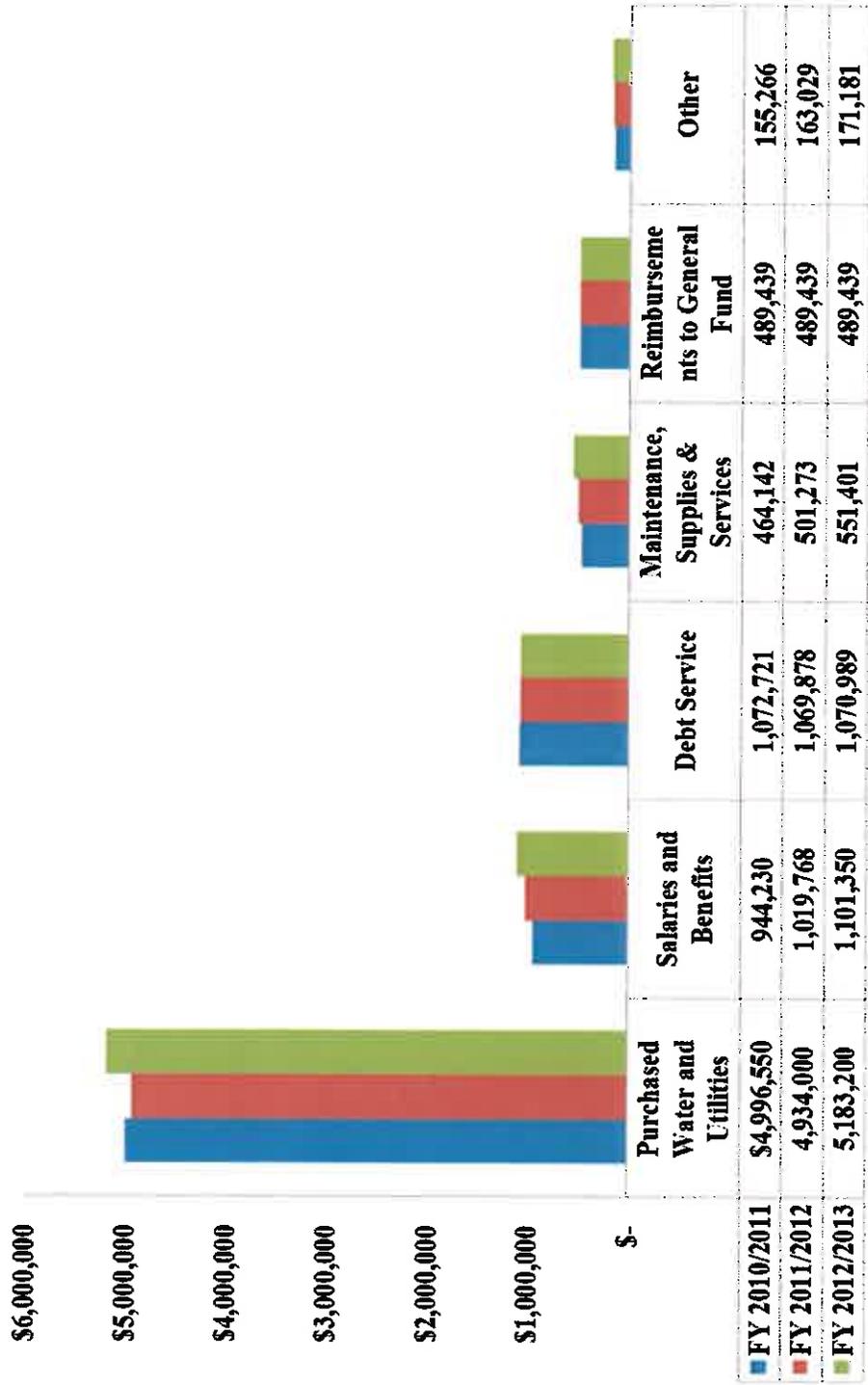
**City of Norco, California
Water Fund Revenue & Expenditure Forecast**

	FY 2010/2011	FY 2011/2012	FY 2012/2013
Purchased Water and Utilities	S 4,996,550	4,934,000	5,183,200
Salaries and Benefits	944,230	1,019,768	1,101,350
Debt Service	1,072,721	1,069,878	1,070,989
Maintenance, Supplies & Services	464,142	501,273	551,401
Reimbursements to General Fund	489,439	489,439	489,439
Other	155,266	163,029	171,181
Totals	S 8,122,348	8,177,388	8,567,559

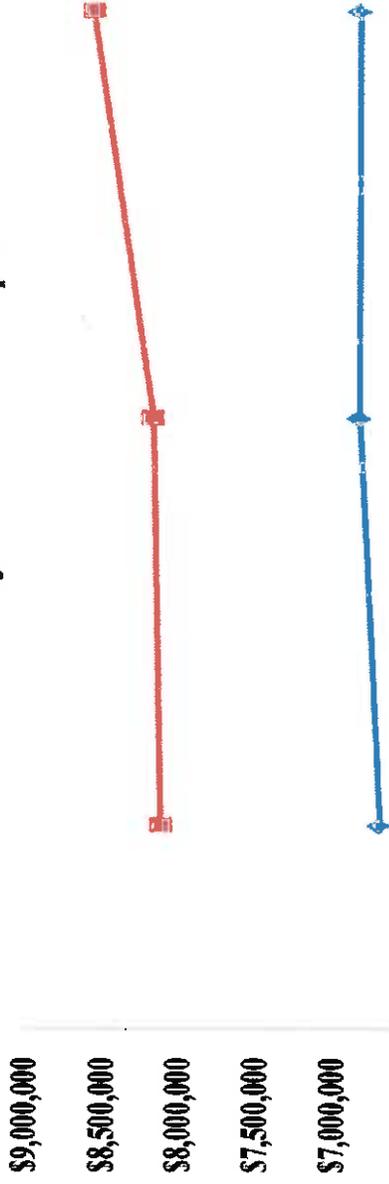
	FY 2010/2011	FY 2011/2012	FY 2012/2013
Total Revenues	S 6,700,000	6,834,000	6,834,000
Total Expenses	8,122,348	8,177,388	8,567,559
Operating Income (Loss)	S (1,422,348)	(1,343,388)	(1,733,559)

	FY 2010/2011	FY 2011/2012	FY 2012/2013
Beginning Working Capital	S (551,847)	(1,974,195)	(3,317,583)
Add (subtract) Income/Loss	(1,422,348)	(1,343,388)	(1,733,559)
Ending Working Capital	S (1,974,195)	(3,317,583)	(5,051,142)

Water Fund Expense Forecast

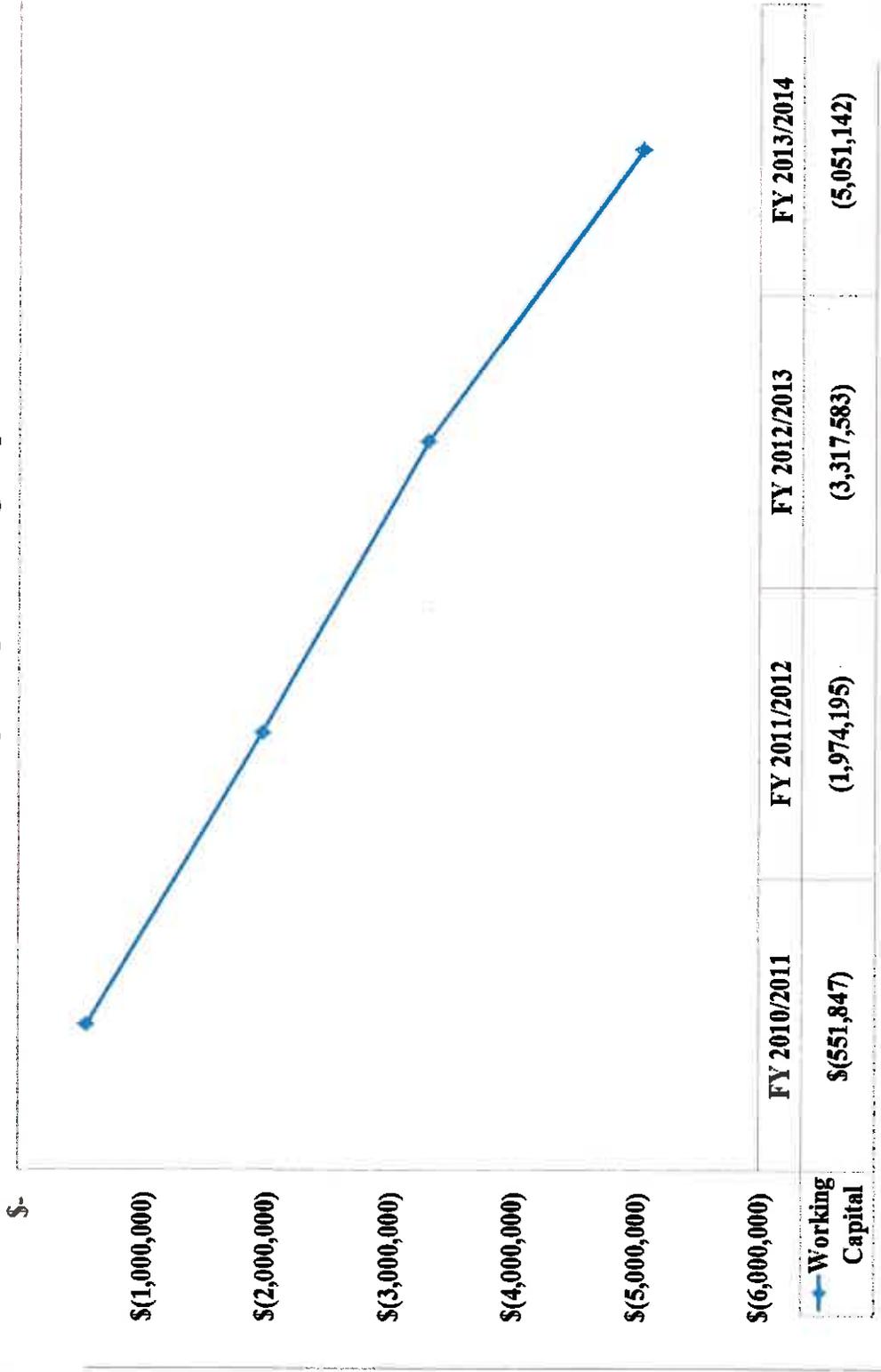


Water Fund Projected Revenue Vs. Expense



	FY 2010/2011	FY 2011/2012	FY 2012/2013
Total Revenues	\$6,700,000	6,834,000	6,834,000
Total Expenses	8,122,348	8,177,388	8,567,559

Water Fund Beginning Working Capital



Assumptions for Proposed Rate Adjustments

Alternative No. 1

- ◆ Proposed rates based on amount needed to close gap between revenues and expenditures by the end of FY 2012/2013
- ◆ Revenue needs include \$100,000 set aside for capital replacement in FY 2010-2011 and \$300,000 each year thereafter
- ◆ Rate adjustment is implemented as follows:

First Rate Adjustment

- ◆ Commodity rate is increased by 38% from \$1.33 per unit to \$1.84 on April 1, 2011
- ◆ Fixed rate is increased 33% for each meter size on April 1, 2011

Second Rate Adjustment

- ◆ Commodity rate is increased by 10% from \$1.84 per unit to \$2.02 on April 1, 2012

Third Rate Adjustment

- ◆ Fixed rate is increased by 10% for each meter size on July 1, 2012

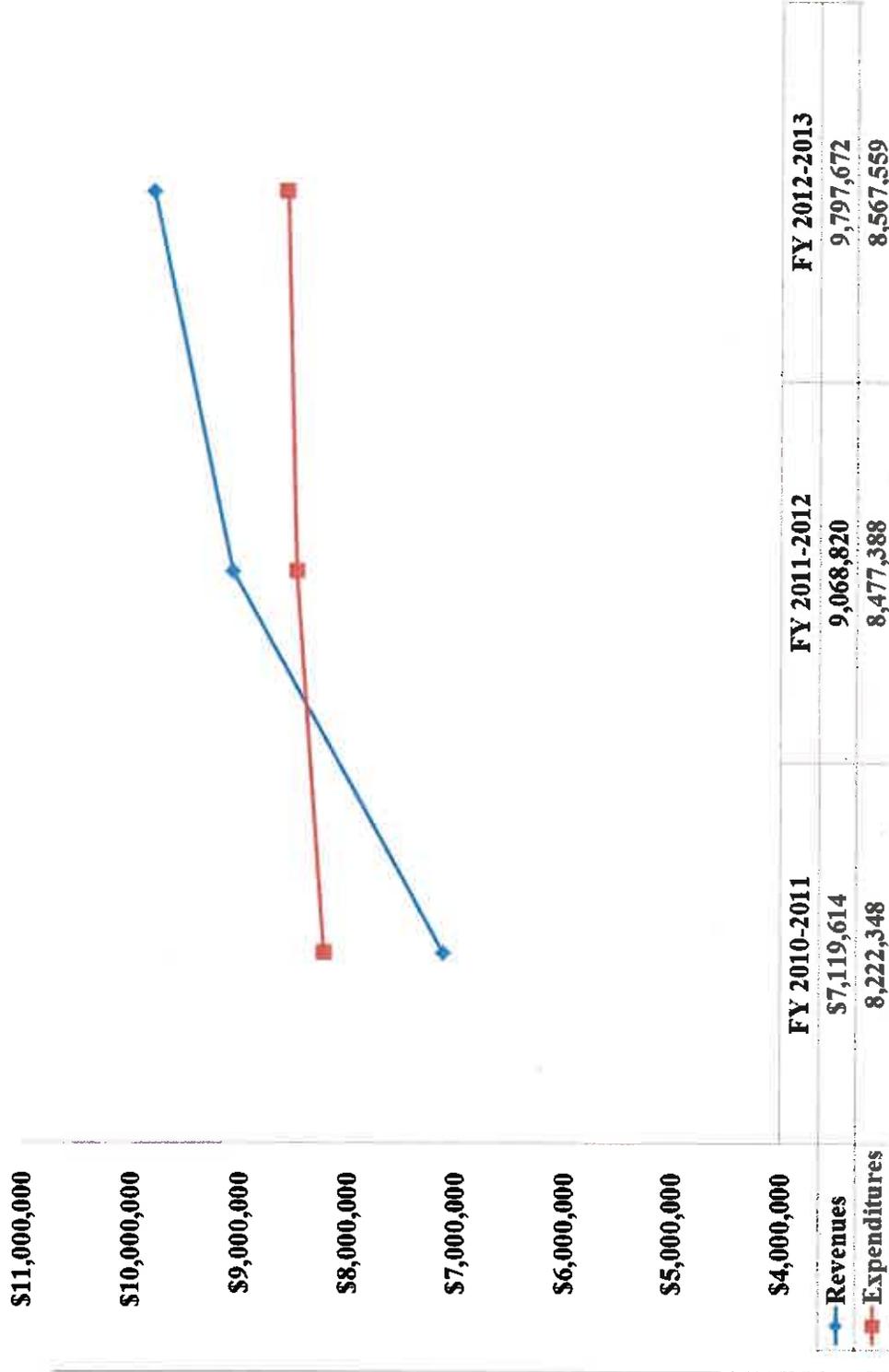
Proposed Water Rates - Alternative No. 1

Description	Current Rate	Proposed Rate		
		April 1, 2011	April 1, 2012	July 1, 2012
5/8 and 3/4 Inch Meters	14.23	18.97	No Change	20.87
1 Inch Meters	22.58	30.11	No Change	33.12
1-1/4 Inch Meters	22.58	30.11	No Change	33.12
1-1/2 Inch Meters	56.75	75.66	No Change	83.23
2 Inch Meters	73.85	98.46	No Change	108.31
3 Inch Meters	198.28	264.37	No Change	290.80
6 Inch Meters	850.29	1,133.69	No Change	1,247.06
8 Inch Meters	1,366.08	1,821.39	No Change	2,003.53
10 Inch Meters	2,162.96	2,883.87	No Change	3,172.26
Commodity Rate				
1 Unit = 100 Cubic Feet = 748 Gallons	1.33	1.84	2.02	No Change

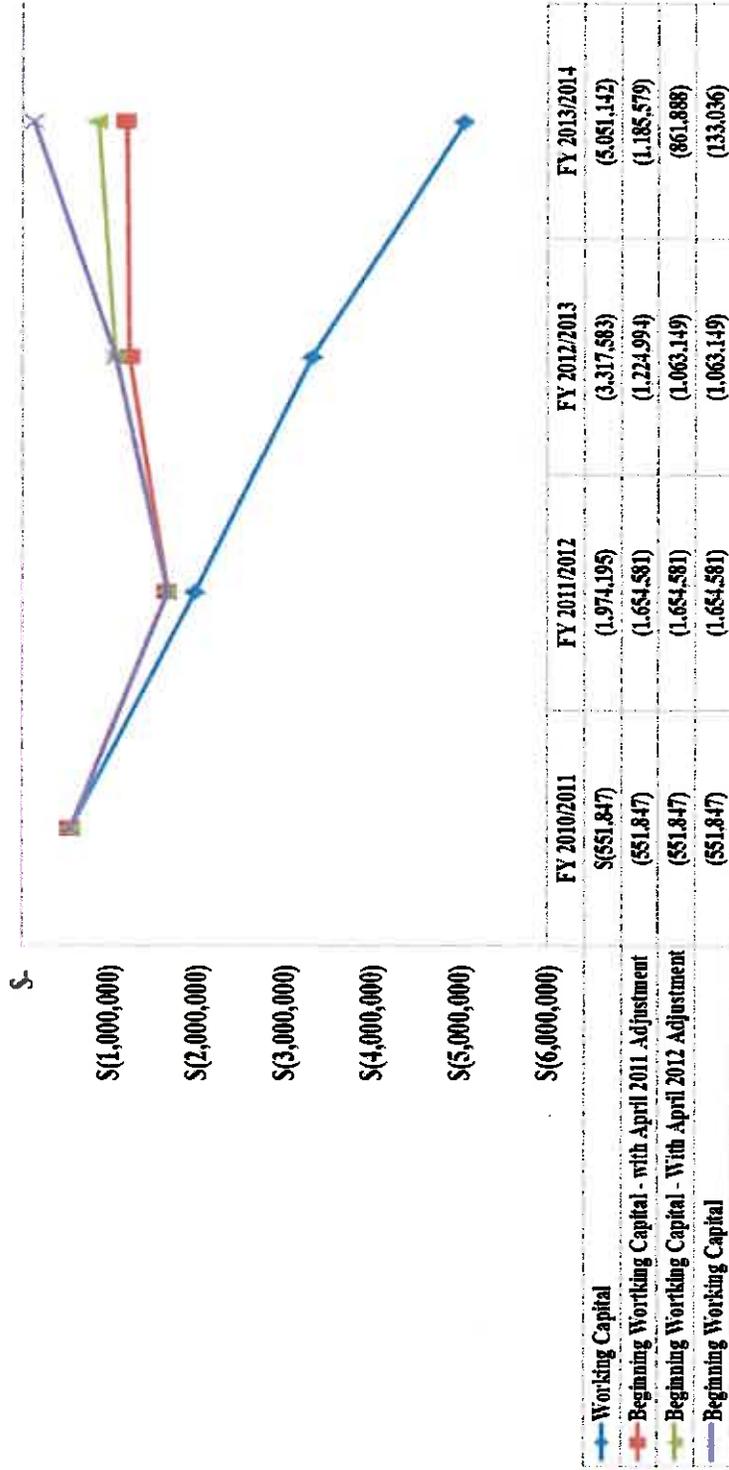
**Projected Water fund Financial Summary
With Rate Adjustment
Alternative No. 1**

	FY 2010-2011	FY 2011-2012	FY 2012-2013
Beginning Working Capital	\$ (551,847)	(1,654,581)	(1,063,149)
Revenues	7,119,614	9,068,820	9,797,672
Expenditures	8,122,348	8,177,388	8,567,559
Set Aside for Capital	100,000	300,000	300,000
Ending Working Capital	\$ (1,654,581)	(1,063,149)	(133,036)

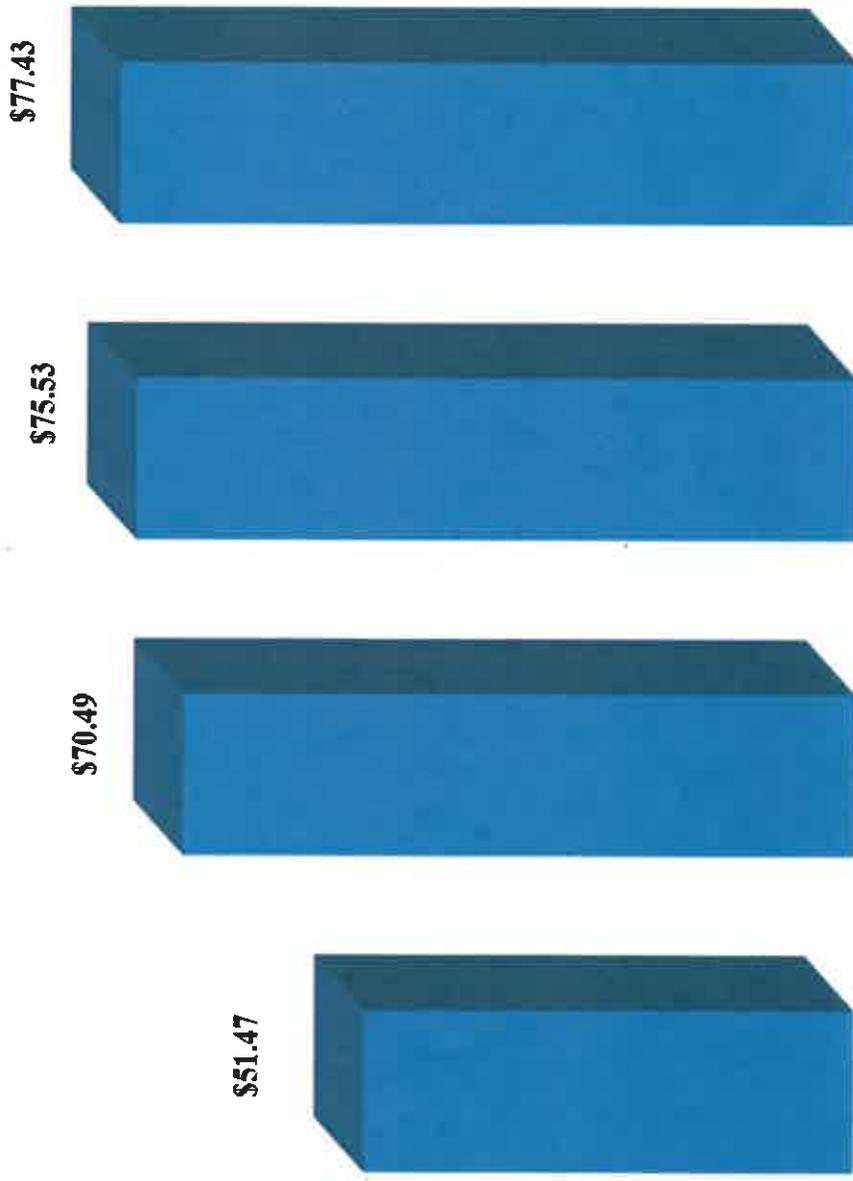
Water Revenue Vs. Expense with Rate Adjustment Alternative No. 1



Water Fund Working Capital with Rate Adjustments - Alternative No. 1



Estimated Average Water Bill Alternative No. 1 - 28 Units



Current

April 1, 2011

April 1, 2012

July 1, 2012

Assumptions for Proposed Rate Adjustments Alternative No. 2

- ◆ Proposed rates based on amount needed to close gap between revenues and expenditures by the end of FY 2012/2013
- ◆ Revenue needs include \$100,000 set aside for capital replacement in FY 2010-2011 and \$300,000 each year thereafter
- ◆ Rate adjustment is implemented as follows:

First Rate Adjustment

- ◆ Commodity rate is increased by 38% from \$1.33 per unit to \$1.84 on April 1, 2011
- ◆ Fixed rate is increased 33% for each meter size on April 1, 2011

Second Rate Adjustment

- ◆ Fixed rate is increased by 15% for each meter size on April 1, 2012

Third Rate Adjustment

- ◆ Fixed rate is increased by 15% for each meter size on July 1, 2012

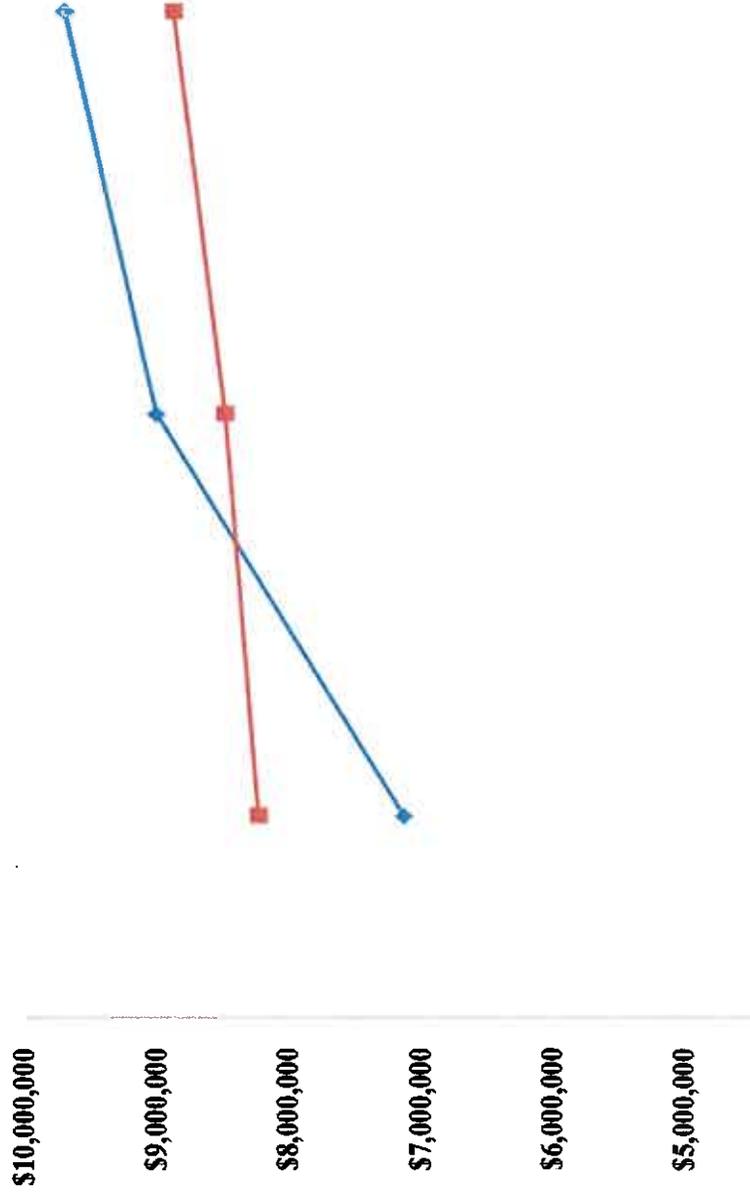
Proposed Water Rates - Alternative No. 2

Description	Current Rate	Proposed Rate	
		April 1, 2011	April 1, 2012
5/8 and 3/4 Inch Meters	14.23	18.97	21.82
1 Inch Meters	22.58	30.11	34.62
1-1/4 Inch Meters	22.58	30.11	34.62
1-1/2 Inch Meters	56.75	75.66	87.01
2 Inch Meters	73.85	98.46	113.23
3 Inch Meters	198.28	264.37	304.02
6 Inch Meters	850.29	1,133.69	1,303.75
8 Inch Meters	1,366.08	1,821.39	2,094.60
10 Inch Meters	2,162.96	2,883.87	3,316.46
Commodity Rate			
1 Unit = 100 Cubic Feet = 748 Gallon	1.33	1.84	No Change
			No Change

**Projected Water fund Financial Summary
With Rate Adjustment
Alternative No. 2**

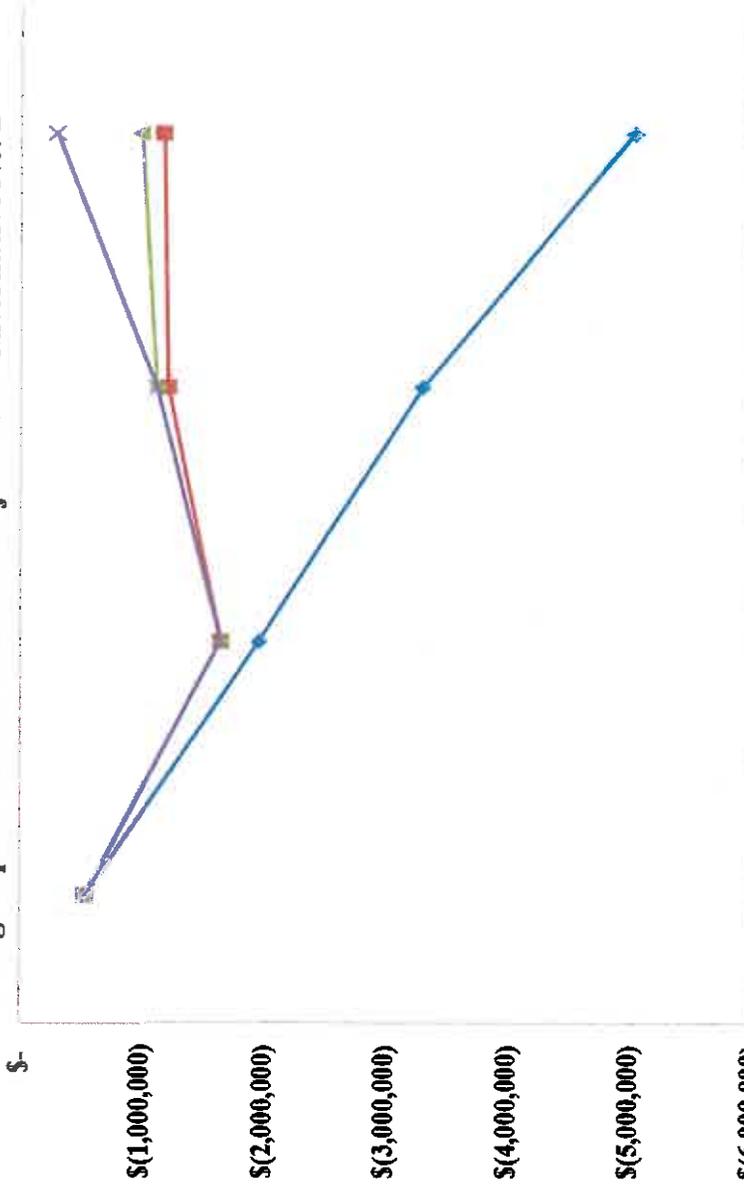
	FY 2010-2011	FY 2011-2012	FY 2012-2013
Beginning Working Capital	(551,847)	(1,654,581)	(1,133,750)
Revenues	7,119,614	8,998,219	9,691,672
Expenditures	8,122,348	8,177,388	8,567,559
Set Aside for Capital	100,000	300,000	300,000
Ending Working Capital	(1,654,581)	(1,133,750)	(309,638)

Water Revenue Vs. Expense with Rate Adjustment - Alternative No 2



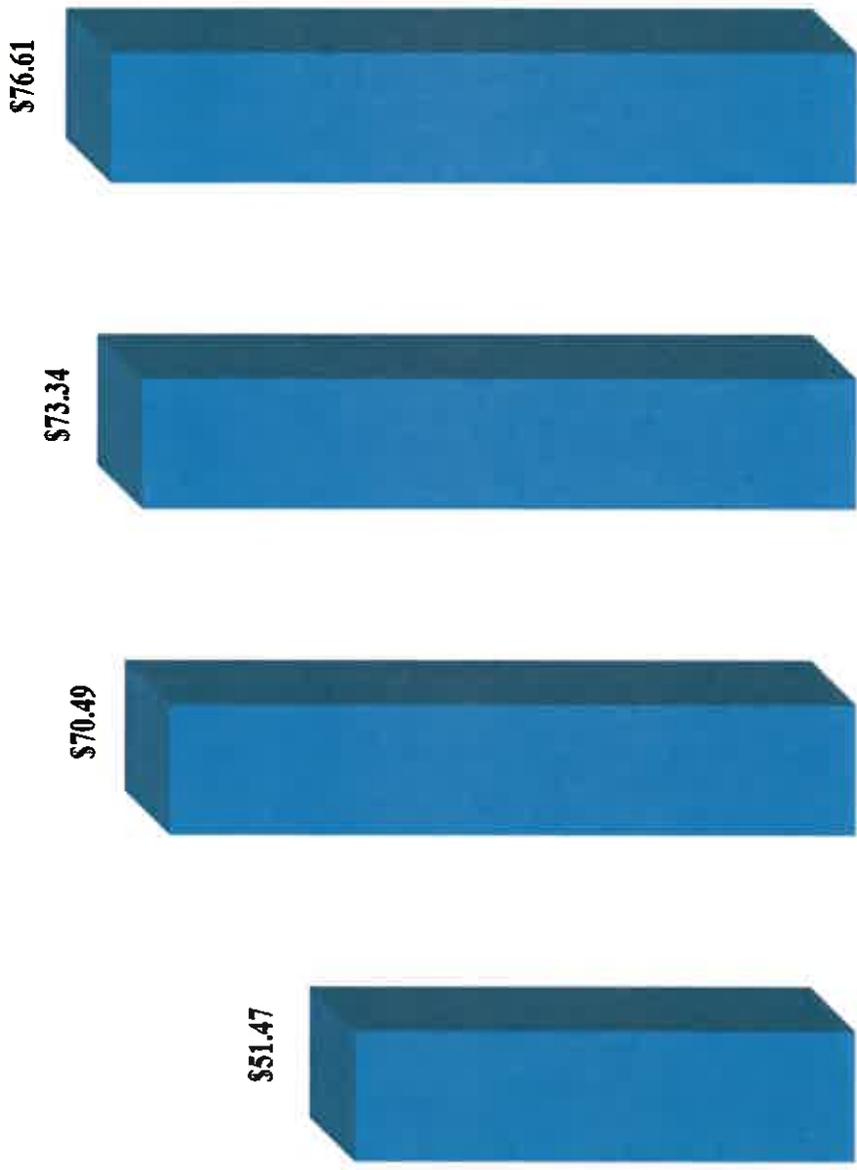
	FY 2010-2011	FY 2011-2012	FY 2012-2013
Revenues	\$7,119,614	8,998,219	9,691,672
Expenditures	\$8,222,348	8,477,388	8,867,559

Working Capital Trends with Rate Adjustment - Alternative No. 2



	FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014
Working Capital Without Rate Adjustment	\$(551,847)	(1,974,195)	(3,317,583)	\$(5,051,142)
Beginning Working Capital - April 2011 Adjustment	\$(551,847)	(1,654,581)	(1,224,994)	(1,185,578)
Beginning Working Capital - April 2012 Adjustment	\$(551,847)	(1,654,581)	(1,133,750)	(1,003,091)
Beginning Working Capital - July 2012 Adjustment	\$(551,847)	(1,654,581)	(1,133,750)	(309,638)

Estimated Average Water Bill Alternative No. 2 - 28 Units



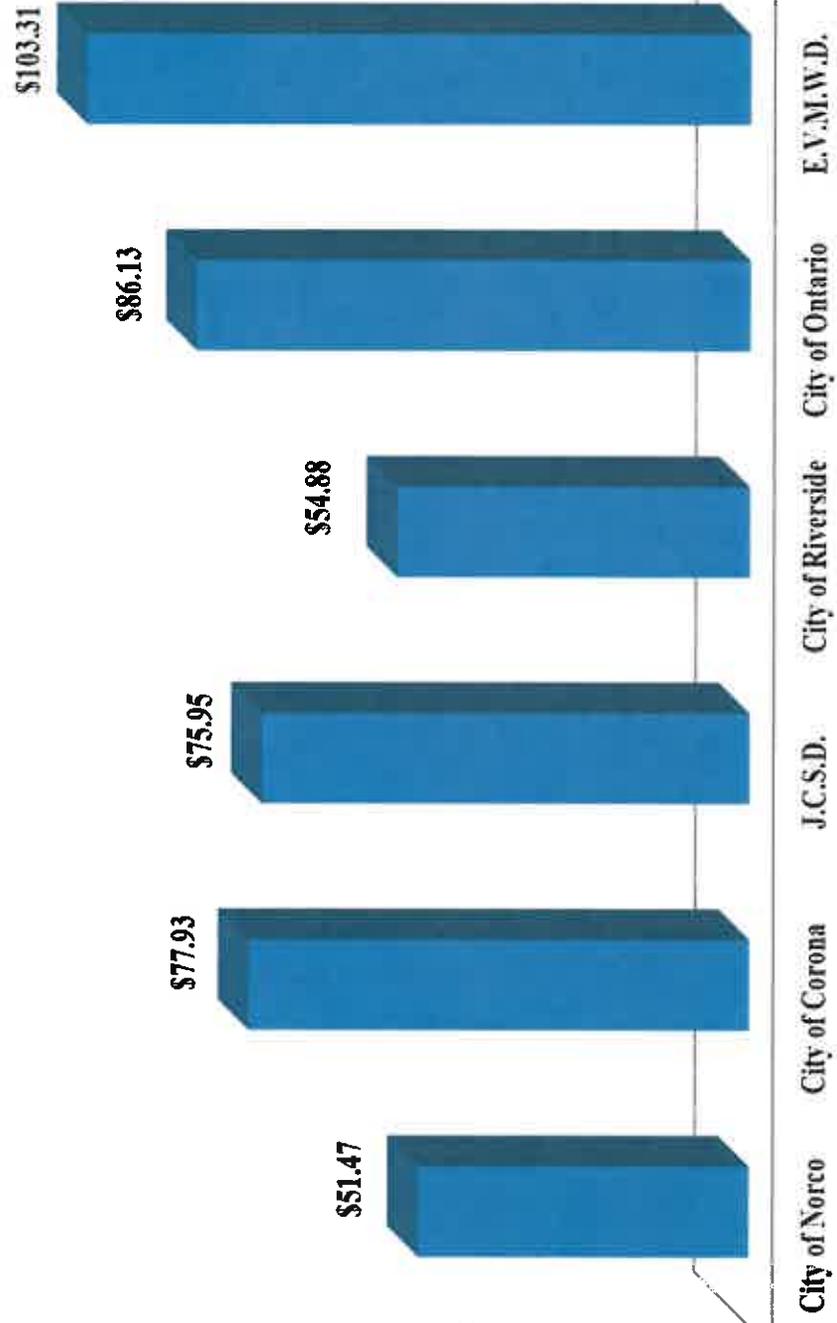
Current

April 1, 2011

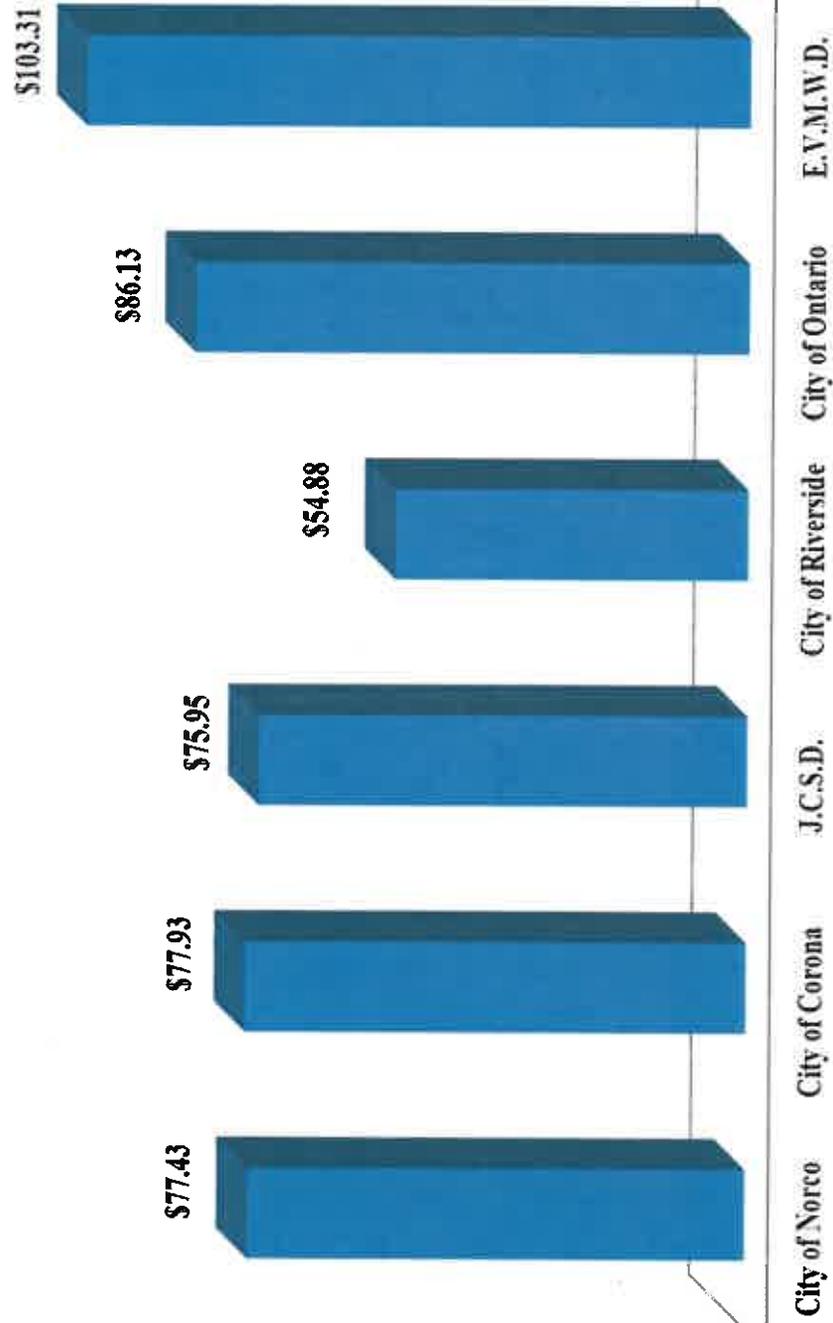
April 1, 2012

July 1, 2012

**Average Monthly Water Bill - Comparison Before Adjustments
Based on 28 Units of Consumption**



Average Monthly Water Bill - Comparison After Adjustments Based on 28 Units of Consumption



City of Norco, California

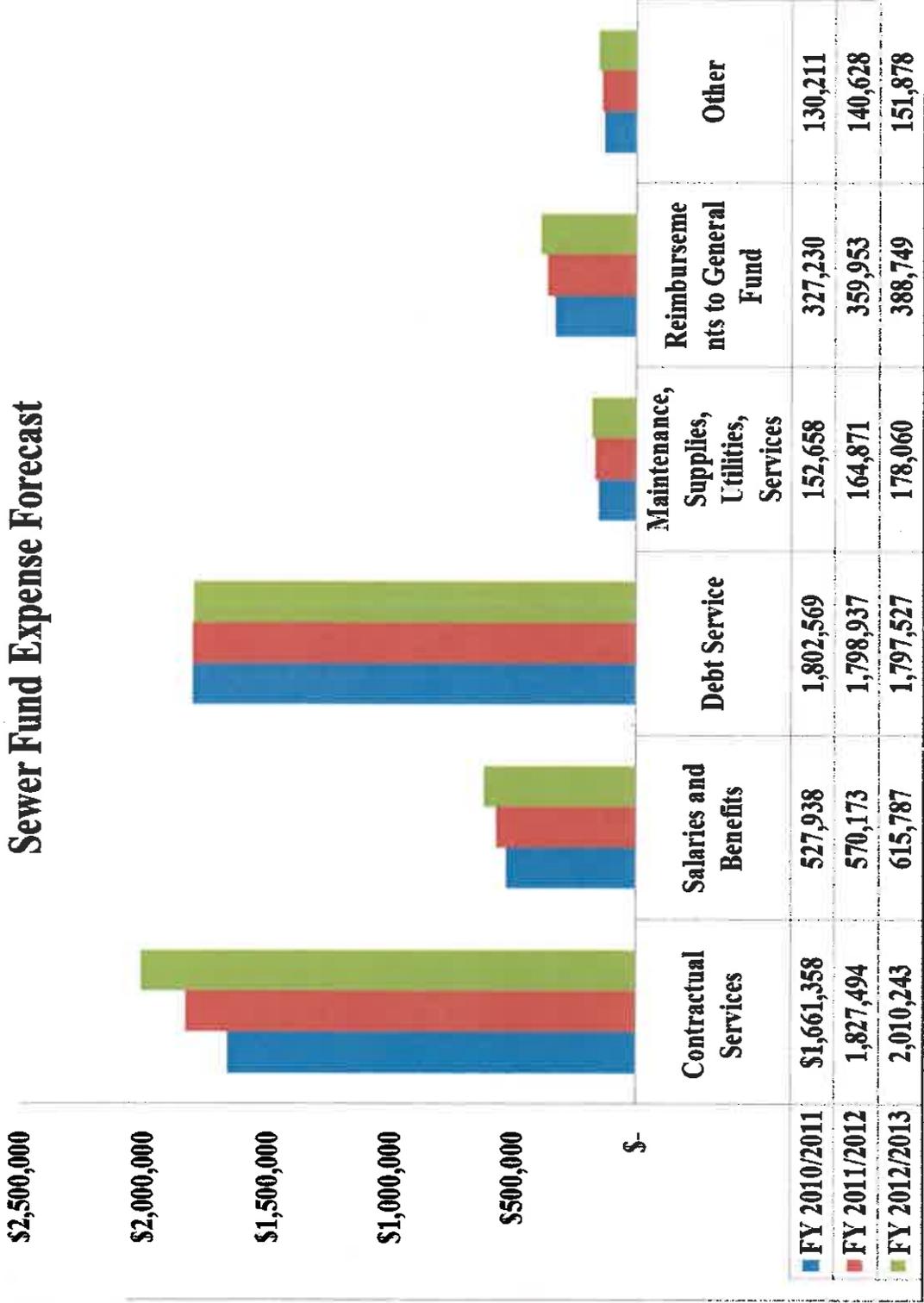
Sewer Fund Three-Year Expense Forecast

	FY 2010/2011	FY 2011/2012	FY 2012/2013
Contractual Services	\$ 1,661,358	1,827,494	2,010,243
Salaries and Benefits	527,938	570,173	615,787
Debt Service	1,802,569	1,798,937	1,797,527
Maintenance, Supplies, Utilities, Services	152,658	164,871	178,060
Reimbursements to General Fund	327,230	359,953	388,749
Other	130,211	140,628	151,878
Totals	\$ 4,601,964	4,862,055	5,142,245

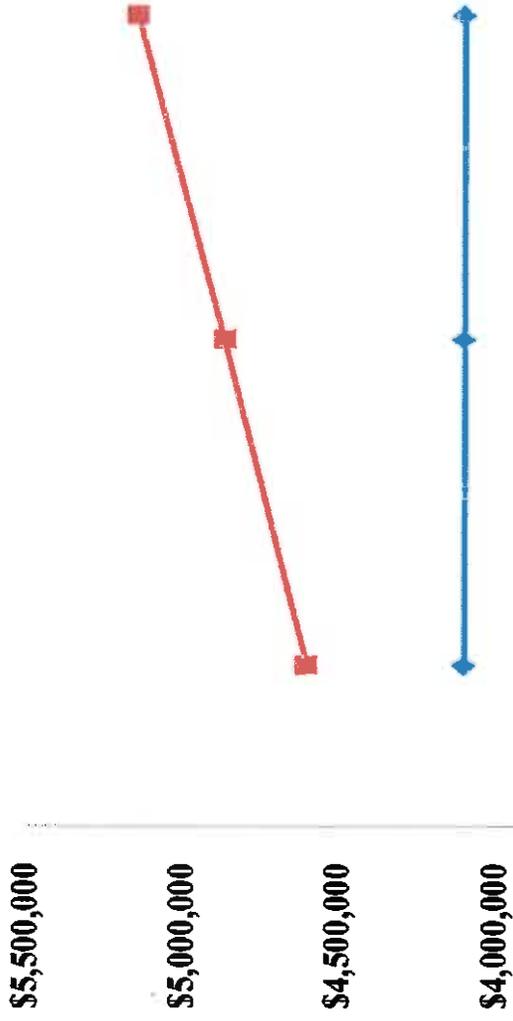
	FY 2010/2011	FY 2011/2012	FY 2012/2013
Total Operating Revenues	\$ 4,094,680	4,094,680	4,094,680
Total Operating Expenses	4,601,964	4,862,055	5,142,245
Set Aside For Capital	250,000	250,000	250,000
Operating Income (Loss)	\$ (757,284)	\$ (1,017,375)	\$ (1,297,565)

	FY 2010/2011	FY 2011/2012	FY 2012/2013
Beginning Working Capital	\$ 1,551,540	794,256	(223,119)
Add (subtract) Income/Loss	(757,284)	(1,017,375)	(1,297,565)
Ending Working Capital	\$ 794,256	(223,119)	(1,520,684)

Sewer Fund Expense Forecast

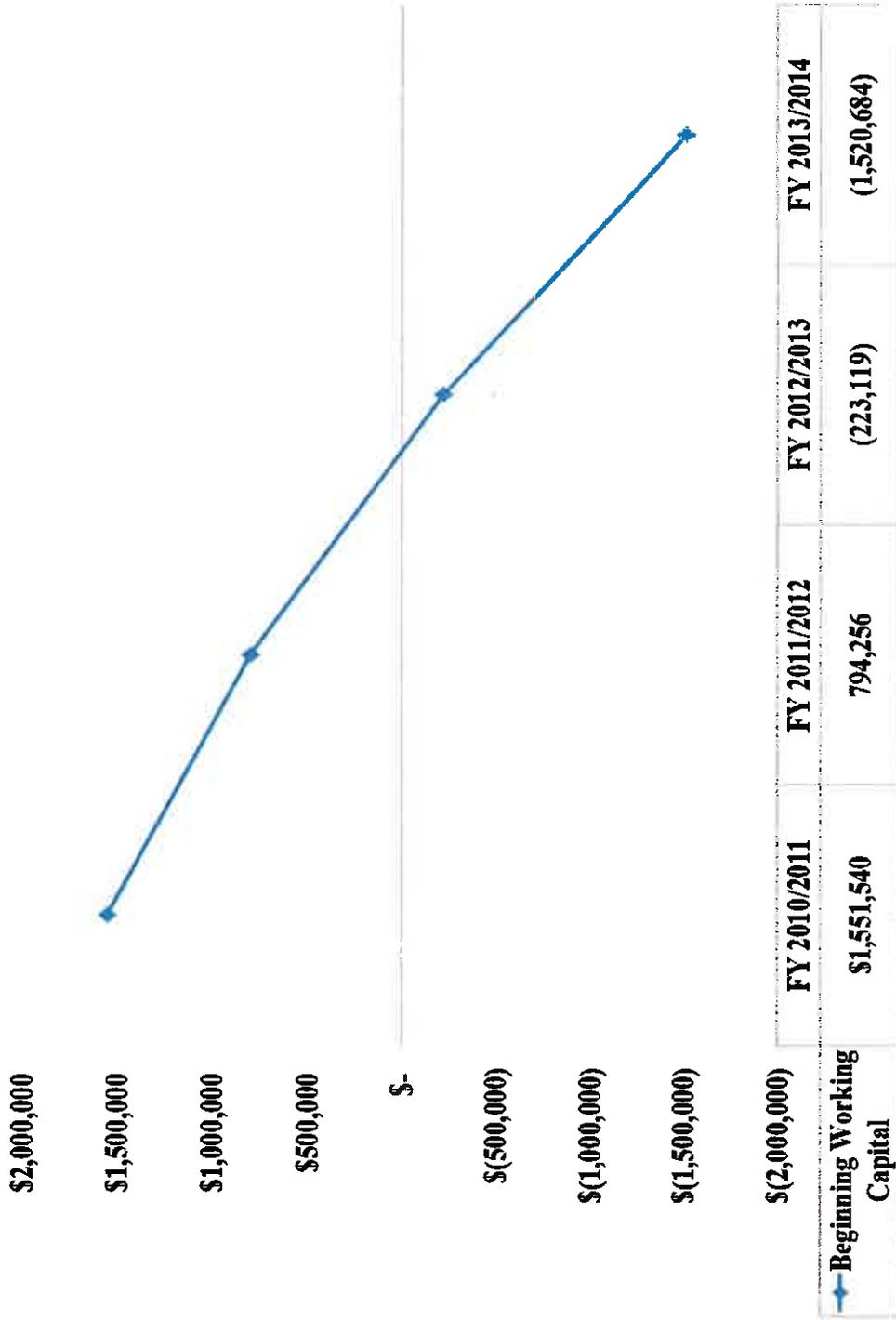


Sewer Fund Projected Revenues Vs. Expenses



	FY 2010/2011	FY 2011/2012	FY 2012/2013
Total Operating Revenues	\$4,094,680	4,094,680	4,094,680
Total Operating Expenses	4,601,964	4,862,055	5,142,245

Sewer Fund Beginning Working Capital



Assumptions for Proposed Sewer Rate Adjustments

- ◆ **Proposed rates based on amount needed to avoid exhausting current working capital**
- ◆ **Relies on draw from existing working capital to cover future shortfall**
- ◆ **Revenues needs include set aside for capital replacement of \$100,000 in FY 2010-2011 and \$250,000 thereafter**
- ◆ **Maintain the current balance between fixed charge, flow charge and none connect charge**
- ◆ **Rate adjustments implemented as follows:**
 - ◆ **First rate increase of 15% implemented July 1, 2011**
 - ◆ **Second rate increase of 10% implemented July 1, 2012**

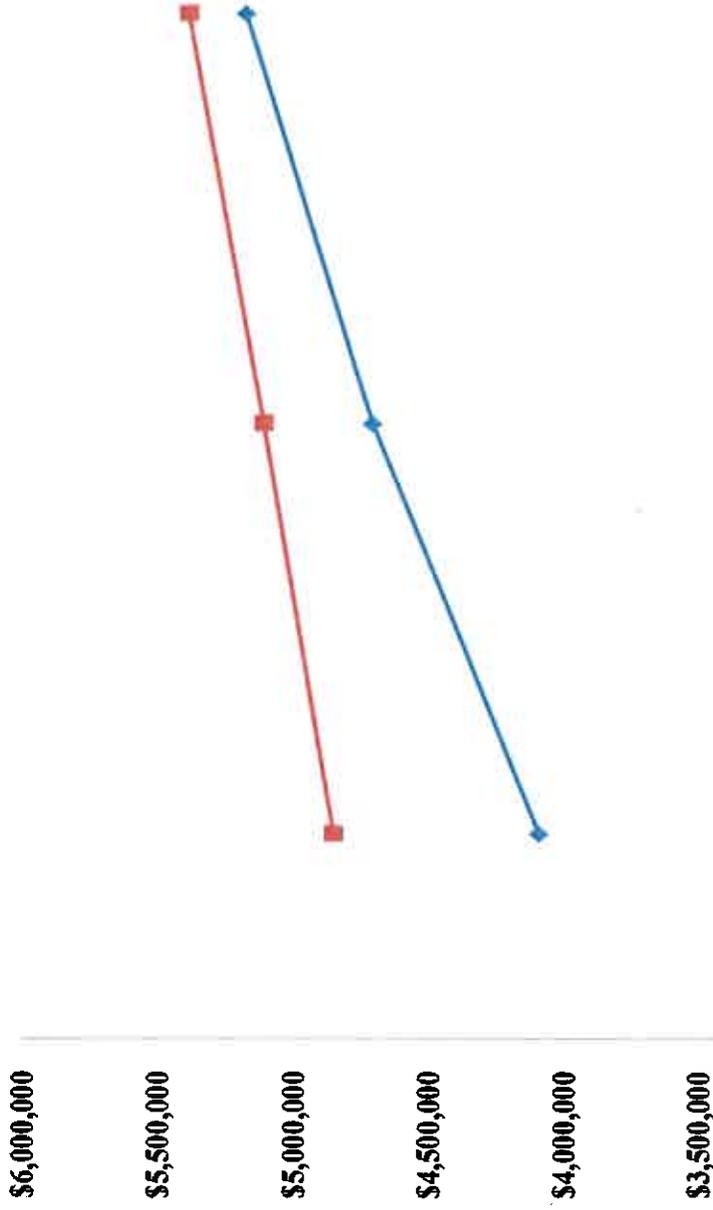
Sewer Fund Proposed Rates

Description	Current Rate	Proposed Rate July 1, 2011	Proposed Rate July 1, 2012
Residential Fixed Charge	\$ 40	46	51
Non Residential Fixed Charge	40	46	51
Non residential Flow Charge *	6	7	8
Non Connect Fixed Charge**	15	17	19
* Charge is per 100 Cubic Feet of metered (nonlandscape) of portable water consumption in excess of 10 HCF per month			
** Single Family residential per month; all others per service unit per month			

**Sewer Fund Projected Revenues, Expenses
and Working Capital With Rate
Adjustments**

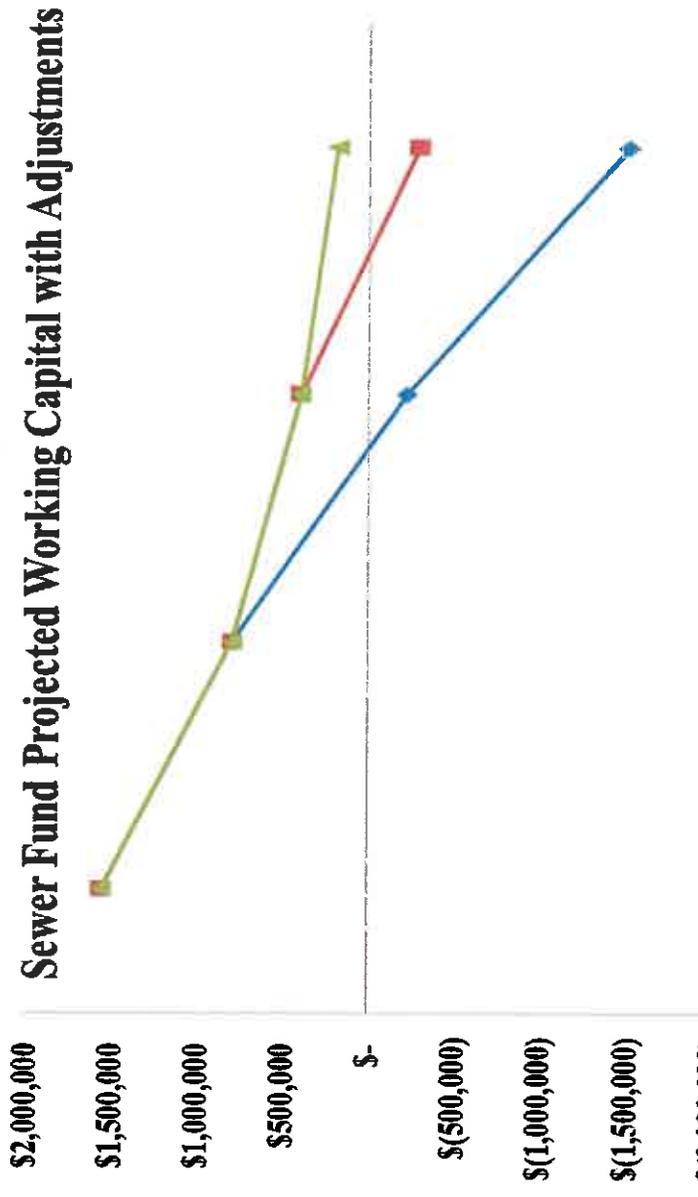
Beginning Working Capital	\$ 1,551,540	794,256	391,083
Revenues	4,094,680	4,708,882	5,179,770
Expenditures	4,601,964	4,862,055	5,142,245
Set Aside for Capital	250,000	250,000	250,000
Ending Working Capital	\$ 794,256	\$ 391,083	\$ 178,608

Projected Sewer Fund Revenues Vs Expenses



	FY 2010/2011	FY 2011/2012	FY 2012/2013
Revenues	\$4,094,680	4,708,882	5,179,770
Expenses	\$4,851,964	5,112,055	5,392,245

Sewer Fund Projected Working Capital with Adjustments



	FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014
Beg. Working Capital - Without Adjustment	\$1,551,540	794,256	(223,119)	(1,520,684)
Beg. Working Capital - July 2011 Adjustment	\$1,551,540	794,256	391,083	(292,280)
Beg. Working Capital - July 2012 Adjustment	\$1,551,540	794,256	391,083	178,608

Average Residential Water & Sewer Cost - Alternative No. 1

	Current Charges	April 1, 2011	July 1, 2011	April 1, 2012	July 1, 2012
Water Charge - 28 Units	\$ 51.47	70.49	70.49	75.53	77.43
Sewer Charge	40.00	40.00	46.00	46.00	51.00
Total Water & Sewer	\$ 91.47	110.49	116.49	121.53	128.43

Average Residential Water & Sewer Cost - Alternative No. 2

	Current Charges	April 1, 2011	July 1, 2011	April 1, 2012	July 1, 2012
Water Charge - 28 Units	\$ 51.47	70.49	70.49	73.34	76.61
Sewer Charge	40.00	40.00	46.00	46.00	51.00
Total water & Sewer	\$ 91.47	110.49	116.49	119.34	127.61

NEXT STEPS

- ◆ Mail out Proposition 218 Notice of Public Hearing - January 27, 2011
- ◆ Advertise for Public Hearing - March 2, 2011
- ◆ Conduct Public Hearing - March 16, 2011
- ◆ Implement First Water Rate Adjustment - April 1, 2011





**MINUTES
CITY OF NORCO**

**CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
JANUARY 19, 2011**

CALL TO ORDER: Mayor Hanna called the meeting to order at 6:00 p.m.

ROLL CALL: Mayor Berwin Hanna, **Present**
Mayor Pro Tem Kevin Bash, **Present**
Council Member Kathy Azevedo, **Present**
Council Member Greg Newton, **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 54956.8 – Conference with Real Property Negotiator

Street Address or Parcel Number: APNs 152-060-004-0; 152-060-011-6; 152-070-001-8; 152-070-002-9; & 152-070-011-7

Negotiating Parties: Norco Redevelopment Agency and Balboa Management Group, LLC

Points Under Negotiation: Price and Terms of Agreements for the Redevelopment of the Silverlakes Property

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Pro Tem Hanna reconvened the meeting at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Council Member Sullivan

COMMENDATION: Deputy Brett Johnson
Mayor Hanna presented Deputy Johnson with a certificate of commendation noting his accomplishments while being assigned to Norco for the last five years and congratulating him on his appointment to the Sheriff's Emergency Response Team.

PRESENTATIONS:

Norco Junior All American Football Panthers
Certificates of Accomplishment
So Cal JAAF Super Bowl 2010 Winners

Mayor Hanna, along with Stefanie Benvenuto, Field Representative for Assemblyman Jeff Miller, presented certificates to the NJAAF Panthers players, coaches and cheerleaders.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

M/S Bash/Sullivan 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, NEWTON, SULLIVAN

NOES: NONE

ABSENT: NONE

ABSTAIN: NEWTON ON THE MINUTES FROM THE REGULAR MEETING OF DECEMBER 15, 2010

A. CRA Minutes:

Special Meeting of January 10, 2011

Regular Meeting of December 15, 2010

Recommended Action: Approve the CRA Minutes (City Clerk)

2. CRA PUBLIC HEARINGS:

A. Approval of an Owner Participation Agreement, by and between the Norco Redevelopment Agency and Yam Kwan Wong as part of the Norco Façade Improvement Program, at 2395 Hamner Avenue

Yam Kwan Wong, the owner of the shopping center located at 2395 Hamner Avenue, has submitted a request to participate in the Façade Improvement Program. The proposed Owner Participation Agreement will fund the project for an amount not-to-exceed \$17,997.11, which will be used for a Western-themed monument sign. The Façade Improvement Program helps the Norco Redevelopment Agency meet strategic objectives and promotes Norco's signature theme of "Horsetown USA."

Recommended Action: Adopt CRA Resolution No. 2011-___, approving an Owner Participation Agreement, by and between the Norco Redevelopment Agency and Yam Kwan Wong as part of the Norco Façade Improvement Program, at 2395 Hamner Avenue. (Contract Economic Development Specialist)

Economic Development Specialist Grody presented the CRA Public Hearing item.

Agency Board Member Sullivan inquired from Mr. Jerry Wolff, property manager of the center, information regarding complaints received about the landscape vegetation in front of the center on Hamner Avenue causing visibility problems for traffic.

In response to Agency Board Member Sullivan, Mr. Wolff stated that the owners are willing, once the sign is up, to trim the vegetation facing Hamner Avenue so that the sign will be better seen.

Chairman Hanna OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chairman Hanna CLOSED the public hearing.

The Agency Board Members all commented on their support for the proposed sign. Comments were also made regarding how the new sign will improve the corner. Staff was commended for their work on the project and the success of the Norco Façade Improvement Program.

M/S Bash/Azevedo to adopt CRA Resolution No. 2011-02, approving an Owner Participation Agreement, by and between the Norco Redevelopment Agency and Yam Kwan Wong as part of the Norco Façade Improvement Program, at 2395 Hamner Avenue. The motion was carried by the following roll call vote:

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

- B. Approval of an Owner Participation Agreement, by and between the Norco Redevelopment Agency and West Coast Servicing, LLC as part of the Norco Façade Improvement Program, at 2641 Hamner Avenue

West Coast Servicing, LLC, the owner of the building located at 2641 Hamner Avenue, has submitted a request to participate in the Façade Improvement Program, initiated by Dr. Ami Shah, owner of Absolutely Best Dental, the owners' anchor tenant. The proposed Owner Participation Agreement will fund the project for an amount not-to-exceed \$20,000, which will be used for a Western-inspired monument sign. The Façade Improvement Program helps the Norco Redevelopment Agency meet strategic objectives and promotes Norco's signature theme of "Horsetown USA."

Recommended Action: Adopt CRA Resolution No. 2011-___, approving an Owner Participation Agreement, by and between the Norco Redevelopment Agency and West Coast Servicing, LLC as part of the Norco Façade Improvement Program, at 2641 Hamner Avenue. (Contract Economic Development Specialist)

Economic Development Specialist Grody presented the CRA Public Hearing item.

Chairman Hanna OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chairman Hanna CLOSED the public hearing.

The Agency Board Members all commented on their support for the proposed sign. It was also noted that the sign will bring exposure to all of the tenants in the center. Staff was also commended for their work on the project.

M/S Sullivan/Bash to adopt CRA Resolution No. 2011-03, approving an Owner Participation Agreement, by and between the Norco Redevelopment Agency and West Coast Servicing, LLC as part of the Norco Façade Improvement Program, at 2641 Hamner Avenue. The motion was carried by the following roll call vote:

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

3. JOINT CRA/CITY COUNCIL PUBLIC HEARING: The Joint CRA/City Council Public Hearing was cancelled. City Manager Groves provided some brief comments on the unprecedented storm damage to the Silverlakes property and the remediation opportunities being assessed. She further stated that City staff and the Balboa team will work together to come up with a viable course of action.

A. Consideration of Documents related to the Silverlakes Equestrian & Sports Park by and between the City of Norco, the City of Norco Redevelopment Agency and Balboa Management Group, LLC

Recommended action: The Agency Board/City Council is recommended to cancel the Joint CRA/Council Public Hearing for approval of the following documents:

A. Norco Silverlakes Master Ground Lease by and between the Norco Redevelopment Agency (Landlord) and the City of Norco (Tenant).

B. Norco Silverlakes Ground Lease by and between the City of Norco (Landlord) and Balboa Management Group, LLC (Tenant).

C. Norco Silverlakes Shared Use Agreement by and between the City of Norco (Landlord) and Balboa Management Group, LLC (Tenant).

D. Report of the Norco Redevelopment Agency Concerning the Disposition of the Redevelopment Agency Property pursuant to California Health & Safety Code Section 33433.

- E. Report of the Norco Redevelopment Agency Concerning Disposition of the Redevelopment Agency Property pursuant to California Health & Safety Code Section 33679.
- F. **Resolution No. 2010-___**, Restating and Amending Resolution No. 2009-08 (Adopted on March 4, 2009) Relating to Conditional Use Permit No. 2008-09 for the Silverlakes Equestrian & Sports Park Located on the East Side of Hamner Avenue North of the Santa Ana River.
- G. **Ordinance No. ___ for first reading**. Approving the Development Agreement by and among the City of Norco, the Norco Redevelopment Agency and Balboa Management Group, LLC for the Silverlakes Equestrian & Sports Park.
- H. **Resolution No. 2010-___**, Finding the Silverlakes Project Consistent with the Property Deed Restriction.
- I. Funding, Construction and Acquisition Agreement by and between the City of Norco and Balboa Management Group, LLC, a Delaware Limited Liability Company.

- 4. OTHER CRA MATTERS: No other CRA matters.
- 5. ADJOURNMENT OF CRA: 7:33 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

6. CITY COUNCIL CONSENT CALENDAR ITEMS:

Council Member Sullivan pulled Item 6.I. Council Member Newton noted that he would abstain on the minutes from the Regular Meeting of December 15, 2010 and the Special Meeting of December 13, 2010. Council Member Newton pulled Items 6.E., G., & L.

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, NEWTON, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NEWTON ON THE MINUTES FROM THE SPECIAL MEETING OF DECEMBER 13, 2010 AND THE REGULAR MEETING OF DECEMBER 15, 2010

- A. City Council Minutes:
Special Meeting of January 10, 2011
Regular Meeting of December 15, 2010
Special Meeting of December 13, 2010
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Recap of Actions Taken at the Planning Commission Regular Meeting of January 12, 2011. **Recommended Action: Receive and File** (Planning Director)
- C. Approval of a Resolution for Employer Pick-Up to Tax Defer Member Paid Contributions – Internal Revenue Code 414(h)(2). **Recommended Action: Adopt Resolution No. 2011-01, approving employer pick-up to tax defer member paid contributions.** (Deputy City Manager/Director of Finance)
- D. Quarterly Investment Report for Quarter Ended December 31, 2010. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
- E. Report on Fiscal Year 2010 Audited Financial Reports. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
PULLED FOR DISCUSSION
- F. Ratification of the Proclamation of a Local Emergency Dated December 22, 2010. **Adopt Resolution No. 2011-02, ratifying the Proclamation of a Local Emergency declared on December 22, 2010.** (City Manager)
- G. Approval of a Contract with Philips Healthcare for the Purchase of Replacement Advanced Life Support Defibrillator/Monitors. **Recommended Action: Approve a contract with Philips Healthcare for the purchase of two (2) replacement Advanced Life Support Defibrillator/Monitors in the amount of \$49,353.25, through a cooperative purchasing effort using the City of Corona's formal completed competitive bid process.** (Fire Chief) **PULLED FOR DISCUSSION**
- H. Acceptance of the Ingalls Park Security Fencing Project as Complete. **Recommended Action: Accept the Ingalls Park Security Fencing 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)
- I. Professional Services Agreement with Chevron Energy Solutions -- Manure-to-Energy Project. **Recommended Action: Adopt Resolution No. 2011-03, 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) **PULLED FOR DISCUSSION**

- J. Dedication of Easement to Southern California Edison. **Recommended Action: Adopt Resolution No. 2011-04, offering the dedication of a utility easement to Southern California Edison for the purpose of installing underground electric lines to power the new sewer auger/grinder located on Western Avenue.** (Director of Public Works)

- K. Request to Amend the Traffic Signal and Street Lighting Maintenance Agreement between the City of Norco and the City of Corona. **Recommended Action: Approve the amendment to Exhibit "A" of the Traffic Signal and Street Lighting Maintenance Agreement between the City of Norco and the City of Corona.** (Director of Public Works)

- L. Accept Bids and Award the Contract for the Second Street Improvement Project. **Recommended Action: Award the contract for the Second Street Improvement Project to All American Asphalt in the amount of \$1,050,000 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Director of Public Works) **PULLED FOR DISCUSSION**

- M. Acceptance of the Sierra Avenue Street Improvement Project as Complete. **Recommended Action: Accept the Sierra Avenue Street Improvement Project as complete and direct the City Clerk to file a Notice of Completion with the County Recorder's Office.** (Director of Public Works)

7. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

- 6.E. Report on Fiscal Year 2010 Audited Financial Reports. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)

Council Member Newton commended Deputy City Manager/Director of Finance Okoro for his efforts in putting together the report and noted that the part he liked is that the numbers talk and tell a story, and don't talk back.

M/S Bash/Azevedo to receive and file the Report on Fiscal Year 2010 Audited Financial Reports. The motion was carried by the following roll call vote:

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

- 6.G. Approval of a Contract with Philips Healthcare for the Purchase of Replacement Advanced Life Support Defibrillator/Monitors. **Recommended Action: Approve a contract with Philips Healthcare for the purchase of two (2) replacement Advanced Life Support Defibrillator/Monitors in the amount of \$49,353.25, through a cooperative purchasing effort using the City of Corona's formal completed competitive bid process.** (Fire Chief)

Council Member Newton asked Fire Chief Carlson if the quote would still be honored, as the expiration date on the quote had expired. Fire Chief Carlson replied that it would be honored.

M/S Sullivan/Bash to approve a contract with Philips Healthcare for the purchase of two (2) replacement Advanced Life Support Defibrillator/Monitors in the amount of \$49,353.25, through a cooperative purchasing effort using the City of Corona's formal completed competitive bid process. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, NEWTON, SULLIVAN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6.I. Professional Services Agreement with Chevron Energy Solutions -- Manure-to-Energy Project. **Recommended Action: Adopt Resolution No. 2011-03, 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)

Council Member Sullivan noted that this is a professional services contract with Chevron that should answer many of the concerns of the residents and further noted that the City has been working on this project for a long time. He also commented on the need to find a way to get rid of the City's manure without hauling it so far and added that this project would help to save the lifestyle in Norco.

Council Member Newton asked Deputy City Manager/Director of Finance Okoro for clarification on the cost for the Agreement with Chevron and the grant amount received from the Department of Energy (DOE). Okoro stated that the initial proposal received from Chevron was in the amount of \$690,000, but the DEO would not fund money for the next phase of the project, which was a part of the amount. Okoro also noted that the Agreement amount with Chevron would be in the amount of \$681,692 and added that Chevron will provide the City with information on additional grants and incentives to use as a part of this Agreement. Okoro added that there will be no additional compensation. In response to Council Member Newton, Okoro stated that progress reports from Chevron will be required in order for the DOE to provide the reimbursement payments.

Council Member Azevedo noted that this is exciting that the DEO gave the City a grant for the feasibility study. She added that no site/size for/of the building has been determined. Council Member Azevedo commented on the need for a long term plan to get rid of the manure, and the potential to make money doing so.

Jim Isler. Mr. Isler stated that he is concerned about the smells resulting from the project and added that the Council needs to keep in mind that the people in Norco have a right to live in this City without the smell.

Patrick Duke. Mr. Duke stated that the money is great but there will be smell. He added that he is concerned about explosions from the methane and having it located so close to his neighborhood. He noted many additional concerns and observations from information he has read about this type of manure management.

Don Gensler. Mr. Gensler stated that he enjoys the lifestyle in Norco but is concerned with additional smells that will affect his neighborhood. He noted that he is not in favor of bringing this project next to residential properties and added that it should be constructed where there are not people living so close.

Marian Beecher. Ms. Beecher commented on the luxury of having horses in Norco and noted that she is willing to pay for it to be removed. Ms. Beecher asked the following questions for the record: Where are other similar chevron plants located? When the EIR is completed, how much time will the residents have for rebuttal and research? How many tons of waste does the City haul away? Where will the site be located? Public Works Director Thompson responded as follows: As far as similar plants developed by Chevron, he does not know as the City has not yet defined what type of plant will be built. He added that a number of technologies are available and the City is planning on composting, with the goal of a zero impact on the residents. The feasibility study will cover all of the concerns brought up and the goal for the results will be a zero impact for the residents of Norco environmentally. When the EIR is completed there will be a time set for rebuttals and research, including public hearings set. In response to the question posed by Ms. Beecher regarding the depreciated value of properties caused by this project, Director Thompson noted that all of these considerations will be evaluated as a part of this study. Director Thompson stated that different sites will be evaluated for the best location for the project, and will be evaluated as a part of the feasibility study.

Council Member Newton stated that the first step of this project is to make a determination if there is a project. He encouraged everyone to research Assembly Bill 32 and what California is going to be required to do in the next five years.

Mayor Pro Tem Bash noted that many of the fears are premature. He noted that he does not like the site at Corydon at River and Bluff, as it is too small. Mayor Pro Tem Bash noted that the City is far ahead of everybody else because we need to get rid of the manure. He added that there will be lots of time for input from the residents, as this is part of the process.

Council Member Azevedo received verification from Public Works Director Thompson that the identification of sites is necessary for it to be feasible. She thanked everyone for coming and noting their concerns, adding that it is too premature to comment on any impacts from the project.

Council Member Sullivan commented on the City's in Riverside County being mandated to cut back 50% of what is deferred from the Landfill, which could be raised to 75%. He noted that the City of Norco was the first city in Riverside County to meet that requirement.

Mayor Hanna asked Public Works Director Thompson about information received regarding refuse burned, which did not include cow manure. Director Thompson stated that burning cow manure is a whole different process.

M/S Sullivan/Bash to adopt Resolution No. 2011-03, authorizing execution of a Professional Services Agreement with Chevron Energy Solutions for performance of engineering study of a horse manure-to-energy project. The motion was carried by the following roll call vote:

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

6.L. Accept Bids and Award the Contract for the Second Street Improvement Project.
Recommended Action: Award the contract for the Second Street Improvement Project to All American Asphalt in the amount of \$1,050,000 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount. (Director of Public Works)

Council Member Newton asked for information from Public Works Director on the scope of work for this project. Director Thompson stated that the scope of the project is on Second Street from the northbound on/off ramp of Interstate 15 to Hillside Avenue; widening from Interstate 15 to Corona Avenue only; and an asphalt overlay from Corona Avenue to Hillside Avenue. Also, as a part of this project, there will be a modification done to the intersection of Valley View Avenue and second street; some additional curb and gutters and storm drain improvements; and a full trail added from the Interstate 15 on/off ramps east to Corona Avenue on the south side of the street. He further noted that the funding for this project is Redevelopment Agency funds and grant funds from RCTC.

Council Member Azevedo noted that she has not been a proponent of this project in the past as her biggest fear is that the widening would make Second Street a second Sixth Street. In response to her question regarding the City's General Plan, Planning Director King stated that in the General Plan, the four lanes on Second Street end at Corona Avenue, and two lanes continue east of Corona Avenue. In response to her question regarding merge lanes, Public Works Director Thompson stated that there will be merge lanes before Corona Avenue for traffic flow.

Council Member Sullivan noted that he is pleased on the low bid that came in for the project.

Curtis Coombs. Mr. Coombs stated that he respectfully disagrees with Council Member Azevedo as there are traffic impacts on the roads when school is in session. He added that this needs to be addressed with all of the activity on Second Street.

M/S Sullivan/Bash to award the contract for the Second Street Improvement Project to All American Asphalt in the amount of \$1,050,000 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount. The motion was carried by the following roll call vote:

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

8. **LEGISLATIVE MATTERS -- SECOND READING:** *(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)*

A. **Ordinance No. 928, Second Reading.** 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). **Recommended Action: Adopt Ordinance No. 928 for Second Reading.** (City Clerk)

M/S Bash/Azevedo to adopt Ordinance No. 928 for Second Reading. The motion was carried by the following roll call vote:

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

B. **Ordinance No. 929, Second Reading.** Extending the Temporary TUMF Reduction of the Western Riverside County Transportation Mitigation Fee (TUMF) Program. **Recommended Action: Adopt Ordinance No. 929 for Second Reading.** (City Clerk)

M/S Azevedo/Bashto adopt Ordinance No. 929 for Second Reading. The motion was carried by the following roll call vote:

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

9. CITY COUNCIL ITEM FOR ACTION:

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

The Norco Fair Committee has requested a five-year Lease Agreement with the City of Norco from February 2, 2011 through January 31, 2016 for the annual Norco Community Fair at the George Ingalls Equestrian Event Center.

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

Director Petree presented the City Council Action item, noting the terms of the negotiated five-year Lease Agreement with the Norco Fair Committee.

Council Member Sullivan thanked the Fair Committee for the fantastic job they did last year and for paying off the City loan and its bills, with start-up money remaining. He noted that he is surprised that the Committee came back and asked the City for concessions, with the difficult time the City is having making ends meet, noting the City's cash flow problem. He stated that he would entertain a recommendation that if the Committee does not have enough money to pay the fees upfront, the City could put into the contract that after paying its bills from proceeds of fair, then the fees could be paid. He further commented on the costs to pay the Sheriff's Department and questioned the necessity for them to be there. Council Member Sullivan stated that he would be voting no on this item tonight, and encouraged the other Council Members to vote no as well for the good of the community.

Council Member Azevedo questioned if the City is waiving fees for the Mustang Challenge, and asked why that agreement is not being brought to the Council? Director Petree responded that this is the last year of the agreement approved by the Council. Council Member Azevedo commented on the history of the fair, noting that it is an icon and gives back to the community. She added that the fair is a revenue source for almost every non-profit in the community. She further commented on the money raised by the fair in the past, noting that she would support adding an addendum to the Lease Agreement requiring the fees to be paid in full once the Norco Fair Committee meets a net profit amount set.

Mayor Pro Tem Bash stated that he has concerns that the argument will come down between the two groups. He added that we have to do business in the City, as the reserve is no longer there. Mayor Pro Tem Bash commented on the need for the community to volunteer, and added that the fair is creating an opportunity to make money for City groups. He noted that the success of the fair will bring in more business to the City. He commented on the need to have a Sheriff presence at the fair because in the past there was a large gang presence at the fair.

Council Member Newton noted that the focus should be on the success of the fair. He added that there is not a check being written out of the General Fund. He received confirmation from Director Petree that the Lease Agreement states that all direct costs (Departmental costs) will be paid, including utility costs, and an 8% overhead added to cover administrative costs. Director Petree added that at the end of the term of the Agreement, everything is paid, noting that the fair creates community.

Linda Dixon. Ms. Dixon commented on the family-affordable fair that the Norco Fair Committee creates and noted that the loan amount last year was paid back to the City as required, and immediately. She commented on that participation from non-profits and noted that the Fair Committee made many donations to local events and non-profits. Ms. Dixon stated that she hopes that they can count on the City's support.

Ed Dixon. Mr. Dixon thanked the Council for the loan last year and noted that the fair was a success. He added that he does not think that asking the City to waive fees is out of order, as they help many businesses in Norco, noting that the fair results in additional tax dollars to the City.

Lance Gregory. Mr. Gregory noted that he understands the whole spectrum involved and commented on how effective the fair is in giving back to the community. He added that whatever the decision is, remember the financial problem the City is in. Mr. Gregory stated that the City needs to be run as a business when it comes to the facility fees.

Tommy Vaughan. Mr. Vaughan commented that he hopes that the decision made will not affect the entire community, noting the accelerating costs required to put on the fair. He further commented on the "seed" money available which could be used to pay the fees and stated that other non-profits should have fees reduced by the City.

Karen Leonard. Ms. Leonard commented that they are not asking for the waiver for free. She further noted that it has been proven that the Fair Community will keep its promises.

Curtis Coombs. Mr. Coombs commented on his attendance to the fair and noted that it does cost money to put on the fair. He noted that with hard times come hard decisions, adding that there is need to run the City as a business. He further commented that the obligations need to be put in black and white in the Agreement.

Jim Sassin. Mr. Sassin noted that there is a need for the Sheriff's Department at an event that large. He added that the whole motivation is so people can have a low cost event to attend with their families and noted that the City will financially benefit from the people that attend.

Tina Gregory. Ms. Gregory commented that there could possibly be a shorter duration of the event with the waiver of the fees.

Ruben Armas. Mr. Armas represents Narcotic Anonymous and commented on the higher facility fees they pay, noting that they are not sure if they will be able to hold its event because of the high fees. He asked why their fees can't be waived or reduced as they also bring in people to the City and are a non-Profit organization.

Vern Showalter. Mr. Showalter noted that if the City is going to continue to subsidize the event, it should be called a City event and get volunteers to run it.

Mayor Hanna noted that the fees are for the rental and not for the services. He commented on the money that is being given to local groups, noting that this is outstanding. Mayor Hanna stated that he has no problem supporting this as he sees what the Fair Committee did for the community.

Further comments were made by the Council Members regarding the benefits to the City resulting from the fair.

Council Member Sullivan commented on the financial problems of the City and the fact that the facility fees have been set and approved by the Council.

M/S Azevedo/Bash to approve the five-year Lease Agreement as written, adding an addendum stating that if the net proceeds of the Community Fair exceed \$100,000 each individual year during the term of the Lease Agreement, the Norco Fair Committee will pay the full amount of the City facility fees for that year. The motion was carried by the following roll call vote:

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

Jim Sassin. Mr. Sassin stated that he would agree to the addendum added to the Lease Agreement.

RECESS: Mayor Hanna recessed the meeting at 9:30 p.m.

RECONVENE: Mayor Hanna reconvened the meeting at 9:38 p.m.

10. PUBLIC COMMENTS OR QUESTIONS:

Sigred Williams. Ms. Williams, Public Relations Officer for the Norco Mounted Posse, commented on the Posse membership. She noted that the Posse has donated over 250 volunteer hours to the City at no cost. She also noted the donations made to non-profits in the City. She added that currently, the Norco Mounted Posse is stronger than ever and is proactively recruiting new members.

Brian Boyd. Mr. Boyd commented on the rescue efforts of the horses following the most recent flooding. He stated that there needs to be an investigation regarding a Council Member being the director of the Norco Animal Rescue Team ("NART"). He further commented on his displeasure in the retrieval process in regards to rescuing the horses from the Santa Ana River and asked for an investigation into how that flooding took place.

Kaye O'Mara. Ms. O'Mara commented on an emergency preparedness class available. She also commented that she would like to see something done about Highland Elementary traffic problems.

Curtis Coombs. Mr. Coombs commented on the agenda and encouraged the City to look at itself as a business. He noted that there is an endless list of very noble groups that could use the waiver of fees, but the City needs to look at the bottom line.

Lance Gregory. Mr. Gregory commented that last weekend Norco Ridge Ranch was attacked by a tagger and thanked City staff and the Council for it being removed.

Dominique Ferraro. Ms. Ferraro commented on the River Trails flooding and the events that followed. She further commented on the NART response, noting that no team effort was in place to help the animals in distress and asked for this to be assessed.

Danny Azevedo. Mr. Azevedo spoke as a member of the NART and noted the chain of command at events that must be followed. He further noted that one should get all the information on the incident before judging.

11. OTHER MATTERS – COUNCIL:

Council Member Azevedo:

- ↓ Reported on a WRCOG meeting she attended noting the passage of AB 811 and the PACE Program, which will provide reduced rates to residents for improvements to their homes.

Council Member Sullivan:

- ↓ Reminded everyone about the Grand Opening of Back Country Chiropractic office, to be held on Saturday at 11:30 a.m.

Mayor Hanna:

- ↓ Thanked City workers for their assistance during the most recent storm. He noted that the NART was called out to the Gavilan Hills area a week following that storm, where a horse was stuck in the mud and safely rescued.

12. OTHER MATTERS – STAFF:

- A. Update on the Status of the LMD No. 4 Equestrian Trail Drainage Improvements Project. (City Engineer)

Consultant Dominic Milano updated the Council regarding the LMD No. 4 Trail Drainage Improvements Project, noting that the bids are out and due on February 15, 2011. An example was installed prior to the big rains, which helped in providing some adjustments to the plans. Trench-style drains will be installed across the driveways of approximately 102 homes, and terminating in catch basins. The hope is to pick up at least 90% to 95% of the water coming off of the private properties, which causes the erosion on the steep streets. Funding for the project is from the LMD itself. In response to questions from Council Members, Consultant Milano stated that the award of bid would be brought to the Council for approval in March and noted that a sandbag placement plan will be put in place.

13. ADJOURNMENT: There being no further business to come before the City Council, Mayor Hanna adjourned the meeting at 10:08 p.m.

BRENDA K. JACOBS
CITY CLERK

/bj-77585



**RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
JANUARY 26, 2011**

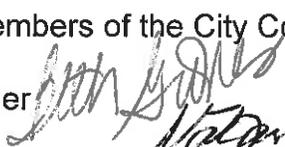
1. CALLED TO ORDER: 7:00 p.m.
2. ROLL CALL: **Chair Hedges, Commissioners Henderson, Jaffarian, Wright**
3. STAFF PRESENT: **PD King, SP Robles, DCC Germaine**
4. PLEDGE OF ALLEGIANCE: **Chair Hedges**
5. APPEAL NOTICE: **Read by staff.**
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA:
No items.
7. APPROVAL OF MINUTES: January 12, 2011; **Approved with a minor change.**
8. CONTINUED ITEMS: Discussion of the Proposed Hospitality Development Zone. Recommendation: *Approve draft and set for public hearing. (Director King): Action: **Approved the final draft with minor changes and directed that the item be scheduled for a public hearing.***
9. PUBLIC HEARINGS
 - A. Resolution 2011-07: Conditional Use Permit 2011-01 (Provencio): A Request for Approval to allow a 3,240 Square-Foot Accessory Barn/Mare Motel Building at 1611 Corona Avenue located within the A-1-40 Zone. Recommendation: *Approval (Senior Planner Robles). Action: **Approved, this action is final unless appealed to City Council.***
 - B. Resolution 2011-___: Conditional Use Permit 2010-09 (Klinkenborg): A Request for Approval to allow a 2,000 Square-Foot Accessory Storage Building at 2285 Santa Anita Road located within the A-1-20 Zone. Recommendation: *Approval. Senior Planner Robles. Action: **Denied without prejudice, this action is final unless appealed to the City Council.***
10. BUSINESS ITEM:
 - A. Resolution 2011-06; Site Plan 2010-05 (MacDougall): A Request for Approval to allow an 812 Square-Foot Accessory Workshop Building at 2623 Steeplechase Way located within the A-1-20 Zone.

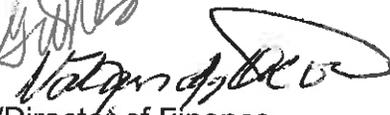
Recommendation: Approval (Senior Planner Robles). Action: Approved, this action is final unless appealed to City Council.

- B. Resolution 2011-__; Site Plan 2008-02, Modification 1 (SSOE): Approval of a Modification to the Approved Site Plan to allow for the Development of a 76,288 Square-Foot, Multi-Building Commercial Center, Including a Remodel of an Existing Building at the Southeast Corner of Second Street and River Road. *Recommendation: Approval; (Director King). Action: Continued to February 23, 2011 at the request of the applicant.*
11. CITY COUNCIL:
- A. Recap of Actions Taken at the January 19, 2011 City Council/Community Redevelopment Agency Meeting.
- B. City Council Minutes dated December 13, 2010 (Special Meeting); December 15, 2010; January 10, 2011 (Special Meeting)
Received and filed.
12. PLANNING COMMISSION: Oral Reports from Various Committees; **No reports.**
13. STAFF: Current Work Program; **Received and filed.**
14. OTHER MATTERS: Oral Report on Revised Elevations for an Approved Day Care at 4193 Bluff Street (Pasley): Elevations to be Provided Separate from Agenda Packet. Director King. *Staff recommended approval, and the Planning Commission voted to approve the revised elevations 3-1. This action is final unless appealed to City Council.*
15. ADJOURNMENT: ~~9:00 p.m.~~
8:30

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

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

DATE: February 2, 2011

SUBJECT: Approval of Fire Department Discipline and Administrative Review Policy and Procedure

RECOMMENDATION: Adopt **Resolution No. 2011 ___**, approving the Fire Department Discipline and Administrative Review Policy and Procedure

SUMMARY: The proposed Resolution adopts the Fire Department Discipline and Administrative Review Policy and Procedure, as required pursuant to Government Code 3254.5 of the Firefighters Procedural Bill of Rights Act.

BACKGROUND/ANALYSIS: In 2007, the Legislature enacted the Firefighters Procedural Bill of Rights Act (FBOR), giving firefighters employment rights not generally available to other public employees. The FBOR became effective January 1, 2008. The FBOR is largely modeled after the Public Safety Officers Procedural Bill of Rights Act ("PBOR"), which has protected peace officers over 30 years.

All firefighters who are employed by a public agency and who have also passed probation, including firefighters who are paramedics or emergency medical technicians, are covered by the FBOR, irrespective of rank.

The City is required to adopt a disciplinary appeal procedure applicable to firefighters pursuant to Government Code 3254.5 of the Firefighters Procedural Bill of Rights Act. The City's current Rules and Regulations do not comply with the law.

The attached Fire Department Discipline and Administrative Review Policy and Procedure has been reviewed by the City's labor attorney and agreed by the City and the Norco Firefighters Association and the Norco Battalion Chief Association.

FINANCIAL IMPACT: None.

/mp-77637

Attachments: Resolution No. 2011-_____
Fire Department Discipline and Administrative Review Policy and Procedure.

Agenda Item 3.D.

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING FIRE DEPARTMENT DISCIPLINE AND ADMINISTRATIVE REVIEW POLICY AND PROCEDURE.

WHEREAS, the City of Norco has established Personnel Rules on Disciplinary Action and Administrative Review; and

WHEREAS, the Firefighters Procedural Bill of Rights Act pursuant to Government Code § 3254.5 grants firefighters additional rights to appeal disciplinary actions.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the Fire Department Discipline and Administrative Review Policy and Procedure.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 2, 2011.

Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on February 2, 2011 by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on February 2, 2011.

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

/mp-77638

Attachment: "A-1"- Fire Department Discipline and Administrative Review Policy and Procedure



CITY OF NORCO ADMINISTRATIVE POLICY STATEMENT

**SUBJECT: FIRE DEPARTMENT DISCIPLINE AND ADMINISTRATIVE
REVIEW POLICY AND PROCEDURE**

POLICY NUMBER: 310

DATE ISSUED: February 2, 2011

PURPOSE:

The goal of the City of Norco is to provide clear policies and procedures to all employees. Punitive action refers to actions by management directed to the modification of employee conduct which is contrary to the best interest of public service.

INTRODUCTION:

AB220 which was sponsored by California Professional Firefighters Association became effective January 1, 2008. The City is required to adopt a disciplinary appeal procedure applicable to firefighters pursuant to Government Code § 3254.5 of the Firefighters Procedural Bill of Rights Act (FBOR).

The term "firefighter" means an employee who is considered a "firefighter" under Government Code § 3251(a) except for the Fire Chief. The classifications of employees who are firefighters include:

- Battalion Chief
- Fire Captain
- Fire Engineer
- Firefighter Paramedic
- Firefighter

A Fire Chief shall not be removed by a public agency or appointing authority without providing that person with written notice, the reason or reasons for removal, and an opportunity for administrative appeal.

The removal of a Fire Chief by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, or for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons."

Nothing shall be construed to create a property interest, if one does not otherwise exist by rule or law, in the job of Fire Chief.

AUTHORITY TO DISCIPLINE:

Supervisory positions have the authority to recommend punitive action according to the following:

- A. Fire Captain : Written reprimand.
- B. Battalion Chief: Discipline up to and including suspensions of one day or reductions of pay for up to one month.
- C. Fire Chief: Discipline up to and including termination.

PUNITIVE ACTION:

Punitive action is primarily corrective in nature and taken in response to acts or a failure to act on the part of the employee. When counseling actions fail to produce the desired results and/or when more serious infractions occur, then formal punitive action is required.

The following punitive actions may be taken against an employee:

- A. Written Reprimand – Formal notification of performance or conduct deficiencies. The reprimand states the specific infraction and has employee acknowledge that further occurrences of the same or similar infractions will result in more serious punitive action. A copy of the reprimand is provided to employee and supervisor. The original / signed reprimand is placed in employee's personnel file.
- B. Suspension – An involuntary absence with or without pay.
- C. Salary Reduction – A reduction in pay from the employee's current step within a pay range to any lower step within that same range as provided in the City's salary resolution.
- D. Demotion – Involuntary movement from a position in one class to a position in another class having a lower salary range.
- E. Dismissal: Discharge from City service.

All firefighters who are employed by a public agency and who have also passed probation, including firefighters who are paramedics or emergency medical technicians, are covered by the FBOR, irrespective of rank.

FBOR rights and protections only apply to a firefighter "during events and circumstances involving the performance of his or her official duties."

CAUSE FOR PUNITIVE ACTION:

The term "punitive action" means any action defined by Government Code § 3251(c), i.e., "any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment."

The following is a non-exclusive list of the more common causes for punitive action:

- A. Fraud in securing employment or making a materially false statement on an application for employment or on supporting documents furnished with or made part of any application;
- B. Willfully or negligently jeopardizing the health and safety of City employees or the public;
- C. Inexcusable neglect of duty;

- D. Insubordination to a superior;
- E. Dishonesty;
- F. Being under the influence of alcohol, nonprescription drugs, or other controlled substances while on duty.
- G. The use, on or off-duty, of controlled substances or habit-forming drugs without a medical doctor's prescription;
- H. Absence without leave;
- I. Conviction of a crime or conduct constituting a violation of State or Federal law. A plea or verdict of guilty, conviction, or a conviction following a plea of no contest is deemed to be a conviction within the meaning of this section;
- J. Discourteous treatment of the public or other employee of the City.
- K. Willful disobedience;
- L. Improper or unauthorized use of City equipment or property;
- M. Violation of any of these Rules and Regulations or any policy or procedure adopted pursuant to these Rules and Regulations;
- N. Refusal to subscribe to any oath or affirmation that is required by law in connection with City employment;
- O. Any act or conduct, on or off-duty, which discredits the City;
- P. Abuse of sick leave;
- Q. Knowingly failing to follow the procedures set forth herein or by agreement governing grievances, when pursuing a grievance;
- R. Inefficiency, incompetence, or negligence in performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner;
- S. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable time period;
- T. Physical altercations;
- U. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex, sexual orientation, age, religious beliefs, or political affiliations;
- V. Sexual harassment;
- W. Outside employment that conflicts with the employee's position; acceptance of employment, reward, gift, or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties;
- X. Falsification of any City report or record, or falsification of any report or record required to be made or filed by the employee;
- Y. Failure to cooperate in any administrative investigation.

DICIPLINARY INVESTIGATIONS:

The City is committed to conducting thorough unbiased investigations into all allegations of misconduct. These investigations shall be conducted in a timely manner in compliance with all regulations pertaining to employee rights.

The City shall promptly start an investigation when management reasonably suspects that a firefighter has engaged in conduct which violates a policy, order, rule, regulation, or statute which would result in discipline. Subject to certain exceptions (set forth in Government Code § 3254(d)), the FBOR establishes a one year statute of limitations which begins to run as soon as a supervisor becomes aware of possible misconduct.

INVESTIGATION FORMAT:

Each administrative investigation will be conducted according to its own unique facts and circumstances. The FBOR does not require the City to alert the subject employee that he/she is under investigation. The FBOR only mandates that the subject firefighter be informed of the "nature of the investigation" prior to being "interrogated." This right only attaches at the point of "interrogation," not at the commencement of the "investigation". The following approach can be used in processing most administrative investigations:

1. Interview all witnesses (including individuals who may have seen nothing but who could have seen misconduct had it been occurring); generally, non-suspect employee witnesses will be interviewed first in order to allow a concluding interview the suspect employee to be most comprehensive, yet circumstances do exist where the subject employee should be interviewed first in order to obtain unrehearsed answers and testimony that is not tainted by the subject having been advised of the investigation by individuals previously interviewed;
2. Tape record all interviews;
3. Prohibit witnesses from discussing with any other employees or individuals the fact that they were interviewed, the existence of an investigation, or any information shared with them;
4. Collect physical evidence (videotapes, documents, etc.);
5. Interrogate subject employee in a manner consistent with Government Code § 3253;
6. Conduct necessary follow-up interviews and investigation ;
7. Prepare report which includes synopses, evidentiary documents, findings of fact and statement of rules, orders and/or statutes violated;
8. Any other approach determined by the City to be appropriate in any given circumstance.

PROCEDURAL REQUIREMENTS FOR INTERROGATIONS:

1. The subject firefighter, to the extent possible, should be advised of the following prior to any interrogation: (a) date(s) of action(s) under investigation; (b) brief description of the allegation(s) of misconduct; and (3) statute(s) and/or administrative rules or orders that may have been violated.

2. The interrogation shall be conducted at a reasonable hour, at a time when firefighter is on duty, unless an imminent threat to the safety of the public requires otherwise. If the interrogation does occur during off-duty time, the firefighter shall be compensated for any off-duty time in accordance with current MOU regarding overtime. The interrogation session shall not extend beyond a reasonable time considering the gravity of the issue(s). The interrogated firefighter will be allowed to attend to his/her own personal physical necessities.
3. Subject firefighter shall be provided with an Interrogation Admonishment Form.
4. No more than 2 (two) interrogators may ask questions at any one time.
5. All oral interrogations shall be tape recorded by the investigator.
6. A firefighter under interrogation shall not be subjected to offensive language or threatened with punitive action.
7. Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that may result in punitive action against any firefighter, that firefighter, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to this investigation and shall not be required to disclose any information received from you to the extent it does not regard criminal matters. The Department will neither provide nor compensate any such representative.
8. If subject firefighter is deemed that he or she may be charged with a criminal offense, the firefighter shall be immediately informed of his or her constitutional rights.

INVESTIGATION REPORT:

The investigation report will contain the following:

- Introduction
- Methodology and Persons Interviewed – an overview of the steps taken in conducting the investigation.
- Allegations – a description of the allegations being investigated, including the rules, regulations, and statutes at issue.
- Chronology – a sequential description of events relevant to the investigation.
- Finding of Fact – a specific description of material facts.

CONCLUSIONS:

The Fire Chief, or his designee, will use the following conclusions for each allegation, supported by a statement of facts:

- A. **Sustained** – The investigation revealed sufficient evidence to support the allegation occurred.

- B. **Not Sustained** – There was not sufficient evidence to support the allegation occurred or did not occur.
- C. **Unfounded** – There was sufficient evidence to sustain the allegation did not occur.
- D. **Exonerated** – The investigation revealed the action occurred, but was not a violation of the City's policy.

Note: In reports involving more than one focused firefighter with sustained allegations, the conclusion section shall be redacted to reflect only the conclusion of the individual firefighter.

RIGHT TO REVIEW DOCUMENTATION:

After the investigation has been concluded and the City decides to impose discipline based on the investigation, a firefighter has the right to review documents, materials, and other evidence upon which the discipline is based. A firefighter has the right to a copy of materials upon request.

NOTICE REQUIREMENTS:

When punitive action consisting of dismissal, demotion, suspension or reduction in salary in an amount that is greater than five (5) shifts is contemplated, a written notice of proposed punitive action shall be served on the firefighter. If, after a pre-discipline meeting with the employee, such punitive action will be imposed, written notice of the punitive action shall be served on the employee. These notices should, as appropriate, include:

- A. A statement of the nature and extent of the punitive action;
- B. The effective date the punitive action will take effect (at least ten calendar days after service);
- C. A statement of all the specific facts, acts, omissions, and City Rules(s), Regulation(s), Policy(s), Procedure(s), or other violations;
- D. A statement advising the employee of their right to a pre-discipline meeting and/or the right to appeal the punitive action.

APPEAL PROCEDURES:

Firefighters have the right to an administrative appeal of "punitive action" within the meaning of Government Code § 3251(c). The appeals procedures are adopted pursuant to Government Code § 3254.5 of the Firefighters Procedural Bill of Rights Act.

Appeal of a Punitive Decision Involving a Firefighter Receiving a Written Reprimand, a Transfer for Purposes of Punishment, a Suspension Without Pay of Five (5) Shifts or Less, or a Reduction of Pay the Equivalent of a Suspension Without Pay of Five (5) Shifts or Less:

Pursuant to Government Code § 11445.20, the following informal hearing procedure shall be utilized for an appeal by a firefighter of a punitive action not involving a discharge, demotion or a suspension or reduction of pay greater than five (5) shifts.

- A. **Notice of Appeal:** Within ten (10) calendar days of receipt by a firefighter of notification of punitive action as set forth above, the firefighter shall notify the Fire Chief in writing of the firefighter's intent to appeal the

punitive action. The notice of appeal shall specify the action being appealed and the substantive and procedural grounds for the appeal.

- B. Presiding Officer: In an informal hearing, the Fire Chief or his/her designee shall be the presiding officer. The Fire Chief or his/her designee shall conduct the informal hearing in accordance with these procedures. The determination of the Fire Chief shall be final and binding. If the Fire Chief cannot serve as the hearing officer because of actual bias, prejudice or interest as defined by Government Code §11425.40, then the City Manager or his/her designee shall serve as the Presiding Officer. In such cases, the determination of the City Manager shall be final and binding.
- C. Burden of Proof: The City shall bear the burden of proof at the hearing. The following additional considerations shall apply:
1. If the action being appealed does not involve allegations of misconduct by the City, the limited purpose of the hearing shall be to provide the firefighter the opportunity to establish a record of the circumstances surrounding the action. The City's burden of proof shall be satisfied if the City establishes by a preponderance of the evidence that the action was reasonable. The City's burden of proof may be satisfied even though reasonable persons may disagree about the appropriateness of the action.
 2. However, if the punitive action involves charges of misconduct, the City shall have the burden of proving by a preponderance of the evidence the facts which form the basis for the charge and that the punitive action was reasonable under the circumstances.
- D. Conduct of Informal Hearing:
1. The formal rules of evidence do not apply, although the Presiding Officer shall have discretion to exclude evidence which is incompetent, irrelevant or cumulative, or the presentation of which will otherwise consume undue time.
 2. The parties may present opening statements.
 3. The parties may present evidence through documents and testimony.
 4. Witnesses shall testify under oath.
 5. Subpoenas may be issued pursuant to Government Code §§ 11450.05- 11450.50.
 6. Unless the punitive action involves a loss of compensation, the parties shall not be entitled to confront and cross-examine witnesses.
 7. Following the presentation of evidence, if any, the parties may submit oral and/or written closing arguments for consideration by the presiding officer.
- E. Recording of the Hearing: If the punitive action involves the loss of compensation, then the hearing shall be tape recorded. The cost to receive a transcript of the hearing shall be borne by the party requesting

the transcript. If the employee chooses for the hearing to be stenographically recorded by a certified court reporter, the cost of the court reporter shall be borne by the employee. If the City chooses for the hearing to be stenographically recorded by a certified court reporter, the cost of the hearing shall be borne by the City. If both parties wish for the hearing to be stenographically recorded by a certified court reporter, the cost of the court reporter shall be equally born by both parties.

- F. Representation: The firefighter may be represented by an association representative or attorney of his or her choice at all stages of the proceedings. All costs associated with such representation shall be borne by the firefighter.
- G. Decision: The decision shall be in writing pursuant to Government Code §11425.50. The decision shall be served by first class mail, postage prepaid, upon the firefighter as well as his/her attorney or representative, shall be accompanied by an affidavit or certificate of mailing, and shall advise the firefighter that the time within which judicial review of the decision may be sought is governed by Code of Civil Procedure § 1094.6.

Appeal of a Disciplinary Decision Involving a Firefighter Who is Discharged, Demoted, Suspended for More Than Five (5) Shifts, or Whose Pay is Reduced by an Amount Which is the Equivalent of a Suspension of More than Five (5) Shifts:

In those instances where the procedures in Government Code §§ 11400, et seq. are inapplicable to an administrative appeal, the administrative appeal shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code.

- A. Notice of Discipline as Accusation: The final notice of discipline (aka final notice of punitive action) which may be issued at the conclusion of any pre-disciplinary procedures shall serve as the Accusation as described in Government Code §§ 11500, et seq. The notice shall be prepared and served in conformity with the requirements of Government Code §§11500, et seq. A copy of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code shall be provided to the firefighter concurrently with the notice of discipline. Pursuant to Government Code section 3254, subsection (f), the discipline shall not be effective sooner than 48 hours of issuance of the final notice of discipline
- B. Administrative Law Judge: Pursuant to Government Code § 11512, the City has determined that appeals shall continue to be heard by the Personnel Committee with the administrative law judge presiding at the hearing, pursuant to Government Code § 11512(b). The administrative law judge shall rule on the admission and exclusion of evidence and advise the Personnel Committee on matters of law. The Personnel Committee shall exercise all other powers relating to the conduct of the hearing.
- C. Time and Place of Hearing: Pursuant to Government Code § 11508, unless otherwise decided by the Personnel Committee, a hearing shall be conducted at the City of Norco at a time to be determined by the Personnel Committee.

- D. Notice of the Hearing: Notice of the hearing shall be provided to the parties pursuant to Government Code § 11509.
- E. Decision. The Personnel Committee may recommend to sustain or modify the punitive action taken when it appears in the record that there was a substantial violation or omission of procedure or where the specific evidence produced in the hearing warrants such recommendation. The decision shall be in writing. In all instances, the Personnel Committee shall certify copies of its findings and recommendations to the City Manager, and to the appellant employee. The City Manager, shall then affirm, revoke or modify the original action taken. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail and accompanied by a proof of service. Such affirmation, revocation, or modification taken shall be final. Judicial review of the City Manager's decision may be had pursuant to Government Code section 11523.

/MP-77664

City Manager _____
Beth Groves

Date _____

Appendix A

INTERROGATION ADMONITION

- 1) I am, _____ (name and title of interrogator) and I am employed by the City of Norco. I am in charge of this investigation.
- 2) Also present are _____ and _____ (other investigator, subject firefighter – name and title)
- 3) Do you have a representative present? If so, please identify him / her. _____ (name / title).
- 4) Today's date is _____, and the time is _____.
- 5) Pursuant to Government Code Section 3253 (g), I am tape recording this interrogation. _____ (subject firefighter) shall also have the right to record this interrogation, and s/he is / is not tape recording this interrogation.
- 6) No more than 2 (two) interrogators may ask questions at any one time. I will be one of the interrogators.
- 7) This interrogation session shall not extend beyond a reasonable time considering the gravity of the issue(s).
- 8) You shall be able to attend to your own personal physical necessities. Please ask if you need to recess to use the restroom, have a beverage or otherwise refresh yourself.
- 9) Are you taking any medication which would cause you to not be able to understand and respond truthfully and fully to the questions that will be asked of you, or in the alternative, have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you?
- 10) Are you suffering from any physical or mental condition that will cause you to not be able to understand, or to respond truthfully and fully to the questions that will be asked of you?
- 11) The nature of this investigation is:
- 12) (If Applicable) The nature of this investigation is such that the Department deems that you may be charged with criminal offense. Therefore, I will now advise you of your Constitutional Rights:

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to presence and

assistance of counsel, and any statements may be used against you in a court of law.

Do you understand these rights? Yes / No
Do you wish to speak to us? Yes / No

- 13) If subject waives Constitutional rights, then go to 15; if subject does not waive Constitutional rights, then go to 14.
- 14) Although you have refused to waive your Constitutional rights, the City of Norco will provide you with a formal grant of use immunity in accordance with the California Government Code Section 3253(e)(I). Use immunity bars a prosecutor from making direct use of your statements in a subsequent criminal proceeding or from using information or any other evidence that was obtained indirectly or derived from your statements against you. Use immunity is not the same as transactional immunity, which would bar a prosecutor from charging you with the crime that is the subject of your statements. Consequently, a criminal prosecutor could still bring charges against you based on other evidence. In the light of the City of Norco's grant of use immunity, you are now ordered to fully and truthfully answer all questions asked of you during this interrogation. Your failure to do so will, in and of itself, constitute a punitive action against you, up to and including dismissal. City of Norco Personnel Manual / City Policies and Procedures, Section 2: Cause for Punitive action, Item (E). Insubordination is grounds for discipline.
- 15) The nature of the interrogation focuses on the administration matters likely to result in punitive action and; at your request, you have the right to be represented during the interrogation by a representative of your choice who may be present at all times during the interrogation. The representative shall not be a person subject to this investigation and shall not be required to disclose any information received from you to the extent it does not regard criminal matters. The Department will neither provide nor compensate any such representative.
- 16) The press or media may request your photograph, home address, telephone number or other contact information. Such information will not be provided without your consent. Do you consent to the release of such information? I do consent: _____ (initial). I do not consent: _____ (initial).
- 17) Prior to proceeding with the interrogation, do you have any questions regarding the admonitions that I have read to you.
- 18) This interrogation admonition was read to me on _____ (date), at _____ (time) hours and by my signature herein, I acknowledge my understanding of my rights and duties.

Subject Firefighter Signature: _____ Date: _____

Witness/Interrogator Signature: _____ Date: _____



CITY OF NORCO ADMINISTRATIVE POLICY STATEMENT

**SUBJECT: FIRE DEPARTMENT DISCIPLINE AND ADMINISTRATIVE REVIEW
POLICY AND PROCEDURE**

POLICY NUMBER: 310

DATE ISSUED: February 2, 2011

I have read the City of Norco's Fire Department Discipline and Administrative Review Policy and Procedure and agree to comply with all of its terms and conditions.

The City of Norco requires that all firefighters sign this form acknowledging that they have read, understand and will abide by the City of Norco's Fire Department Discipline and Administrative Review Policy and Procedure. This signed copy will be placed in employee's personnel file.

PRINT NAME

SIGNATURE

DATE

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Dominic Milano, Contract City Engineer 

DATE: February 2, 2011

SUBJECT: Award of a Professional Services Contract to Design a New Traffic Signal Project at the Intersection of Hamner Avenue and Detroit Street

RECOMMENDATION: Award a professional services contract to W.G. Zimmerman, Inc. to design a new traffic signal at the intersection of Hamner Avenue and Detroit Street Project in an amount not-to-exceed \$12,500; and adopt **Resolution No. 2011-____**, appropriating \$12,500 for the design of the new traffic signal.

SUMMARY: The City has solicited and received four professional design proposals for the New Traffic Signal at Hamner Avenue and Detroit Street Project. W.G. Zimmerman, Inc. was selected by the City.

BACKGROUND/ANALYSIS: The proposed traffic signal was planned for design and construction in conjunction with future Hamner Avenue roadway and bridge improvements north of Detroit Street. Based on the recent Hamner Avenue improvements north of Sixth Street, staff believes it is necessary to evaluate and design the signalization at the intersection at this time. On December 21, 2010, staff received four solicited proposals for professional consulting services for the preparation of project plans, engineer's estimate, bid schedule, bid item descriptions, technical provisions, and coordinated timing sheets for the design of the proposed signalized intersection. Per the request for proposal, the professional services include the following:

- Perform utility coordination, identify points of connections, and obtain clearances.
- Prepare project plans, specifications, and engineer's estimates of probable construction costs.
 - Plans will include Title Sheet, Traffic Signal Plan, Signing and Striping Plan, and necessary construction details.
 - Project Specifications and Bid Documents will include the detailed project description, preparation of bid schedule, bid item descriptions, special provisions, technical specifications, coordinated timing sheets, and any specification detail sheets or standard plans.

- Project coordination will include an appropriate number of meetings with City staff. The design consultant will be expected to attend the pre-bid meeting and will respond to contractor requests for clarification during the bid process. The design consultant will also be required to respond to requests for information (RFI) and provide clarification of questions relating to its plans during the construction phase.

The four solicited and received proposals were from the W.G. Zimmerman, Inc., LSA Associates, RK Engineering Group, Inc., and Urban Crossroads. City staff interviewed W.G. Zimmerman, Inc., which it deemed as the most responsive proposal. City staff which included Dominic Milano (Contract City Engineer), Lori Askew (Senior Engineer), Steve King (Planning Director) and Bill Thompson (Public Works Director) unanimously selected W.G. Zimmerman, Inc. as the most qualified design firm for this project. Their understanding of the technical issues, prior experience with projects within the City of Norco, and the overall City of Norco requirements for a public works project exceeded that of the other received proposals.

The fee proposal (not-to-exceed amount of \$12,500) and the hourly rate schedule submitted with the proposal is consistent with a project of this magnitude and complexity.

FINANCIAL IMPACT: A resolution has been prepared to appropriate \$12,500 from Measure "A" Capital Improvement Program Fund 137.

/wrt – 77669

Attachment: Resolution 2011-_____

RESOLUTION NO. 2011-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO,
CALIFORNIA, APPROPRIATING FUNDS IN THE AMOUNT OF \$12,500
FOR PROFESSIONAL SERVICES TO DESIGN A NEW TRAFFIC
SIGNAL AT THE INTERSECTION OF HAMNER AVENUE AND
DETROIT STREET**

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

WHEREAS, the proposed street design improvements at the intersection of Hamner Avenue and Detroit Street will provide a new traffic signal, new striping and signage, improving traffic safety and circulation; and

WHEREAS, the proposed traffic signal improvements at this intersection will provide improved traffic movements; and

WHEREAS, the proposed Hamner Avenue and Detroit Street Traffic Signal Improvement Project will improve vehicular and pedestrian safety and reduce congestion at the intersection; and

WHEREAS, funding in the amount of \$12,500 is available within the Measure "A" Capital Improvement Fund Program budget (137).

NOW THEREFORE, BE IT RESOLVED that the amount of \$12,500 shall be appropriated from the Measure "A" Capital Improvement Fund Program (137) to fund the proposed Hamner Avenue and Detroit Street Traffic Signal Improvement Project.

PASSED AND ADOPTED by the City Council at a regular meeting held on February 2, 2011.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California at a regular meeting thereof held on February 2, 2011 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

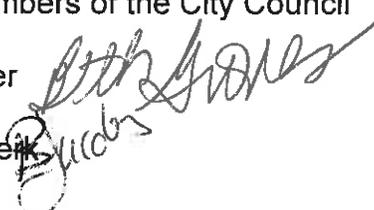
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 2, 2011.

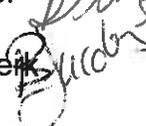
Brenda K. Jacobs
City of Norco, California

/wrt - 77670

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 2, 2011

SUBJECT: Extension of the Term of the Declaration of a Local Emergency
Dated December 22, 2010

RECOMMENDATION: Extend the term of the declaration of the existence of a Local
Emergency two weeks to February 16, 2011.

SUMMARY: In December of 2010, the City Manager proclaimed the existence of a "Local Emergency" caused by excessive rains and flooding. Section 3.5.1 of the City of Norco Emergency Operation Plan states that the Local Emergency proclaimed must be ratified by the City Council as soon as practicable, but in no case later than the next regularly scheduled City Council meeting. On January 19, 2011, the City Council adopted a resolution ratifying the existence of a Local Emergency. The City Council is now being recommended to extend that declaration of the existence of a "Local Emergency" for two weeks, to February 16, 2011.

BACKGROUND/ANALYSIS: On December 22, 2010, the City Manager proclaimed a Local Emergency, as the conditions of extreme peril to the safety of persons and property arose caused by excessive rains and flooding. During this same period of excessive rains and flooding, several other local jurisdictions proclaimed the existence of a Local Emergency, followed by Gov. Arnold Schwarzenegger declaring a state of emergency for both Riverside and San Bernardino counties.

On Wednesday, January 26, 2011, President Barack Obama signed a disaster declaration for storm damage from December's flooding, debris and mud flows in Riverside, San Bernardino, Inyo, Kern, Kings, Orange, San Diego, San Luis Obispo, Santa Barbara, and Tulare counties. The declaration signed by the President allows federal money to go toward restoring public facilities, such as roads, government buildings, schools, flood control channels and other assets damaged by the storm. In the Inland area, cities, counties, tribes, and some nonprofit agencies are eligible to receive repayment of 75 percent of a project's cost, if they can show the storms caused the damage.

In accordance with Section 3.5.1 of the City of Norco Emergency Operation Plan, the City Council must review, at least every 21 days, the continuing existence of the emergency situation. The City Council is being recommended to extend the term of the current Local Emergency for two weeks, to February 16, 2011. At that time, it will again be reviewed and determined if it has been deemed fit to terminate the emergency declaration.

/bj-77674

Agenda Item 3.F.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Roger Grody, Contract Economic Development Specialist 

DATE: February 2, 2011

SUBJECT: City-Initiated Proposal to Amend the Norco Municipal Code Adding Chapter 5.10 Establishing Regulations for Filming Permits. (Code Amendment 2011-01)

RECOMMENDATION: Adopt **Ordinance No. ____**, for first reading

SUMMARY: There are currently no codified regulations governing the filming of motion pictures, television and commercials in the City of Norco. Currently, production companies obtain special event permits for film shoots in the community. The establishment of new film regulations would provide a clear, predictable and equitable permitting process, while creating restrictions that mitigate the impact of filming on streets and neighborhoods.

BACKGROUND: A filming ordinance would establish the City of Norco as a viable location for the filming of motion pictures, television programming and commercials. There are tangible benefits derived from the encouragement of film production in Norco, including the creation of temporary jobs in the community and the generation of business for local hotels, restaurants and retailers. It also provides an opportunity to showcase the City and promote specific local sites, which can enhance the City as a tourism destination and bolster historical preservation efforts.

Norco offers many advantages to film production companies: an equestrian lifestyle, unique historic buildings, rugged desert topography, Western-style architecture, minimal congestion, and relatively low costs. However, Norco is somewhat handicapped because it is located outside the so-called 30-Mile Zone, which extends only as far east as Covina. All locations more than 30 miles from the corner of Beverly and La Cienega Boulevards in Los Angeles (the original site of the Academy of Motion Pictures Arts & Sciences) trigger higher labor costs, such as automatic per diem allowances. For shorter shoots, the increased labor costs may not be a significant factor, but Norco faces competition from other semi-rural areas within the 30-Mile Zone, such as Calabasas, Moorpark and Canyon Country.

Once policies are established, Norco locations can be listed in filming site registries maintained by the California Film Commission and the Inland Empire Film Commission. The Inland Empire Film Commission partners with area cities to promote their sites at

trade events and streamline permitting processes. Ultimately, the City may consider additional marketing efforts, such as creating a “Film Norco” promotional packet and website to showcase potential shooting sites and highlight pertinent local services, such as hotels, restaurants & catering companies, equipment rental operations, and car rental agencies.

Pursuant to the Uniform Film Permit Act (California Govt. Code 14999.20-14999.37), the California Film Commission is entitled to a review and comment period prior to adoption of any local filming policies. On January 7, 2011, the Film Commission approved the proposed Norco Ordinance after minor revisions.

FINANCIAL IMPACT: If the City Council adopts the proposed Ordinance, there will be some nominal staff time required to implement application procedures and engage in modest marketing efforts, but those should not be significant.

/rg-77533

Attachments: Ordinance No. 2011-_____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING TITLE 5 OF THE CITY OF NORCO MUNICIPAL CODE, BY ADDING THERETO A NEW CHAPTER 5.10 ESTABLISHING REGULATIONS FOR THE FILMING OF MOTION PICTURES, TELEVISION AND COMMERCIALS IN THE CITY OF NORCO. CODE AMENDMENT 2011-01.

WHEREAS, the City of Norco initiated Code Amendment 2011-01, an Amendment to the Norco Municipal Code adding Chapter 5.10 establishing regulations for filming permits; and

WHEREAS, the public hearing for said Code Amendment was duly noticed and scheduled by the City Council at its meeting of February 2, 2011, on or about 7:00 p.m. in the City Council Chambers, 2820 Clark Avenue, Norco, California 92860; and

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

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

Section 1: Norco Municipal Code Title 5 "Business Licenses and Regulations" is hereby amended to add Chapter 5.10 as follows:

**Chapter 5.10
FILMING PERMIT REGULATIONS**

Sections:

- 5.10.010 Purpose and Intent**
- 5.10.020 Definitions**
- 5.10.030 Permits and Exemptions**
- 5.10.040 Rules and Regulations**
- 5.10.050 Applications, Issuance and Fees**
- 5.10.060 Liability Provisions**
- 5.10.070 Filming Regulations**
- 5.10.080 Permit Revocation, Suspension, Appeal**
- 5.10.090 Appeals**
- 5.10.100 Violation – Penalties**

Section 5.10.010 Purpose and Intent.

It is the purpose and intent of the City of Norco to encourage the motion picture and television industries to utilize the scenic beauty and variety of backdrops afforded in the City as locations for filming and/or videotaping for commercial production. It is the purpose and intent of this Chapter to provide the means by which such activities may be reasonably regulated to preserve the public health and safety and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

Section 5.10.020 Definitions.

- A. "Charitable Films" shall mean commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, or tapes.
- B. "City Produced Government Access Films" shall mean motion pictures or programs produced by or in association with the City. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.
- C. "Family or Personal Use Filming" shall mean the filming or videotaping of motion pictures solely for private, personal or family use.
- D. "Film" or "Filming" or "Filming Activity" shall mean all activities in preparation of, and attendant to, staging, making, striking, filming, videotaping, or electronic digital recording of commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.
- E. "Film Office" shall mean the City Manager's Office.
- F. "Film Permit Coordinator" shall mean the City Manager's designee responsible for routing and processing film permits.
- G. "News Media" shall mean the photographing, filming, videotaping, or electronic digital recording for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camera operators.
- H. "Student Films" shall mean motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.
- I. "Studio" shall mean a fixed place of business where filming activities are regularly conducted upon the premises.

Section 5.10.030 Permits and Exemptions.

- A. Film Permit Required: No person shall use any kind of public or private property, facility or residence for the purpose of taking commercial motion pictures or television pictures without first applying for and receiving a film permit from the coordinator designated by the City.
- B. Exemptions:
 - 1. News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camera operators in the employ of a newspaper, news

service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

2. Family or Personal Use Video: The filming or videotaping of motion pictures solely for private-family use.

3. Charitable Films: Projects that qualify under Section 501(c)(3) of the Internal Revenue Code.

4. Photographers. This Ordinance does not apply to still photography produced with a cast and crew of less than five (5) persons.

5. Student Films.

6. City-Produced Government Access Films.

7. Studio Filming: Filming activities conducted at a studio with a current Certificate of Occupancy and Business License.

Section 5.10.040 Rules and Regulations.

A. Rules: The City Film Permit Coordinator is hereby authorized and directed to promulgate rules and regulations, subject to approval by Resolution of the City Council, governing the form, time and location of any film activity set forth within the City. He/she shall also provide for the issuance of film permits. The rules and regulations shall be based upon the following criteria:

1. The health and safety of all persons.
2. Avoidance of undue disruption of all persons within the affected area.
3. The safety of property within the City.
4. Traffic congestion at particular locations within the City.

B. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the film permit has been issued, provided established limitations are complied with in respect to time and location.

Section 5.10.050 Applications, Issuance and Fees.

A. Issuing Authority: The issuing authority shall be the City Film Permit Coordinator.

B. Applications: The following information shall be included in the film permit application:

1. The name of production company, name of the production company owner, the address and telephone number of the place at which the activity is to be conducted.
2. The specific location at such address or place.
3. The inclusive hours and dates such activity will transpire.
4. A general statement of the character or nature of the proposed filming activity.
5. The name, address and telephone number of the person or persons in charge of such filming activity.
6. The exact number of personnel to be involved.
7. Use of any animals.

8. Use of fire, pyrotechnics or other flammable, explosive or combustible special effects.

9. The exact amount/type of vehicles/equipment to be involved.

C. Film Permit Application Fee: The applicant shall pay a film permit application fee in the amount established by Resolution of the City Council of the City of Norco. The film permit application fee shall be paid to the City Film Permit Coordinator when the application form is submitted for approval. The film permit application fee is to cover the City's cost of processing a film permit application, notwithstanding supplemental costs for other related City services (including, but not limited to, law enforcement, traffic control, fire safety, trash hauling and attorney's fees). No film permit shall be issued to an applicant who owes the City money on a prior permit.

Section 5.10.060 Liability Provisions.

A. Liability Insurance: Before a film permit is issued, a certificate of insurance will be required in an amount established by the City, naming the City of Norco, and the Redevelopment Agency of the City of Norco as coinsured parties for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The City officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty (30) days written notice to the City Manager or his/her designee. A copy of the certificate will remain on file.

B. Worker's Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a film permit.

C. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of a film permit under this Ordinance.

D. Performance Deposit: To ensure cleanup and restoration of the site, an applicant may be required to post a refundable deposit, or cash in lieu of bonds (amount to be determined) at the time application is submitted. Upon completion of filming, and inspection of the site by the City, the deposit may be returned to the applicant.

Section 5.10.070 Filming Regulations.

A. Acknowledgement: The applicant/permittee shall in the credits of the motion picture or television program, acknowledge the production was filmed in the City of Norco.

B. Advance Notice for Approval: An applicant will be required to submit a film permit application at least three (3) business days prior to the date on which such person desires to conduct an activity for which a film permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least five (5) working days in advance.

C. Filming, including setup and dismantling of film equipment, shall not be done before 7:00 a.m. or after 7:00 p.m. in a residential zone. The Film Permit Coordinator may extend these hours upon a showing of necessity and upon showing the exception would not unduly disturb the public.

D. Requests for the use of bull horns, explosives, gunfire, public address systems, sirens, or other noise-creating devices shall be reviewed by the Riverside County Sheriff's Department and City of Norco Fire Department.

E. Cleanup: The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.

F. Filming on Private Property: An applicant is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the City.

G. Flood Control: When filming in a flood control channel, an applicant must vacate channel when film permit indicates because of water releases. When filming in or on flood control properties, the appropriate agency must be named as an additional insured.

H. Public Works Department (Roads and Streets): If the applicant must park equipment, trucks, and/or cars in zones that will not allow it, temporary "No Parking" signs must be posted by the City. The applicant must also obtain permission to string cable across sidewalks, or from generator to service point. Cable placed in public right-of-way shall be securely matted or covered.

I. Traffic Control: For filming that would impair traffic flow, an applicant must use California Highway Patrol (CHP) or Riverside County Sheriff's Office personnel and comply with all traffic control requirements deemed necessary.

1. An applicant shall furnish and install advance warning signs and any other traffic control devices in conformance with the Manual of Traffic Controls, State of California Department of Transportation. All appropriate safety precautions must be taken.

2. Traffic may be restricted to one 12-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City, based on location.

3. Unless authorized by the City, the camera cars must be driven in the direction of traffic and must observe all traffic laws.

4. Any emergency roadwork or construction by City crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.

J. Fires and Campfires: When a scene requires a fire or campfire, any campfire not equipped with a fire ring shall require the assignment of a Fire Safety Advisor, Officer or a similarly qualified person.

K. Pyrotechnics: When a scene requires pyrotechnics or any other flammable or explosive effect, a Fire Safety Advisor, Officer or a similarly qualified person shall be assigned.

L. Parking Lots: When parking in a City-owned parking lot, an applicant may be billed according to the current rate schedule established by the City. In order to assure the safety of citizens in the surrounding community, access roads which serve as emergency service roads, must never be blocked. No relocation, alteration, or moving of structures will be permitted without prior approval.

M. Notification: It shall be the responsibility of the applicant to provide notification a minimum of three (3) business days prior to any filming activity on a designated City form to the following:

1. Owners and occupants, whether residents or businesses, of properties affected by filming activity by virtue of (a) filming on the property or in the public right-of-way adjacent to the property; (b) storage of equipment or vehicles associated with the film production either on the property or in a public right-of-way adjacent to the property; or (c) street closure, temporary restricted parking or other actions which affect the ability of persons or vehicles not associated with the filming to access the property or to park in front of the property. The determination of which properties may be affected shall be made by the permittee, subject to the approval of the City Film Permit Coordinator.

2. If filming exceeds two days, or if filming occurs between 7:00 p.m. and 7:00 a.m. (pursuant to subsection (C) of this section for residential zones), all owners or occupants of all properties within 500 feet of properties affected by the filming as described in subsection (M)(1) of this section must be notified. Notification requirements pursuant to this subsection may be waived in whole or in part if it has been determined by the City Film Permit Coordinator that the filming will not have any adverse affect upon the owners or occupants of such properties.

3. Responses to notification of proposed filming shall be considered in the evaluation of a film permit application and conditions on a film permit or denial of a film permit.

Section 5.10.080 Permit Revocation, Suspension, Appeal.

A. Permit Revocation. The City Film Permit Coordinator may revoke a film permit if the permittee, or any agent, employee, or contractor of the permittee fails to comply with the requirements set forth in this Chapter, or in the film permit, or if it is determined that the film permit application was false in any material detail.

1. Notice of the grounds for revocation of the film permit shall be provided in writing by the City Film Permit Coordinator to the permit applicant or person in charge at the location of the filming activity.

2. Appeals of the film permit revocation shall be conducted in the manner specified in this Chapter.

B. Permit Suspension. The Riverside County Sheriff's Office and/or Fire Department Officers assigned to supervise the filming activity site may suspend the film permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the Officer. The grounds for the film permit suspension shall be provided in writing by the City Film Permit Coordinator to the permittee within two (2) working days of the suspension.

C. Appeals of the film permit suspension shall be conducted in the manner specified in this Chapter.

Section 5.10.090 Appeals.

The film permit applicant or permittee may appeal a denial of a film permit, or a revocation, suspension, or permit condition. Such appeal shall be filed with the City

Manager or his/her designee not later than three (3) business days after the date on which written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the City Manager or his/her designee. The decision of the City Manager or his/her designee shall be rendered in five (5) working days and shall be final and is subject to judicial review pursuant to Code of Civil Procedure Section 1094.5 et seq.

Section 5.10.100 Violation – Penalties.

With respect to the provisions of this Chapter, a person who violates a provision of this Chapter shall be punished in accordance with the provisions of Sections 1.01.200 through 1.01.230 of the City of Norco Municipal Code.

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

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

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

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 16, 2011.

Mayor of the City of Norco, California

ATTEST:

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

I, Brenda K. Jacobs, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on February 2, 2011, and thereafter at a regular meeting of said City Council duly held on February 16, 2011, it was duly passed and adopted by the following vote of the City Council.

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 16, 2011.

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

/rg-77110