AGENDA
CITY OF NORCO

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
AUGUST 3, 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 54956.8 – Conference with Real Property Negotiator

Street Address or Assessor Parcel Number: Portion of APN 156-030-001

Negotiating Parties: City of Norco, Kosmont Companies and Mr. Di Tommaso

Points Under Negotiation: Price and Terms of Payment

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1): *City Attorney*

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bash

INVOCATION: Calvary Chapel – Norco
Pastor Louie Montieth

INTRODUCTION: Director of the Naval Weapons Station Seal Beach, Detachment Corona
Anthony A. Winicki

PRESENTATION: Riverside Transmission Reliability Project
Stephen Badgett, Riverside Public Utilities Deputy General Manager

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

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

A. CRA Minutes:
Regular Meeting of July 20, 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:
Regular Meeting of July 20, 2011
Recommended Action: **Approve the City Council Minutes** (City Clerk)

B. Procedural Step to Approve Ordinance after Reading of Title Only. **Recommended Action: Approval** (City Clerk)

C. Resolution Accepting a Grant in the Amount of $155,970 from the California Office of Traffic Safety and Increasing Revenue, Appropriation and Expenditure. **Recommended Action: Adopt Resolution No. 2011-___, and designate the Sheriff's Lieutenant as "the authorizing official" to execute the agreement with the California Office of Traffic Safety.** (Lt. Cooper)

D. Extension of an Agreement for Building Plans Examining Services. **Recommended Action: Approve the Amendment No. 3 to extend the Agreement for Building Plans Examining Services with Willdan Engineering through December 31, 2011.** (Director of Public Works)

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

5. CITY COUNCIL ACTION ITEM / PUBLIC HEARING:

A. Approval of Documents Declaring and Determining that the City of Norco will Comply With the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Norco

The California Legislature enacted and the Governor signed companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments. AB 1X 27 states that if a city or county intends to enact the ordinance, it shall indicate that intention by adopting a nonbinding resolution of intent to that effect prior to October 1, 2011, and notify the Department of Finance, the Controller, and the county auditor before October 1, 2011, concerning the resolution. The proposed resolution declares the City of Norco's intent to enact an ordinance pursuant to Health and Safety Code Section 34193, authorizing the continued existence of redevelopment agencies. Staff is also proposing that the City Council adopt an ordinance determining that it will comply with the Voluntary Alternative Redevelopment Program in order to permit the continued existence and operation of the Norco Redevelopment Agency.

CITY COUNCIL ACTION ITEM

Resolution Declaring the City Council's Intent to Enact an Ordinance Pursuant to Health and Safety Code Section 34193, Authorizing the Continued Existence of Redevelopment Agencies. **Recommended Action: Adopt Resolution No. 2011-___.**

CITY COUNCIL PUBLIC HEARING ITEM

Ordinance Determining that the City of Norco will Comply With the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Norco. **Recommended Action: Adopt Ordinance No. ___ for first reading.**
(City Manager and Deputy City Manager/Director of Finance)

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).

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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-78892

MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
JULY 20, 2011

CALL TO ORDER: Mayor Hanna called the meeting to order at 6:03 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: Cooper, Groves, Jacobs, King, Okoro, Petree and Thompson

City Attorney Harper– **Present**

Council Member Sullivan requested that a matter be added to Closed Session to discuss an email publication distributed by one of the Council Members that he believes may have violated the California Fair Political Practices Commission regulations and the City's Norms and Procedures. City Attorney Harper stated that he would review the publication and determine if this should be discussed in Closed Session at a later meeting, adding that there was no legal basis to add this matter to Closed Session at this time.

THE CITY COUNCIL/CRA RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:
Section 54956.9(c) – Conference with Legal Counsel - Anticipated Litigation

Number of Potential Cases: 1

RECONVENE PUBLIC SESSION: Mayor Hanna reconvened the meeting at 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1): **City Attorney Harper stated that a matter of potential litigation was discussed in Closed Session and there were no reportable actions taken.**

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Calvary Chapel – Norco
Pastor Louie Montieth

PRESENTATION: Norco Horsemen's Association
Ten Top Trails that Need Improvement

Glenn Hedges, representing the Norco Horsemen's Association (NHA), presented the NHA list of ten of the most needed trail improvements for distribution to the Council.

Agenda Items 1.A. & 3.A.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

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

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

A. CRA Minutes:
Regular Meeting of July 6, 2011
Recommended Action: Approve the CRA Minutes (City Clerk)

2. OTHER CRA MATTERS: No other CRA matters

ADJOURNMENT OF CRA: 7:05 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

A member of the public pulled Item 3.D. for discussion. Council Member Sullivan commented on Item 3.A. regarding a public comment made at the July 6, 2011 meeting as stated in the Minutes, noting that there was not a "moratorium" placed on pavers (Page 11 of the July 6, 2011 Minutes), but instead there was a suspension of permits issued for the installation of pavers. Council Member Newton pulled Item 3.C.

M/S Bash/Sullivan 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: NONE

A. City Council Minutes:
Regular Meeting of July 6, 2011
Recommended Action: **Approve the City Council Minutes** (City Clerk)

B. Recap of Actions Taken at the Planning Commission Regular Meeting of July 13, 2011. **Recommended Action: Receive and File** (Planning Director)

C. Quarterly Investment Report for Quarter Ended June 30, 2011. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance) **PULLED FOR DISCUSSION**

D. Approval of an Agreement with the City of Corona for Battalion Chief Services with the City of Norco. **Recommended Action: Approve an Agreement with the City of Corona for Battalion Chief Services in the amount of $110,000.** (Fire Chief) **PULLED FOR DISCUSSION**

E. Approval of a Cooperative Reimbursement Agreement between the City of Norco and the Riverside County Flood Control & Water Conservation District to Construct the North Norco Channel Line N-5A. **Recommended Action: Approve Project No. 2-0-00136 Funding Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District and authorize the City Manager to execute the Agreement.** (Director of Public Works)

F. Ratification of the Fiscal Year 2011-12 Western Riverside County Regional Wastewater Authority Budget. **Recommended Action: Adopt Resolution No. 2011-56, approving the 2011-12 Western Riverside County Regional Wastewater Authority Budget.** (Director of Public Works)

G. Approval of a Water, Sewer and Recycled Utilities Service Contract between the City of Norco and the Naval Weapons Station (NWS) Seal Beach Detachment Corona, California. **Recommended Action: Approve a Water, Sewer and Recycled Utilities Contract between the City of Norco and the Naval Weapons Station, Seal Beach Detachment Corona, California and authorize the City Manager to execute the agreement.** (Director of Public Works)

4. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:

3.C. Quarterly Investment Report for Quarter Ended June 30, 2011. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)

Council Member Newton thanked Deputy City Manager/Director of Finance Okoro for the report. He commented on the reserve fund investments totaling over $20 million and the risk potential, if the federal debt limit is not extended, to the bond market and asked what precautions are being taken to protect the City's investments.

Deputy City Manager/Director of Finance Okoro responded that staff invests in quality grade investments through government sponsored agencies, all of which are AAA rated securities. He added that there is a potential, because of what is happening in the federal government, that government sponsored investments may be threatened.

M/S Newton/Bash to receive and file the Quarterly Investment Report for the Quarter ended June 30, 2011. The motion was carried by the following roll call vote:

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

3.D. Approval of an Agreement with the City of Corona for Battalion Chief Services with the City of Norco. **Recommended Action: Approve an Agreement with the City of Corona for Battalion Chief Services in the amount of $110,000.** (Fire Chief)

Vern Showalter. Mr. Showalter commented on the Agreement and asked what gives the City the impression that an outsider will be better.

City Manager Groves responded that the City is not hiring the Battalion Chiefs as employees, but will be contracted to provide incident command only.

Council Member Azevedo commented on the 2004 Agreement with the City of Corona for Battalion Chief Services that cost the City approximately $260,000, noting the proposed Agreement for Battalion Chief Services in the amount of $110,000. She stated that the City will have immediate coverage and will not be responsible for unfunded liabilities, adding that the City will have great Battalion Chief coverage at a reduced cost.

M/S Sullivan/Bash to approve an Agreement with the City of Corona for Battalion Chief Services in the amount of $110,000. The motion was carried by the following roll call vote:

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

5. 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 Approving the Development Agreement between the City of Norco and Balboa Management Group, LLC for the Silverlakes Equestrian & Sports Park. **Recommended Action: Adopt Ordinance No. 934 for second reading.** (City Clerk)

M/S Bash/Azevedo to adopt Ordinance No. 934 for second reading. The motion was carried by the following roll call vote:

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

B. Ordinance Amending the Norco Municipal Code to Establish the Criteria for One, Two, and Three Year Dog Licensing Throughout the City of Norco. **Recommended Action: Adopt Ordinance No. 935 for second reading.** (City Clerk)

M/S Azevedo/Bash to adopt Ordinance No. 935 for second reading. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL PUBLIC HEARINGS:

A. Public Hearing Ordering the Continuation of Landscape Maintenance Districts and Confirming a Diagram and Assessment and Providing for an Annual Assessment Levy for Districts No. 1 - Beazer, Tract 28765; No. 2 – Western Pacific, Tract 25779; No. 3 – Centex, Tract 28626; No. 4 – Norco Ridge Ranch, Tracts 29588 and 29589; and No. 5 – Hawk's Crest, Tract 30230

The "Landscaping and Lighting Act of 1972" requires an Engineer's Report for the existing Landscape Maintenance Districts (LMDs) be reviewed and approved annually by the City Council after a Public Hearing to continue assessments for the districts. The formation of the five districts allow for an annual increase not to exceed the Consumer Price Index (CPI). The annual CPI adjustment per parcel assessment in all districts was 1.3% according to the published 2010 CPI.

Recommended Actions: That the City Council open the Public Hearing and if no more than 50 percent of the property owners within the District protest, it would be appropriate to adopt Resolution No. 2011-___, (Beazer); Resolution No. 2011-___, (Western Pacific); Resolution No. 2011-___, (Centex); Resolution No. 2011-___, (Norco Ridge Ranch); Resolution No. 2011-___, (Hawk's Crest), Ordering the Continuation of a Landscaping Maintenance District and Confirming a Diagram and Assessment and Providing for Annual Assessment Levy. (City Engineer)

City Engineer Milano introduced the public hearing item.

Council Member Sullivan commented on the decreased cost to maintain LMD No. 2 and asked if the assessment per parcel went up due to the CPI.

City Engineer Milano responded that the budget for LMD No. 2 dropped because the surplus has been exhausted and the assessment per parcel did go up per the CPI.

Council Member Newton asked City Engineer Milano to confirm that the costs for the scope of work (observation) and administration are not doubled up. He noted that the reports are not consistent in how they reflect the costs.

City Engineer Milano responded that there is no duplication in the dollars and clarified that he has left the verbiage the same as the Districts were set up.

Council Member Newton commented on LMD No. 4, noting discussions from previous Council meetings regarding fuel modifications on the undeveloped lots.

Director of Parks, Recreation & Community Services Petree stated that these are all private lots and they are not included in LMD No. 4. He added that the property owner has been contacted and informed that the fuel modification needs to be addressed under the Norco Municipal Code. **City Engineer Milano** added that if the 29 lots are developed, they would be included in the boundaries of LMD No. 4 and will be assessed as such.

Council Member Azevedo commented on the additional 82 drains proposed to be installed in LMD No. 4 and asked when that work would be completed.

City Engineer Milano responded that after the first good rain, staff will check for any adjustments to the design that need to be made before going out to bid for the next 82 drains. He added that $200,000 is left in the fund for the installation of the remaining drains.

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

Roy Hungerford. Mr. Hungerford stated that this is the first year that they are happy. He added that everyone is doing a great job noting that the drains look good. He further stated that a trail maintenance plan is the one thing that needs to be completed. Mr. Hungerford commented on weeds between the curb and pavement on Branding Iron and Wild Horse that need to be addressed.

Mayor Hanna CLOSED the public hearing.

M/S Bash/Hanna to adopt Resolution No. 2011-57, (Beazer); Resolution No. 2011-58, (Western Pacific); Resolution No. 2011-59, (Centex); Resolution No. 2011-60, (Norco Ridge Ranch); Resolution No. 2011-61, (Hawk's Crest), Ordering the Continuation of a Landscaping Maintenance District and Confirming a Diagram and Assessment and Providing for Annual Assessment Levy. The motion was carried by the following roll call vote:

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

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

The existing fifteen-year Franchise Agreement provides that Waste Management is entitled to receive rate adjustments for inflation (based on the Consumer Price Index) and "pass through" disposal cost increases. The Agreement further provides that such rate adjustments shall not be unreasonably withheld. The rate adjustments include a Consumer Price Index (CPI) increase of 3.0 percent from March 2010 to March 2011. It is the City Attorney's opinion that this CPI rate adjustment does not trigger Proposition 218 provisions as the existing agreement provides that the franchisee is entitled to adjust rates on an annual basis to cover increased costs due to inflation based on increases in the CPI. Therefore, following the public hearing process, staff is recommending approval of the proposed rates. The new rates will become effective on August 1, 2011.

Recommended Action: Adopt Resolution No. 2011-___, amending the Agreement between the City of Norco and USA Waste of California, Inc., DBA Waste Management of the Inland Empire, for the collection, transportation, recycling, and disposal of solid waste and approving rates therefore. (Deputy City Manager/Director of Finance)

Deputy City Manager/Director of Finance introduced the public hearing item. He stated that the proposed rates reflect a CPI adjustment of 3.9 percent from March 2010 to March 2011 and will be applied to all service components. He further stated that the solid waste component will not be changed because the County of Riverside made no adjustments to the tipping fee; the green waste disposal costs reflect a 18.6 percent decline because the green waste will now be disposed of in Chino; and the tipping fee for manure disposal will be increased per the "pass-through" adjustment.

Council Member Newton asked Julie Reyes, representing Waste Management, about the fuel surcharge and the timeframes involved with that. She responded that she did a six year rate review and in 2008, Waste Management request ed an extraordinary increase for fuel. She noted that over last several years, the cost per gallon of fuel has increased from $1.61 to the latest amount of $4.21 and added that the 2008 increase was the only increase ever requested. Council Member Newton commented on the fleet conversion to compressed natural gas (CNG) and Ms. Reyes noted that 85% of the Waste Management fleet in Norco runs on CNG. Council Member Newton further

commented on the cost for basic service that will go down, noting that the change in the green waste disposal cost drives the overall number down. Ms. Reyes confirmed that there is no additional charge for scout service.

Mayor Pro Tem Bash commented on the reduced rates, noting that the residents will appreciate that. He further thanked Ms. Reyes and Waste Management for their community service efforts.

Council Member Azevedo also thanked Ms. Reyes and Waste Management for their community service and contributions to the City.

Council Member Sullivan comme nted on the CR T (cathode ray tube) Curb Side collection rate of $22.98/month. Ms. Reyes notes that this collection is for electronic items.

Mayor Hanna thanked Ms. Reyes and Waste Management for the decrease in rates.

Ms. Reyes talked briefly about the "at your door" service that will be proposed and discussed with City staff. This proposed service will provide a household hazardous waste collection at your door and would be convenient to residents with a guaranteed disposal.

Mayor 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, Mayor Hanna CLOSED the public hearing.

M/S Bash/Newton to a dopt Resolution No. 2011-62, amending the Agreement between the City of Norco and USA Waste of California, Inc., DBA Waste Management of the Inland Empire, for the collection, transportation, recycling, and disposal of solid waste and approving rates therefore. The motion was carried by the following roll call vote:

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

7. PUBLIC COMMENTS OR QUESTIONS:

Vern Showalter. Mr. Showalter commented on the Norco Fire Department "working out on his time" noting that he has issue with that. He also noted that signs have been located in trees in front of both fire stations for over a week and he questioned why the Fire Department couldn't police their own area.

8. OTHER MATTERS – COUNCIL:

Council Member Azevedo:

- Proposed that the Norco Area Chamber of Commerce & Visitors Center provide "welcome bags" to new residents that include information about the City. A representative from the Chamber was present and noted that they are working on this.

Mayor Pro Tem Bash:

- Congratulated Public Works Director Thompson on the contract approved with the Navy for water, sewer and recycled utilities service. He requested that Director Thompson find out if the pumps have been placed in the Norconian Hotel and asked that he continue to be kept informed on what is going on.

Council Member Newton:

- Asked Public Works Director Thompson about the street light equestrian crossing at Sixth and Sierra. Director Thompson responded that four intersections were affected where improvements were completed by Southern California Edison during which time a phased condition took place and should be fixed in about 10 days.
- Asked Director Thompson about the schedule for Second Street in relation to the high school being open. Director Thompson responded that AT&T should have its work completed by this week Friday and the contractor should be back on the job by Monday. He added that he hopes to complete the project in the next 14 days.
- Commended Parks, Recreation & Community Services Director Petree for the work in Norco Ridge Ranch, noting that it looks good. He also commended Jessica Hochderffer, from the Parks and Recreation Department, for her work putting together the Friday Concerts in the Park.

Mayor Hanna:

- Asked Director Petree about the "jump rail" at Cavaletti Park. Director Petree stated that this will be inspected tomorrow.
- Asked Director Thompson about a call he received from the manager of Browning Motors reg arding the weeds located by the I nterstate 15 off-ramp behind his lot. Director Thompson responded that the City has abated the weeds on City property and he has contacted Caltrans to clean the weeds from its property.
- Commented on the National Day of the Cowboy events to be held on Saturday. He noted that the volunteers are working hard and encouraged everyone to attend.

9. OTHER MATTERS – STAFF: None received

10. ADJOURNMENT: There being no further business to come before the City Council, Mayor Hanna adjourned the meeting at 8:00 p.m.

_____
BRENDA K. JACOBS, CMC
CITY CLERK

/bj-79018

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

PREPARED BY: Ross Cooper, Lieutenant

DATE: August 3, 2011

SUBJECT: Resolution Accepting a Grant in the Amount of $155,970 from the California Office of Traffic Safety and Increasing Revenue, Appropriation and Expenditure

RECOMMENDATION: Adopt **Resolution No. 2011-___**, and designate the Sheriff's Lieutenant as "the authorizing official" to execute the agreement with the California Office of Traffic Safety.

SUMMARY: Upon approval by City Council, the State of California will grant the City of Norco $155,970 to reduce the number of persons killed or injured in alcohol-involved collisions by funding DUI checkpoints, DUI saturation patrols and other programs. This one-year grant does not require a local match and will increase sheriff staff time in Norco by about 2500 hours.

BACKGROUND/ANALYSIS: At Council's direction, staff submitted a request to the California Office of Traffic Safety (OTS) for a grant of $155,970 to purchase equipment, to fund programs to reduce alcohol-involved and speed-related fatal and injury collisions, to increase DUI arrests, and to increase public awareness of the dangers of impaired driving. This grant program follows the federal fiscal year beginning October 1, 2011 and ending one year later on September 30, 2012.

The California OTS is funding the overtime cost of staff who will conduct 4 DUI checkpoints, 52 patrol shifts focused on DUI enforcement, 12 warrant service operations where suspects with arrest warrants for DUI are located and arrested, and 24 stakeout operations to observe the "worst of the worst" repeat DUI offenders with suspended or revoked driver's licenses. The California OTS is providing $117,696 to fund deputy time to conduct these operations, $2,500 for deputy training, $16,000 for equipment, and $19,775 for the costs of collecting and processing evidence including blood, breath, or urine samples of those arrested for DUI.

Staff recommends that the City Council accept the $155,970 grant, designate the Sheriff's Lieutenant as "the authorizing official" and direct him to execute the agreement with OTS. Staff anticipates receiving and expending $121,603 in FY2012, and receiving and expending $34,367 from July 1, 2012 through September 30, 2012 (in FY2013).

FINANCIAL IMPACT: Accepting this grant of $155,970 will increase traffic enforcement time in Norco by about 2500 hours at no cost to the City. The Sheriff department's budget appropriation and revenue for FY 2011-2012 will be increased by $121,603.

/rc-79032

RESOLUTION NO. 2011-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA ACCEPTING A GRANT OF $155,970 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY AND INCREASING REVENUE, APPROPRIATION AND EXPENDITURE

WHEREAS, the City of Norco desires to work with the California Office of Traffic Safety (OTS) to improve traffic safety in Norco; and

WHEREAS, the City will receive a DUI Enforcement and Awareness Program grant of $155,970 from the OTS for sobriety checkpoints and other "best practice" strategies that reduce the number of persons killed or injured in alcohol-involved collisions; and

WHEREAS, the OTS has granted $16,000 for equipment, $14,831 for collecting evidence, $2,500 for deputy training, and $88,272 for personnel costs in FY2012; and has granted $4,943 for collecting evidence and $29,424 for personnel costs in FY2013.

NOW, THEREFORE, the City Council of the City of Norco does hereby increase revenue $121,603 (165-000-53255), and increase appropriation and expenditure $88,272 (165-772H-34115) to fund sobriety checkpoints and other "best practice" strategies in Norco, $2,500 (165-772H-30300) to fund training, and $14,831 (165-772H-34100) to fund DUI evidence collection and testing.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 3, 2011.

_____
Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on August 3, 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 August 3, 2011.

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

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

PREPARED BY: William R. Thompson, Director of Public Works

DATE: August 3, 2011

SUBJECT: Extension of an Agreement for Building Plans Examining Services

RECOMMENDATION: That City Council approves the requested extension of an Agreement for Building Plans Examining Services with Willdan Engineering through December 31, 2011.

SUMMARY: Willdan Engineering has agreed to extend the term of the Agreement for Building Plans Examining Services ("Agreement") for an additional six month period through December 31, 2011. The Agreement between the City of Norco and Willdan Engineering provides the terms and conditions, scope of work and fee schedule for the performance of professional building and safety plans examination services.

BACKGROUND/ANALYSIS: On February 15, 1989, the City and Willdan Engineering entered into a non-exclusive Agreement to perform building plan examinations and review for structural, plumbing, mechanical and electrical codes pursuant to City and State regulations. The Agreement provides the terms and conditions, scope of work and fee schedule for the performance of professional building and safety plans examination services.

The City has executed extensions to the Agreement with minor rate increases and slight modifications in 2005, 2008, and 2009 under Amendment No. 1, and again in 2010 under Amendment No. 2. Amendment No. 3 will provide a schedule of fees for plan examination services through December 31, 2011 without an increase in fees. Staff has prepared a Request for Proposal (RFP) for plan check services and will present a new service agreement for City Council consideration prior to December 31, 2011.

Staff has been extremely satisfied with the performance of Willdan Engineering and would recommend that the City Council authorize the extension to the Agreement. The existing Agreement provides the City or the contractor the right to terminate the contract with proper notice.

FINANCIAL IMPACT: Contract plan examination paid by Developer plan check fees.

Attachments: Letter, Agreement Extension
Amendment #3 – Fee Schedule

/wrt-79051

Agenda Item 3.D.

WILLDAN Engineering | extending your reach

July 21, 2011

Mr. Bill Thompson
Public Works Director
City of Norco
2870 Clark Avenue
Norco, CA 92860

Subject: Agreement Extension

Dear Mr. Thompson:

Please accept the attached **Amendment No. 3** to extend our professional agreement for Building and Safety Plan Review Services. The Amendment is valid through December 31, 2011 without changes to the Fee Schedule.

We appreciate the opportunity to continue to provide plan review services to the City of Norco. Please feel free to contact me should you need any additional information.

Sincerely,
WILLDAN ENGINEERING

Ronald L. Espalin, PE
Director of Building and Safety

AMENDMENT #3 TO AGREEMENT BETWEEN CITY of NORCO and WILLDAN ENGINEERING

THIS AMENDMENT (hereinafter the "Amendment") to an agreement is made and entered into as of this 21st day of July 2011, by and between the City of **Norco** (hereinafter the "CLIENT"), and **Willdan Engineering**, a California Corporation.

RECITALS

A. **CLIENT** and **WILLDAN ENGINEERING** have entered into an agreement for Building and Safety Plans Examining Services on February 15, 1989. The Agreement provides the terms and conditions, scope of work and fee schedule for the performance of professional building and safety plans examining services.

B. The parties desire to extend the Agreement through December 31, 2011. The Fee Schedule shall remain the same; the hourly portion of the fee schedule is based on Willdan Engineering's ***Schedule of Hourly Rates*** dated 2006, effective through December 31, 2011 after which rates will be at the then current Schedule of Hourly Rates.

The percentage of fee rate remains as follows:

- **Fifty percent** (50%) for projects with a valuation greater than $10 million
- **Fifty-five percent** (55%) for projects with a valuation greater than $5 million
- **Sixty-five percent** (65%) for projects with a valuation greater than $1million
- **Seventy** (70%) for projects with a valuation greater than $50,000

Plan review for projects with a valuation less than $50,000 and fire prevention plan review will be performed for an hourly rate as per the Schedule of Hourly Rates.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree to amend as follows:

1. Extend the Agreement through December 31, 2011.

IN WITNESS HEREOF, the parties hereto have caused this Amendment No. 3 to the Agreement to be duly executed this day and year first written above.

APPROVALS
City of Norco

_____

Willdan Engineering

Ronald L. Espalin, PE
Director of Building and Safety

WILLDAN Engineering

Schedule of Hourly Rates

July 1, 2006

ENGINEERING

Principal Engineer	$170.00
Division Manager	160.00
City Engineer	160.00
Project Manager	160.00
Supervising Engineer	145.00
Senior Engineer	130.00
Senior Design Manager	130.00
Design Manager	120.00
Associate Engineer	120.00
Senior Designer	115.00
Senior Design Engineer II	115.00
Senior Design Engineer I	110.00
Designer II	105.00
Designer I	100.00
Design Engineer II	105.00
Design Engineer I	100.00
Senior Drafter	95.00
Drafter II	85.00
Drafter I	80.00
Technical Aide	70.00

CONSTRUCTION MANAGEMENT

Division Manager	160.00
Project Manager	160.00
Senior Construction Manager	140.00
Construction Manager	130.00
Assistant Construction Manager	110.00
Utility Coordinator	115.00
Supervising Public Works Observer	115.00
Senior Public Works Observer	100.00
Public Works Observer	**85.00 /100.00
Assistant Public Works Observer	**80.00 /100.00
Labor Compliance Manager	110.00
Labor Compliance Specialist	85.00

SURVEYING

Division Manager	160.00
Supervisor - Survey & Mapping	145.00
Senior Survey Analyst	115.00
Senior Calculator	110.00
Calculator II	100.00
Calculator I	90.00
Survey Analyst II	105.00
Survey Analyst I	90.00
Survey Party Chief	105.00
Field Party (One)	155.00
Field Party (Two)	205.00
Field Party (Three)	255.00

LANDSCAPE ARCHITECTURE

Division Manager	160.00
Principal Landscape Architect	135.00
Senior Landscape Architect	115.00
Associate Landscape Architect	105.00
Assistant Landscape Architect	90.00

BUILDING AND SAFETY

Division Manager	160.00
Supervising Plan Check Engineer	135.00
Building Official	135.00
Plan Check Engineer	125.00
Deputy Building Official	125.00
Inspector of Record	125.00
Senior Plans Examiner	100.00~~115.00~~
Supervising Building Inspector	115.00
Plans Examiner	100.00~~105.00~~
Senior Building Inspector	105.00
Supervisor Code Enforcement	105.00
Building Inspector	**95.00 /100.00
Supervising Construction Permit Specialist	95.00
Senior Construction Permit Specialist	90.00
Senior Code Enforcement Officer	85.00
Assistant Building Inspector	**85.00 /100.00
Code Enforcement Officer	70.00
Construction Permit Specialist	75.00
Assistant Construction Permit Specialist	65.00
Plans Examiner Aide	65.00
Assistant Code Enforcement Officer	60.00

PLANNING

Division Manager	160.00
Principal Planner	135.00
Principal Community Development Planner	135.00
Senior Planner	120.00
Senior Community Development Planner	120.00
Associate Planner	105.00
Associate Community Development Planner	105.00
Assistant Community Development Planner	95.00
Assistant Planner	95.00
Planning Technician	75.00
Community Development Technician	75.00

ADMINISTRATIVE

Computer Data Entry	55.00
Clerical	55.00
Word Processing	55.00
Personal Computer Time	20.00

**Prevailing Wage Project, Use $100.00/Hour

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.25 times, and Sundays and holidays, 1.70 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A subconsultant management fee of fifteen percent (15%) will be added to the direct cost of all subconsultant services to provide for the cost of administration, consultation, and coordination.

CITY OF NORCO
STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager
Andy Okoro, Deputy City Manager/Director of Finance

PREPARED BY: Brenda K. Jacobs, City Clerk

DATE: August 3, 2011

SUBJECT: Approval of Documents Declaring and Determining that the City of Norco will Comply With the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Norco

RECOMMENDATION: A.) Approve **Resolution No. 2011-___**, declaring the City Council's intent to enact an ordinance pursuant to Health and Safety Code Section 34193, authorizing the continued existence of Redevelopment Agencies.

B.) Open a public hearing indicating that proper notification has been made and ask for the appearance of those wishing to speak; and adopt **Ordinance No. ___, for first reading,** determining that the City of Norco will comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Norco.

SUMMARY: The California Legislature enacted and the Governor signed companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments. AB 1X 27 states that if a city or county intends to enact the ordinance, it shall indicate that intention by adopting a nonbinding resolution of intent to that effect prior to October 1, 2011, and notify the Department of Finance, the Controller, and the county auditor before October 1, 2011, concerning the resolution. The proposed resolution declares the City of Norco's intent to enact an ordinance pursuant to Health and Safety Code Section 34193, authorizing the continued existence of redevelopment agencies. Staff is also proposing that the City Council adopt an ordinance determining that it will comply with the Voluntary Alternative Redevelopment Program in order to permit the continued existence and operation of the Norco Redevelopment Agency.

BACKGROUND/ANALYSIS: As part of the 2011-12 State budget bill, the California Legislature enacted and the Governor signed companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance

committing it to making certain payments. AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011. AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the Community Redevelopment Law (CRL), by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code.

AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code. Section 34193. (a) of AB 1X 27 states that if a city or county intends to enact the ordinance, it shall indicate that intention by adopting a nonbinding resolution of intent, and more specifically reads as follows:

> 34193. (a) Notwithstanding Part 1.8 (commencing with Section 34161), Part 1.85 (commencing with Section 34170), or any other law, a redevelopment agency may continue to exist and carry out the provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)) only upon the enactment of an ordinance enacted by the community to comply with this part on or before November 1, 2011, except as provided in clause (ii) of subparagraph (L) of paragraph (2) of subdivision (b) of Section 34194. (b) If a city or county intends to enact the ordinance provided for in this section after October 1, 2011, it shall indicate that intention by adopting a nonbinding resolution of intent to that effect prior to October 1, 2011, and notify the Department of Finance, the Controller, and the county auditor before October 1, 2011, concerning the resolution. This action shall delay the dissolution of a redevelopment agency until November 1, 2011. If a city or county does not enact an ordinance pursuant to this part, Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) shall apply, as applicable, to a redevelopment agency. 34193.1. On or before November 1, 2011, a city or county that has created a redevelopment agency and enacted an ordinance pursuant to Section 34193 shall notify the county auditor-controller, the Controller, and the Department of Finance that the city or county agree to comply with the provisions of this part.

While several questions remain unanswered regarding how AB 1X 26 and AB 1X 27 will be implemented and the specific long term impacts of the legislation on the City's Redevelopment Agency, staff with the assistance of Agency Counsel and Financial Advisor has completed a preliminary analysis of the legislations and the Agency's current financial condition. Based on this analysis, staff believes it is the best interest of the City at this time to enact the Continuation Ordinance which will keep the Agency operational pending clarity on issues such as the outcome of the lawsuit filed by the California Community Redevelopment Association and the League of California Cities; final determination of the amount of required continuation payment for FY 2011-2012 and beyond; property tax revenue impact on the General Fund, if

any, upon dissolution of the Agency; and treatment of loans from Low-to-Moderate Income Housing Fund to the non-housing fund. Furthermore, continuing the Agency would provide additional time to the City to complete planned and funded programs and projects. These programs and projects contribute to blight removal and are essential to the health and safety of the community. They include:

- Capital Improvement Program (CIP) projects funded by existing Tax Allocation bond proceeds;
- Economic development programs such as tenant and façade improvements; and
- Housing programs including first time home buyer; home improvement grant; emergency grants; senior utility subsidy and deferred loan programs

Staff is recommending that the City Council adopt the proposed resolution indicating that the City intends to enact said ordinance. If approved and adopted, the City Clerk will notify the Department of Finance, the Controller, and the county auditor before October 1, 2011, concerning the resolution.

Staff also recommends adopting the proposed ordinance subject to the following conditions:

- If a court of competent jurisdiction stays the effectiveness of all or any portion of AB 1X 26 or AB 1X 27, pending resolution of one or more legal actions challenging the legality of some or all of such statues, the City reserves the right to stay the City's participation in the Alternative Voluntary Redevelopment Program and shall not make any continuation payment.
- Any continuation payment shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional, illegal, invalid or otherwise unenforceable or inapplicable for any reason or in any manner.
- If there is a final determination that AB 1X 26 and AB 1X 27 are illegal, invalid or otherwise unenforceable or inapplicable, for any reason or in any manner, this ordinance shall be deemed to be null and valid and of no further force or effect.

FINANCIAL IMPACT: On June 22, 2011, City Council approved the FY 2011-2012 operating budget for the Norco Community Redevelopment Agency. The approved budget includes a draw of $1.8 million from the fund balance to cover the difference between projected FY 2011-2012 revenues and expenditures in the non-housing operating budget. Following the action by the state legislature, staff reviewed the current financial condition of the Agency as well as the projected financial condition of the Agency as of June 30, 2012 should the Agency elect to make the state required continuation payment for FY 2011-2012, which is currently estimated to be $3.3 million. Based on the provisions of the legislation which permits Redevelopment Agencies to use FY 2011-2012 Low-to-Moderate Income Housing allocation to make part or all of the continuation payment for FY 2011-2012, staff believes that there will be sufficient funds

available funds in the Agency to make the required continuation payment. The estimated FY 2011-2012 tax increment allocation to the Low-to-Moderate Income Housing Fund is $2.8 million. Based on this, the City would also need an additional $0.5 million from another funding source in order to come up with the $3.3 million estimated continuation payment amount. Staff is recommending that this amount be drawn from the remaining fund balance in the Agency's non-housing operating fund.

/bj-79009
Attachment: Proposed Resolution and Ordinance

RESOLUTION NO. 2011-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DECLARING ITS INTENT TO ENACT AN ORDINANCE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34193, AUTHORIZING THE CONTINUED EXISTENCE OF REDEVELOPMENT AGENCIES

WHEREAS, the California State Legislature has enacted Health and Safety Code, Part 1.9, commencing at Section 34192 pertaining to the continued existence of redevelopment agencies; and

WHEREAS, pursuant to Health and Safety Code Section 34193(a) a redevelopment agency may continue to exist and carry out the provisions of the Community Redevelopment Law, (Health and Safety Code Section 33000 et. seq.), only upon an enactment of an ordinance by the City in compliance with said section on or before November 1, 2011; and

WHEREAS, if a City intends to enact said ordinance after October 1, 2011, the City shall indicate such intention by adopting a non-binding resolution of intent to that effect, prior to October 1, 2011 and notify the Department of Finance, the Controller and the County Auditor of such prior to October 1, 2011; and

WHEREAS, the adoption of said non-binding resolution shall delay the dissolution of the redevelopment agency until November 1, 2011; and

WHEREAS, the financial contributions to the State of California required by Section 34194 et. seq., are presently uncertain as to specific amount and source of payment; and

WHEREAS, it is therefore in the City and the Norco Redevelopment Agency's best interest to adopt said resolution of intent.

NOW, THEREFORE, the City Council of the City of Norco, California, hereby resolves as follows:

SECTION 1: That the foregoing recitals are true and correct and incorporated hereat as if set forth in full.

SECTION 2: The City of Norco desires that the Norco Redevelopment Agency continue in existence and intends to enact an ordinance pursuant to Health and Safety Code Part 1.9 (commencing section 34192) on or before November 1, 2011 following a determination as to the specific amounts of payments under said Part 1.9 and lawful sources of payment thereof.

SECTION 3: EFFECTIVE DATE. This Resolution shall become effective upon approval by the City Council of the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on August 3, 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 meeting held on August 3, 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 August 3, 2011.

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

/bj-78933

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF NORCO

WHEREAS, the City Council of the City of Norco ("City") approved and adopted the Redevelopment Plan for the Norco Redevelopment Project ("Redevelopment Plan") covering certain properties within the City (the "Project Area"); and

WHEREAS, the Redevelopment Agency of the City of Norco ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

WHEREAS, AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

WHEREAS, AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

WHEREAS, under the threat of dissolution pursuant to AB 1X 26, and upon the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be $3.3 million, as well as the subsequent annual community remittances as set forth in the CRL; and

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

WHEREAS, the City understands and believes that an action challenging the constitutionality of AB 1X 26 and AB 1X 27 will be filed on behalf of cities, counties and redevelopment agencies; and

WHEREAS, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1X 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Participation in the Alternative Voluntary Redevelopment Program. In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by AB 1X 27.

Section 3. Payment Under Protest. Except as set forth in Section 4, below, the City Council hereby determines that the City shall make the community remittances set forth in Health and Safety Code section 34194 *et seq.*

Section 4. Effect of Stay or Determination of Invalidity. The City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 1X 26 and AB 1X 27 or determines that AB 1X 26 and AB 1X 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

Section 5. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the Riverside County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in AB 1X 27.

Section 6. Additional Understandings and Intent. It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

Section 7. 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 8. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Norco and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

Section 9. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 10. Posting. : The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within fifteen (15) days of its passage to be posted at no less than five (5) 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 August 17, 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 August 3, 2011 and thereafter at a regular meeting of said City Council duly held on August 17, 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 August 17, 2011.

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

/bj-78932