



**AGENDA  
CITY OF NORCO**

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
JANUARY 18, 2012

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CALL TO ORDER: 5:30 p.m.

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

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

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

Case Name: Robbin Koziel vs City of Norco  
Case Number: RIC 522773  
CV11-09075

Case Name: Alvizures vs City of Norco  
Case Number: RIC 1115956

**Section 54957.6 – Conference with Labor Negotiator**

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

Employee Organization: Norco General Employees Association  
Norco Public Works & Parks Maintenance  
Workers Association  
Management  
Middle Management, Professional and  
Confidential Service

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Higgins

INVOCATION: The River – Foursquare Church  
*Pastor Jared Vieyra*

RECOGNITION: Liza Rogers

PRESENTATION: RURAL

**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 December 7, 2011  
**Recommended Action: Approve the CRA Minutes** (City Clerk)
  - B. Transfer of City Hall Property from the Norco Redevelopment Agency to the City of Norco and the Corona-Norco Unified School District.  
**Recommended Action: Adopt CRA Resolution No. 2012-\_\_\_, authorizing the Norco Redevelopment Agency to Convey Property to the City of Norco and the Corona-Norco Unified School District pursuant to the Disposition, Development and Shared Use Public Facilities Agreement.** (City Attorney)

2. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

3. CITY COUNCIL PRESENTATION ITEM:
  - A. Report on Fiscal Year 2011 Audited Financial Reports. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
4. 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.5 of the Agenda)*
  - A. City Council Minutes:  
Special Meeting of January 11, 2012  
Regular Meeting of December 7, 2011  
**Recommended Action: Approve the City Council Minutes** (City Clerk)
  - B. Recap of Actions Taken at the Planning Commission Regular Meeting of December 14, 2011 and Regular Meeting of January 11, 2012.  
**Recommended Action: Receive and File** (Planning Director)

- C. Procedural Step to Approve Ordinance after Reading of Title Only.  
**Recommended Action: Approval** (City Clerk)
- D. Appointments to Standing Committees and Other Governmental Agencies.  
**Recommended Action: Approve the Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2012 calendar year.** (City Clerk)
- E. Award of Contract for Building Division Plan Check Services.  
**Recommended Action: Award a professional services contract to JAS Pacific and Willdan Engineering to perform plan check services through June 30, 2012.** (Public Works Director)
- F. Approval of the First Amendment to the Cooperative Agreement to provide Fire Protection, Rescue and Emergency Services between the County of Riverside and the City of Norco.  
**Recommended Action: Approve the First Amendment to the Cooperative Agreement.** (Deputy City Manager/Director of Finance)
- G. Participation in the Franchise Tax Board Interagency Intercept Collection Program.  
**Recommended Action: Adopt Resolution No. 2012-\_\_\_, approving the City's participation in the Franchise Tax Board Interagency Intercept Collection Program.** (Deputy City Manager/Director of Finance)
- H. Approval of an Agreement for Delinquent Account Collection Services with Marigold Financial, LLC.  
**Recommended Action: Approve the agreement for delinquent account collection services with Marigold Financial, LLC.** (Deputy City Manager/Director of Finance)
- I. Quarterly Investment Report for Quarter Ended December 31, 2011.  
**Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
- J. Acceptance of LMD No. 4 Equestrian Trail Drainage Improvements Project as Complete.  
**Recommended Action: Accept the LMD No. 4 Equestrian Trail Drainage Improvements Project as Complete; authorize the City Clerk to File a Notice of Completion with the County Recorder's Office; and Adopt Resolution No. 2012-\_\_\_, appropriating additional funds in the amount of \$66,578.90 for the LMD No. 4 Equestrian Drainage Improvements Project.** (Public Works Director)
- K. Approval to Implement Measures Necessary to Proceed with the Construction on the Silverlakes Project.  
**Recommended Action: Grant authority to the City Manager to implement measures necessary to proceed with the construction on the Silverlakes Project.** (City Manager)

- L. Transfer of City Hall Property from the Norco Redevelopment Agency to the City of Norco and the Corona-Norco Unified School District. **Recommended Action: Adopt Resolution No. 2012-\_\_\_, exercising the City's Option to Purchase Property and Requesting that the Norco Redevelopment Agency convey property to the City of Norco and the Corona-Norco Unified School District pursuant to the Disposition, Development and Shared Use Public Facilities Agreement.** (City Attorney)

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

6. CITY COUNCIL ACTION ITEM:

- A. Appeal of Planning Commission Denial of a Request to Construct a 174 Square-Foot Accessory Building Designed as a Windmill with a Blade Height of 40 Feet at 1407 Second Street in the A-1-20 Zone

*On December 14, 2011 the Planning Commission denied Site Plan 2011-20, a request to construct an accessory building designed as a windmill with a base height of 23 feet and a blade height of 40 feet on the basis that the building is too big and too tall for the site and the neighborhood. The project was denied without prejudice meaning it can come back re-designed for another review by the Planning Commission. The applicant appealed the action of the Planning Commission.*

**Recommended Action: Uphold the action of the Planning Commission's denial of Site Plan 2011-20.** (Planning Director)

7. CITY COUNCIL PUBLIC HEARING:

- A. Reconsideration of Ordinance No. 938, Amending 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 Ordinance No. 939, Amending the Norco Hills Specific Plan to Establish Provisions to Regulate Fowl and the Number of Animals not Otherwise Categorized as an Animal Unit

*On November 16, 2011, the City Council considered ordinances to regulate roosters in the A-1 zone and to establish the regulation of fowl and other animals not already regulated by an animal unit in the Norco Hills Specific Plan. Ordinance No. 938 was unanimously adopted for first reading approving Zone Code Amendment 2011-04; however, the Ordinance was revised to only include the following modification to Section 18.13.06 (D) ii. of the Norco Municipal Code: 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.*

*Ordinance No. 939 was also unanimously adopted for first reading approving Specific Plan 91-05, Amendment 6. At its meeting held on December 7, 2011, the City Council voted to reconsider Ordinance No. 938 and Ordinance No. 939. Therefore, both ordinances were re-advertised for reconsideration by the City Council at a public hearing in their original form as considered and recommended at the November 16, 2011 Council meeting.*

**Recommended Action: Adopt Ordinance No. 938 and Ordinance No. 939 for first reading.** (Planning Director)

8. 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.
9. OTHER MATTERS – COUNCIL:
10. OTHER MATTERS – STAFF:
11. 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-79502



**MINUTES  
CITY OF NORCO**

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
DECEMBER 7, 2011

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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 Herb Higgins, **Present**  
Council Member Harvey C. Sullivan, **Present**

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

**Conference with Legal Counsel – Anticipated Litigation**

Significant Exposure to Litigation Pursuant to Section 54956.9(c) 1 Potential Case

RECONVENE PUBLIC SESSION: 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: Council Member Sullivan

INVOCATION: Grace Fellowship Church  
*Pastor Vernie Fletcher*

PRESENTATION: Norco High School Freshman Football Team

**Mayor Hanna presented certificates to the Norco High School Freshman Football Team and coaches in recognition of their undefeated football season.**

**REORGANIZATION OF CITY COUNCIL:**

A. Election of Mayor

**Pat Overstreet.** Ms. Overstreet spoke in support of the City Council electing Kevin Bash as Mayor and Kathy Azevedo as Mayor Pro Tem.

**Mynon Sullivan.** Ms. Sullivan commented on the process followed in the past regarding the election of the Mayor and the Mayor Pro tem, noting that every Council Member should be allowed the opportunity to serve as Mayor.

**Celeste Tittle.** Ms. Tittle commented on loyalty.

**Agenda Items 1.A. & 4.A.**

**M/S Higgins/Sullivan to elect Kevin Bash as Mayor. The motion was carried by the following roll call vote:**

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

Mayor Bash presented former Mayor Hanna with a plaque and thanked him for being an amazing Mayor and for being a great representative of the City. Council Member Hanna responded that one is only as good as the people that you work with and around you.

**B. Election of Mayor Pro Tem**

**M/S Higgins/Sullivan to elect Harvey Sullivan as Mayor Pro Tem. The motion was carried by the following roll call vote:**

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

**M/S Higgins/Bash to elect Kathy Azevedo as Mayor Pro Tem. The motion was carried by the following roll call vote:**

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

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

**1. CRA CONSENT CALENDAR ITEM:**

**M/S Hanna/Higgins to adopt the item as recommended on the CRA Consent Calendar. The motion was carried by the following roll call vote:**

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

- A. Approval of Fiscal Year 2010-2011 Annual Financial Reports of the Norco Redevelopment Agency. **Recommended Action: Approve the Reports.** (Deputy City Manager/Director of Finance)**

2. OTHER CRA MATTERS: No other CRA matters

ADJOURNMENT OF CRA: 7:40 p.m.

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

**M/S Higgins/Higgins to adopt the items as recommended on the City Council Consent Calendar. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: HIGGINS ON 3.A.**

- A. City Council Minutes:  
Special Meeting of November 29, 2011  
Regular Meeting of November 16, 2011  
**Recommended Action: Approve the City Council Minutes (City Clerk)**
- B. Approval of the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2011. **Recommended Action: Receive and file.** Deputy City Manager/Director of Finance)
- C. Approval of a Resolution Amending the Norco General Employees Association Memorandum of Understanding to include two additional classifications. **Recommended Action: Adopt Resolution No. 2011-70, amending the Norco General Employees Association Memorandum of Understanding dated July 1, 2010-June 30, 2012.** (Deputy City Manager/Director of Finance)
- D. Approval of a Grant for the Acceptance of a Mass Casualty and Shelter Trailer with Supplies. **Recommended Action: Approve a Memorandum of Understanding with the Riverside County Operational Area and accept a mass care and shelter cache and trailer.** (Fire Chief)
- E. Approval to Participate in the Riverside County Mortgage Certificate Program. **Recommended Action: Adopt Resolution No. 2011-71, approving participation in the Riverside County Mortgage Credit Certificate Program.** (Housing Manager)
- F. Acceptance of Bids and Award of Contract for the Temescal Avenue, Reservoir Drive, Detroit Street and Pedley Avenue Street Overlay Project. **Recommended Action: Award the contract for the Temescal Avenue, Reservoir Drive, Detroit Street and Pedley Avenue Street Overlay Project to All American Asphalt in the amount of \$328,000 and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Public Works Director)

- G. Approval of a Contract to Purchase CXT Precast ADA Restrooms Using the State of California Department of General Services California Multiple Award Schedule (CMAS). **Recommended Action: Authorize the City Manager to execute a contract in an amount not-to-exceed \$310,000 to purchase two Precast ADA Restrooms from CXT, Precast Products Inc., using the State of California DGS CMAS Schedule.** (Director of Parks, Recreation and Community Services)
- H. Resolution Amending the Budget to Accept the California Supplemental Law Enforcement Services Fund Grant. **Recommended Action: Adopt Resolution No. 2011-72, increasing revenue, appropriation and expenditure in the amount of \$100,000 in the Supplemental Law Enforcement Services Fund Grant.** (Lt. Cooper)
- I. Resolution Increasing Revenue, Appropriation and Expenditure in the California Office of Traffic Safety Grant Fund. **Recommended Action: Adopt Resolution No. 2011-73, increasing revenue, appropriation and expenditure in the amount of \$64,750 in the California Office of Traffic Safety Grant Fund.** (Lt. Cooper)

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

5. LEGISLATIVE MATTERS:

City Attorney Harper briefly commented on the reconsideration process and provided instructions to the City Council Members and the audience in regards to discussion and comments on this item.

***CITY COUNCIL ACTION:***

- A. City Council Member Request for Reconsideration of Ordinance No. 938 and Ordinance No. 939. **Recommended Action: 1.) Reconsider Ordinance No. 938, and 2.) Reconsider Ordinance No. 939.** (Council Member Azevedo)

**Mayor Pro Tem Azevedo** stated that she would like to request reconsideration of Ordinance No. 938 and Ordinance No. 939 because she was not comfortable with the approved number of roosters allowable and would like these numbers reconsidered.

**Those speaking in support of the reconsideration were:**

Don Bowker  
Roy Hungerford  
Kerry Bolle  
Dan Leach  
Pat Overstreet

**Those speaking in opposition of the reconsideration were:**

Randy Walker  
Russell Sykes  
Everett Sykes  
Brandon Tran  
My Lyn  
Ben Tran  
Buu Vo  
Jonathan Svarez  
Leonila Svarez  
Luis Salazar  
Lap Vo  
Celeste Tittle  
Jim Hosley  
Mynon Sullivan  
Tn Vo

**M/S Higgins/Azevedo to reconsider Ordinance No 938 and Ordinance No. 939.  
The motion was carried by the following roll call vote:**

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

***ORDINANCE SECOND READINGS: (No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)***

- B. Ordinance Amending 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. **Recommended Action: Adopt Ordinance No. 938 for second reading.** (City Clerk) **This item was not considered for second reading as the Ordinance was approved for reconsideration.**
- C. Ordinance Amending the Norco Hills Specific Plan to Establish Provisions to Regulate Fowl and the Number of Animals not Otherwise Categorized as an Animal Unit. **Recommended Action: Adopt Ordinance No. 939 for second reading.** (City Clerk) **This item was not considered for second reading as the Ordinance was approved for reconsideration.**
6. CITY COUNCIL PUBLIC HEARING:
- A. Public Hearing Confirming Costs for 2011 Tumbleweed Abatement

*The 2011 Tumbleweed Abatement Report of Costs lists property owners whose vacant parcels were abated by the City's weed abatement contractor in October 2011. After Council adopts the Resolution, property owners will be invoiced for payment of the abatement.*

**Recommended Action: Adopt Resolution No. 2011-\_\_\_\_, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. (Fire Chief)**

**Fire Chief Bryan** presented the public hearing item.

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

**Vern Showalter.** Mr. Showalter asked why it is called tumbleweed abatement. Chief Bryan replied that there are two abatements done annually and this scheduled abatement focuses predominately on the tumbleweeds in the City, along with other weeds that are causing a hazard and require abatement.

**Mayor Bash CLOSED the public hearing.**

**M/S Sullivan/Hanna to adopt Resolution No. 2011-74, confirming the report of costs for abatement of tumbleweeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**7. PUBLIC COMMENTS:**

**Norvah Williams.** Ms. Williams requested that a speed sign be placed at Valley View and Second Street to recognize the speed limit in that area.

**Vern Showalter.** Mr. Showalter spoke representing the Streets, Trails and Utilities Commission requesting that the Corona Avenue traffic situation be pulled from the Master Plan and discussed individually and expedited due to the circumstances that entail Corona Avenue. He added that the City is getting pressure from the City of Corona in regards to the Corona Avenue intersection signal light.

**Tony Barreto.** On behalf of the Norco Horseweek Committee, Mr. Barreto presented \$1,000 in gift cards to Norco Senior Center for Christmas.

**8. OTHER MATTERS – COUNCIL:**

- A. Discussion Regarding Rubber-on-Wheels – An Automotive Service Business located at 1053 Sixth Street in the C-4 Zone. (Council Member Azevedo)

**Mayor Pro Tem Azevedo** stated that she asked for this item to be agendaized after speaking with the business owner, noting that the issues with his business were not properly handled. She further stated that the business owner did not understand that he could not live in home and have a business in the back. Council Member Azevedo commented on possible terms for an agreement between the City and the business owner to allow him to remain at his present site.

**Planning Director King** presented information on Rubber-on-Wheels as written in the staff report. In response to Council Member Higgins, he provided the information regarding the mobile tire business. Also in response to Council Member Higgin's question, Director King stated that the City got involved when complaints were received and the Code Compliance Officer and the Fire Department inspected the business site. He added that the business owner continued the outdoor storage of tires on site after being informed that it was not allowed. Council Member Higgins questioned what makes the City think he will come into compliance when no one is asking him to.

The City Council Members commented on the health hazards of the outside tire storage and the concerns regarding compliance with the zoning on Sixth Street.

**Chief Bryan** stated that typically the Fire Department inspects annually and additionally if there is a request. He noted that tire storage presents a significant hazard and if the storage is anywhere near a residential area, the preference would be to store the tires in containers.

**Tom Maroney.** Mr. Maroney stated that he is the owner of the property, noting that there was never a horse trailer business on that property. He further commented on his business and added that he clearly does not understand the problem, noting that the Fire Department approved the storage containers. He asked the Council to allow the business with no time limit terms required.

**Randy Maroney.** Mr. Maroney stated that he has no problem with the tires and further commented on the other automotive and non-compliant businesses located on Sixth Street.

**Jason Ferguson.** Mr. Ferguson stated that he lives on the site and operates Rubber-on-Wheels. He further commented on his business and the inspections that took place by the Fire Department. He noted that he has stayed within the guidelines and was unaware of the business license requirements. He stated that he wants to be part of Norco and asked for reconsideration from the Council.

**Pamela Smith.** Commented on her concerns regarding customer service provided by City staff.

The City Council Members further commented and discussed the compliance issues regarding the business owner obtaining a CUP and the storage of the tires on the site.

**M/S Kathy/Hanna to execute an agreement with the owner of Rubber-on-Wheels with terms stating that the City will waive the Conditional Use Permit requirement for one year, the Owner will store all onsite tires in Fire Department-approved containers, and the Owner will not provide any services on the business site. The motion was carried by the following roll call vote:**

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

**Council Member Hanna:**

- ‡ Stated that the Northwest Mosquito Vector Abatement District purchased new trucks from Hemborg Ford through the competitive bidding process.

**Mayor Pro Tem Azevedo:**

- ‡ Complimented Mayor Bash for his work on the Pearl Harbor event.
- ‡ Thanked the Parade of Lights Committee for its efforts.
- ‡ Thanked Council Member Hanna for the amazing year he served as Mayor.
- ‡ Stated that she is working with a business owner who just opened a new boutique on Sixth Street and is also planning to open a steak house on Sixth Street. She added that the boutique grand opening will be held on Saturday from 11 a.m. to 4 p.m.

**Council Member Sullivan:**

- ‡ Thanked Council Member Hanna for the extra time he put in as Mayor.
- ‡ Stated that he wanted to clear up the issue regarding his support of one of the City Council candidates, noting that his name was referenced by this individual without his approval.

**Mayor Bash:**

- ‡ Thanked everyone for their help at the Pearl Harbor event.
- ‡ Commented on his duties as Mayor and what an honor it is to serve in this capacity. He added that his first goal is to preserve the City's lifestyle and create economic development. He further asked that everyone respect those that speak at the podium at Council meetings. He also noted his desire for everyone to tell the truth and represent the City in a positive manner.

9. OTHER MATTERS – STAFF: None received

10. ADJOURNMENT: There being no further business to come before the City Council, Mayor Bash adjourned the meeting at 9:30 p.m.

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BRENDA K. JACOBS, CMC  
CITY CLERK

## CITY OF NORCO STAFF REPORT

TO: Honorable Chairman and Members of the Agency Board

FROM: John R. Harper, City Attorney

PREPARED BY: John R. Harper, City Attorney

DATE: January 18, 2012

SUBJECT: Transfer of City Hall Property from the Norco Redevelopment Agency to the City of Norco and the Corona-Norco Unified School District

RECOMMENDATION: Adopt **CRA Resolution No. 2012-\_\_\_**, authorizing the Norco Redevelopment Agency to Convey Property to the City of Norco and the Corona-Norco Unified School District pursuant to the Disposition, Development and Shared Use Public Facilities Agreement.

SUMMARY: On or about February 25, 1992, Starr Management Corporation conveyed certain property to the Norco Redevelopment Agency to be utilized by the Agency, the City and the Corona-Norco Unified School District pursuant to a Disposition, Development and Shared Use Public Facilities Agreement, dated February 5, 1992 (the "DDA"). The property conveyed is comprised of three (3) parcels as follows: the City parcel, the District parcel and the Housing parcel. Pursuant to the DDA, the District parcel was required to have been conveyed to the Corona-Norco Unified School District upon payment of the District's proportionate share of the purchase price, which was paid at the time of the conveyance to the Agency. It has been discovered that, inadvertently, the property was not actually conveyed at that time, although the obligation to convey the property remains. The remaining parcels are subject to a twenty (20) year lease, during which time, the City has the contractual right to acquire the property by exercising its option to purchase the property for one dollar (\$1.00). The Lease will expire on or about February 5, 2012.

BACKGROUND / ANALYSIS: Pursuant to the foregoing DDA, the Agency has a legal obligation to convey the District Parcel to the Corona-Norco Unified School District, and upon demand by the City, to convey the remaining property to the City. Since the Lease is nearing its expiration, and given the uncertainties currently surrounding community redevelopment agencies, the City has exercised its option to purchase and request that the property be transferred by the Agency to the City and the Agency should likewise convey the District Parcel to the Corona-Norco Unified School District.

FISCAL IMPACT: NONE

/80134

## CRA RESOLUTION NO. 2012-\_\_

### A RESOLUTION OF THE NORCO REDEVELOPMENT AGENCY AUTHORIZING THE AGENCY TO CONVEY PROPERTY TO THE CITY OF NORCO AND TO THE CORONA-NORCO UNIFIED SCHOOL DISTRICT PURSUANT TO THE DISPOSITION, DEVELOPMENT AND SHARED USE PUBLIC FACILITIES AGREEMENT

WHEREAS, on or about February 25, 1992, Starr Management Corporation conveyed certain property to the Norco Redevelopment Agency to be utilized by the Agency, the City and the Corona-Norco Unified School District pursuant to a Disposition Development and Shared Use Public Facilities Agreement, dated February 5, 1992 (the "DDA"); and

WHEREAS, the property conveyed is comprised of three (3) parcels as follows: the City Parcel, the District Parcel and the Housing Parcel; and

WHEREAS, pursuant to the DDA, the District Parcel was required to have been conveyed to the Corona-Norco Unified School District upon payment of the District's proportionate share of the purchase price, which was made at the time of the conveyance to the Agency; and

WHEREAS, it has been discovered that inadvertently, the property was not actually conveyed at that time, although the obligation to convey the property remains; and

WHEREAS, the remaining parcels are subject to a twenty (20) year lease, during which time, the City may acquire by the property by exercising its option to purchase the property for one dollar (\$1.00), and

WHEREAS, the Lease will expire on or about February 5, 2012; and

WHEREAS, the City of Norco has duly exercised its option to purchase.

NOW, THEREFORE, the Board of Directors of the Norco Redevelopment Agency 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 having exercised its option to purchase that property described in Exhibit "A" attached hereto, the Norco Redevelopment Agency hereby authorizes the immediate conveyance of the subject property to the City.

SECTION 3: The Norco Redevelopment Agency hereby authorizes the immediate conveyance of that property described in Exhibit "B", attached hereto to the Corona-Norco Unified School District, as required by the Disposition, Development and Shared Use Public Facilities Agreement.

SECTION 4: The Agency hereby authorizes the Executive Director to approve and execute any documents necessary in order to effectuate the subject conveyance.

SECTION 5: EFFECTIVE DATE. This Resolution shall become effective upon approval by the Board of Directors of the Norco Redevelopment Agency.

PASSED AND ADOPTED by the Norco Redevelopment Agency at a regular meeting held on January 18, 2012.

\_\_\_\_\_  
Chairman  
Norco Redevelopment Agency

ATTEST:

\_\_\_\_\_  
Secretary, Norco Redevelopment Agency

Approved as to Form:

\_\_\_\_\_  
John R. Harper, City Attorney

I, BRENDA K. JACOBS, Secretary of the Norco Redevelopment Agency, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Norco Redevelopment Agency at a regular meeting thereof held on January 18, 2012, by the following vote of the Norco Redevelopment Agency Members:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Norco Redevelopment Agency on January 18, 2012.

\_\_\_\_\_  
Secretary, Norco Redevelopment Agency

/80136

EXHIBIT "A"

Parcel "1" (City Parcel)

Parcel 1 of Parcel Map 25989, as recorded in Parcel Map Book 169, Pages 58 and 59, Records of the Riverside County.

Parcel "3" (Housing Parcel)

Parcel 3 of Parcel Map 25989, as recorded in Parcel Map Book 169, Pages 58 and 59, Records of the Riverside County

EXHIBIT "B"

Parcel "2" (District Parcel)

Parcel 2 of Parcel Map 25989, as recorded in Parcel Map Book 169, Pages 58 and 59, Records of the Riverside County.

# 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: January 18, 2012

SUBJECT: Report on Fiscal Year 2011 Audited Financial Reports

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2011 Audited Financial Reports.

**SUMMARY:** Staff recommends that the City Council receive and file the City's Comprehensive Annual Financial Report (CAFR) and other related reports for the fiscal year-ended June 30, 2011. The audited reports received an unqualified opinion from the City's independent auditors.

**BACKGROUND/ANALYSIS:** The City's independent auditors, Rogers, Anderson, Malody & Scott, LLP, have completed the year-end annual independent audit of City funds and accounts for fiscal year 2010/2011. The City's annual financial reports were prepared in accordance with Generally Accepted Accounting Principles (GAAP) and comply with other rules and regulations applicable to government entities. Transmitted herewith for City Council's information are the following financial reports for the fiscal year ended June 30, 2011:

1. Comprehensive Annual Financial Report
2. Required Independent Auditors' Communication to the City Council
3. Auditors' Report on Appropriations Limit Calculation
4. Auditors' Report on Internal Control over financial Reporting and on Compliance

These reports are presented in the same format as last year's. A representative from the independent audit firm will be at the City Council meeting to provide an overview on the scope of their audit and the CAFR. It is to be noted that the Independent Auditors' Communication to the City Council do not contain any findings of grants violations, inappropriate application of accounting guidelines and rules or disagreements between management and the independent auditors.

FISCAL IMPACT: None

/jk-79986

Attachments: Items 1 - 4

**Agenda Item 3.A.**



**MINUTES**  
**CITY OF NORCO**  
CITY COUNCIL SPECIAL MEETING  
NORCO CITY HALL  
CONFERENCE ROOMS "A" AND "B"  
2870 CLARK AVENUE  
NORCO, CA 92860  
JANUARY 11, 2012

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

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

PLEDGE OF ALLEGIANCE: Vern Showalter

3. CITY COUNCIL PRESENTATION:

A. Update on the Status of the Norco Community Redevelopment Agency following the California Supreme Court Ruling on Assembly Bill 26 (the "Dissolution Act")

**City Manager Groves** presented an update regarding Assembly Bill 26. She noted that this is the best information staff has to present to this date and time, adding that timing is critical and some actions will depend on the possibility of the dissolution date being moved to April 15<sup>th</sup>. The roles of the Successor Agency were presented, as well as information regarding AB 26. The benefits and downsides of becoming the Successor Agency and the Successor Housing Agency were presented and discussed, as well as the key dates that will need to be met.

Discussion took place regarding entering into any new contracts, as well as existing contracts, in regards to fulfilling the Agency's financial obligations. City Attorney Harper stated that the legislature cannot impair contracts and those payments will be made, with any excess going to the taxing entities.

Deputy City Manager/Director of Finance Okoro added that once the Agency dissolves, the Agency fund balance will be transferred back to the County, who is then responsible to distribute it to taxing entities. He added that going forward, the county will keep the tax increment in a fund established and will allocate the funds in accordance with the adopted Recognized Obligation Payment Schedule ("ROPS").

The property and title held by the Norco CRA was presented for information purposes, followed by the status of the Norco CRA Bond Proceeds and Capital Projects as of December 31, 2011.

**Mayor Pro Tem Azevedo** stated that she supports staff's recommendations.

**Council Member Sullivan** stated that everyone needs to work together to do what is best for the City of Norco in order to get through these challenging times.

4. PUBLIC COMMENTS:

**Vern Showalter.** Mr. Showalter asked if there would be any tax increment money left over after paying debt service. Deputy City Manager/Director of Finance Okoro responded that based on projected tax increment, after all the other taxing entities receive pass through payments and other amounts due, the amount left over for the City to pay the remaining debt service is lower than the amount required. He added that the remaining fund balance is what has been sustaining the Agency and eventually that remaining balance will run out.

5. CITY COUNCIL ACTION ITEM:

- A. Election Regarding the City of Norco Serving as Successor Agency to the Norco Community Redevelopment Agency

**Recommended Action: Adopt Resolution No. 2012-01, electing to serve as the Successor Agency of the Norco Community Redevelopment Agency; and adopt Resolution No. 2012-02, electing not to serve as the Successor Housing Agency of the Norco Community Redevelopment Agency. (City Manager and Deputy City Manager/Director of Finance)**

**M/S Sullivan/Bash to adopt Resolution No. 2012-01, electing to serve as the Successor Agency of the Norco Community Redevelopment Agency; and adopt Resolution No. 2012-02, electing not to serve as the Successor Housing Agency of the Norco Community Redevelopment Agency. The motion was carried by the following roll call vote:**

**AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

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

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

Case Name: City of Norco vs All Persons Interested

Case Number: RIC 1112463

**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.**

7. ADJOURNMENT: There being no further business to come before the City Council, Mayor Bash adjourned the meeting at 7:41 p.m.



**RECAP OF ACTIONS TAKEN AGENDA**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
December 14, 2011

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1. CALL TO ORDER: **7:00 p.m.**
2. ROLL CALL: **Chair Wright, Vice Chair Henderson, Commission Members Hedges, Jaffarian and Leonard**
3. STAFF PRESENT: **Planning Director King, Senior Planner Robles, Planning Executive Secretary Dvorak**
4. PLEDGE OF ALLEGIANCE: **Vice-Chair Henderson**
5. APPEAL NOTICE: **Read by Staff**
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **None**
7. APPROVAL OF MINUTES: Minutes of November 9, 2011. **Recommended Action: Approval** (Deputy City Clerk): **Approved 4-0 (Jaffarian absent)**
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARINGS
  - A. **Resolution 2011-\_\_**: Conditional Use Permit 2011-22 (Arbid): A Request for Approval to Allow an Accessory Building Consisting of a 1,800 Square-Foot Metal Storage Building at 5400 Trail Street Located within the A-1-20 Zone. **Recommended Action: Approval (SP Robles): Approved 3-2 (Leonard and Hedges)**
  - B. **Resolution 2011-\_\_**: Conditional Use Permit 2011-23 (Bartz): A Request for Approval to Allow an Accessory Building Consisting of a 2,352 Square-Foot Barn at 109 Breeders Cup Place Located within the Norco Ridge Ranch Specific Plan. **Recommended Action: Approval (SP Robles): Approved 5-0**
  - C. **Resolution 2011-\_\_**: Conditional Use Permit 2011-24 (Levicke): A Request for Approval to Allow Three Additional Animal Units at 4830 Pedley Avenue Located within the A-1-20 Zone. **Recommended Action: Approval (SP Robles): Approved 5-0**
  - D. **Resolution 2011-\_\_**: Conditional Use Permit 2011-25 (Smith/Everson): A Request for Approval to Allow an Accessory Building Consisting of a 2,025 Square-Foot Mare Motel at 3067 Triple Crown Circle Located within the A-1-20 Zone. **Recommended Action: Approval (SP Robles): Approved 5-0**

10. BUSINESS ITEMS:
  - A. Site Plan 2011-20 (Zoetemelk): A Request for Approval to Allow an Accessory Building Consisting of a 174 Square-Foot Windmill with a Base Height of 23 Feet and Blade Height (from Finished Grade) of about 40 Feet at 1407 Second Street Located within the A-1-20 Zone. **Recommended Action: Approval (SP Robles): Denied 4-1 without prejudice (Jaffarian)**
  - B. Appointment of Two Planning Commissioners to Serve on the Sign Code Ad-Hoc Working Group. **Recommended Action: Two Appointments (PD King): Commissioners Henderson and Hedges were appointed**
11. CITY COUNCIL: **Received and Filed**
  - A. Recap of Actions Taken at the December 7, 2011 City Council/Community Redevelopment Agency Meeting.
  - B. City Council Minutes dated November 2, November 16, and November 29, 2011
12. PLANNING COMMISSION: Oral Reports from Various Committees: **None**
13. STAFF: Current Work Program: **Received and Filed**
14. OTHER MATTERS: Follow-up on Items from Previous Meetings (Director King): **None**
15. ADJOURNMENT: **8:29 p.m.**



**RECAP OF ACTIONS TAKEN AGENDA**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
JANUARY 11, 2012

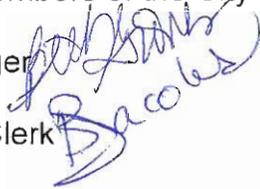
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1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: **Chair Wright, Vice Chair Henderson, Commission Members Hedges, and Leonard (Jaffarian absent)**
3. STAFF PRESENT: **Planning Director King, Senior Planner Robles, Planning Intern Acuna**
4. PLEDGE OF ALLEGIANCE: **Vice-Chair Henderson**
5. APPEAL NOTICE: **Read by Staff**
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **None**
7. APPROVAL OF MINUTES: Minutes of December 14, 2011. **Recommended Action: Approval** (Deputy City Clerk): **Approved 4-0**
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARINGS
  - A. **Resolution 2012-\_\_\_**; Conditional Use Permit 2011-26 (JR Audio): A Request for Approval to Allow a Business that Consists of Retail Sales and Installation of Audio and Related Motor Sports Accessories at 1701 Hamner Avenue Located in the M-1 (within a CTO – Commercial Transition Overlay) Zone. **Recommended Action: Approval** (SP Robles): **Approved 4-0**
  - B. **Resolution 2012-\_\_\_**; Conditional Use Permit 2011-27 (Gilmore): A Request for Approval to Allow an Accessory Building Consisting of a 2,520 Square-Foot Recreation Vehicle/Trailer Storage Building at 4127 Temescal Avenue Located within the A-1-20 Zone. **Recommended Action: Approval** (SP Robles): **Continued 4-0 to the meeting of February 8, 2012**
  - C. **Resolution 2012-\_\_\_**; Zone Code Amendment 2011-05 (City): A City-Initiated Proposal to Amend Title 18 of the Norco Municipal Code by Amending the Provisions of Chapter 18.39 Entitled “General Provisions – Non-Conforming Uses, Lots and Structures”, to Establish Criteria for the Issuance of “Rebuild” Letters. **Recommended Action: Recommendation for Approval** (SP Robles): **Continued 4-0 to the meeting of February 8, 2012**

10. BUSINESS ITEMS:
  - A. **Resolution 2012-\_\_\_**; Denial Resolution Prepared for Site Plan 2011-21 (Zoetemelk) (denied December 14, 2011) **Recommended Action: Review and Direct Chair to Sign** (SP Robles): **Approved for Signature 4-0**
  - B. **Resolution 2012-\_\_\_**; Site Plan 2011-05 (Beckman): A Request for Approval to Allow an Accessory Building Consisting of a 439 Square-Foot Storage Shed at 249 Oldenburg Lane Located within the Norco Ridge Ranch Specific Plan (NRRSP). **Recommended Action: Approval** (SP Robles): **Approved 4-0**
  - C. **Resolutions 2012-\_\_\_, \_\_\_, \_\_\_, \_\_\_**; Denial Resolutions Prepared for Master Site Plan 2011-07 Phase 1 (Site Plans 2011-09, -11); Phase 2 (Site Plans 2011-08, -10); Phase 3 (Site Plans 2011-12, -13); Tentative Parcel Map 36392 (Alere Group) (denied September 14, 2011) **Recommended Action: Review and Direct Chair to Sign** (PD King): **Approved for Signature 4-0**
11. CITY COUNCIL: No Recaps or Minutes to Report
12. PLANNING COMMISSION: Oral Reports from Various Committees: **Received and Filed**
13. STAFF: Current Work Program: **Received and Filed**
14. OTHER MATTERS
  - A. Follow-up on Items from Previous Meetings (Director King): **None**
15. ADJOURNMENT: **8:05 p.m.**

# 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: January 18, 2012

SUBJECT: Appointments to Standing Committees and Other Governmental Agencies

RECOMMENDATION: Approve the following Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2012 calendar year:

**Audit Committee**

**(Appoint 2)**

Kevin Bash  
Kathy Azevedo

**Chino Basin Desalter Authority Board**

**(Appoint 1 and 1 Alternate)**

Harvey Sullivan  
Public Works Director Bill Thompson (Alternate)

**Corona-Norco Schools Committee**

**(Appoint 2)**

Kevin Bash  
Kathy Azevedo

**Economic Development Advisory Council**

**(Appoint 2)**

Kevin Bash  
Kathy Azevedo

**Northwest Mosquito Abatement District**

**(Appoint 1)**

Berwin Hanna

**Riverside Conservation Authority**

**(Appoint 1 and 1 Alternate)**

Kevin Bash  
Berwin Hanna (Alternate)

**Riverside County Free Library  
Advisory Committee**

**(Appoint 1)**

Kevin Bash

**Riverside County Transportation Commission** (Appoint 1 and 1 Alternate)  
Berwin Hanna  
Kathy Azevedo (Alternate)

**Riverside Transit Agency** (Appoint 1 and 1 Alternate)  
Harvey Sullivan  
Berwin Hanna (Alternate)

**U.N.L.O.A.D.** (Appoint 2)  
Kathy Azevedo (Chair)  
Herb Higgins (Vice Chair)

**Western Riverside Council of Governments** (Appoint 1 and 1 Alternate)  
Kathy Azevedo  
Berwin Hanna (Alternate)

**Transportation Uniform Mitigation Fee** (Appoint 1 and 1 Alternate)  
**(TUMF) Northwest Zone Committee (WRCOG)**  
Kathy Azevedo  
Berwin Hanna (Alternate)

**Western Riverside County** (Appoint 1 and 1 Alternate)  
**Regional Wastewater Authority**  
Harvey Sullivan  
Berwin Hanna (Alternate)

**Waste-to-Energy Working Group** (Appoint 2)  
Harvey Sullivan  
Berwin Hanna

BACKGROUND/ANALYSIS: Each calendar year, the Mayor makes Council appointments to various standing committees and other governmental agencies. The Mayor-recommended appointments to these standing committees and other governmental agencies for the 2012 calendar year are presented for approval by the City Council to become effective immediately.

## 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: January 18, 2012

SUBJECT: Award of Contract for Building Division Plan Check Services

RECOMMENDATION: Award a professional services contract to JAS Pacific and Willdan Engineering to perform plan check services through June 30, 2012.

**SUMMARY:** The City has solicited and received five professional plan check service proposals for the City of Norco Building Division and Fire Department. JAS Pacific and Willdan Engineering were selected by staff to perform plan check services. Both firms have the necessary qualifications to provide plan check services.

**BACKGROUND/ANALYSIS:** On October 18, 2011, the City sent out a solicitation for professional plan check services to eight local consulting firms who were selected because of their outstanding reputation in the industry. On November 1, 2011, a total of five companies submitted proposals, which were reviewed by staff in order to determine which of these companies were the best qualified at the lowest cost. Staff concluded that JAS Pacific, 201 N. Euclid Avenue, Suite B, Upland CA and Willdan Engineering, 659 E. Hospitality Lane, Suite 400, San Bernardino CA, both met this criterion.

The initial contract period would be executed through June 30, 2012, with a provision to offer an option of four (4) additional one (1) year renewal periods upon mutual agreement of the parties.

**FINANCIAL IMPACT:** The two recommended companies charge approximately 65% of the plan check fees that are collected by the Building Division. Sufficient funds are available within the approved 2011/12 Building Division Budget. (121.752 Contractual Services)

Attachments: Exhibit A - Building Division Plan Check Services – RFP Results

kc/wrt/79950

**BUILDING DIVISION PLAN CHECK SERVICES**  
**RFP 2012 RESULTS**

(Revised 01/09/12)

<b>Company</b>	<b>Non-Repetitive</b> (% of plan check fee collected by the City)	<b>Repetitive</b> (% of the plan check fee collected by the City)	<b>Building Code Rating of credentials and experience (1 – 10)</b>	<b>Plan Check Hourly Rate (Plan Check Eng.)</b>
West Coast Consultants Inc.	70	70	Credentials – 10 Experience - 10	\$110/hr
JAS Pacific	65	45	Credentials – 10 Experience - 10	\$83/hr
Willdan	<b>75 up to \$50k value</b> <b>70 from \$50k – 1 million</b> 65 from 1 mil to 5 mil 55 from 5 mil to 10 mil 50 over 10 mil	<b>75 up to \$50k value</b> <b>70 from \$50k – 1 million</b> 65 from 1 mil to 5 mil 55 from 5 mil to 10 mil 50 over 10 mil	Credentials – 10 Experience - 10	\$100/hr
Interwest	<b>65 up to 100k</b> 60 from 100k – 500k 55 500k and up	<b>65 up to 100k</b> 60 from 100k – 500k 55 500k and up	Credentials – 10 Experience - 10	\$105/hr
Charles Abbott and Assoc.	65	65	Credentials – 9 Experience - 10	\$125/hr

\*\*\* Staff concluded the majority of projects submitted to the City of Norco Building Division fall between \$0 to \$100,000 in valuation. So, the plan check rates for Willdan and Interwest for valuations from \$0 to \$100,000 have been bolded and highlighted in this table.

/rfp results

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager *Beth Groves*

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

DATE: January 18, 2012

SUBJECT: Approval of First Amendment to the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Emergency Services Between the County of Riverside and City of Norco

RECOMMENDATION: Approve First Amendment to the Cooperative Agreement to provide fire protection, fire prevention, rescue and emergency services between the County of Riverside and City of Norco

**SUMMARY:** On October 5, 2011, the Norco City Council approved a Cooperative Agreement with the Riverside County Fire Department to provide fire protection and emergency medical services within the City of Norco. Under the Agreement, the City transferred ownership of two front line fire engines to the County. Staff is recommending that one of the two remaining reserve fire engines be also transferred to the County.

**BACKGROUND/ANALYSIS:** Effective January 1, 2012, fire and emergency medical services in the City of Norco are provided by Riverside County Fire Department through an Agreement with CAL FIRE. The Cooperative Agreement between the City and the County provides for the City to transfer ownership of two front line fire engines to the County. With the transfer, the City will make annual contribution of \$19,200 for each fire engine. In exchange, the County will assume all costs, liabilities and insurance related to the operations, maintenance and replacement of the front line fire engines. After the transfer of the two front line fire engines, the City still owns two fire engines which were used as reserve engines when the City operated its own fire department

The County of Riverside is requesting that the City transfer ownership of one of the reserve fire engines to the County. The reserve fire engine will be used as part of an integrated unit for fire services as needed within the County-CAL FIRE Service Area. The reserve fire engine if transferred to the County will be stationed primarily in the City of Norco. After transfer, the County will be responsible for all liabilities, costs and insurance related to the operations, maintenance and future replacement of the fire engine. The City will not be required to make the annual contribution of \$19,200 required for the front line fire engines. Staff believes that transferring one of the reserve fire engines to the County is in the spirit of CAL FIRE's goal to provide multi-jurisdictional quality and timely fire and emergency medical services to participating partners. Consequently, staff is recommending that the City Council approve the transfer of a City owned 1999 Saulsbury Fire Engine with vehicle identification number

Approval of First Amendment to the Cooperative Agreement  
Between the City of Norco and Riverside County for Fire Services  
Page 2  
January 18, 2012

4S7AT4196XC032930 to the County of Riverside. Staff will bring back to the City Council a recommendation to declare the remaining reserve fire engine surplus and for subsequent sale through appropriate method.

FISCAL IMPACT: The City does not have any encumbrances in the form of loans or other obligations on the fire engine to be transferred to the County. The engine was originally purchased in 1999 for \$305,230 and still has estimated remaining useful life of 7 years.

/ao-80116

Attachment: First Amendment to Cooperative Agreement

**FIRST AMENDMENT TO “A COOPERATIVE AGREEMENT TO PROVIDE  
FIRE PROTECTION, FIRE PREVENTION, RESCUE AND MEDICAL  
EMERGENCY SERVICES FOR THE CITY OF NORCO”**

THIS FIRST AMENDMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the County of Riverside, a political subdivision of the State of California, on behalf of the Fire Department, (hereinafter referred to as “COUNTY”) and the City of Norco, a duly created city, (hereinafter referred to as “CITY”), whereby it is agreed as follows:

1. Recitals. This First Amendment is made with respect to the following purposed and facts which each of the parties agree to be true and correct:

A. On November 1, 2011 the COUNTY and the CITY entered into that certain agreement entitled: “A Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Norco” (hereinafter referred to as the “Agreement”).

B. The parties now wish to amend the Agreement to provide for a new Exhibit D to the Agreement setting forth the arrangement of the Reserve Fire Engine Use Agreement.

2. Exhibit “D”. This Exhibit D, dated November 17, 2011 is hereby attached and incorporated to said Agreement.

3. Other Terms Remain. Except as specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

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[Signature Provisions on following page]

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: \_\_\_\_\_ CITY OF NORCO

By: \_\_\_\_\_  
KEVIN BASH  
Mayor

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
BRENDA K. JACOBS, CMC  
City Clerk

By: \_\_\_\_\_  
JOHN HARPER  
City Attorney

(SEAL)

Dated: \_\_\_\_\_ COUNTY OF RIVERSIDE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:  
PAMELA J. WALLS,  
County Counsel

KECIA HARPER-IHEM  
Clerk of the Board

By: \_\_\_\_\_  
SYNTHIA M. GUNZEL  
Deputy County Counsel

By: \_\_\_\_\_

(SEAL)

**EXHIBIT "D"**

**TO THE COOPERATIVE AGREEMENT  
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE  
AND MEDICAL AID FOR THE CITY OF NORCO  
DATED NOVEMBER 17, 2011**

**ADDITIONAL SERVICES  
RESERVE FIRE ENGINE USE AGREEMENT**

Reserve Fire Engine 1      License No. 1065663      VIN No. 4S7AT4196XC032930

The Reserve Fire Engine Use Agreement is utilized in the event that a fire engine(s) which was initially purchased by the CITY, and then the CITY elects to have the COUNTY take responsibility of said fire engine(s).

This reserve fire engine(s) shall be used as an integrated unit for Fire Services as set forth in this Cooperative Agreement between the COUNTY and CITY, and shall be stationed primarily in the CITY. The change in ownership of the fire engine does not waive or supersede any responsibilities of the CITY pursuant to this agreement. This exhibit is strictly to further detail for the CITY, the responsibilities and costs associated within the Cooperative Agreement between the COUNTY and CITY; therefore, the Reserve Fire Engine Use Agreement is inseparable.

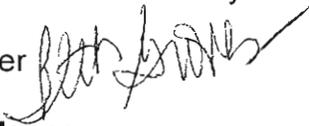
The CITY will have the option of transferring title of said fire engine(s) to the COUNTY. If the CITY transfers title of said fire engine(s) to the County, the County will take ownership of the said fire engine(s), and the County will maintain insurance on said fire engine(s). If the CITY opts to maintain ownership and title of said fire engine(s), the CITY will maintain insurance on said fire engine(s). Proof of Insurance is to be provided to the COUNTY.

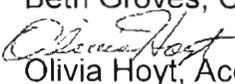
The COUNTY will be responsible for the cost of operations, maintenance, and repairs. All capital improvements and/or betterments to the fire engine(s) listed above, will be the responsibility and paid for by the owner of fire engine(s) under this Agreement.

When the Riverside County Fire Department Fleet personnel determine the fire engine(s) listed above is due for replacement, the COUNTY will notify the CITY; and the owner of said fire engine(s) can survey the old fire engine(s). The CITY has no obligation to replace the reserve fire engine at any time.

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY:   
Olivia Hoyt, Accounting Manager

DATE: January 18, 2012

SUBJECT: Participation in the Franchise Tax Board Interagency Intercept Collection Program

RECOMMENDATION: **Adopt Resolution No. 2012-\_\_\_**, approving the City's participation in the Franchise Tax Board Interagency Intercept Collection Program.

**SUMMARY:** The Franchise Tax Board Interagency Intercept Collection Program is administered in conjunction with the State controller's Office. The program is for California colleges, government agencies, Cities and Counties. Participating agencies submit delinquent debtor account information including social security number (SSN), name of debtor and amount owed. A match on both SSN and name control is required before a payment will be made to participating agencies. Payment agencies include the Franchise Tax Board (FTB), California State Lottery and State Controller's Office (SCO) Unclaimed Property Division.

**BACKGROUND/ANALYSIS:** The City's current practice is to submit account receivables for collection by the City's collection agency when an account has not been paid for more than 90 days from the invoice date. The City is proposing to participate in the Franchise Tax Board Interagency Intercept Collection Program by sending account receivables that remain uncollected after a year with the City's collection agency. This will improve the City's efforts to collect any outstanding balance since the State would be forwarding monies that would normally be paid from tax refunds, lottery winnings or unclaimed property.

The Franchise Tax Board Interagency Intercept Collection Program determines the amount to be distributed to each participating agency according to an account hierarchy that prioritizes distributions for child support, spousal support, victim compensation and benefit overpayments pursued by the Employment Development Department.

In April, SCO, California State Lottery, and FTB calculate the program's costs and divide the program costs by the number of successful pay outs for the previous year.

As a result, the program fee may vary from year to year. The cost for calendar year 2011 is \$1.50 for each successful collection of accounts receivables.

**FINANCIAL IMPACT:** The annual cost to participate in the Franchise Tax Board Interagency Intercept Collection Program will be borne by customers who do not pay their utility account or miscellaneous account receivables.

/oh-80058

Attachment: Resolution No. 2012-\_\_\_\_

## RESOLUTION NO. 2012-\_\_

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE CITY'S PARTICIPATION IN THE FRANCHISE TAX BOARD INTERAGENCY INTERCEPT COLLECTION PROGRAM

WHEREAS, the City of Norco is requesting that the City's collection agency return all unpaid accounts after a year; and

WHEREAS, the City will use the Franchise Tax board Interagency Intercept Collection program to collect on those accounts; and

WHEREAS, the City will be billed by the State Controller's Office in April for service fees resulting from the collection on City of accounts during the previous year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norco that it desires to participate in the Franchise Tax Board Interagency Intercept Collection Program.

APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on January 18, 2012.

\_\_\_\_\_  
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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on January 18, 2012, by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

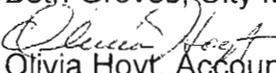
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on January 18, 2012.

\_\_\_\_\_  
Brenda K Jacobs, 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:   
Olivia Hoyt, Accounting Manager

DATE: January 18, 2012

SUBJECT: Approval of an Agreement for Delinquent Account Collection Services with Marigold Financial, LLC

RECOMMENDATION: Approve the agreement for delinquent account collection services with Marigold Financial, LLC.

**SUMMARY:** Staff is recommending that the Council approve an agreement with Marigold Financial for the collection of City delinquent accounts receivables that remain unpaid more than 90 days after City bills the customer. This does not include delinquent accounts of active utility customers.

**BACKGROUND/ANALYSIS:** The City was notified recently by its current collection agency, Asset Management Recovery Services (AMRS) that it would no longer be able to provide collection services for the City because the company is no longer providing this service. The City's current practice is to submit delinquent utility accounts for collection only when the account has been closed and no payment has been received for the balance due on the account more than 90 days from the date of the final bill. Other miscellaneous delinquent accounts receivable are turned over to collection if they remain unpaid more than 90 days from the date of the invoice. Based on available records, it is estimated that less than \$50,000 is annually turned over to collection. Of this amount, only 20% is ultimately collected.

Marigold Financial performs similar services to several cities. Staff has contacted three of those cities and they report satisfactory performance by Marigold Financial. Under this proposed agreement, the City would be submitting delinquent accounts to Marigold Financial for collection as described above and would pay Marigold Financial a 25% fee of the value of accounts collected. Accounts that have not been collected after a year would be returned to the City for collection through the Franchise Tax Board (FTB) Interagency Intercept Collection Program. A separate report has been prepared recommending that the City Council approve the City participation in the FTB Intercept Program.

**FINANCIAL IMPACT:** The 25% collection fee to be paid Marigold Financial is recommended to be added to the delinquent amount.

/oh-80011

Attachment: Agreement

## Collection Agency Agreement

This agreement, made on \_\_\_\_\_ is by and between **The City of Norco**, hereinafter called "**Client**" and **Marigold Financial, LLC**, hereinafter called "**Agency**".

The parties hereto mutually agree to the following:

1. Client will refer to Agency accounts for collection as agreed to from time to time. Client will, when it deems appropriate, assign to Agency, in writing, all right, title, and interest in each and every account or returned items.
2. Agency will diligently apply all efforts to collect each and every account referred or assigned for collection, but will refrain from using any approach or method which would be contrary or detrimental to Client's policies or public image.
3. Agency's sole compensation for services rendered hereinunder will be in the form of a contingency fee basis on monies collected after referral or assignment, regardless if the monies are received by Agency or by Client. **The contingency fee rate(s) are referred to in Appendix "A"**.
4. Client will add the collection cost percentage to all customer accounts before being sent to Agency. Thus, Agency will calculate the commission percentage on each account balance submitted by dividing the total of each account by (1+percentage) before applying the commission percentage. For example, assuming a 25% commission percentage, Agency will calculate a commission on the customer balance as submitted by Client of \$100 as follows:  $\$100/1.25 \times 25\%$  or \$20.
5. Agency shall account for and remit all amounts received, less Agency commission, monthly to Client.
6. Agency will perform its services hereinunder in accordance with all laws, rules, and regulations applicable to Agency.
7. Agency will report the accounts to credit reporting agencies thirty days after assignment providing that an individual account is not in dispute.
8. All accounts that have been with Agency for a year starting from the date accounts are turned over to Agency and remain uncollected will be returned to Client. Client will be using the State of California Intercept Program to collect on these accounts. Client will not be responsible for paying the Agency any commission once accounts have been returned to Client. The submission to Client of uncollected accounts by Agency that are a year old will be done monthly.

## Collection Agency Agreement

9. Agency's records, which relate to the accounts referred or assigned under this agreement shall be kept in accordance with generally accepted accounting principles and any applicable administrative rules, and shall be available to client for inspection.

10. Either party may terminate this agreement upon giving thirty days prior written notice thereof to the other party setting the effective date of termination. Termination of the agreement shall not affect the obligation of either party to the other party pursuant to any right or cause of action which may have accrued or which may have been accruing prior to such termination. Upon termination of this agreement, Agency will deliver any of Client's property in Agency's possession to Client.

11. If either party petitions for relief under the Bankruptcy Act or is adjudicated a Bankrupt, or defaults in payment of any sum due hereinunder, then the other party shall, without further notice, have immediate right to terminate this agreement. Such termination shall be without prejudice to any other remedies, which the terminating party may have.

12. The terms, conditions, and warranties contained in this agreement that by their sense and context are intended to survive the performance thereof by either or both parties, shall so survive the completion of performance, cancellation, or termination of this agreement.

Written notifications shall be sent to the following addresses:

"Client"

**City of Norco  
Finance Department  
2870 Clark Road  
Norco, CA 92860**

"Agency"

**Marigold Financial, LLC  
3649 9<sup>th</sup> Street  
Riverside, CA 92501**

## Signature Page

In witness thereof, the parties hereto agree have caused this agreement to be executed by their respective duly authorized representatives.

“Client”

Beth Groves

Signature \_\_\_\_\_

City Manager

Date \_\_\_\_\_

“Agency”

Christopher T. Clarkson

Signature \_\_\_\_\_

Marigold Financial, LLC

Date \_\_\_\_\_

## Appendix "A"

Contingency fee will be in the amount of 25%.

### BLANKET SETTLEMENT AUTHORIZATION:

Authorization is given to the agents of Marigold Financial authority to negotiate a settlement up to 100% of the principal balance on any accounts assigned to the agency.

## 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: January 18, 2012

SUBJECT: Quarterly Investment Report for Quarter Ended December 31, 2011

RECOMMENDATION: Staff recommends that the City Council receive and file the Quarterly Investment Report for the Quarter Ended December 31, 2011.

**SUMMARY:** Staff is recommending that the City Council receive and file the City's quarterly investment report for the quarter ended December 31, 2011. This report has been prepared to meet the requirements of the City's Investment Policy and applicable sections of the State of California Government Code.

**BACKGROUND/ ANALYSIS:** The City's Investment Policy requires the Treasurer to render a quarterly report to the legislative body. The report is to be prepared in accordance with Government Code Section 53646 (b)(1) and should contain detailed information on all securities, investments, and monies of the local agency; a statement of compliance of the portfolio with the Statement of Investment Policy; and a statement of the City's ability to meet its cash flow requirements for the next six months. The law further requires that the quarterly report be submitted to the legislative body within 30 days from the end of the quarter. This report which is for the quarter ended December 31, 2011 meets the requirements of the Investment Policy and Government Code. It covers the City as well as the Norco Community Redevelopment Agency.

The attached schedules (attachments 1 through 4) have been prepared to meet the detailed requirements of the Government Code and the City's Investment Policy as approved by the Council on April 6, 2011. It is to be noted that the Investment Policy excludes certain investments of the City (bond proceeds) from these requirements. This means that funds from bond proceeds are invested in accordance with the provisions of the bond indentures rather than the provisions of the Investment Policy. Consequently, in determining whether the portfolio holdings are in compliance with the Government Code and the approved Investment Policy, investments of bond proceeds have been excluded.

Attachment 1 provides a summary schedule of the City's operating portfolio holdings by type as of December 31, 2011. This summary also provides information on whether or not each investment category complies with the limitations imposed by law and the City's Investment Policy. Investments that are subject to the Statement of Investment Policy are operating/idle funds invested by the Treasurer within the provisions of the approved Investment Policy. During the quarter ended December 31, 2011, operating portfolio

decreased by a net amount of \$2.6 million from \$32.8 million to \$30.2 million due to cash outflows from expenditures exceeding cash receipts from revenues. This is typical of the first and second quarters of the fiscal year when the City and the Agency receives minimal tax revenues. Expenditures in the second quarter include \$1.7 million in debt service payments.

Attachment 2 provides a graphical breakdown of the operating portfolio holdings by investment type as of December 31, 2011. This chart is for investments that are subject to the Investment Policy. More than 95% of the City and Redevelopment Agency operating cash is invested in the State of California Local Agency Investment Fund (LAIF). The remaining 5% comprises of cash and certificates of deposit.

A summary of investments not subject to the provisions of the Investment Policy (bond proceeds and debt service reserve funds) is also shown on Attachment 1. These funds are invested in accordance with applicable bond indenture provisions. During the quarter ended December 31, 2011, bond proceeds and debt service reserve fund portfolio decreased by a net amount of \$1.2 million from \$34.7 million to \$33.5 million due to bond proceeds expenditures for capital projects.

Attachment 3 provides a detailed listing of the City's portfolio holdings as required by the Government Code. In this listing, "N/A" is used to denote that the information is either not available or applicable. The market value of investments LAIF has been reported to equal cost because the City's investments in the pool are readily liquid and the market value of these investments approximates cost. Agency Securities issued by United States Government Sponsored Entities (GSEs) are rated "AAA" by Moody's and Fitch rating agencies. On August 6, 2011, Standard and Poors (S&P) Investor Service downgraded these securities to "AA+" from "AAA" rating. This action has had no impact on the market value of these securities.

## *CASH FLOWS*

After a challenging first half of the fiscal year during which General Fund cash balance reached a low of negative \$26,000 on December 31, 2011 staff estimates that General Fund cash inflows for the remainder of the fiscal year ending June 30, 2012 will be sufficient to cover cash outflows. As of Monday, January 10, 2012, the General Fund had a cash balance of over \$300,000.

FINANCIAL INPACT: Not Applicable.

/jk-79983

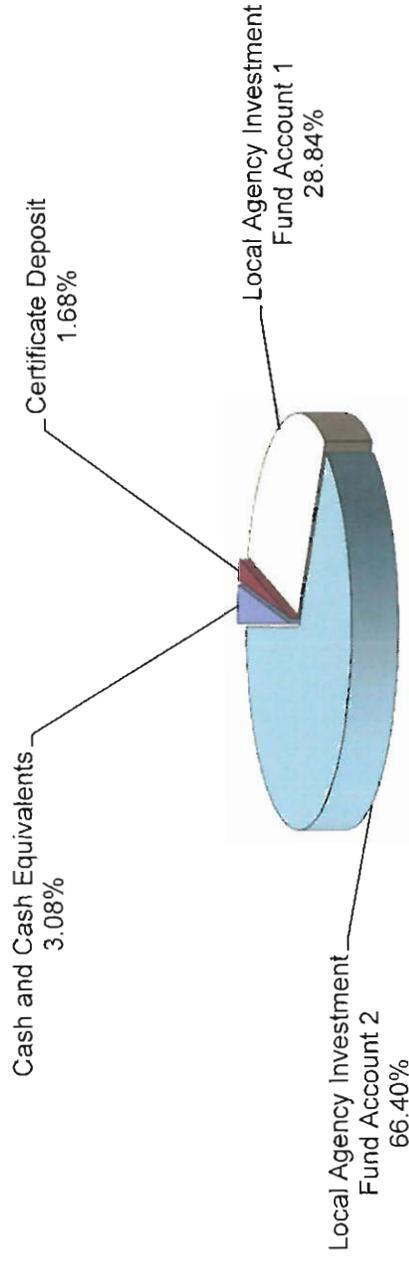
- Attachments: 1) Portfolio Summary  
2) Summary Graph  
3) Portfolio Details – "Investments Not Subject..."  
4) Certification Form

City of Norco, California  
 Portfolio Summary  
 As of December 31, 2011

City Investments Subject to Investment Policy	Market Value	Percentage	Policy Maximum	Compliance
Cash and Cash Equivalents	\$ 930,653	3.08%	15.00%	In Compliance
Certificate Deposit	506,642	1.68%	30.00%	In Compliance
Local Agency Investment Fund Account 1	8,706,003	28.84%	\$50.0 Million	In Compliance
Local Agency Investment Fund Account 2	20,041,147	66.40%	\$50.0 Million	In Compliance
Total	<u>\$ 30,184,445</u>	<u>100.00%</u>		

City Investments Not Subject to Investment Policy	Market Value	Percentage
Community Facilities Districts	\$ 2,778,949	8.30%
Sewer and Water System	16,963,894	50.66%
Refunding Tax Allocation Bonds	13,743,580	41.04%
Total	<u>\$ 33,486,423</u>	<u>100.00%</u>

**Summary of City Portfolio  
(Investments Subject to Investment Policy)  
As of December 31, 2011**



City of Norco, California  
 Portfolio Details  
 As of December 31, 2011  
 Investments Subject to Policy

Cash & Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Checking Accounts	Wells Fargo	N/A	N/A	0.00%	N/A	930,653	930,653
			<b>Subtotal</b>	<b>Wells Fargo</b>					<b>930,653</b>	<b>930,653</b>
10/21/2010	10/21/2011	3120019132	Certificate Deposit	Allstate Bank	N/A	1.49%	Various	N/A	153,647	153,647
4/8/2011	4/8/2013	3240002117	Certificate Deposit	Allstate Bank	N/A	2.23%	Various	N/A	100,835	100,835
4/21/2010	4/20/2012	2329958022	Certificate Deposit	Citizen Business Bk	N/A	0.90%	Various	N/A	100,935	100,935
5/20/2011	5/20/2012	2329958065	Certificate Deposit	Citizen Business Bk	N/A	0.70%	Various	N/A	151,224	151,224
			<b>Subtotal</b>	<b>Wells Fargo</b>					<b>506,642</b>	<b>506,642</b>

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 1	State of California	N/A	N/A	N/A	N/A	8,706,003	8,706,003
N/A	N/A	N/A	Local Agency Investment Fund Account 2	State of California	N/A	N/A	N/A	N/A	20,041,147	20,041,147
			<b>Subtotal</b>						<b>28,747,150</b>	<b>28,747,150</b>
			<b>Total Investments Subject to Policy</b>						<b>30,184,445</b>	<b>30,184,445</b>

City of Norco, California  
 Portfolio Details  
 As of December 31, 2011  
*Investments Not Subject to Policy (Bond Proceeds)*  
*Community Facilities Districts*

Cash and Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	First American Treasury Obligation	94496805 US Bank	N/A	N/A	0.00%	N/A	160,696	160,696
N/A	N/A	N/A	First American Treasury Obligation	94644000 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	First American Treasury Obligation	94644004 US Bank	N/A	N/A	0.00%	N/A	189,093	189,093
N/A	N/A	N/A	First American Treasury Obligation	794148000 US Bank	N/A	N/A	0.00%	N/A	77,338	77,338
N/A	N/A	N/A	First American Treasury Obligation	794148002 US Bank	N/A	N/A	0.00%	N/A	1,758,862	1,758,862
<b>Subtotal</b>									<b>2,185,990</b>	<b>2,185,990</b>

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 1 (CFD)	93-1 State of California	N/A	N/A	N/A	N/A	58,227	58,227
<b>Subtotal</b>									<b>58,227</b>	<b>58,227</b>

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
9/28/2011	9/28/2016	3136FR3E1	F N M A M T N	791884004 US Bank	AAA*	1.40%	1.40%	533,000	533,000	534,732
<b>Subtotal</b>									<b>533,000</b>	<b>534,732</b>
<b>Total Community Facilities Districts</b>									<b>2,777,217</b>	<b>2,778,949</b>

*Investments Not Subject to Policy (Bond Proceeds)*  
*Sewer and Water System*

Cash and Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	U.S. Bank N.A. Open, Commertical Paper	130584001 US Bank	N/A	N/A	0.00%	N/A	55	55
N/A	N/A	N/A	U.S. Bank N.A. Open, Commertical Paper	130584004 US Bank	N/A	N/A	0.05%	N/A	6,115,653	6,115,653
<b>Subtotal</b>									<b>6,115,708</b>	<b>6,115,708</b>

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 1 (Sewer/Wa 2009)	State of California	N/A	N/A	N/A	N/A	384,864	384,864
<b>Subtotal</b>									<b>384,864</b>	<b>384,864</b>

City of Norco, California  
Portfolio Details  
As of December 31, 2011

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value	
9/28/2011	9/28/2016	3134G2G71	F N M A M T N	130584001 US Bank	AAA*	1.25%	1.25%	1,475,000	1,475,000	1,477,213	
9/6/2011	9/6/2013	3134G2ZB1	F N M A M T N	130584004 US Bank	AAA*	0.50%	0.50%	3,000,000	3,000,000	2,996,430	
9/16/2011	9/16/2014	313375KZ9	Federal Home Loan Bks	130584004 US Bank	AAA*	0.70%	0.70%	3,000,000	3,000,000	2,992,260	
9/22/2011	9/22/2014	3136FR2U6	F N M A M T N	130584004 US Bank	AAA*	0.50%	0.50%	3,000,000	3,000,000	2,997,420	
			<b>Subtotal</b>					<b>10,475,000</b>	<b>10,475,000</b>	<b>10,463,323</b>	
<b>Total Sewer and Water System</b>										<b>16,975,572</b>	<b>16,963,894</b>

*Investments Not Subject to Policy (Bond Proceeds)*  
*Refunding Tax Allocation Bonds*

Cash & Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	First American Treasury Obligations	94432435 US Bank	N/A	N/A	0.00%	N/A	143	143
N/A	N/A	N/A	First American Treasury Obligations	94432445 US Bank	N/A	N/A	0.00%	N/A	319	319
N/A	N/A	N/A	First American Treasury Obligations	94662503 US Bank	N/A	N/A	0.00%	N/A	309	309
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	94662507 US Bank	N/A	N/A	0.05%	N/A	6,373,851	6,373,851
N/A	N/A	N/A	First American Treasury Obligations	787891004 US Bank	N/A	N/A	0.00%	N/A	1,381	1,381
N/A	N/A	N/A	First American Treasury Obligations	792126000 US Bank	N/A	N/A	0.00%	N/A	4,995	4,995
N/A	N/A	N/A	First American Treasury Obligations	792126003 US Bank	N/A	N/A	0.00%	N/A	9,180	9,180
N/A	N/A	N/A	First American Treasury Obligations	792126004 US Bank	N/A	N/A	0.00%	N/A	1,504	1,504
N/A	N/A	N/A	First American Treasury Obligations	129543003 US Bank	N/A	N/A	0.00%	N/A	10,744	10,744
N/A	N/A	N/A	US Bank Money Market	140828001 US Bank	N/A	N/A	0.05%	N/A	22,815	22,815
N/A	N/A	N/A	US Bank Money Market	140828004 US Bank	N/A	N/A	0.05%	N/A	9,557	9,557
N/A	N/A	N/A	US Bank Money Market	140828005 US Bank	N/A	N/A	0.00%	N/A	4	4
			<b>Subtotal</b>					<b>6,434,801</b>	<b>6,434,801</b>	<b>6,434,801</b>

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund Account 2	2010 TABs State of California	N/A	N/A	N/A	N/A	22,572	22,572
N/A	N/A	N/A	Local Agency Investment Fund Account 2	2003 TABs State of California	N/A	N/A	N/A	N/A	49,160	49,160
			<b>Subtotal</b>					<b>71,732</b>	<b>71,732</b>	<b>71,732</b>

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
4/12/2011	11/29/2013	313373F49	Federal Home Loan Bks	792126003 US Bank	AAA*	1.20%	1.20%	1,530,000	1,530,000	1,552,185
6/7/2011	12/7/2015	3136FRMF7	F N M A MTN	129543003 US Bank	AAA*	2.00%	2.00%	973,000	973,000	979,655
9/28/2011	9/28/2016	3134G2G71	Federal Home Loan Mtg	140828004 US Bank	AAA*	1.25%	1.25%	1,460,000	1,460,000	1,462,190
			<b>Subtotal</b>					<b>3,963,000</b>	<b>3,963,000</b>	<b>3,994,030</b>

City of Norco, California  
 Portfolio Details  
 As of December 31, 2011

Investment Agreements

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	3/1/2030	N/A	Guaranteed Investment Contract	94432433 US Bank	N/A	N/A	5.71%	N/A	2,161,566	2,161,566
N/A	3/1/2030	N/A	Guaranteed Investment Contract	94432443 US Bank	N/A	N/A	5.16%	N/A	347,000	347,000
N/A	2/27/2015	N/A	Guaranteed Investment Contract	787891003 US Bank	N/A	N/A	3.41%	N/A	734,450	734,450
<b>Subtotal</b>									<b>3,243,016</b>	<b>3,243,016</b>
<b>Total Refunding Tax Allocation Bonds</b>									<b>13,712,549</b>	<b>13,743,580</b>
<b>Total Investments Not Subject to Policy</b>									<b>33,465,338</b>	<b>33,486,423</b>

\* On August 5, 2011 S&P Lowered US Debt Rating to AA+, Fitch and Moody's Ratings are Still AAA

**Attachment 4**

**Quarterly Investment Portfolio**

**For the Quarter Ended December 31, 2011**

As required by the Government Code, the Treasurer certifies that the investments reported in the accompanying schedules (Attachments 1 through 3) comply with the City of Norco Investment Policy and that sufficient liquidity along with anticipated revenues are available to meet the City and Redevelopment Agency budgeted expenditure requirements for the next six months ending June 30, 2012.



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Andy Okoro, City Treasurer

/jk-79984

# 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   
Dominic Milano, City Engineer

DATE: January 18, 2012

SUBJECT: Acceptance of LMD No. 4 Equestrian Trail Drainage Improvements Project as Complete

RECOMMENDATION: Accept the LMD No. 4 Equestrian Trail Drainage Improvements Project as Complete; authorize the City Clerk to File a Notice of Completion with the County Recorder's Office; and Adopt **Resolution No. 2012-\_\_\_**, appropriating additional funds in the amount of \$66,578.90 for the LMD No. 4 Equestrian Drainage Improvements Project.

SUMMARY: The LMD No. 4 Equestrian Trail Drainage Improvements Project consisted of the installation of drainage improvements devices including trench drains, grate basins, outlet pipes through the curbs and all appurtenant related work for 102 parcels on the steeper streets in LMD No. 4 (Norco Ridge Ranch). The project required extra work in the equestrian trail totaling \$66,578.90 to relocate interfering utilities and connect existing drains to the new system where possible, eliminating the existing pop-up drainage outlets. The extra work included the installation of two drains at the City water storage reservoir site located on Andalusian Drive and nine (9) additional residential properties originally scheduled for improvements during the Phase II project.

BACKGROUND/ANALYSIS: On March 2, 2011, the City Council awarded a public works contract to Valley Crest Landscape Maintenance, Inc. in the amount of \$188,638.00 and authorized change orders up to 10% of the contract amount. The contract consisted of the installation of drainage devices including trench drains, grate basins, outlet pipes through the curb, and all appurtenant related work for 102 parcels on the steeper streets within the LMD No. 4. These parcels were determined to be the highest priority (i.e. contributed significant amount of storm runoff causing significant erosion on the equestrian trail) to install drainage improvements during the winter storms of 2009/10.

During the course of construction, minor changes were made to the type of catch basins used at specific locations and three parcels were eliminated with two other parcels being added for a total of 101 individual properties improved with drainage facilities. Nine additional residential parcels were added to the first phase of the contract (110 parcels total). These properties were originally scheduled to be improved in the second phase of the drain improvement project. The nine additional drains improved during this project will subsequently reduce the overall number of drains included in the proposed phase II drainage project. The project required additional extra work in the equestrian trail to properly install the drainage improvements, which included relocation of irrigation and low voltage electrical lines which were encountered at a majority of the

January 18, 2012

properties. In addition several property owners had installed drainage improvements on their own and these pipes needed to be connected to the "new" system to increase its efficiency and reduce the shallow drain pipes crossing the equestrian trail. The Contractor also encountered decorative landscape improvements that required replacement in kind. The additional cost for these extras was \$55,870.55. A photograph of a typical interference is attached.

During the construction, a rainstorm event brought to light the necessity to construct drainage improvements in an amount of \$8,129.13 to capture runoff from the access road to the water tanks at 1487 Andalusian Drive. The early rain event also created the need to modify five of the previously installed drains to intercept runoff, these modifications totaled \$6,182.02. The cost to install the additional nine (9) drains originally scheduled for Phase II was \$15,261.00. The total construction cost of the project was thus \$283,517.70. A recap of the costs follows:

• Appropriated for 102 parcels	\$188,638.00
• 10% Contingency	<u>\$ 18,863.80</u>
<b>Total Appropriation</b>	<b>\$207,501.80</b>
• Nine (9) additional parcels per unit costs	\$ 15,261.00
• Water tank access road (1487 Andalusian)	\$ 8,129.13
• Additional modification to five locations	\$ 6,182.02
• Extras to relocate or connect existing improvements in the trail	<u>\$ 58,449.77</u>
<b>Total Construction Cost</b>	<b>\$274,080.70</b>
 <b>Original Appropriation</b>	 <b><u>\$207,501.80</u></b>
 <b>Additional Appropriation</b>	 <b>\$ 66,578.90</b>

Attached is a map of the parcels included in the Phase I project. Also attached is a map of the parcels being proposed to be included in the second phase of construction. It is anticipated that this phase will be advertised for bid in February for a March award.

FINANCIAL IMPACT: At the award of bid, the City Council appropriated \$207,501.80 from Fund 186.794. A resolution has been prepared to appropriate an additional \$58,449.77 from Fund (186.794) for the extra trail work necessary to install the drains and \$8,129.13 from Water Capital Improvement Program Fund (144). The LMD No. 4 fund balance reserve after this appropriation will be approximately \$350,000.

/80119

- Attachments:
- Photograph
  - Map of Phase I Parcels
  - Map of Proposed Phase II Parcels
  - Resolution No. 2012-\_\_\_\_, Appropriating Additional Funds

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: January 18, 2012

SUBJECT: Approval to Implement Measures Necessary to Proceed with the Construction on the Silverlakes Project

RECOMMENDATION: Grant authority to the City Manager to implement measures necessary to proceed with the construction on the Silverlakes Project.

**SUMMARY:** The City Manager is requesting authority to implement measures necessary to move forward with the grading, grub clearing and construction activities in relation to the Silverlakes project. Up to \$1 million in Water and Sewer Bond Proceeds would be released by the City between now and February 28, 2012 to assist with the initial grading work. Measures would also be put in place regarding the required date for the receipt of the first lease payment.

**BACKGROUND/ANALYSIS:** On July 6, 2011, the City Council approved agreements with Balboa Management Group, LLC for the development of the Silverlakes Equestrian & Sports Park. Grading permits have been issued and site preparation work is beginning. Under the agreements, Balboa Management will have access to Water and Sewer Bond Proceeds for the construction of water, sewer and road infrastructure on the City-owned Silverlakes property. Also in accordance with the agreements, all of the loaned monies will be repaid by the Developer and all constructed infrastructure becomes the property of the City.

In keeping with the project goal of a preliminary opening the Silverlakes Equestrian & Sports Park in September 2012, and full opening by February 2013, the City Manager is requesting authority to implement the following provisions: a.) release (upon receipt of a payment request siting the scope of work and itemized costs) up to \$1 million of funds in Water and Sewer Bond Proceeds between now and February 28, 2012 for the initial grading work; b.) authorize Balboa Management Group, LLC and its contractors to enter the property to clear, grub, grade and perform construction activities as stated in Section 2.2 of the Ground Lease; and c.) notify Balboa Management Group, LLC that the first lease payment is due no later than April 2, 2012, at which point in time full construction will be underway.

**FINANCIAL IMPACT:** Funding is designated in the City's adopted CIP budget in the Water and Sewer Bond Proceeds Fund in the amount of a \$6 million loan for the construction of water and sewer infrastructure on the Silverlakes Property. This action will release up to \$1 million of those funds.

/bj-80131

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: John R. Harper, City Attorney

PREPARED BY: John R. Harper, City Attorney

DATE: January 18, 2012

SUBJECT: Transfer of City Hall Property from the Norco Redevelopment Agency to the City of Norco and the Corona-Norco Unified School District

RECOMMENDATION: Adopt **Resolution No. 2012-\_\_\_**, exercising the City's Option to Purchase Property and Requesting that the Norco Redevelopment Agency convey property to the City of Norco and the Corona-Norco Unified School District pursuant to the Disposition, Development and Shared Use Public Facilities Agreement.

SUMMARY: On or about February 25, 1992, Starr Management Corporation conveyed certain property to the Norco Redevelopment Agency to be utilized by the Agency, the City and the Corona-Norco Unified School District pursuant to a Disposition, Development and Shared Use Public Facilities Agreement, dated February 5, 1992 (the "DDA"). The property conveyed is comprised of three (3) parcels as follows: the City parcel, the District parcel and the Housing parcel. Pursuant to the DDA, the District parcel was required to have been conveyed to the Corona-Norco Unified School District upon payment of the District's proportionate share of the purchase price, which was paid at the time of the conveyance to the Agency. It has been discovered that, inadvertently, the property was not actually conveyed at that time, although the obligation to convey the property remains. The remaining parcels are subject to a twenty (20) year lease, during which time, the City has the contractual right to acquire the property by exercising its option to purchase the property for one dollar (\$1.00). The Lease will expire on or about February 5, 2012.

BACKGROUND / ANALYSIS: Pursuant to the foregoing DDA, the Agency has a legal obligation to convey the District Parcel to the Corona-Norco Unified School District, and upon demand by the City, to convey the remaining property to the City. Since the Lease is nearing its expiration, and given the uncertainties currently surrounding community redevelopment agencies, the City should exercise its option to purchase and request that the property be transferred by the Agency to the City and the Agency should likewise convey the District Parcel to the Corona-Norco Unified School District.

FISCAL IMPACT: NONE

/80133

## RESOLUTION NO. 2012-\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, EXERCISING THE CITY'S OPTION TO PURCHASE PROPERTY AND REQUESTING THAT THE NORCO REDEVELOPMENT AGENCY CONVEY PROPERTY TO THE CITY OF NORCO AND TO THE CORONA-NORCO UNIFIED SCHOOL DISTRICT PURSUANT TO THE DISPOSITION, DEVELOPMENT AND SHARED USE PUBLIC FACILITIES AGREEMENT

WHEREAS, on or about February 25, 1992, Starr Management Corporation conveyed certain property to the Norco Redevelopment Agency to be utilized by the Agency, the City and the Corona-Norco Unified School District pursuant to a Disposition Development and Shared Use Public Facilities Agreement, dated February 5, 1992 (the "DDA"); and

WHEREAS, the property conveyed is comprised of three (3) parcels as follows: the City Parcel, the District Parcel and the Housing Parcel; and

WHEREAS, pursuant to the DDA, the District Parcel was required to have been conveyed to the Corona-Norco Unified School District upon payment of the District's proportionate share of the purchase price, which was made at the time of the conveyance to the Agency; and

WHEREAS, it has been discovered that inadvertently, the property was not actually conveyed at that time, although the obligation to convey the property remains; and

WHEREAS, the remaining parcels are subject to a twenty (20) year lease, during which time, the City may acquire by the property by exercising its option to purchase the property for one dollar (\$1.00), and

WHEREAS, the Lease will expire on or about February 5, 2012.

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 hereby exercises its option to purchase that property described in Exhibit "A" attached hereto and requests that the Norco Redevelopment Agency immediately convey the subject property to the City.

SECTION 3: On behalf of the Corona-Norco Unified School District, the City hereby requests that the Norco Redevelopment Agency convey that property described in Exhibit "B", attached hereto to the Corona-Norco Unified School District, as required by the Disposition, Development and Shared Use Public Facilities Agreement.

SECTION 4: The City hereby authorizes the City Manager to approve and execute any documents necessary in order to effectuate the subject conveyance.

SECTION 5: EFFECTIVE DATE. This Resolution shall become effective upon approval by the City Council of the City of Norco.

APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on January 18, 2012.

\_\_\_\_\_  
Mayor of the City of Norco, California

ATTEST:

\_\_\_\_\_  
Brenda K. Jacobs, CMC  
City Clerk  
City of Norco, California

Approved as to Form:

\_\_\_\_\_  
John R. Harper, City Attorney

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on January 18, 2012, 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 on January 18, 2012.

\_\_\_\_\_  
Brenda K. Jacobs, CMC  
City Clerk  
City of Norco, California

EXHIBIT "A"

Parcel "1" (City Parcel)

Parcel 1 of Parcel Map 25989, as recorded in Parcel Map Book 169, Pages 58 and 59, Records of the Riverside County.

Parcel "3" (Housing Parcel)

Parcel 3 of Parcel Map 25989, as recorded in Parcel Map Book 169, Pages 58 and 59, Records of the Riverside County

EXHIBIT "B"

Parcel "2" (District Parcel)

Parcel 2 of Parcel Map 25989, as recorded in Parcel Map Book 169, Pages 58 and 59, Records of the Riverside County.

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Alma Robles, Senior Planner 

DATE: January 18, 2012

SUBJECT: Appeal 2011-20 (Zoetemelk): An Appeal of the Planning Commission's Denial of Site Plan 2011-20: A Request to Construct a 174 Square-Foot Accessory Building Designed as a Windmill with a Blade Height of 40 Feet at 1407 Second Street in the A-1-20 Zone.

RECOMMENDATION: Planning Commission: On December 14, 2011, the Planning Commission adopted Resolution 2011-67 to deny Site Plan 2011-20.

Staff: Staff recommends that the City Council concur with the Planning Commission's denial of Site Plan 2011-20.

SUMMARY: December 14, 2011 the Planning Commission denied Site Plan 2011-20, a request to construct an accessory building designed as a windmill with a base height of 23 feet and a blade height of 40 feet at 1407 Second Street, on the basis that the building was too tall for the site and the neighborhood. The project was denied without prejudice meaning it can come back re-designed for another review by the Planning Commission. The applicant appealed the action of the Planning Commission.

BACKGROUND: This windmill was reviewed by the Planning Commission under Conditional Use Permit (CUP) 2011-21 at its meeting held on November 9, 2011. The windmill was analyzed under the requirements of a Wind Energy Conversion System (WECS) and a conditional use permit was required because the proposed windmill exceeds the requirements established in the Norco Municipal Code for a WECS (ref. Exhibit "G" – Planning Commission minutes dated November 9, 2011). Because the structure was intended mostly for decoration purposes and not energy production at this time (but in the future), the Commission determined that the most appropriate review at this time would be a site plan review (not a Conditional use permit for a WECS) for an accessory building.

ANALYSIS/EVALUATION: Accessory buildings 864 square feet or smaller require site plan review and approval by the Planning Commission. The proposed site plan, floor plan, building elevations and picture examples for the proposed building are attached

(ref. Exhibit "C" – Site Plan, Exhibit "D" – Floor Plan and Building Elevations and Exhibit "F" –Picture Examples). The proposed building meets most of the following requirements with the exception of height for which the Planning Commission had discretion over:

- A minimum of five feet from property lines, 10 feet from any other structure and five feet from a pool is required for accessory buildings. **The proposed building can meet these requirements.**
- The maximum lot coverage of all structures shall be not more than 40% of the total pad area. The pad area is defined as the "flat" part of the lot (4% grade or less). **The subject property is approximately 90,604 square feet and with a pad area of at least 38,000 square feet. The lot coverage for the property is no more than 16%, which takes into account the existing and proposed structures.**
- A contiguous open animal area must be shown on the site plan which must be rectangular in shape with a minimum of 24 feet on any side. The total open area must be equal to the allowed number of animal units multiplied by 576 square feet. **Based on the size of the property, a total of 23 animal units is allowed which requires an open area of at least 13,248 square feet. There is an open area on the property of over 13,248 square feet at the rear of the property** (ref. Exhibit "E" – Aerial and Site Photos).
- The maximum height of any accessory structure that is 864 square feet or less is 14 feet or as approved by the Planning Commission. **The building is proposed with a base height of 23 feet and blade height (from finished grade) of about 40 feet. The Planning Commission considered the proposed height but determined that the overall building height of 40 feet was two tall for the property and its surroundings. The project was denied because of the proposed height without prejudice, meaning that the windmill could be re-designed and submitted to the Planning Commission for consideration (Exhibit "H" – Planning Commission minutes dated December 14, 2011).**

CONCLUSION: Staff is recommending that the City Council concur with the determination of the Planning Commission to deny Site Plan 2011-20.

/adr-80092

Attachments: Resolution 2011-67  
Exhibit "A" – Location Map  
Exhibit "B" – Assessor's Parcel Map  
Exhibit "C" – Site Plan  
Exhibit "D" – Elevations  
Exhibit "E" – Aerial and Site Photos  
Exhibit "F" – Picture Examples  
Exhibit "G" – Planning Commission minutes dated November 9, 2011  
Exhibit "H" – Planning Commission minutes dated December 14, 2011

## RESOLUTION 2011-67

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO DENYING WITHOUT PREDJUDICE, A SITE PLAN REVIEW APPLICATION TO ALLOW A 174 SQUARE-FOOT WINDMILL WITH A BASE HEIGHT OF 23 FEET AND BLADE HEIGHT (FROM FINISHED GRADE) OF ABOUT 40 FEET AT 1407 SECOND STREET LOCATED WITHIN THE A-1-20 ZONE (AGRICULTURAL LOW-DENSITY) ZONE. SITE PLAN 2011-20.**

WHEREAS, MATTHEUS ZOETEMELK submitted an application for a site plan review to the City of Norco, California under the provisions of Chapter 18.40, Title 18 of the Norco Municipal Code, on property located at 1407 Second Street (APN 125-150-037).

WHEREAS, at the time set; at 7 p.m. on December 14, 2011 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place set, said Planning Commission considered the aforesaid site plan and received both oral and written testimony pertaining to said application; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is categorically exempt from environmental assessment.

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

I. FINDINGS:

A. The proposal does not comply with all applicable requirements specifically height, of the Norco Municipal Zoning Ordinance and the General Plan.

B. The overall size and architectural design is not consistent with the intent and purpose of the Norco General Plan and Norco Municipal Zoning Ordinance.

C. The proposal is not reasonably compatible with the area immediately surrounding the site.

D. The proposal could be detrimental and therefore not desirable to the overall public convenience or general welfare of the persons residing or working in the neighborhood in that it may pose a safety risk to equestrians in the trail.

DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled December 14, 2011 that the application for Site Plan 2011-20 is denied without prejudice.

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on December 14, 2011.

---

Robert E. Wright, Chairman  
Planning Commission  
City of Norco, California

ATTEST:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on December 14, 2011 by the following roll call vote:

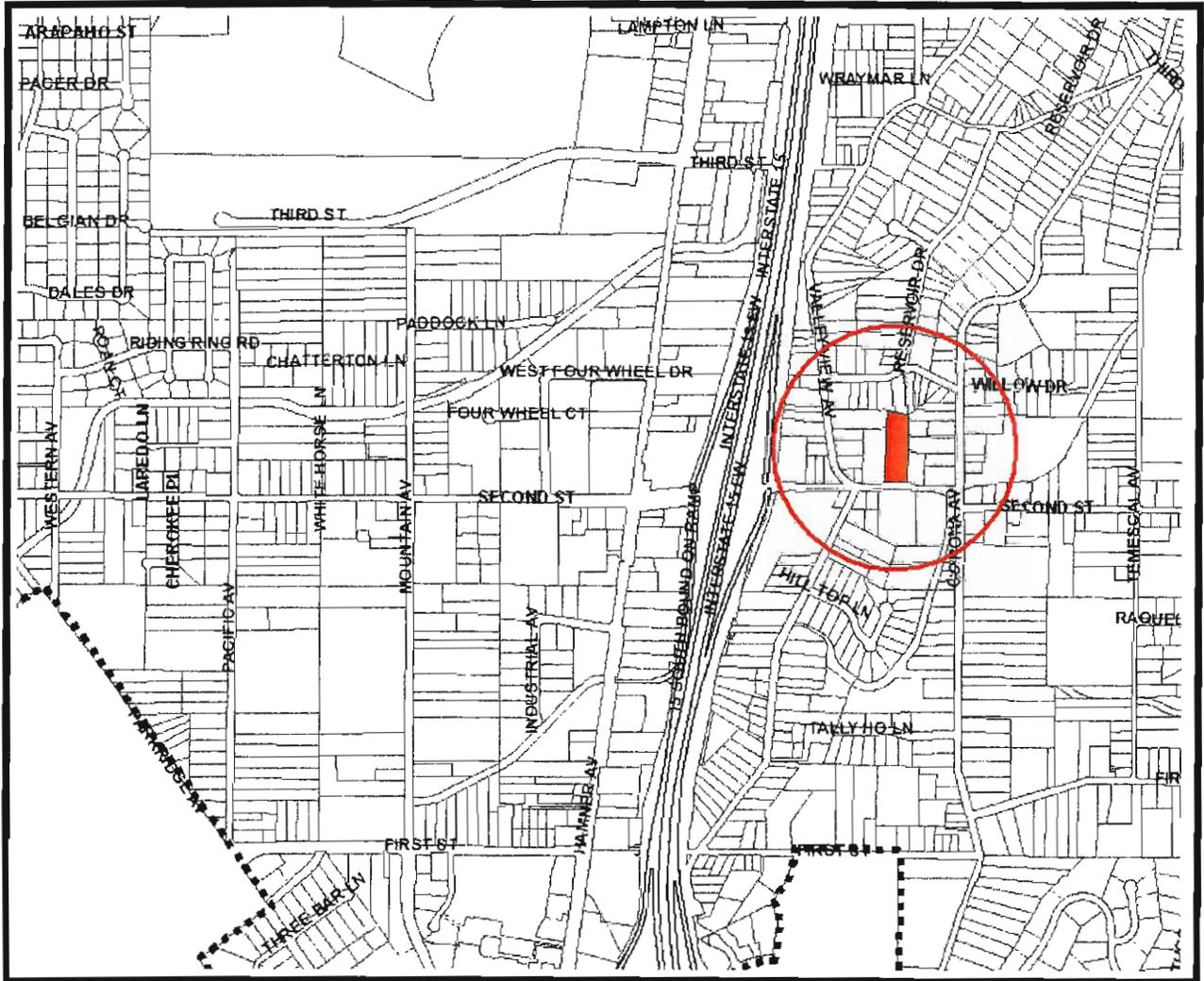
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

/adr-80034

# LOCATION MAP



Not to Scale



**PROJECT:** Site Plan 2011-20  
**APPLICANT:** Mattheas Zoetemelk  
**LOCATION:** 1407 Second Street

**Exhibit "A"**



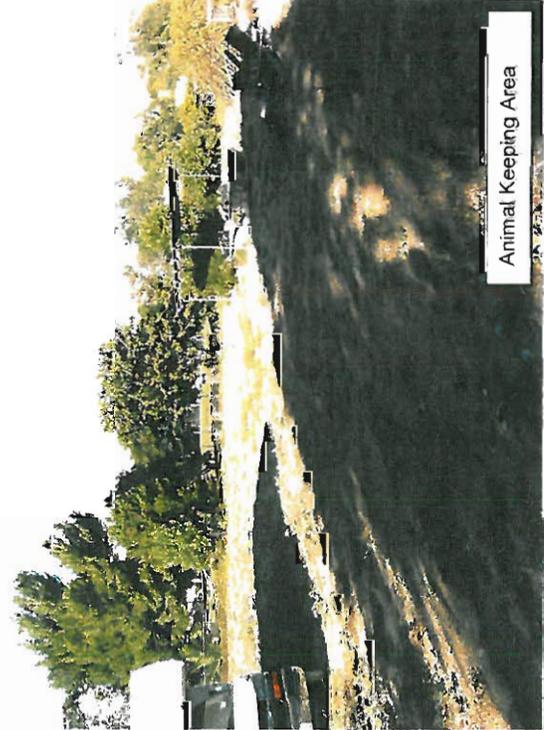
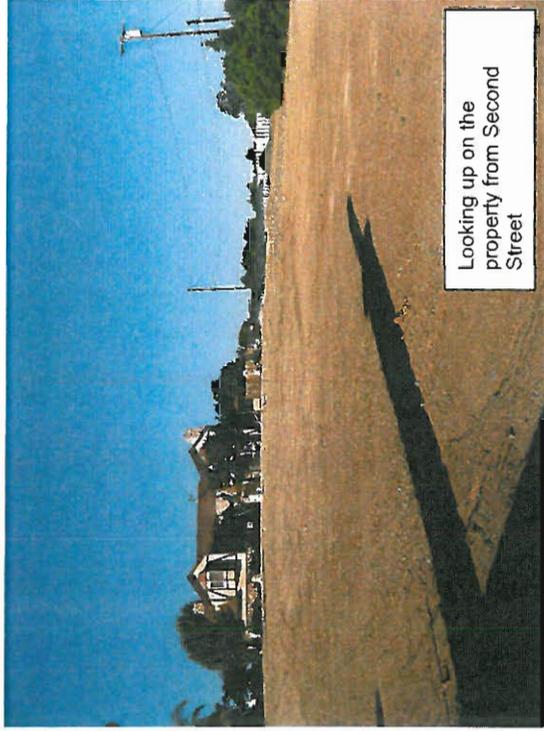
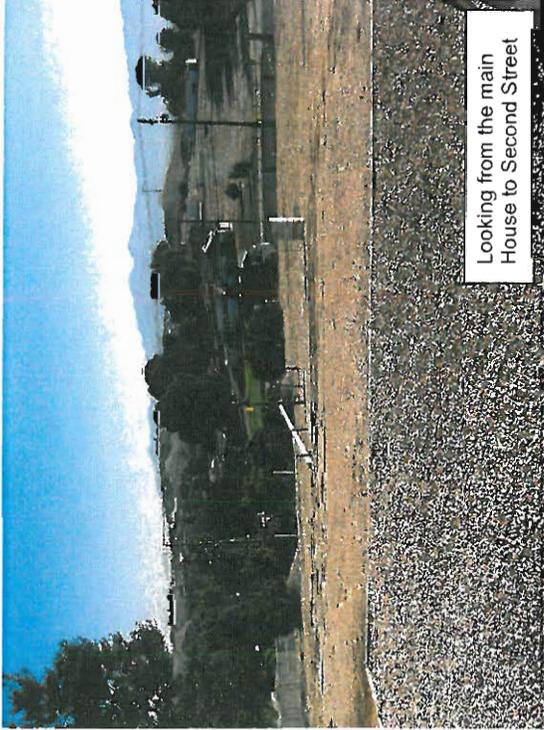
# AERIAL PHOTO



N↑

Exhibit "E"

# SITE PHOTOS





05/21/2010

EXHIBIT "F"

**Resolution 2011-\_\_**: Conditional Use Permit 2011-21 (Zoetemelk): A Request for Approval to Allow an Accessory Building Consisting of a 174 Square-Foot Windmill with a Base Height of 23 Feet and Blade Height (from Finished Grade) of about 40 feet at 1407 Second Street located within the A-1-20 Zone. **Recommended Action: Approval** (SP Robles)

PD King presented the staff report on file in the Planning Division. He noted that the windmill will be used to produce energy, adding that the applicant is from Holland and wanted to replicate a windmill. PD King stated that staff has reviewed this request for both the accessory building and the wind energy conversion system codes, and noted that conditions have been added to ensure that the guidelines are followed. He stated that the Architectural Review Sub-Committee had no concerns other than the height. He noted that staff was not quite sure how to categorize this request, so decided on a CUP.

In response to the Commission, SP Robles noted that Southern California Edison is not contacted until the initial step of the project is approved by the Commission, noting that per the Building Official, staff does not get involved with agreements between the applicant and SCE.

Vice-Chair Henderson noted his concerns of what an energy conversion item involves and the lack of SCE input.

PD King explained that an SCE agreement is not required for Planning Commission review. Such agreements get addressed when the project goes through the Building Department.

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

**Mr. Zoelemelk, Applicant:** Mr. Zoelemelk noted that this Wind Energy Conversion System will work similarly as the solar system he already has on his home and explained how it works. He offered nine letters from neighbors approving his project.

**Chair Wright CLOSED the public hearing, bringing the discussion back to the Commission.**

Discussions ensued.

Vice-Chair Henderson noted concerns with approving the entire project when it seems that it is not ready to be completed. He suggested that this should not be a CUP request but a site plan for the building portion of the project, without the energy conversion system.

**M/S Leonard/Hedges** to continue this item to the next scheduled meeting, inviting staff from the Building Department for further assistance; and bring forth as a site plan for the accessory building only.

**AYES:** Wright, Henderson, Hedges, Leonard  
**ABSENT:** Jaffarian

**Motion Passed**

10. BUSINESS ITEMS:

- A. Site Plan 2011-20 (Zoetemelk): A Request for Approval to Allow an Accessory Building Consisting of a 174 Square-Foot Windmill with a Base Height of 23 Feet and Blade Height (from Finished Grade) of about 40 Feet at 1407 Second Street Located within the A-1-20 Zone. **Recommended Action: Approval** (SP Robles)

PD King presented the staff report on file in the Planning Division. This item was reviewed on November 9, 2011 as a wind energy-producing system (WECS) but is being brought back as just an accessory structure per Planning Commission direction, and that wind energy could be re-considered with a conditional use permit in the future.

Vice-Chair Henderson had an issue with the scale of the project; that the height was over what was allowed by City Codes.

PC Jaffarian said with the inclusion of Condition 10 which requires a conditional use permit should the applicant want to use the windmill as a Winder Energy Conversion System, he was for this project. Atheistically, it would look better than a big block building 15 feet high that would be allowed by Code.

PC Hedges said this windmill is way too big, and she is not for the project.

SP Robles offered that the school district said the Performance Arts building sits at 65 feet tall.

PC Leonard said this height is a 4-story building. While the windmill is gorgeous, he does not feel it belongs in a residential neighborhood. He was also concerned that its blade movements could spook horses going by on the Second Street horse trails.

Chair Wright agreed that horses could potentially be spooked. There was some discussion about that possibility.

VC Henderson asked how far does the Commission stretch height limits? The codes need to be enforced; otherwise we need to amend the codes.

**Mattheus Zoetemelk, Applicant**, said the blades run really slow and gentle and showed the Commission pictures of even taller windmills used in residential neighborhoods up in Northern California.. He said the light poles on his property are at 60 feet but the Commission noted poles are not accessory structures.

**M/S Hedges/Leonard to deny without prejudice** Site Plan 2011-20 allowing an accessory building consisting of a 174 square-foot windmill with a base height of 23 feet and blade height (from finished grade) of about 40 feet at 1407 Second Street located within the A-1-20 zone.

**Discussion: PCs Hedges and Leonard both felt height means total height. PC Jaffarian felt that the placement of the structure on the property in comparison to the neighbors made the height less intrusive. Vice-Chair Henderson asked at what point does staff choose not to follow the code to recommend approval. PD King said the uniqueness of the proposed structure lent itself to consideration of approval and that the Code includes the clause "or as approved by the Planning Commission" which allows flexibility.**

**AYES: Hedges, Henderson, Leonard and Wright**

**NOES: Jaffarian**

**Motion Passed to Deny**

EXHIBIT **H**

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: January 18, 2012

SUBJECT: Reconsideration of **Ordinance 938**, amending the Provisions of Title 18, Chapter 18.13 of the Norco Municipal Code, that Regulate Roosters in the A-1 zone; and **Ordinance 939**, approving Specific Plan 91-05, Amendment 6

RECOMMENDATION: Motion 1: Adopt for First Reading Ordinance No. 938 approving Zone Code Amendment 2011-04.

Motion 2: Adopt for First Reading Ordinance No. 939 approving Specific Plan 91-05, Amendment 6.

Motion 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.

SUMMARY: On November 16, 2011, the City Council considered ordinances to regulate roosters in the A-1 zone and to establish the regulation of fowl and other animals not already regulated by an animal unit in the Norco Hills Specific Plan. Ordinance No. 938 was unanimously adopted for first reading approving Zone Code Amendment 2011-04; however, the Ordinance was revised to only include the following modification to Section 18.13.06 (D) ii. of the Norco Municipal Code:

~~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.

Ordinance No. 939 was also unanimously adopted for first reading approving Specific Plan 91-05, Amendment 6.

At its meeting held on December 7, 2011, the City Council voted to reconsider Ordinance No. 938 and Ordinance No. 939. Therefore, both ordinances were re-advertised for reconsideration by the City Council at a public hearing in their original form as considered and recommended at the November 16, 2011 Council meeting.

January 18, 2012

BACKGROUND: On November 16, 2011, the City Council considered two ordinances based on recommendations from the Planning Commission (Resolution 2011-61) recommending to the City Council a change in the number of allowed roosters on an A-1 lot and the method used to count roosters; and (Resolution 2011-62) recommending an addition to the Norco Hills Specific Plan ("NHSP") referring the regulation of all animals not covered by an "animal unit" to the regulations of the A-1 zone.

The City Council action on November 16, 2011 amended what had been recommended by the Planning Commission in the A-1 zone as follows:

Zone Code Amendment 2011-04 (amending the A-1 zone to regulate roosters)

Planning Commission Recommendation:

- 1) Lots up to 10,000 square feet (A-1 zone) would only be allowed one rooster.
- 2) For three roosters you would need a minimum of 20,000 square feet.
- 3) For six roosters you need a minimum of 40,000 square feet.
- 4) Everything else would require a conditional use permit.
- 5) The Code regulation of a fixed age of seven months to determine which birds are counted in a rooster count was changed so that a stag (rooster younger than a year) that crows is counted regardless of the age.

Ordinance No. 938 was unanimously adopted for first reading approving Zone Code Amendment 2011-04; however, the Ordinance was revised to only include the following modification to Section 18.13.06 (D) ii. of the Norco Municipal Code:

~~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.

Ordinance No. 939 was also unanimously adopted for first reading approving Specific Plan 91-05, Amendment 6. The City Council action regarding the amendment to the NHSP was as recommended by the Planning Commission:

Norco Hills Specific Plan Amendment 6 (amending NHSP for non-animal unit animals)

Planning Commission Recommendation/City Council Action:

- 1) An addition to the NHSP referring the regulation of all animals not covered by an "animal unit" to the regulations of the A-1 zone.

On December 5, 2011 the City Council voted (3-2 vote) to reconsider Ordinance No. 938 and Ordinance No. 939 as considered by the City Council at its November 16, 2011 Council meeting. Both ordinances were advertised for reconsideration at a public hearing before the City Council on January 18, 2012 in the same content as recommended and considered at the November 16, 2011 City Council meeting.

**HISTORICAL DISCUSSION:** The following historical information is provided to provide the City Council details regarding what has taken place prior to the November 16, 2011 City Council meeting, at which time the two ordinances were considered for first reading:

The City Council directed the Planning Commission to investigate changing current regulations for roosters on residential low density (A-1) lots. The Planning Commission appointed its own sub-committee to focus on the following primary issues.

- The City's current regulations for the number of allowed roosters are fairly lenient, and while not wide-spread, there is the potential for abuse especially when it is difficult to ascertain if a violation is occurring or not.
- Without proof that a violation is occurring the City (Sheriff included) does not have the right to enter someone's property without their permission or without an inspection warrant issued by a judge. Without the inspection warrant staff is limited only to what evidence can be seen from the street. Pictures can be used to obtain an inspection warrant but the pictures have to show actual roosters in excess of the allowed number. Pictures of evidence (e.g. coops) may not be good enough depending on the judge. And, evidence is better if it shows a pattern of violations, not just one incidence.
- An inspection warrant can only be issued based on facts, or at least enough evidence to support reasonable suspicion by the judge.
- It is hard to determine when a stag becomes an adult (for counting purposes) since it varies between and within different species of chickens.

The first main point of the sub-committee was how to better determine when a rooster becomes an adult for counting purposes. Currently the NMC uses a fixed age of seven months to determine adulthood but the time varies between different birds and when they begin to crow. Some roosters begin crowing prior to seven months. The sub-committee recommended that a stag that crows should be considered an adult bird, regardless of age, and therefore be counted. That was the recommendation of the Planning Commission. It was further clarified at City Council to be: a bird that can be determined to be a stag (rooster less than one year old) is counted regardless of age.

The second main point of discussion was how many roosters are appropriate. The numbers discussed in the sub-committee ranged from 1 through 15 per lot in an A-1 zone. Those numbers were further refined to either 5 or 15 on a half-acre and a straw poll of those in attendance was split half and half. Five is the number that was presented to the Planning Commission because it is the more conservative of the two and because it was a number that had come up in discussions at City Council even though no specific direction or recommendation to that end was given. The Planning Commission modified the recommendation of the sub-committee and recommended to the City Council modified numbers based on lot sizes as listed above. The City Council decided to leave as is the current Code as it pertains to the allowed number of roosters, to see if counting all stags now would solve the problem by itself.

Another issue was how to give more authority to City personnel to get onto properties for inspections when property owners are not cooperative. And as already mentioned there

January 18, 2012

are property owner rights that the City cannot infringe upon without due process. With a conditional use permit as had been recommended for roosters in excess of three on a half-acre, the Planning Commission recommended adding conditions that the holder would allow inspections with a 24-hour notification period. The question came up again on what to do with existing situations, or for illegal operations where there is no CUP and the property owner is not granting access.

Staff followed up with the Sheriff's Department concerning when and under what circumstances an officer or City official can enter a property. Those are: 1) CONSENT of the property owner; 2) EXIGENT CIRCUMSTANCES meaning that there is good reason to think that there is an imminent danger to human life or public safety; or 3) INSPECTION WARRANT issued by a judge. With roosters, it is not an issue of immediate danger to human or public safety so the only way to enter a property without the owner's permission is through an inspection warrant. Since an inspection warrant is at the discretion of the judge hearing the request there is no minimum standard or collective of evidence to know when that would occur. Obviously, the more concrete the evidence is, the better the case is to support the issuance of an inspection warrant.

An additional point of discussion at the Planning Commission was whether there should be an escalated schedule of fines for violators. Violations of the number of roosters are currently corrected through code enforcement procedures and are mostly accomplished through Animal Control working with the property owner. If those actions are not successful then the City can cite the individuals. A first citation carries a fine of \$100, a second citation is \$250, and the third is \$500. If citations do not work the City may turn the case over to the City Prosecutor. The Planning Commission recommended that higher fines be levied against violators over the standard citation rates.

The City has higher citation fines already established for home builders of multi-unit projects doing construction outside of permitted hours. The first citation is \$5,000, the second \$10,000 and the third \$25,000. Another option could be to change a violation from an infraction to a misdemeanor which has attached to it a fine of up to \$1,000 or six months in jail, or both. Again, since it is not a zoning issue a specific recommendation was not given. The fee schedule for citations will be brought to the City Council at a later date depending on the outcome of the current zoning issues.

For existing situations that are not in compliance with future code regulations the Planning Commission recommended that a grace period be established for those owners to either come into compliance or obtain approval of a conditional use permit. No recommendation was given on how long a grace period would be since it is not a zoning issue. The recommendation from staff is six months from the effective date of the Ordinances.

/sk-80094

Attachment: Draft Ordinance No. 938

Draft Ordinance No. 939

PC Resolution 2011-61

PC Resolution 2011-62

Exhibit "A" – A-1 Zone, Allowed Number of Roosters *versus* PC Recommendation

## **ORDINANCE NO. 938**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 18, SECTIONS 18.13.06(D) AND 18.13.08(Q) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO AMEND PROVISIONS THAT REGULATE ROOSTERS WITHIN THE A-1 ZONE. ZONE CODE AMENDMENT 2011-04.**

WHEREAS, the City initiated Zone Code Amendment 2011-04, an amendment to Norco Municipal Code Title 18, amending Sections 18.13.06 (D) and 18.13.08 (Q); and

WHEREAS, the Zone Code Amendment has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission did hold a public hearing and did receive both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2011-61 recommending to the City Council that Zone Code Amendment 2011-04 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Zone Code Amendment was duly noticed and scheduled for public hearing by the City Council at their meeting of November 16, 2011, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

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

WHEREAS, said City Council adopted for First Reading Ordinance 938 to approve Zone Code Amendment 2011-04; and

WHEREAS, prior to Second Reading the City Council voted to reconsider the actions taken at the November 16, 2011 meeting regarding this item; and

WHEREAS, a second hearing of said Zone Code Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of January 18, 2012, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

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

WHEREAS, the City of Norco acting as the Lead Agency has determined that the requested Zone Code Amendment is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

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

SECTION 1: Norco Municipal Code Title 18 "Zoning" is hereby amended as follows.

#### Section 18.13.06 Permitted Uses

##### (D) Agricultural Uses:

1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.

i. Stags at crowing age shall be counted in determining the permitted number of roosters 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.

ii. The minimum lot size for keeping roosters without a conditional use permit shall be as follows:

- (a) All lots up to 10,000 square feet shall be permitted only one rooster.
- (b) The minimum lot size for up to three roosters is 20,000 square feet.
- (c) The minimum lot size for up to six roosters is 40,000 square feet.
- (d) Everything else requires a conditional use permit.

For determining the number of roosters allowed on any given lot the lot size shall be rounded down to the next lowest category (i.e. a 15,000 square-foot lot is allowed one rooster and a 25,000 square-foot lot is allowed three roosters without a conditional use permit).

#### Section 18.13.08 Uses Which May be Permitted by Conditional Use Permit

(Q) The keeping of roosters in excess of the number allowed in Section 18.13.06(D)(1)(ii). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner (permit holder for 4-H, Grangers and Future Farmers of America programs) and not with the land.

i. The holder of a rooster conditional use permit shall maintain show records and shall provide them upon request to the City within 24 hours after the request. The holder of a rooster conditional use permit hereby agrees to granting access for inspection of animals covered by said permit to City personnel provided notification of intent to inspect is given at least 24 hours in advance of the inspection. An approved rooster conditional use permit is valid for only one year and the holder shall be required to renew the permit annually beginning in December after one year from the approval date. Failure to renew the rooster conditional use permit shall result in the permit being deemed expired.

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 February 1, 2012.

\_\_\_\_\_  
Mayor of the City of Norco, California

ATTEST:

\_\_\_\_\_  
Brenda K. Jacobs, CMC, 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 January 18, 2012 and thereafter at a regular meeting of said City Council duly held on February 1, 2012, 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 1, 2012.

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

/sk-80099

## **ORDINANCE NO. 939**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AMENDMENT 6 TO THE NORCO HILLS SPECIFIC PLAN CHAPTER C SECTION 1, PARAGRAPH (i) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO ADD A PROVISION TO REGULATE ANIMALS NOT OTHERWISE REGULATED BY AN ANIMAL UNIT. SPECIFIC PLAN 91-05 AMENDMENT 6.**

WHEREAS, the City initiated Specific Plan 91-05, Amendment 6, an amendment to Chapter C, Section 1, Paragraph (i) to add a provision to regulate animals not otherwise regulated by an animal unit; and

WHEREAS, the Specific Plan Amendment has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission did hold a public hearing and did receive both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2011-62 recommending to the City Council that Specific Plan 91-05 Amendment 6 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Specific Plan Amendment was duly noticed and scheduled for public hearing by the City Council at their meeting of November 16, 2011, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, said City Council held a public hearing and received oral and written testimony pertaining to said Specific Plan Amendment; and

WHEREAS, said City Council adopted for First Reading Ordinance 939 to approve Specific Plan 91-05, Amendment 6; and

WHEREAS, prior to Second Reading the City Council voted to reconsider the actions taken at the November 16, 2011 meeting regarding this issue; and

WHEREAS, a second hearing of said Specific Plan Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of January 18, 2012, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, the City Council held a public hearing and received oral and written testimony pertaining to said Specific Plan Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the requested Specific Plan Amendment is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

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

SECTION 1: Specific Plan 91-05, Norco Hills Specific Plan is hereby amended as follows.

C. Regulations

(1) Equestrian Residential District

i. Animal Keeping

1) Numbers Permitted: The maximum number of animal units (AU by the Norco Municipal Code) shall be based on the average natural slope. The maximum number of animals based on an apportionment per acres shall be as follows:

Table 5

Average Natural Slope	Maximum Number of AU per 40,000 square foot lot
0 – 9.9%	4.0
10 – 19.9%	3.0
20 – 29.9%	2.0
30 – 39.9%	1.0
40 + above	.5

Animals not defined or regulated by an animal unit are subject to the same standards and restrictions as outlined in the A-1 zone district, and other

applicable Codes for governing the same for residential animal-keeping, in the Norco Municipal Code.

\* Note: Allowable animal units shall be permitted based on lot size rounded to the nearest 5000 square-foot increment.

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 February 1, 2012.

\_\_\_\_\_  
Mayor of the City of Norco, California

ATTEST:

\_\_\_\_\_  
Brenda K. Jacobs, CMC, 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 January 18, 2012 and thereafter at a regular meeting of said City Council duly held on February 1, 2012, it was duly passed and adopted by the following vote of the City Council:

Ordinance No. 939  
Page 4  
February 1, 2012

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 1, 2012.

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

/sk-80100

## RESOLUTION NO. 2011-61

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT 2011-04 TO AMEND TITLE 18 SECTIONS 18.13.06(D) AND 18.13.08(R) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO AMEND PROVISIONS THAT REGULATE ROOSTERS WITHIN THE A-1 ZONE. ZONE CODE AMENDMENT 2011-04.**

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2011-04, an amendment to Norco Municipal Code Title 18 (Zoning Code), amending Sections 18.13.06(D) and 18.13.08(R); and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed Zone Code Amendment is consistent with, and not contrary to, the Norco General Plan or the Zoning Code since the project amends existing regulations.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled October 26, 2011 hereby recommends to the City Council of the City of Norco that Zone Code Amendment 2011-04 be adopted, thereby amending the Norco Municipal Code as follows:

*Section 18.13.06 Permitted Uses*

*(D) Agricultural Uses:*

*1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.*

*i. Stags at crowing age shall be counted in determining the permitted number of roosters 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.*

*ii. The minimum lot size for keeping roosters without a conditional use permit shall be as follows:*

- (a) All lots up to 10,000 square feet shall be permitted only one rooster.*
- (b) The minimum lot size for up to three roosters is 20,000 square feet.*
- (c) The minimum lot size for up to six roosters is 40,000 square feet.*
- (d) Everything else requires a conditional use permit*

*For determining the number of roosters allowed on any given lot the lot size shall be rounded down to the next lowest category (i.e. a 15,000 square-foot lot is allowed one rooster and a 25,000 square-foot lot is allowed three roosters without a conditional use permit).*

*Section 18.13.08 Uses Which May be Permitted by Conditional Use Permit*

*(Q) The keeping of roosters in excess of the number allowed in Section 18.13.06(D)(1)(ii). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner (permit holder for 4-H, Grangers and Future Farmers of America programs) and not with the land.*

*i. The holder of a rooster conditional use permit shall maintain show records and shall provide them upon request to the City within 24 hours after the request. The holder of a rooster conditional use permit hereby agrees to granting access for inspection of animals covered by said permit to City personnel provided notification of intent to inspect is given at least 24 hours in advance of the inspection. An approved rooster conditional use permit is valid for only one year and the holder shall be required to renew the permit annually*

Resolution No. 2011-61

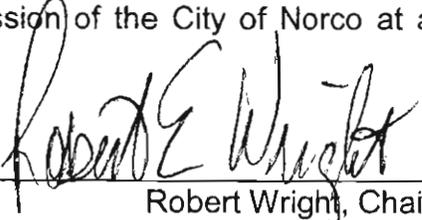
Page 3

October 26, 2011

*beginning in December after one year from the approval date. Failure to renew the rooster conditional use permit shall result in the permit being deemed expired.*

*(R) Additional animal units may be kept in excess of the quantities provided in Section 18.13.06(D)(4) and (5). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner and not with the land.*

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held October 26, 2011.

  
Robert Wright, Chair  
Planning Commission  
City of Norco, California

ATTEST:

  
Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held October 26, 2011 by the following roll call vote:

AYES: Hedges, Henderson, Jaffarian, Leonard, Wright

NOES: none.

ABSENT:

ABSTAIN:

  
Steve King, Secretary  
Planning Commission

/sk-79660

## RESOLUTION NO. 2011-62

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN 91-05 AMENDMENT 6 TO AMEND THE NORCO HILLS SPECIFIC PLAN CHAPTER C SECTION 1, PARAGRAPH (i) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO ADD A PROVISION TO REGULATE ANIMALS NOT OTHERWISE REGULATED BY AN ANIMAL UNIT. SPECIFIC PLAN 91-05 AMENDMENT 6.**

WHEREAS, the CITY OF NORCO initiated Specific Plan 91-05 Amendment 6, an amendment to the Specific Plan, amending Chapter C Section 1, Paragraph (i); and

WHEREAS, the Specific Plan Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on October 26, 2011 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed Specific Plan Amendment is consistent with, and not contrary to, the Norco General Plan, the Zoning Code, and the Norco Hills Specific Plan since the project adds regulations for the control of animal-keeping that is already an allowed use.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled October 26, 2011 hereby recommends to the City Council of the

City of Norco that Specific Plan 91-05 Amendment 6 be adopted, thereby amending the Norco Hills Specific Plan as follows:

*C. Regulations*

*(1) Equestrian Residential District*

*i. Animal Keeping*

- 1) *Numbers Permitted: The maximum number of animal units (AU by the Norco Municipal Code) shall be based on the average natural slope. The maximum number of animals based on an apportionment per acres shall be as follows:*

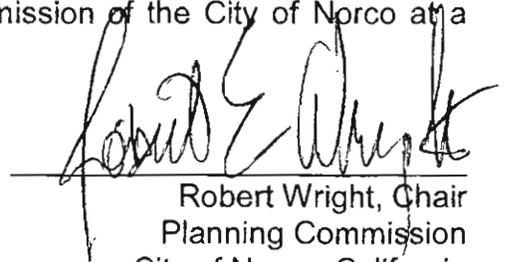
*Table 5*

<i>Average Natural Slope</i>	<i>Maximum Number of AU per 40,000 square foot lot</i>
<i>0 – 9.9%</i>	<i>4.0</i>
<i>10 – 19.9%</i>	<i>3.0</i>
<i>20 – 29.9%</i>	<i>2.0</i>
<i>30 – 39.9%</i>	<i>1.0</i>
<i>40 + above</i>	<i>.5</i>

*Animals not defined or regulated by an animal unit are subject to the same standards and restrictions as outlined in the A-1 zone district, and other applicable Codes for governing the same for residential animal-keeping, in the Norco Municipal Code.*

*\* Note: Allowable animal units shall be permitted based on lot size rounded to the nearest 5000 square-foot increment.*

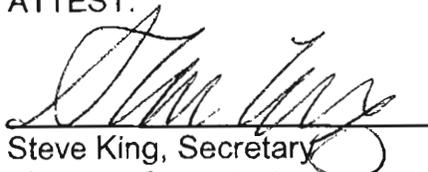
PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held October 26, 2011.



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Robert Wright, Chair  
Planning Commission  
City of Norco, California

ATTEST:



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Steve King, Secretary  
Planning Commission  
City of Norco, California

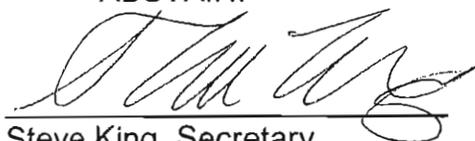
I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held October 26, 2011 by the following roll call vote:

AYES: Hedges, Henderson, Jaffarian, Leonard, Wright

NOES:

ABSENT:

ABSTAIN:



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Steve King, Secretary  
Planning Commission

/sk-79662

# A-1 Zone: Allowed Number of Roosters

## Proposed Changes to Code Text:

### 18.13.06 Permitted Uses.

#### D. Agricultural Uses:

1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.

~~i. The maximum number of roosters permitted, for noncommercial keeping, in relation to lot size shall be determined as follows:~~

<b>Lot-Size</b>	<b>Maximum Roosters</b>
<del>10,000 but less than 19,999 sq. ft.</del>	13
<del>20,000 but less than 24,999 sq. ft.</del>	25
<del>25,000 but less than 29,999 sq. ft.</del>	38
<del>30,000 but less than 34,999 sq. ft.</del>	50
<del>35,000 but less than 39,999 sq. ft.</del>	63
40,000 or more	75

*i. Stags at crowing age shall be counted in determining the permitted number of roosters regardless of the age of the stag. For purposes of this section of the code a stag is a rooster less than one year old.*

~~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.~~

*ii. The minimum lot size for keeping roosters without a conditional use permit shall be as follows:*

*(a) All lots up to 10,000 square feet shall be permitted only one rooster.*

*(b) The minimum lot size for up to three roosters is 20,000 square feet.*

*(c) The minimum lot size for up to six roosters is 40,000 square feet.*

**Exhibit "A"**

*(d) Everything else requires a conditional use permit.*

*For determining the number of roosters allowed on any given lot, the lot size shall be rounded down to the next lowest category (i.e. a 15,000 square-foot lot is allowed one rooster and a 25,000 square-foot lot is allowed three roosters without a conditional use permit.*

~~iii. All properties with more than 25 roosters shall be required to have roosters contained on the property at all times, with said roosters maintained a minimum of 50 feet from the nearest adjacent residence. Any operation consisting of 75 or more roosters shall be considered a commercial operation and have the same restrictions pertaining to a commercial poultry business.~~

#### **18.13.08 Uses Which May be Permitted by Conditional Use Permit.**

~~R. Additional animal units may be kept in excess of the quantities provided in Section 18.13.06(D)(4) and (5). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner and not with the land.~~

***Q. The keeping of roosters in excess of the number allowed in Section 18.13.06(D)(1)(ii).***

***In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner (permit holder for 4-H, Grangers, and Future Farmers of America programs) and not with the land.***

***i. The holder of a rooster conditional use permit shall maintain show records and shall provide them upon request to the City within 24 hours after the request. The holder of a rooster conditional use permit hereby agrees to granting access for inspection of animals covered by said permit to City personnel provided notification of intent to inspect is given at least 24 hours in advance of the inspection. An approved rooster conditional use permit is valid for only one year and the holder shall be required to renew the permit annually beginning in December after one year from the approval date. Failure to renew the rooster conditional use permit shall result in the permit being deemed expired.***

***R. Additional animal units may be kept in excess of the quantities provided in Section 18.13.06(D)(4) and (5). In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application shall run with the property owner and not with the land.***

/sk-79530