



**MINUTES  
CITY OF NORCO**

CITY COUNCIL  
REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
NOVEMBER 16, 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:** Bryan, Cooper, Groves, Jacobs, King, Okoro, Petree and Thompson

City Attorney Harper – **Present**

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

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

Case Name: Norco Patients Care, Inc. vs City of Norco  
Case Number: RIC 1116164

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 there were no reportable actions resulting from the item discussed in Closed Session.**

PLEDGE OF ALLEGIANCE: Mayor Hanna

INVOCATION: Corona Church of the Open Doors  
*Pastor Fred Griffin*

PRESENTATION: Certificate of Recognition  
*Dr. Jennifer Wells and  
"Jester The Wonder Mule"*

**Mayor Hanna presented Dr. Wells with a certificate of recognition for her, and her mule Jester's, achievements in being a top 100 finalist on the television program America's Favorite Trail Horse Competition on October 25, 2011.**

**Mayor Hanna introduced and acknowledged Ms. Emily Hartley for signing a National Letter of Intent to join the Oklahoma State University NCAA Division I Equestrian Team.**

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

Council Member Newton pulled Items 1.D. and 1.F. for discussion.

**M/S Azevedo/Bash to adopt 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 November 2, 2011  
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Recap of Actions Taken at the Planning Commission Regular Meeting of November 9, 2011. **Recommended Action: Receive and File** (Planning Director)
- C. Procedural Step to Approve Ordinances after Reading of Title Only.  
**Recommended Action: Approval** (City Clerk)
- D. Fiscal Year 2010 - 2011 Year-End Budget to Actual Report.  
**Recommendation: Receive and file.** (Deputy City Manager/Director of Finance) **PULLED FOR DISCUSSION**
- E. Approval of a Transitional Memorandum of Understanding (MOU) with the Norco Firefighters Association (NFA), a Required Step in Implementing the Cooperative Agreement with the County of Riverside to Provide Fire Protection and Emergency Medical Services. **Recommended Action: Approve the Transitional MOU with the Norco NFA and direct the City Manager to sign and implement it.** (City Manager and Deputy City Manager/Director of Finance)
- F. Approval of an Increase in the Contract Amount with DMC Design Group, Inc. for Design Services on the Hamner Avenue Widening Project.  
**Recommend Action: Approve the increase to the design service contract with DMC Design Group, Inc. in the amount of \$80,000 for the Hamner Avenue Widening Project.** (Senior Engineer) **PULLED FOR DISCUSSION**

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

**Item 1.D.** Fiscal Year 2010 - 2011 Year-End Budget to Actual Report.  
**Recommendation: Receive and file.** (Deputy City Manager/Director of Finance)

**Council Member Newton** complimented staff on the FY 2010-2011 Year-End Budget to Actual Report, noting that even though budget is fragile, it is going in a positive direction.

**M/S Newton/Bash to receive and file the 2010-2011 Year-End Budget to Actual Report. The motion was carried by the following roll call vote:**

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

**Item 1.F.** Approval of an Increase in the Contract Amount with DMC Design Group, Inc. for Design Services on the Hamner Avenue Widening Project. **Recommend Action: Approve the increase to the design service contract with DMC Design Group, Inc. in the amount of \$80,000 for the Hamner Avenue Widening Project.** (Senior Engineer)

**Council Member Newton** complimented staff for their work on this project.

**M/S Newton/Bash to approve the increase to the design service contract with DMC Design Group, Inc. in the amount of \$80,000 for the Hamner Avenue Widening Project. The motion was carried by the following roll call vote:**

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

3. CITY COUNCIL PUBLIC HEARINGS:

- A. Proposed Projects for Use of Community Development Block Grant Funds (Program Year 2012-2013) Through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency

*Applications for 2012-2013 Community Development Block Grant Funds are due to the Riverside County Economic Development Agency no later than December 15, 2011. The City has been asked to estimate funding needs based on current Program Year 2011-12. Applications for funding are being presented for consideration and approval to submit to the County for review.*

**Recommended Action: Approve the projects as submitted.** (Housing Manager)

**Housing Manager DeGrado** presented the information regarding the public hearing item.

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

**M/S Bash/Hanna to approve the proposed projects for use of Community Development Block Grant Funds (Program Year 2012-2013) as submitted. The motion was carried by the following roll call vote:**

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

- B. City-initiated Proposals to A.) Amend Title 18 of the Norco Municipal Code by Amending the Provisions of Chapter 18.13 Entitled "A-1 Zone-Agricultural Low Density", Amending the Provisions that Regulate Roosters within the A-1 Zone; and B.) Amend the Norco Hills Specific Plan to Establish Provisions to Regulate Fowl and the Number of Animals not Otherwise Categorized as an Animal Unit

*Based on recommendations of a sub-committee appointed by the Planning Commission, the Planning Commission adopted Resolution 2011-61 recommending a change in the number of allowed roosters on an agricultural-low density residential lot and the method used to count roosters. In addition, the Planning Commission adopted Resolution 2011-62 recommending an addition to the Norco Hills Specific Plan referring the regulation of all animals not covered by an "animal unit" to the regulations of the A-1 (Agricultural Low Density) zone.*

**Recommended Actions:**

**1.) Adopt Ordinance No. \_\_\_\_ for first reading, approving Zone Code Amendment 2011-04;**

**2.) Adopt Ordinance No. \_\_\_\_ for first reading, approving Specific Plan 91-05, Amendment 6; and**

**3.) Establish a six-month grace period for owners to either come into compliance or obtain approval of a conditional use permit; and, direct staff to bring back an amendment to the Norco Municipal Code establishing a fine. (Planning Director)**

**Planning Director King** presented the information regarding the public hearing item. He briefly noted the issues discussed by the sub-committee and the resulting recommendations to the Planning Commission. He further presented the recommendations made by the Planning Commission to the City Council.

**Council Member Newton** questioned the enforceability of the ordinance as written. Planning Director King noted that this ordinance would improve enforcement.

**Mayor Pro Tem Bash** questioned why the City has not gone in with warrants to evaluate the problems on the sites. He added that there are citizens that are concerned about their rights and the problems in the neighborhoods. He noted concern regarding how to preserve the animal-keeping nature in the City and at the same time protect the neighborhoods.

**Council Member Azevedo** received confirmation from staff that the special interest groups would not be charged a fee for a conditional use permit.

**Council Member Sullivan** noted concern regarding making changes to the fees for a conditional use permit. He received confirmation from Animal Control Supt. Charles Hemmings that Animal Control has had no problems as far as compliance.

**Director Petree** noted that the problem is defining a “rooster” for counting purposes in the current Norco Municipal Code.

**Mayor Hanna** asked Supt. Hemmings about the 25 count plus the “teen agers”. Supt. Hemmings replied that when we can establish them as males, they would be counted.

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

**James Hesley.** Mr. Hesley spoke in opposition to the ordinances, noting that they were written because of one person and the rest of the community is being penalized.

**Lance Gregory.** Mr. Gregory commented on the rooster/hen issue, noting that if there are clear violations they need to be enforced. He added that “rural” does not mean just horses, but it is a lifestyle. He supports the recommendation from the Planning Commission.

**Laticia Peacock.** Ms. Peacock noted that she lives adjacent to property with all of the chickens, adding that the noise has been reduced and she does not any longer smell anything.

**Brian Peacock.** Mr. Peacock stated that he is concerned about the wording regarding non-animal units and what will happen in the future. He added that he moved to Norco because it is an animal-keeping community and rural, noting that he is not bothered by the roosters next door following the action taken by the City bringing them to compliance.

**Randy Walker.** Mr. Walker spoke in opposition of the ordinances, noting that he wanted to keep the rural atmosphere in the City.

**Linda Dixon.** Ms. Dixon commented on persons that came to Norco and spoke on how their animal-keeping rights were taken away. She stated that the City has been slow in going after the ones violating our laws.

**Daniel Bove.** Mr. Bove noted that Animal Control has good ideas and the Council should listen to them, adding that the problem is site-specific and not City-wide.

**Laura Bonilla.** Ms. Bonilla commented on her positive experience raising roosters.

**Pat Overstreet.** Ms. Overstreet noted the comments made and asked where these people were when the problems in the Norco hills were discussed. She stated that she is in favor of the ordinance and does not want to see property values drop.

**Vern Showalter.** Mr. Showalter stated that the Council needs to remember that Norco is an animal-keeping City, not just a horse town. He stated that the ordinance as written is not enforceable.

**Jodie Webber.** Ms. Webber commented on her opposition to giving special interest groups fee waivers, adding that the Planning Commission could approve a variance for them instead. She also noted that a twenty-four hour notice is unreasonable, adding that the other conditions are far too onerous.

**Vo Lap.** Mr. Lap stated that he loves animals and does not want the number of roosters cut, adding that he does not want anything changed.

**Rick Verduzco.** Mr. Verduzco stated that he moved to Norco because of the rural atmosphere, noting that there is only one problem in the Norco hills. He added that he is opposed to the ordinances and does not want anything changed.

**Michael Ochoa.** Mr. Ochoa spoke in opposition of the proposed amendment to the A-1 zones, noting that the Issue is basically up in the hills.

**Robert Castellon.** Mr. Castellon stated that he lives in Norco because of the rural atmosphere, noting that he does not want to be penalized because of one person.

**Sid Sykes.** Mr. Sykes noted that this ordinance does not make sense because there are just a hand-full of people that are causing the problem.

**Russell Sykes.** Mr. Sykes commented on the economic side of this for the City.

**Robbin Grundmeyer.** Ms. Grundmeyer stated that the terminology needs to be made clear regarding roosters with age defined terms. She noted some confusion regarding who would be defined as a "special interest group." She further noted that she is really concerned as a resident regarding the passing of this ordinance.

**Dan Leach.** Mr. Leach commented on the individuals that raise roosters as a commercial endeavor. He noted that the Council needs to do something, adding that this is not conducive to their quality of life.

**Paul Braeger.** Mr. Braeger stated that twenty-five roosters on one-half acre is excessive, adding that he is in favor of the ordinances.

**Kerry Bolle.** Ms. Bolle commented on the excessive noise and the abuse of laws.

**Adam Candill.** Mr. Candill stated that his main concern is the scale of what the neighborhood is dealing with, adding that their quality of life is being affected. He stated that property is being bought for the sole reason of raising roosters.

**Vo Tu.** Mr. Tu stated that his reason for moving to Norco was for the rural atmosphere, adding that he feels that his family is being discriminated against.

**Wendy Pregler.** Ms. Pregler spoke in opposition of the ordinance, noting that her roosters are her pets.

**Kristie Taber.** Ms. Taber stated that she lives across from the first house purchased for the purpose of raising roosters. She noted that the persons raising all of the roosters are abusing the system, adding that she supports the ordinances.

**Peter Vribe.** Mr. Vribe spoke in opposition of the ordinances, noting that he works in a feed store and fears that they will lose customers.

**Celeste Tittle.** Ms. Tittle asked if this was a noise problem, and if so, pass a noise ordinance. She noted her concerns that this is the beginning of ridding Norco of its animal-keeping atmosphere, adding that she trusts the Animal Control officers and the Council should go with what they recommend.

**Ed Dixon.** Mr. Dixon commented on a possible solution to the problem.

**RECESS:** Mayor Hanna recessed the City Council at 8:35 p.m.

**RECONVENE:** Mayor Hanna reconvened the City Council at 8:47 p.m.

**Mayor Hanna CLOSED the public hearing.**

The City Council Members thanked everyone in attendance, noting that this helps them in the decision making process. They further commented on the compliance issues and the possible need to send this issue back to the Planning Commission for further discussion. The Council agreed that it all comes down to being a good neighbor.

The City Council Members commented on their concerns regarding the numbers of roosters allowed on the defined sizes of property. They agreed that they wanted to make sure the concerns of the neighborhood are met.

**M/S Sullivan/Bash to deny the Planning Commission's recommendation and adopt Ordinance No. 938 for first reading, approving Zone Code Amendment 2011-04, with the following modification made to SECTION 1 (D) ii. of the Ordinance:**

**ii. ~~Offspring of permitted adult roosters shall not be counted in determining the permitted number of roosters on a given lot, until the offspring reach age seven months.~~ When it can be determined that a bird is a stag it shall be included in the count regardless of the age of the stag. For purposes of this section of the Municipal Code a stag is a rooster less than one year old.**

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

**M/S Sullivan/Bash to adopt Ordinance No. 939 for first reading, approving Specific Plan 91-05, Amendment 6.**

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

**4. CITY COUNCIL ACTION ITEMS:**

- A. Approval of an Ordinance of the City Council of the City of Norco Deleting Chapter 5.50 "Employment of Undocumented Workers" from the Norco Municipal Code. Code Change 2011-\_\_\_\_

*On September 15, 2010, the City Council adopted Ordinance No. 927, adding Chapter 5.50 "Employment of Undocumented Workers" to the Norco Municipal Code effective as of January 1, 2011. On October 9, 2011, Assembly Bill 1236, effective January 1, 2012, was approved by the Governor and filed with the Secretary of State, which prohibits the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds. It is therefore being recommended that the Council adopt an ordinance deleting Chapter 5.50 from the Norco Municipal Code as the City's requirement for the use of E-Verify is no longer permitted by California State law as of January 1, 2012.*

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

**City Attorney Harper** presented the information regarding the public hearing item.

**Dave Henderson.** Mr. Henderson commented on the use of E-Verify and his opposition to the new State law prohibiting the City's enforcement of it.

**City Manager Groves** stated, for the record, that the City would not have the authority to enforce the requirements set forth in the E-Verify ordinance after January 1, 2012 because of State law.

**M/S Sullivan/Newton to deny the adoption of the Ordinance. The motion was carried by the following roll call vote:**

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

**B. Review of City Sign Code Requirements**

*At the regular City Council meeting on August 17, 2011, Councilman Newton requested, and the City Council approved, that an item be placed on a future agenda to discuss the creation of a working group to review the City's Sign Code. It was discussed that the working group should include Council Members and appropriate commission members, and should not be a technical discussion that would impact staffing needs. It was also discussed that a key focus should be on the effect the Sign Codes have on businesses, as well as general community clutter.*

**Recommended Actions:**

- 1.) Create an ad hoc working group to review the City's Sign Code as it relates to commercially-zoned properties and make recommendations on changes that would benefit business owners while still protecting the health and safety of the public;**
- 2.) Appoint two City Council Members to serve as members of the working group;**
- 3.) Ask the Planning Commission and the Economic Development Advisory Council (EDAC) to also appoint two members each to serve as members of the working group; and**
- 4.) Direct the working group to bring any recommended changes to the City Council by March 31, 2012. (City Manager)**

**City Manager Groves** presented the item for discussion.

The City Council Member commented on the need to address the sign issues in the City. It was noted that a goal would be to receive input from local businesses.

**Ed Dixon.** Mr. Dixon stated that he is in support of this item.

**M/S Azevedo/Bash to 1.) Create an ad hoc working group to review the City's Sign Code as it relates to commercially-zoned properties and make recommendations on changes that would benefit business owners while still protecting the health and safety of the public; 2.) Appoint Mayor Pro Tem Bash and Council Member Sullivan to serve as members of the working group; 3.) Ask the Planning Commission and the Economic Development Advisory Council (EDAC) to also appoint two members each to serve as members of the working group; and 4.) Direct the working group to bring any recommended changes to the City Council by March 31, 2012. The motion was carried by the following roll call vote:**

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

**5. PUBLIC COMMENTS:**

**Randy Maroney.** Mr. Maroney commented on the property he owns on Sixth Street and the difficulty in getting the required permits for the business located on that property. He noted that the business is clean and has no fire issues and further asked for the Council for its assistance.

**Tom Maroney.** Mr. Maroney commented on the business located at 1053 Sixth Street, noting that the place is clean with no violations. He further commented on the many code violations on Sixth Street that have not been addressed. He asked for the Council's help in getting a business license for this business, adding that this is the best tenant he has ever had.

**Jason Ferguson.** Mr. Ferguson resides at and operates the business located at 1053 Sixth Street. He commented on his business and requested help from the Council to get a business license. He noted that the containers on his property are for storage and he does not have people come to his business location, adding that he wants to be legal, but does not have money for a conditional use permit required for the containers.

**Jodie Webber.** Ms. Webber requested that the Specific Plans be placed on the City's website, adding that she would donate time to help scan them. She also asked about an update on the LMD No. 4 drains and how much money was spent and how much is left following the completion of the project.

**Dave Henderson.** Mr. Henderson thanked Council Member Newton for his service on the Council following his appointment after the passing of Malcolm Miller. He wanted to publically state "job well done and he is proud to call him his friend."

**Vern Showalter.** Mr. Showalter stated that he would like to serve on the sign committee. He commented on the tire shop business on Sixth Street and noted that it is a very clean-oriented business and the big issue is that he lives on the property. He also stated that he would request that the City let Sacramento know why the Council opposed overturning the E-Verify Ordinance.

6. OTHER MATTERS – COUNCIL:

**Mayor Hanna** presented Council Member Newton with a plaque recognizing his service to the people of the City of Norco as a City Council Member in 2011.

**Council Member Newton** stated that he was honored that he was asked to fulfill the remainder of Malcolm Miller's Council term.

**Council Member Newton:**

- ✚ Commented on a Golden Business Award that will be presented to Valley City Fence from Assemblyman Jeff Miller, noting that he had nominated them for the award.

**Mayor Pro Tem Bash:**

- ✚ Commented on the Thanksgiving dinners donated by the Kiwanis for the Senior Citizens in Norco and also commented on the "Miracle on Sixth Street."
- ✚ Noted the December 7<sup>th</sup> event to be held commemorating the 70<sup>th</sup> anniversary of the Navy in Norco, adding that he would like to see a good showing.
- ✚ Stated that there will be a Holiday Concert at the Senior Center on December 15<sup>th</sup>.
- ✚ Requested that the City Council recognize the Norco High School Freshman Football team at the next Council meeting for its undefeated season.
- ✚ Stated that Council Member Newton patrolled the trails in the Norco hills and added that he will be missed. He further noted that Council Member Newton is a numbers cruncher and helped save the City of Norco in making wise financial decisions.

**Council Member Azevedo:**

Recommended that the issue with the Rubber on Wheels business be placed on the next City Council agenda for discussion.

**M/S Azevedo/Bash to place an item on the next City Council agenda for discussion regarding the issue with Jason Ferguson (Rubber on Wheels business). The motion was carried by the following roll call vote:**

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

- ✚ Commented on the Parade of Lights to be held on December 3<sup>rd</sup> and asked staff if the decorations on Sixth Street will be put up on time. Director Petree stated that staff is in the process of putting up the banners and the wreaths.
- ✚ Received confirmation that Temescal Avenue will be resurfaced at a minimum from Second Street to Fourth Street.

**Council Member Sullivan:**

Recommended that an item be placed under “Other Matters” on a City Council agenda for discussion regarding the City’s adopted specific plans.

**M/S Sullivan/Newton to place an item under “Other Matters” on a City Council agenda for discussion regarding the City’s adopted specific plans. The motion was carried by the following roll call vote:**

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

- ✚ Commented on the upcoming Horse Expo in Pomona to be held from February 2 – 4, 2012, noting the possibility of the City sharing a booth with the Mustang Heritage Foundation at the event.
- ✚ Reported that Dr. Jennifer Wells will receive a Golden Business Award from Assemblyman Miller.
- ✚ Thanked Council Member Newton for his service on the City Council.

**Mayor Hanna:**

- ✚ Thanked Council Member Newton for everything he has done and noted that he has been an asset to the City.
- ✚ Reported that Thrifty Horse will receive a Golden Business Award from Assemblyman Miller.
- ✚ Stated that he has donated \$300 for the Senior Citizen breakfasts and \$300 to the Parade of Lights from his remaining campaign funds.

7. OTHER MATTERS – STAFF:

**City Manager Groves:**

- ✚ Stated that the Parks, Recreation & Community Services Department staff created a circulation plan for the Parade of Lights events with shuttles running for attendees.
- ✚ On behalf of the City staff, she thanked Council Member Newton for his efforts and service as a City Council Member.

8. ADJOURNMENT: There being no further business to come before the City Council, Mayor Hanna adjourned the meeting at 10:35 p.m.

---

BRENDA K. JACOBS, CMC  
CITY CLERK