



AGENDA

CITY OF NORCO

CITY COUNCIL

REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE

FEBRUARY 1, 2012

CALL TO ORDER: 6:00 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: B & A Construction, Inc. vs City of Norco
Case Number: RIC 11802

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: Mayor Pro Tem Azevedo

INVOCATION: Norco Church of Christ
Pastor Andrew Lemus

COMMENDATION: Deputy Tim Warburg

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. 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.2 of the Agenda)*
 - A. City Council Minutes:
Regular Meeting of January 18, 2012
Special Meeting of January 23, 2012
Recommended Action: **Approve the City Council Minutes** (City Clerk)
 - B. Resolution Approving Amendment No. 4 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement. **Recommended Action: Adopt Resolution 2012-___, approving Amendment No. 4 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement with the Chino Desalter Authority, subject to non-substantive changes and approval by all CDA Member Agencies; and authorize the City Manager to execute the Amendment.** (Public Works Director)
 - C. Resolution Granting Authority for Preservation of Historic Documents, Photographs and Artifacts. **Recommended Action: Adopt Resolution No. 2012-___, granting the Historic Preservation Commission the sole authority for the preservation of historic Norco documents, photographs and artifacts.** (Economic Development Specialist)
 - D. Resolution approving Site Plan 2011-20 (Zoetemelk). **Recommended Action: Adopt Resolution 2012-___ granting with conditions, site plan approval 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.** (Planning Director)
 - E. Resolution Upholding the Planning Commission's Denial of Site Plans 2011-07 through 2011-13, and Denying Tentative Parcel Map 36392, for Development of Six Warehouse Distribution Buildings on 86.93 Acres located Generally between Pacific Avenue and Mountain Avenue and First Street and Second Street Excepting out Approximately Five Acres on the Southeast Corner of Second Street and Pacific Avenue and Adding Approximately 13.6 Non-Contiguous Acres on the East Side of Mountain Avenue. Site Plan 2011-07, Site Plan 2011-08, Site Plan 2011-09, Site Plan 2011-10, Site Plan 2011-11, Site Plan 2011-12, Site Plan 2011-13, Tentative Parcel Map 36392. **Recommended Action: Adopt Resolution No. 2012-___.** (Planning Director)

2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. LEGISLATIVE MATTERS: **(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)**
 - A. 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)
 - B. 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)
4. CITY COUNCIL DISCUSSION ITEM:
 - A. City of Norco General Municipal election Cycle. (Mayor Bash)
5. 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.
6. OTHER MATTERS – COUNCIL:
7. OTHER MATTERS – STAFF:
8. ADJOURNMENT:

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

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



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

CALL TO ORDER: Mayor Bash called the meeting to order at 5:30 p.m.

ROLL CALL: Mayor Kevin Bash, **Present**
Mayor Pro Tem Kathy Azevedo, **Present**
Council Member Berwin Hanna, **Present**
Council Member Herb Higgins, **Present 6:00 p.m.**
Council Member Harvey C. Sullivan, **Present 6:00 p.m.**

THE CITY COUNCIL RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS: (Council Member Higgins and Council Member Sullivan recused themselves from participating in the existing litigation Closed Session discussion because of potential conflicts.)

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: Mayor Bash reconvened the meeting at 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1) **City Attorney Harper stated that there were no reportable actions resulting from the items discussed in Closed Session.**

PLEDGE OF ALLEGIANCE: Council Member Higgins

INVOCATION: The River – Foursquare Church
Pastor Jared Vieyra

RECOGNITION: Liza Rogers

Mayor Hanna presented Liza Rogers with a certificate of appreciation for all of her outstanding contributions to the City of Norco, specifically noting the events that she holds that promote the City.

PRESENTATION: RURAL

Pat Overstreet, representing RURAL, presented the City with a \$500 gift certificate for the Norco Animal Shelter to use for the cats they shelter.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

M/S Hanna/Higgins to adopt the items 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. 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. 2012-01, 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: No other CRA matters

ADJOURNMENT OF CRA: 7:07 p.m.

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)

Terry Shea, representing Rogers, Anderson, Malody & Scott, presented an overview of the FY 2011 audited financial reports for the City and the Norco Redevelopment Agency.

Deputy City Manager/Director of Finance Okoro commented on the report and pointed out the post-retirement benefits of \$3.8 million in the trust fund that have been set aside to fund post-retirement healthcare costs.

In response to Council Member Higgins, Deputy City Manager/Director of Finance Okoro stated that the Sewer Fund has some reserves, but the Water Fund ended in the red. He also noted that the General Fund ended up drawing less from reserves than anticipated.

M/S Hanna/Higgins to receive and file the report on Fiscal Year 2011 Audited Financial Reports. The motion was carried by the following roll call vote:

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

4. CITY COUNCIL CONSENT CALENDAR ITEMS:

M/S Hanna/Sullivan 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: NONE

- 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. 2012-03, 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. 2012-04, 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. 2012-05, 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)

Planning Director King presented information as stated in the staff report. A short history regarding the project was provided to the City Council. In response to Mayor Pro Tem Azevedo, he noted that the windmill is considered decorative at this point.

Mattheus Zoetemelk, the Appellant, commented on the project, noting the importance of the doors on each side of the windmill. He stated that he came up with size for the windmill and went to the City for permits, where he hit the roadblock regarding the height. He commented on the blades on the windmill, noting that they move at a rate of 20 – 22 RPMs per minute. He also stated that he received support from all of his neighbors regarding the project and they encouraged him to build it, even though the Planning Commission did not think it was a "Norco thing".

Vern Showalter. Mr. Showalter spoke in support of the project.

Rob Was. Mr. Was spoke in support of the project.

Braelynn Zoetemelk. Ms. Zoetemelk (granddaughter) spoke in support of the project.

Edmond Vaillancourt. Mr. Vaillancourt spoke in support of the project.

David Cochran. Mr. Cochran spoke in support of the project.

Kathy Vougherty. Ms. Vougherty spoke in support of the project.

Richard MacInnes. Mr. MacInnes spoke in support of the project.

Pat Hedges. Ms. Hedges, Planning Commission Member, stated that the Commission did not deny the project because it was not a "Norco thing", but because of the height.

Mayor Pro Tem Azevedo stated that she thinks that the windmill is beautiful, but would like it 3 feet shorter to be in compliance. Mr. Zoetemelk commented on the fact that the doors would need to be lowered if the windmill was shorter. Planning Director King stated that there is an "or as approved" clause that can be implemented.

Council Member Hanna stated that following his review of the model and looking at the house and street it would be locate, this will be okay and will be good for the community, adding that he has no problem with it.

Council Member Higgins noted that the Planning Commission's purpose is to look at the code to see if the project fits, and the windmill was turned down because it does not fit the code. He asked Mr. Zoetemelk why it was not continued as a wind generator. Mr. Zoetemelk responded that he did not have enough information to submit plans for the windmill as a wind generator. He added that once it is built, he could determine the torque and how much energy it would produce.

Council Member Sullivan commented on the neighbors' approval of the windmill and added that the blades would not be moving all of the time and would not affect the horses. He also commented on the angle of the blades and the fence that would surround the windmill. Mr. Zoetemelk added that the fence is wrought iron with gates that will automatically lock (child safety). Council Member Sullivan stated that he does not like to go against the Planning Commission; however, he has a problem with the Planning Commission not having flexibility.

Mayor Bash noted that it is really not an accessory building, adding that he likes the windmill.

M/S Sullivan/Hanna to approve the applicant's 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. The motion was carried by the following roll call vote:

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

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)

City Manager Groves provided an overview of the history of the two proposed ordinances. Summary charts were presented for informational purposes.

Mayor Pro Tem Azevedo stated that she recommended reconsideration of the two ordinances as she was uncomfortable with the previous decision made. She noted that she spoke with many individuals regarding this who suggested that the recommended number of roosters be reduced from 25 to 16 on a half-acre lot and over 16 would require a conditional use permit. She added that people need to be good neighbors and commented on the cock fighting problems that are occurring.

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

The following individuals spoke in support of reducing the number of roosters; noting the need to be a good neighbor, the noise problems they endure, coyote problems, potential health problems and increased code enforcement:

Kim Melillo

Dyanna Smith

Cong Wang

Doug and Marilyn Wuest

Christine Minor

Tony Mauro

Penny Leach

Ryleigh Mendez

Jeff Josselyn

Dan Leach

Rachel Betancourt

Linda Dixon

Adam Caudill

John Opitz

Ron Taber

Monty Covert

Robert Swindell

Geni Huegle

Kerry Bolle

Robert Russell

Pat Overstreet

Clare McGrew

Don Bowker

Roy Hungerford

Bill Green

Rosa Green

Vern Showalter

The following individuals spoke in support of leaving the Norco Municipal Code unchanged; some noting the need to be a good neighbor:

Anthony Rafalla
Carlos Jimenez
Russel Sykes
Celeste Tittle
Bill Gray
Henry Risner
Bridget Powell
Barbara Crane
Lad Vo
Jimmy Vo
Martin Gonzalez
Tiffanie Vo
Benjamine Tran
Tn Vo
Larry Vo
Lindy Vo

Mayor Bash CLOSED the public hearing.

RECESSED: 9:35 p.m.

RECONVENED: 9:45 p.m.

City Attorney Harper noted the need to address the numbers and at what level a conditional use permit is required on the lot sizes. Mayor Pro Tem Azevedo noted that anything over 16 would require a conditional use permit.

Council Member Higgins commented on the requirement for a conditional use permit and asked who would make the decision. Planning Director King stated that the Planning Commission would make the recommendation.

Council Member Sullivan noted that the Council needs to leave this alone and take care of the real problems and not just put a band aid on it. He added that there is a noise issue, not just a number problem, and the City needs more code enforcement.

Council Member Hanna asked if one of the properties had a business license and if they were running a business. Planning Director King responded that there was no evidence that there is a business and they have not acquired a business license. Council Member Hanna noted that if there is a problem, they should abide by the code and get a business license. He further asked if there was any evidence of cock fighting in Norco. In response, Animal Control Superintendent Charles Hemmings stated that he is not aware of any.

Mayor Bash stated that he feels that Norco is on a slippery slope and the City needs to take control of the problem. He added that the City needs to do something about the neighborhoods that are being destroyed. He noted his support of Mayor Pro Tem Azevedo's recommendation.

M/S Bash/Azevedo to deny the Planning Commission's recommendation and adopt Ordinance No. 938 for first reading with the following recommended changes:

Lot Size	Maximum Roosters
10,000 but less than 19,999 sq. ft.	13 <u>4</u>
20,000 but less than 24,999 sq. ft.	25 <u>16</u>
25,000 but less than 29,999 sq. ft.	38 <u>25*</u>
30,000 but less than 34,999 sq. ft.	50 <u>34*</u>
35,000 but less than 39,999 sq. ft.	63 <u>43*</u>
40,000 or more	75 <u>55*</u>
<u>*Conditional Use Permit required for keeping more than 16 roosters regardless of lot size.</u>	

~~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 by appearance or crowing that a bird is a stag, it shall be included in the count regardless of the age of the stag.~~

Council Member Higgins, under discussion, noted that Animal Control staff stated that simply maintaining the numbers approved in the previous first reading of the ordinance would reduce up to 80 percent of birds.

Mayor Bash, under discussion, stated that he is concerned that this situation needs to be dealt with strongly.

Council Member Sullivan, under discussion, commented on previous animal ad-hoc committee discussions that took place in regards to limiting the number of animals of all sizes.

The motion was carried by the following roll call vote:

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

M/S Bash/Azevedo to adopt Ordinance No. 939 for first reading. The motion was carried by the following roll call vote:

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

8. PUBLIC COMMENTS OR QUESTIONS:

Sharon Higman. Ms. Higman commented on the City Council Special Meeting to be held on Monday 23rd at 6 p.m. in relation to the truck distribution center. She added that she does not understand why the meeting will not be held in larger venue and further suggested alternative facilities.

Katherine Bish. Ms. Bish commented on the City Council's refusal to vote for Council Member Sullivan for Mayor Pro Tem.

Pat Overstreet. Ms. Overstreet stated that she hopes that the City Council Special Meeting on Monday will be moved to Nellie Weaver Hall or another venue that will seat more people.

Linda Dixon. Ms. Dixon stated that she is in concurrence with the previous speakers regarding a larger venue for the meeting on Monday. She read a Cal/OSHA report she received regarding Inland Empire warehouses and commented on employment and wages in warehouses.

9. OTHER MATTERS – COUNCIL:

Council Member Hanna:

- ✚ Reported on a bus tour to the Colorado River he was invited to participate in sponsored by the Metropolitan Water District.

Mayor Pro Tem Azevedo:

- ✚ Stated that she continues to be an advocate for shopping and buying gas in Norco and noted the increased revenues from gasoline sales.

Council Member Sullivan:

- ✚ Asked Public Works Director Thompson to check out the synchronization of the right turn signal at the Hidden Valley Parkway and Lonesome Dove intersection.

Mayor Bash:

- ✚ Recommended that a report be placed on the next City Council Agenda to discuss changing the election cycle to even years.

M/S Bash/Higgins to place an item on the next City Council agenda to discuss changing the election cycle from odd years to even years. The motion was carried by the following roll call vote:

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

10. OTHER MATTERS – STAFF: None

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

BRENDA K. JACOBS, CMC
CITY CLERK

/bj-80164



MINUTES
CITY OF NORCO
CITY COUNCIL SPECIAL MEETING
CORONA-NORCO UNIFIED SCHOOL DISTRICT
LEARNING CENTER SOUTH -- 2820 CLARK AVENUE -- NORCO, CA 92860
JANUARY 23, 2012

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**
3. PLEDGE OF ALLEGIANCE: Council Member Sullivan
4. CITY COUNCIL PUBLIC HEARING – PUBLIC COMMENTS WILL BE HEARD THROUGH THE PUBLIC HEARING PROCESS:
 - A. **Appeal Hearing:** Resolutions 2011-(41-45) –Tentative Parcel Map 36392; Master Site Plan 2011-07; Master Site Plan Phase 1 (Site Plans 2011-08, 10) Master Site Plan Phase 2 (Site Plans 2011-09,11); Master Site Plan Phase 3 (Site Plans 2011-12, 13) (Alere Property Group). A Request for Approval to Construct an Industrial/Warehouse/Commerce Park Consisting of 1,573,891 Square Feet in Six Buildings Over Three Phases on 86.93 Acres Located Generally between Pacific Avenue and Mountain Avenue and Second Street and First Street and on the East side of Mountain Avenue South of Second Street.

The Planning Commission heard the above listed items at its August 10 and September 14, 2011 meetings resulting in its denial of Site Plans 2011-07, -08, -09, -10, -11, -12, and -13; and denial of Tentative Parcel map 36392. The reasons for denial are based on findings that the project is not consistent with the policies of the Gateway Specific Plan because, in its entirety, it is too intense of a land use given its location adjacent and across the street from residential agricultural land uses. The Planning Commission also concluded that the traffic analysis was not comprehensive enough in determining impacts and mitigations to the corridor between the Second Street/Hammer Avenue intersection and the freeway interchange and the corresponding corridor along Hidden Valley Parkway. The Alere Property Group (the "Applicant") filed an appeal to the City Council on September 19, 2011 regarding the decisions made by the Planning Commission on the referenced project. Therefore, a public hearing was noticed for a Special City Council meeting on January 23, 2012, at which time the City Council will hear and consider the Applicant's appeal.

City Manager Groves introduced the public hearing and provided a brief overview and history of the public actions taken on the proposed project to the City Council for informational purposes.

Planning Director King provided an overview of the size, architect and location of the proposed project site, noting the requirements of the Gateway Specific Plan. An illustration of the project was presented in its entirety. He stated that reasons for the Planning Commission's denial were based on findings that the project is not consistent with the policies of the Gateway Specific Plan because in its entirety, it is too intense of a land use given its location adjacent and across the street from residential agricultural land uses. Planning Director King further highlighted specific sections from the staff report as distributed to the City Council.

Representatives of the Alere Property Group (the "Appellant") presented information relating to the proposed project. They briefly summarized the Norco Ranch Commerce Park proposal; background of the Alere Property Group; reasons for the appeal, noting its conformance with the Gateway Specific Plan; project design elements and City improvements proposed; examples of industrial development adjacent to residential areas in other cities; crime rate and security; maintenance of the streets and trails, noting an agreement that would be entered into with the City; and technical information regarding air, noise and traffic. The Appellant stated that the traffic study was prepared in conformance with the required guidelines and was reviewed for potential impacts. They added that mitigation measures, as a result, were found to be consistent with the Gateway Specific Plan, noting that the intersections that are deficient today will have improvements completed based on the project requirements.

The Appellant stated that at this time no tenants have committed, but there are high level tenants interested. They commented on the economic benefits to the City with approximately 696 new good paying permanent jobs (average income noted at \$42,000 annually for warehouse employees in 2009) with \$30 million in annual income added to the area. Also noted was the direct economic benefit of City project fees that would be paid in the amount of \$6.6 million and the annual property taxes they would pay in the amount of \$1.3 million when fully build out and accessed.

The Appellant asked for the City Council's support for the project, as it is consistent with the zoning and the Gateway Specific Plan, siting the benefits it would bring to the City (land use element conventional; well thought out site plan that restricts truck access to the industrial zones; the design is both tasteful and functional and will save riding trails; project is fully mitigated for traffic, air and noise; site would be safe and secure with very little City service demands; and provides an economic benefit by providing good paying jobs, City fees and tax revenues).

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

The following individuals spoke in opposition of the project:

Sharon Higman

Patricia Overstreet

Linda Dixon

Ed Dixon

Donna Johnson

Nancy Gilmore

Nancy Cryslar

Maryse Koegel

Su Bacon

Mike Thompson

City Council Special Meeting Minutes

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January 23, 2012

Diane Collins
Larry Palmer
Danny Azevedo (speaking for the Norco Horsemen's Association)
Judy Lambert
Dan Lambert
Rachel Lopez
Bob Nicas
Jody Nicas
Sandy McClure
Wayne Steffner
Jeannie Hallgrimson
Terri Baker
Marva Anselm
Bill Anselm
Denise Lynn Sutherland
Teresa Wages
Susan Yasui
Manfred Wrembel
Wendy Hartley
Gary Cervantes
Keith Kamstra
Pat Hedges
Glen Hedges
Kathleen Kay
Denise Shoemaker
Bill Green
Susan Leming
Barbara Powell
Robert Richardson
Ed Clark
Bob Cuervo
David Wilson
Brenda Boring
Geno Stephenson
Alan Schuetz
Benjamin Conrado
Lisa Butler
Robert Carr
Mark Anderson
Rudy Granville

The following individuals spoke in support of the project:

Woody Harpole
Lorne Whittle
Rob Guy
Robert Swindell
Greg Dellenbach

RECESSED: 8:00 p.m. – The City Attorney requested that no dialogue with the City Council take place during the recess regarding the public hearing item.

RECONVENED: 8:17 p.m. – The public comment period continued with the completion of the appearance of the above-noted speakers.

Mayor Bash CLOSED the public hearing.

Council Member Higgins thanked all in attendance for speaking for and against the project and a summary of his comments is provided as follows:

- He listened to those living across the street from the proposed project; adding that he would not want to live across the street from this project.
- Property owners have rights and have a right to sell their property and make money.
- Likes what the proposed project will do, but it will not financially benefit the City that much.
- Commented on prior projects completed by the City, such as the Auto Mall, noting that they were heavily financially relied on.
- The Planning Commission's goal is to review specific plans to see if the development fits and he relies heavily on the Planning Commission to make that determination. The Planning Commission said no because in their understanding of the Gateway Specific Plan, it did not fit.
- He also reviewed the Gateway Specific Plan and came to the conclusion that this proposed project does not work, noting that the Egg Ranch was grandfathered into the Specific Plan and never conditioned as a Specific Plan use.
- He will vote in response to the statements received from the people that live next to the proposed project.

Council Member Sullivan thanked all in attendance and a summary of his comments is provided as follows:

- Does not disagree with a lot of what was said, adding that he heard some things about ruining City streets and does not believe that there are any problems with Hidden Valley with the truck traffic on that street.
- If the proposed project is approved, all of the infrastructure would be brought up to standards and truck traffic would not damage the streets.
- Some said this is not the highest and best use for the site, noting that it is hard to bring in retail to Norco and that is not a good use for that site.
- Commented on disturbance to the neighbors, noting that the Appellant went into great lengths to protect the horses and the neighbors.
- Commented on the Egg Ranch being there for a long time, noting the support Mr. Eisen has historically been to the community. He added that Mr. Eisen is 95 years old and has a right to sell his property.
- All the Appellant is asking for is site map and tentative track map approval. If approved, the Appellant could solicit some of the good tenants as presented and then we can get down to the conditions and restrictions.
- Pacific Avenue would look better if this project was approved, adding that he would not have a problem living next to the proposed project.
- Commented on the diesel exhaust and particulates in the air, noting that they were less than a car and we don't know how many trucks there will be.

- The City Council needs a real good reason to turn it down, noting that the Planning Commission's denial of the project as being too intense was not a good reason to turn it down as it is not part of the Code. He added that he is not going to vote no if it meets or exceeds the City's regulations, noting that he took an oath to abide by the laws of this land.
- Commented on the air quality in Norco and how it has improved, noting his concern regarding the particulates found in the dust from the animal waste in back yards.
- Will Rogers Quote –“You've got to go out on a limb because that's where the fruit is.”

Council Member Hanna thanked everyone for coming and a summary of his comments is provided as follows:

- Received confirmation from Planning Director King that it is a driveway, not a private street in the proposed plans for the project, noting it was just mislabeled.
- Performed his own traffic study, noting the times it took him to get from one location to another with the truck traffic as an example of the problems that will be caused by all of the extra truck traffic in town. He further commented on the problems with cut-through traffic in Norco.
- The first issue is all the extra traffic, the other issue is the health issues brought up which are a big concern. He further commented on the diesel fumes that settle in his back yard from the truck traffic on Interstate 15 Freeway and Sixth Street.
- Another concern that raised a red flag is the bridge that would need to be built from the trucking unit to the commercial unit. He wondered who would pay for it, adding that the City cannot pay for it. Nor can the City pay for any improvements to the Second Street freeway ramps.
- The residents have property rights to protect their homes.

Mayor Pro Tem Azevedo thanked all in attendance and a summary of her comments is provided as follows:

- Noted how proud she is to be from Horsetown USA, adding that what makes us special are the people and she will do everything in her power to maintain Horsetown USA.
- In her struggle to maintain the City, she does not see a truck distribution center to be in the strategic plan vision.
- Commented on the Appellant's presentation, noting that she took offense in comparing Norco to other cities as Norco is so unique compared to other neighborhoods.
- Agrees that clearly this is not in compliance with the Gateway Specific Plan.
- The true economic engine is the Auto Mall and she is concerned what this project would do to them.
- Silverlakes will be a solution to the destination plan for Norco.
- The neighbors have property rights and she believes that a project more in compliance would work.
- Not in support of the proposed project, as it will jeopardize Horsetown USA and its goals.
- Jobs don't benefit the City in balancing the budget. There will be a lot of jobs at Silverlakes that will be conducive to Norco residents.
- She feels the same as all who spoke in opposition of the proposed project and will be voting against this project.

Mayor Bash thanked everyone for respecting all of the speakers and also thanked the Appellant for their presentation. A summary of his comments is provided as follows:

- Has lived in Norco over 50 years and sat through many meetings where promises were made that were not fulfilled. He added that he learned the hard way through experience.
- If we were looking for a truck depot, this is what he would support, as they do a good job.
- Commenting on the money given by Mr. Eisen for Norco's cityhood, noting what an amazing man he is.
- Disputes some of the figures presented by the Appellant and concurs with the Planning Commission. He added that he does not want to look back in the future and realize that all the money is gone.
- This is just not the project for us. He further apologized to Mr. Eisen, noting that he cannot approve this project.

M/S Higgins/Azevedo to uphold the Planning Commission's denial of the project. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS

NOES: SULLIVAN

ABSENT: NONE

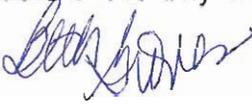
ABSTAIN: NONE

5. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Bash adjourned the meeting at 9:40 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK

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: February 1, 2012

SUBJECT: Resolution Approving Amendment No. 4 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement

RECOMMENDATION: Adopt **Resolution 2012-___**, Approving Amendment No. 4 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement with the Chino Desalter Authority, subject to non-substantive changes and approval by all CDA Member Agencies; and authorize the Mayor to execute the Amendment.

SUMMARY: The City of Norco is a member of the Chino Basin Desalter Authority ("CDA"), which jointly exercises powers to own, operate and maintain water desalting facilities, commonly referred to as the Chino I and Chino II Desalters. The CDA facilities are located within the Chino Basin, an adjudicated water basin that has been ordered by the court to meet the Optimum Basin Management Plan objectives through the expansion of the Chino Desalter Phase 3 project. At its January 5, 2012 Board meeting, the CDA Board of Directors approved the proposed JPA Amendment No. 4. The governing bodies of each of the Member Agencies must now approve proposed JPA Amendment No. 4 by resolution in order for it to become effective.

BACKGROUND/ANALYSIS: The City of Norco is a member of the CDA, which jointly exercises power to own, operate and maintain water desalting facilities (Chino I and II Desalters). The original members of the CDA include the Jurupa Community Services District (JCSD), Inland Empire Utilities Agency (IEUA), Santa Ana River Water Company (SARWC), and the cities of Norco, Chino, Chino Hills, and Ontario, including recently added member Western Municipal Water District (WMWD). The CDA facilities include two treatment plants, twenty-one groundwater wells, over thirty miles of pipeline and various product water distribution facilities (pump stations, reservoirs and interconnections). Norco's existing CDA water capacity is 1,000 acre-feet per year and this obligation will not increase with the completion of the Desalter Phase III Expansion project (Desalter Expansion project).

On March 18, 2009, the City Council adopted Resolution No. 2009-13 approving Amendment No. 2 to the JPA agreement which included provisions for the Desalter Expansion project. Certain Desalter Expansion project timelines, implementing terms and agreements defined in Amendment No. 2 required refinement as the project moved forward prompting the CDA Board of Directors to approve Amendment No. 3 on February 18, 2010. On June 2, 2010, the City Council followed the direction of the CDA Board of Directors and adopted Resolution No. 2010-24 approving Amendment No. 3.

At its January 5, 2012 Board meeting, the CDA Board of Directors approved JPA Amendment No. 4. Approval of Amendment No. 4 is necessary as Amendment No. 3 was not executed by all Members of the CDA and therefore did not become effective.

Amendment No. 4 clarifies provisions related to the appointment and designation of CDA Board Members. Amendment No. 4 requires each Member to designate, by written notice, one Director and at least one (but up to two) alternate Directors and to require any Member that designates two alternate Directors to inform the CDA in writing of the order of priority of the designated alternate Directors.

FINANCIAL IMPACT: None

/wrt-80248

Attachments: Resolution No. 2012-____
Chino Basin Desalter Authority JPA Amendment No. 4

RESOLUTION NO. 2012- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING AN AMENDMENT NO. 4 TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE CHINO BASIN DESALTER AUTHORITY.

WHEREAS, a Joint Exercise of Powers Agreement (“Original Agreement”) creating the Chino Basin Desalter Authority (“CDA”) was made and entered into as of the 25th day of September, 2001 by and among the Jurupa Community Services District (“JCSD”), the Santa Ana River Water Company (“SARWC”), the cities of Chino (“Chino”), Chino Hills (“Chino Hills”), Norco (“Norco”) and Ontario (“Ontario”) and the Inland Empire Utilities Agency (“IEUA”) (collectively the “Original Members” and individually, an “Original Member”); and

WHEREAS, Amendment No. 1 to the Original Agreement (“Amendment No. 1”) was entered into by the Original Parties as of December 11, 2001; and

WHEREAS, Amendment No. 2 to the Original Agreement (“Amendment No. 2”), dated as of October 30, 2008, was entered into by the Original Parties and Western Municipal Water District, a California water district (“WMWD”); the Original Parties and WMWD are collectively referred to herein as the “Parties”); and

WHEREAS, the Members entered into Amendment No. 3 to the Original Agreement (“Amendment No. 3”), dated as of February 18, 2010; and

WHEREAS, the Original Agreement, as amended by Amendment No. 1, Amendment No. 2 and Amendment No. 3 is referred to herein as the “Agreement”; and

WHEREAS, the Agreement requires each of the Members to designate a Director and an alternate Director to serve on the CDA Board, but does not expressly permit the Members to designate more than one alternate Director; and

WHEREAS, a prior version of Amendment No. 4 to Joint Exercise of Powers Agreement creating the Chino Basin Desalter Authority was approved by the CDA Board of Directors but was not executed by all Members of CDA; therefore such amendment did not become effective; and

WHEREAS, the Members desire to enter into Amendment No. 4 to require each Member to designate, by written notice, one Director and at least one (but up to two) alternate Directors and to require any Member that designates two alternate Directors to inform the CDA Board in writing of the order of priority of the designated alternate Directors; and

Resolution No. 2012-____, Approving Amendment No. 4 to the Joint Exercise of Powers Agreement Creating the Chino Basin Desalter

Page 2

February 1, 2012

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Norco hereby declares, finds, and determines as follows:

1. The recitals set forth above are true and correct.
2. Amendment No. 4 is hereby approved in substantially the form on file with CDA and is made a part hereof as though set forth in full herein. Upon approval of Amendment No. 4 by resolution of each of the Members, the Chairperson or the Chairperson's designee and the Secretary are hereby authorized and directed to make such non-substantive revisions to Amendment No. 4 as they deem appropriate and to execute and deliver Amendment No. 4 with such changes, insertions and omissions as may be approved by the officers executing the same, said execution being conclusive evidence of such approval.
3. The Chairperson or the Chairperson's designee, and any other proper officer of CDA, are each hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by Amendment No. 4 and this Resolution.
4. Unless the context clearly requires otherwise, all terms used herein and not otherwise defined shall have the meanings given such terms in Amendment No. 4.
5. This Resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council at a regular meeting held on February 1, 2012.

Mayor of the City of Norco, California

ATTEST:

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

Resolution No. 2012-____, Approving Amendment No. 4 to the Joint Exercise of Powers Agreement Creating the Chino Basin Desalter

Page 3

February 1, 2012

I, Brenda K. Jacobs, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California at a regular meeting thereof held on February 1, 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 February 1, 2012.

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

/wrt-80249

**AMENDMENT NO. 4 to
JOINT EXERCISE OF POWERS AGREEMENT
creating the
CHINO BASIN DESALTER AUTHORITY**

WHEREAS, a Joint Exercise of Powers Agreement (“Original Agreement”) creating the Chino Basin Desalter Authority (“CDA”) was made and entered into as of the 25th day of September, 2001 by and among the Jurupa Community Services District (“JCSD”), the Santa Ana River Water Company (“SARWC”), the cities of Chino (“Chino”), Chino Hills (“Chino Hills”), Norco (“Norco”) and Ontario (“Ontario”) and the Inland Empire Utilities Agency (“IEUA”) (collectively, the “Original Members” and individually, an “Original Member”); and

WHEREAS, Amendment No.1 to the Original Agreement (“Amendment No. 1”) was entered into by the Original Members as of December 11, 2001; and

WHEREAS, Amendment No.2 to the Original Agreement (“Amendment No. 2”), dated as of October 30, 2008, was entered into by the Original Members and Western Municipal Water District, a California water district (“WMWD”; the Original Members and WMWD are collectively referred to herein as the “Members”); and

WHEREAS, the Members entered into Amendment No.3 to the Original Agreement (“Amendment No. 3”), dated as of February 18, 2010; and

WHEREAS, the Original Agreement, as amended by Amendment No.1, Amendment No. 2, and Amendment No. 3, is referred to herein as the “Agreement”; and

WHEREAS, a prior version of Amendment No. 4 to Joint Exercise of Powers Agreement creating the Chino Basin Desalter Authority was approved by the CDA Board of Directors but was not executed by all Members of CDA; therefore such amendment did not become effective; and

WHEREAS, the Members now desire to enter into this Amendment No.4 to Joint Exercise of Powers Agreement creating the Chino Basin Desalter Authority (“Amendment No. 4”) to authorize each Member to designate and appoint two alternate Directors in addition to the principal Director appointed by each such Member, as more particularly described below.

NOW THEREFORE, the Members hereto agree that the Agreement shall be amended as follows:

1. Section 2.5 of the Agreement is hereby amended, restated and superseded by the following:

Selection of Directors. Each Member shall designate and appoint a representative to serve as a Director on the Board. Each Member also shall appoint at least one (1) but not more than two (2) alternate Directors (a primary alternate

and secondary alternate), either of whom may serve in the absence of such Member's regular Director, to assume all rights and duties of the absent Director. At least one of either the Director or the alternate Director(s) shall have technical expertise relevant to the operations and maintenance of the desalter facilities as determined by each Member. Each Member shall give written notice to the CDA of the names of its Director and alternate Director(s). If a Member designates two (2) alternate Directors, such Member shall provide written notice to CDA stating the order of priority of the alternate Directors. Each Director and alternate Director shall hold office from the first meeting of the Board after the appointment of the Director or alternate Director until a successor is selected and qualified. Directors and alternate Directors shall serve at the pleasure of the governing body of their appointing Members and may be removed at any time, with or without cause, at the sole discretion of such governing body (and written notice of such action shall be provided to CDA). Each written notice required by this Section shall be signed by the applicable Member's Chief Executive Officer, President, City Manager, or General Manager, as applicable.

2. Initially capitalized terms used herein without definition shall have the meanings ascribed to them in the Agreement.
3. Except as expressly set forth in herein, nothing in this Amendment No. 4 shall constitute an amendment to any other provision of the Agreement.

IN WITNESS WHEREOF, the Members have executed this Amendment No. 4 to Joint Exercise of Powers Agreement creating the Chino Basin Desalter Authority as of the dates set forth below.

CITY OF NORCO

DATED: _____

BY: _____

MAYOR

DATED: _____

ATTESTED: _____

CITY CLERK

APPROVED AS TO FORM

CITY OF NORCO STAFF REPORT

TO: Mayor and Members of the Norco City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Roger Grody, Economic Development Specialist 

DATE: February 1, 2012

SUBJECT: Preservation of Historic Documents, Photographs and Artifacts

RECOMMENDATION: Adopt **Resolution No. 2012-___**, granting the Historic Preservation Commission the sole authority for the preservation of historic Norco documents, photographs and artifacts.

SUMMARY: The Historic Preservation Commission was established by the City Council in 2008 to designate the community's historic and cultural resources, including individual properties, archaeological sites, historic districts, and trails. In addition, the Commission was envisioned to play a role in the preservation of historic documents, photographs and artifacts, ultimately sharing such knowledge with the public. Such a role, however, was not specifically enumerated in the ordinance establishing the Commission. Therefore, authority for these activities is now being sought.

BACKGROUND/ANALYSIS: The Historic Preservation Commission has accomplished a great deal in its short history, obtaining Certified Local Government (CLG) status and winning highly competitive grants from the State of California to prepare historic context statements and conduct surveys of historic properties. A draft of its first Historic Resources Survey, covering properties constructed up until 1946, has been completed. The Survey supports the designation of various historic landmarks, and recommendations based on its findings will be considered by Council in the coming months.

The Historic Preservation Commission has recently evaluated the City's collection of historic documents, photographs and artifacts, most of which is currently stored in the trailer next to the Norco Public Library (Old City Hall). An Archiving Subcommittee was formed to carefully examine the physical condition of the trailer and believes that a new facility—one that provides greater security, climate control and, ultimately, space in which to display some of these treasured artifacts for the public—would better serve the City. The prospects of eventually relocating the collection became more likely last December, when the California Supreme Court upheld legislation effectively eliminating all of the State's community redevelopment agencies. Because the trailer sits on property of the former Norco Redevelopment Agency, its long term availability is

uncertain. In addition, a lack of security and water intrusion issues threaten the viability of the current situation.

In 1993, Council approved an agreement with the Norco Historical Society (NHS), authorizing it to use City property (i.e. a portion of the trailer) for the storage of artifacts, as well as space in the Library for the establishment of a Historical Museum. In 2008, Council approved a Memorandum of Understanding (MOU) between the NHS and representatives of the City that provided for the NHS and City Historian to jointly develop policies and procedures to appropriately catalog, handle, store, preserve and display historical papers, photographs and artifacts. The cooperative effort envisioned by the 2008 MOU has not been implemented, yet the need for this work to proceed is more pressing than ever.

It is essential that all historic documents, photographs and artifacts (located either in the trailer or in the Historic Museum occupying a room at the Library) be properly stored, catalogued and cared for, as they represent the primary connection between modern day Norco and its proud, rich history. This authority is best granted to a single entity and the Historic Preservation Commission is ideally suited to handle the items in a conscientious and professional manner, given the interest and expertise of its Members.

Based on recommendations from its Archiving Subcommittee, the Historic Preservation Commission hereby seeks formal authority from the City Council to preserve (and relocate, should it become necessary) the City's collection of historic documents, photographs and artifacts. The City Historian, who has traditionally been a resource available to the Commission, will provide technical assistance along with Wilkman Historical Services, the City's Cultural Resources Consultant.

RECOMMENDATION: Grant the Historic Preservation Commission the sole authority for the preservation of historic Norco documents, photographs and artifacts.

FISCAL IMPACT: None.

/rg-80120

Attachments: Resolution No. 2012-_____

RESOLUTION NO. 2012-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, GRANTING THE HISTORIC PRESERVATION COMMISSION THE SOLE AUTHORITY FOR THE PRESERVATION OF HISTORIC DOCUMENTS, PHOTOGRAPHS AND ARTIFACTS IN AN EFFORT TO PROPERLY AND EFFICIENTLY ARCHIVE, DOCUMENT AND ULTIMATELY PUBLICLY DISPLAY THE RICH HISTORIC AND CULTURAL HERITAGE OF THE CITY OF NORCO

WHEREAS, the rich historic and cultural heritage of Norco is a treasured local resource that fosters civic pride and a sense of identity among the City's residents; and

WHEREAS, the proper and efficient archiving, documentation and public display of historic documents, photographs and artifacts is in the public interest; and

WHEREAS, the Historic Preservation Commission was established in 2008 to designate the community's cultural resources, including individual properties, archaeological sites, historic districts, and trails; as well as to oversee the preservation of historic documents, photographs and artifacts, sharing such knowledge with the public; and

WHEREAS, the current responsibility for the management of the City's historic documents, photographs and artifacts has been fractured between more than one entity, threatening the proper and efficient preservation of the collection; and

WHEREAS, there is an immediate need to consolidate and preserve the entire collection of historic documents, photographs and artifacts due to the dissolution of the Norco Redevelopment Agency and liquidation of its property; and

WHEREAS, Section 2.26.090(R) of the Norco Municipal Code provides that the Historic Preservation Commission shall undertake any action or activity directed by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco does hereby grant the Historic Preservation Commission the sole authority for the preservation of historic documents, photographs and artifacts.

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on February 1, 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 introduced and adopted by the City Council of the City of Norco at a meeting held on February 1, 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 February 1, 2012.

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

/rg-80237

**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: February 1, 2012

SUBJECT: Resolution Approving Site Plan 2011-20 (Zoetemelk): 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: Adopt Resolution No. 2012-___, granting approval of Site Plan 2011-20 with Conditions.

On January 18, 2012, the City Council considered 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.

The City Council overturned the Planning Commission's denial and approved Site Plan 2011-20.

Attached for the Council's review is the approval resolution for Site Plan 2011-20 which is recommended for adoption.

/adr-80224

Attachment: Resolution No. 2012-___

RESOLUTION NO. 2012-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO GRANTING WITH CONDITIONS, SITE PLAN APPROVAL 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); and

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, Site Plan 2011-20 was denied by the Planning Commission; and

WHEREAS, the applicant appealed the Planning Commission determination to deny the project to the City Council; and

WHEREAS, at the time set; at 7 p.m. on January 18, 2012 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place set, said City Council 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 City Council of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

- A. The proposal does comply with all applicable requirements of the Norco Municipal Zoning Ordinance and the General Plan.
- B. The overall site and architectural design is not inconsistent with the intent and purpose of the Norco General Plan and Norco Municipal Zoning Ordinance.
- C. The proposal is reasonably compatible with the area immediately surrounding the site.
- D. The proposal is not detrimental and will be desirable to the overall public convenience or general welfare of the persons residing or working in the neighborhood.
- E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Section 3.13, Class 3 of the City of Norco Environmental Guidelines.

DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norco, California, in session assembled February 1, 2012 that the application for Site Plan 2011-20 is approved, subject to the conditions provided in Section 18.40.10 of the Municipal Code of Norco, and including, but not limited to the following conditions:

1. Approval is based on Exhibit "C" – Site Plan, and Exhibit "D" – Floor Plan and Building Elevations dated October 13, 2011 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
2. The recorded owner of the property shall submit to the Planning Division for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.

4. In the event conditions for approval by the Planning Commission or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes for approval of any grading and/or building permits.
5. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Director as appropriate. Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.
6. The applicant shall obtain building permits and pay all applicable fees before beginning construction of the building on the subject property.
7. The applicant shall comply with all requirements from the Planning, Engineering, and Building Divisions; and the Fire and Sheriff's Departments; and all other applicable departments and agencies.
8. A home occupation business shall not be permitted from the subject building.
9. Building permits for this accessory building are issued within the confines of this permit/site plan approval. Any violation of a condition resulting in a revocation of this permit/site plan approval may result in an order to remove the accessory building at the owner's expense.
10. Prior to conversion or utilization of the structure as a Wind Energy Conversion System, a conditional use permit must first be approved by the Planning Commission including payment of all application fees.

Resolution No. 2012-____
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February 1, 2012

PASSED AND ADOPTED by the City Council of the City of Norco at a meeting held on February 1, 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 introduced and adopted by the City Council of the City of Norco at a meeting held on February 1, 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 February 1, 2012

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

/adr-80198

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: February 1, 2012

SUBJECT: Resolution Upholding the Planning Commission's Denial of Site Plans 2011-07 through 2011-13, and Denying Tentative Parcel Map 36392, for Development of Six Warehouse Distribution Buildings on 86.93 Acres located Generally between Pacific Avenue and Mountain Avenue and First Street and Second Street Excepting out Approximately Five Acres on the Southeast Corner of Second Street and Pacific Avenue and Adding Approximately 13.6 Non-Contiguous Acres on the East Side of Mountain Avenue. Site Plan 2011-07, Site Plan 2011-08, Site Plan 2011-09, Site Plan 2011-10, Site Plan 2011-11, Site Plan 2011-12, Site Plan 2011-13, Tentative Parcel Map 36392

RECOMMENDATION: Adopt **Resolution No. 2012-___**.

SUMMARY: The City Council held a special meeting on January 23, 2012, at which time they held an Appeal Hearing and voted to deny the above-stated applications. The attached resolution memorializes the action of the City Council.

/sk-80274

Attachment: Resolution No. 2012-___

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S DENIAL OF SITE PLANS 2011-07 THROUGH 2011-13, AND DENYING TENTATIVE PARCEL MAP 36392, FOR DEVELOPMENT OF SIX WAREHOUSE DISTRIBUTION BUILDINGS ON 86.93 ACRES LOCATED GENERALLY BETWEEN PACIFIC AVENUE AND MOUNTAIN AVENUE AND FIRST STREET AND SECOND STREET EXCEPTING OUT APPROXIMATELY FIVE ACRES ON THE SOUTHEAST CORNER OF SECOND STREET AND PACIFIC AVENUE AND ADDING APPROXIMATELY 13.6 NON-CONTIGUOUS ACRES ON THE EAST SIDE OF MOUNTAIN AVENUE. SITE PLAN 2011-07, SITE PLAN 2011-08, SITE PLAN 2011-09, SITE PLAN 2011-10, SITE PLAN 2011-11, SITE PLAN 2011-12, SITE PLAN 2011-13, TENTATIVE PARCEL MAP 36392

WHEREAS, ALERE PROPERTY GROUP, LLC, initiated an applications for a master site plan, tentative parcel map, and six individual site plans on property generally described as:

Being a subdivision of Lots 2, 3, 5, 6, 7, 8, Portions of Lots 1 and 4 of Block 12, together with Portions of Lots 1, 2 and 3 of Block 13, of Riverside Orange Heights Tract, as per Map filed in Book 6, Page 74 of Maps, in the Office of the County Recorder of said County,

More generally described as approximately 86.93 acres located between Pacific Avenue and Mountain Avenue and First Street and Second Street excepting out approximately five acres on the southeast corner of Second Street and Mountain Avenue and adding approximately 13.6 non-contiguous acres on the east side of Mountain Avenue (several APN); and

WHEREAS, said applications have been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on August 10, 2011, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, said petitions were heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, said Planning Commission closed the public hearing and directed staff to re-advertise the project and include a description of related site plan components to the proposed map in the public hearing notice; and

WHEREAS, said applications have been duly re-submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on September 6, 2011, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petitions were heard by the Planning Commission for the City of Norco; and

WHEREAS, said Planning Commission closed the public hearing and continued said petitions to September 14, 2011; and

WHEREAS, at said time and place, said Planning Commission considered both oral and written evidence and adopted motions based on findings to deny Site Plans 2011-07, -08, -09, -10, -11, -12, -13 and adopted a motion based on findings recommending to the City Council denial of Tentative Parcel Map 36392; and

WHEREAS, the applicant filed an appeal to the City Council of the Planning Commission actions and on October 5, 2011 requested a waiver of the City's requirement to have the City Council give notice of the public hearing within 40 days of receipt of the appeal request; and

WHEREAS, said appeal has been duly submitted to the City of Norco City Council for hearing and decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at a special meeting at 6 p.m. on January 23, 2012, within the Learning Center South building of the Corona-Norco Unified School District, 2820 Clark Avenue, Norco, California, 92960, said petitions were heard by the City Council for the City of Norco; and

WHEREAS, at said time and place, the City Council heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, determined that an Addendum to the Gateway Specific Plan Environmental Impact Report be approved based on sufficient new information that required the preparation of an updated Traffic Impact Analysis, an Air Quality Analysis, a Greenhouse Gas Analysis, and a Noise Impact Analysis, and that the addition of these studies constitutes the Addendum pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

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

A. The proposed project (7 site plans and 1 tentative parcel map) is not consistent with the intent of the Gateway Specific Plan Industrial District which designates the area for the following: "Light industrial, research and development (R&D) and ancillary facilities. Industrial uses allowed in this District will be light and clean, primarily high-tech industry that generates little noise or air pollution; no heavy manufacturing will be permitted."

B. The proposed project is too intense for compatibility in the area where it is located, being surrounded on three sides by low density agricultural-residential land uses and a commercial district to the east. The project is not consistent with the Gateway Specific Plan General Goal Statement (2.3.2): "All new uses must respect and accommodate existing uses that will remain both within and adjacent to the Project Area."

C. The proposed project would create additional traffic, specifically truck traffic, having the effect of creating the appearance of truck congestion and thereby making the surrounding commercial district less attractive and less accommodating to potential customers at the Hamner Avenue retail establishments which is a primary source of sales tax revenue that supports the City.

D. The traffic study for the proposed project, addressed impacts and mitigation measures on surrounding streets and intersections. Only one improvement to the northbound Second Street off-ramp was included for freeway impacts yet current congestion in the City is centered on the Second Street and Hidden Valley Parkway intersections with the freeway. While any freeway improvements are under the jurisdiction of Caltrans and not the City, it is not clear that impacts to these two intersections have been adequately addressed and mitigated.

E. The project is of such a size that it is not consistent with the Gateway Specific Plan Land Use/Fiscal Goal (2.3.4) Policy 7 to develop a light industrial land use nucleus centering around the existing Norco Egg Ranch facility.

F. Per Section 4.1.7 of the Gateway Specific Plan the Planning Commission shall have the responsibility to interpret the provisions of the Plan including the extent to which the development proposal responds to the Plan's Goals, Objectives, and Policies, and the Planning Commission determined that the project does not respond to the intent of the Plan's Goals, Objectives, and Policies.

NOW, THEREFORE, the City Council of the City of Norco 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 Planning Commission actions are upheld and Site Plans 2011-07, 2011-08, 2011-09, 2011-10, 2011-11, 2011-12, and 2011-13; and Tentative Parcel Map 36392 are denied.

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

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 1, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC
City Clerk

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a meeting held on February 1, 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 February 1, 2012.

Brenda K. Jacobs, CMC
City Clerk

/sk-80267

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 1, 2012

SUBJECT: **Ordinance No. 938, Second Reading.** 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

RECOMMENDATION: Adopt **Ordinance No. 938** for second reading.

SUMMARY: The first reading of Ordinance No. 938 was considered by the City Council on November 16, 2011, and reconsidered by the City Council on January 18, 2012 at which time it was adopted by the City Council with a 4-1 vote (Sullivan – No).

The following revisions to the Norco Municipal Code, Section 18.13.06 Permitted Uses (D) 1. i, ii and iii are incorporated into Ordinance No. 938:

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

Lot Size	Maximum Roosters
10,000 but less than 19,999 sq. ft.	13 4
20,000 but less than 24,999 sq. ft.	25 16
25,000 but less than 29,999 sq. ft.	38 25*
30,000 but less than 34,999 sq. ft.	50 34*
35,000 but less than 39,999 sq. ft.	63 43*
40,000 or more	75 55*
<u>*Conditional Use Permit required for keeping more than 16 roosters regardless of lot size.</u>	

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 by appearance or crowing that a bird is a stag, it shall be included in the count regardless of the age of the stag.~~

iii. All properties with more than ~~25~~ 16 roosters shall be required to obtain a conditional use permit and 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~~ 55 or more roosters shall be considered a commercial operation and have the same restrictions pertaining to a commercial poultry business.

Ordinance No. 938 amends Title 18, Sections 18.13.06 of the Norco Municipal Code (NMC) amending provisions that regulate roosters within the A-1 zone. An amendment to the City's Comprehensive Fee Schedule will be considered in the near future to determine the fee for the conditional use permit.

/bj-79670

Attachment: Ordinance No. 938

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 a Planning Commission 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 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 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, the 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. The maximum number of roosters permitted, for noncommercial animal-keeping in relation to lot size shall be determined as follows:

Lot Size	Maximum Roosters
10,000 but less than 19,999 sq. ft.	4
20,000 but less than 24,999 sq. ft.	16
25,000 but less than 29,999 sq. ft.	25*
30,000 but less than 34,999 sq. ft.	34*
35,000 but less than 39,999 sq. ft.	43*
40,000 or more	55*
*Conditional Use Permit required for keeping more than 16 roosters regardless of lot size.	

ii. When it can be determined by appearance or crowing that a bird is a stag, it shall be included in the count regardless of the age of the stag.

iii. All properties with more than 16 roosters shall be required to obtain a conditional use permit and 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 55 or more roosters shall be considered a commercial operation and have the same restrictions pertaining to a commercial poultry business.

Section 18.13.08 Uses Which May be Permitted by Conditional Use Permit

(Q) The noncommercial keeping of more than 16 roosters regardless of lot size.

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, 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 November 16, 2011, and thereafter reconsidered at a regular meeting of said City Council duly held on January 18, 2012, and 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

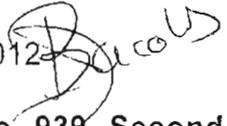
/bj-80215

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk

DATE: February 1, 2012 

SUBJECT: **Ordinance No. 939, Second Reading.** Amending the Norco Hills Specific Plan to Establish Provisions to Regulate Fowl and the Number of Animals not Otherwise Categorized as an Animal Unit.

RECOMMENDATION: Adopt **Ordinance No. 939** for second reading.

SUMMARY: The first reading of Ordinance No. 938 was considered by the City Council on November 16, 2011, and reconsidered by the City Council on January 18, 2012 at which time it was adopted by the City Council with a 4-1 vote (Sullivan – No).

This Ordinance amends the Norco Hills Specific Plan regulations for animals not defined or regulated by an animal unit to be 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.

/bj-79884

Attachment: Ordinance No. 939

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 a Planning Commission 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 November 16, 2011, and thereafter reconsidered at a regular meeting of said City Council duly held on January 18, 2012, and 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:

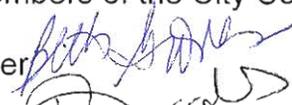
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 1, 2012.

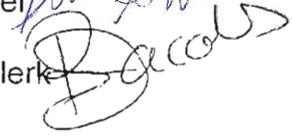
Brenda K. Jacobs, City Clerk
City of Norco, California

/bj-80216

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 1, 2012

SUBJECT: City of Norco General Municipal Election Cycle History and Information

RECOMMENDATION: Staff recommends that the City Council provide direction if they wish to pursue moving the Norco General Municipal Election cycle from odd-numbered years to even-numbered years.

SUMMARY: At its meeting held on January 18, 2012, the City Council voted unanimously to place an item on the agenda to discuss moving the Norco General Municipal Election cycle from odd-numbered years to even-numbered years. The information provided in this staff report is a summary of historical City Council actions and discussions that took place, along with related sections of the California Elections Code for consideration

BACKGROUND/ANALYSIS: The following information is presented to the City Council for informational purposes.

HISTORY: In 1993, the City of Norco took steps to move the election date from even to odd-numbered years, which was made at the County of Riverside's request. There were concerns after the 1990 general election with the 10 card, two-sided ballot which resulted in programming problems and overtaxed the ballot counting equipment and voting system. In 1993, the Riverside County Board of Supervisors endorsed the realignment of regional/local elections to conserve taxpayer dollars, allow for more efficient use of County resources and provide better service to jurisdictions and voters. The Norco City Council concurred by adopting a resolution on November 3, 1993. Circumstances have changed since the realignment was approved in 1993, as Riverside County has implemented an electronic touch-screen voting system. The change from paper to electronic balloting alleviates some of the reasons for the move back in 1993 as most voters do not use paper ballots to cast their votes and the ballot counting equipment used back in 1993 is not used for most ballots.

In December of 2004, the City Council considered changing back to even-numbered years and voted not to adopt an ordinance making that change from odd to even-numbered years as this would have extended the terms of two of the Council Members, but instead sent it to the voters for their input. The City Council placed Measure F as an *Advisory Vote* – "Shall the General Municipal Election date be changed from odd-numbered to even-numbered years" on the November, 2005 ballot. Measure F failed with 1,622 yes votes cast and 3,610 no votes cast and therefore, no further action was taken by the Council.

On March 3, 2010, the City Council again discussed changing the election cycle from odd to even-years, with no action taken at that time.

A Municipal Election was held on Tuesday, November 8, 2011 to fill three seats on the Norco City Council. The Riverside County Registrar of Voters office reported that there are currently 11,225 voters registered that are active. That are active" means that they are not inactive (mail returned), canceled (moved, or have not voted two federal elections) or pending (waiting to hear from the voter for more information). Seven candidates were placed on the ballot with 2,699 total ballots cast, approximately at 24 percent turnout. Following are some historical figures regarding voter turnout and ballots cast, dating back to 1990:

Voter Turnout and Ballots Cast:

Year	Registration	Ballots Cast	Turnout
Nov-90	9,828	5,469	55.64713065
Nov-91	N/A	N/A	N/A
Nov-92	10,713	7,973	74.4235975
Nov-93	10,439	3,079	29.49516237
Nov-94	10,772	6,346	58.91199406
Nov-95	11,017	2,841	25.78741944
Nov-96	11,721	6,796	57.9814009
Nov-97	11,676	2,683	22.97875985
Nov-98	11,300	5,766	51.02654867
Nov-99	9,209	2,309	25.07329786
Nov-00	10,082	7,420	73.59650863
Nov-01	10,232	2,360	23.06489445
Nov-02	10,531	4,662	44.26930016
Nov-03	10,716	3,399	31.71892497
Nov-04	11,678	8,788	75.25261175
Nov-05	11,665	5,650	48.43549078
Nov-06	11,378	5,844	51.36227808
Nov-07	10,892	2,677	24.57767169
Nov-08	11,793	9,208	78.08021708
Nov-09	11,212	2,777	24.7681056

CALIFORNIA ELECTIONS CODE SECTIONS FOR REFERENCE:

1301. (a) Except as required by Section 57379 of the Government Code, and except as provided in subdivision (b), a general municipal election shall be held on an established election date pursuant to Section 1000.

(b) (1) Notwithstanding subdivision (a), a city council may enact an ordinance, pursuant to Division 10 (commencing with Section 10000), requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general

election, on the day of school district elections as set forth in Section 1302, the first Tuesday after the first Monday of March in each odd-numbered year, or the second Tuesday of April in each year. Any ordinance adopted pursuant to this subdivision shall become operative upon approval by the board of supervisors. (2) In the event of consolidation, the general municipal election shall be conducted in accordance with all applicable procedural requirements of this code pertaining to that primary, general, or school district election, and shall thereafter occur in consolidation with that election.

(c) If a city adopts an ordinance described in subdivision (b), the municipal election following the adoption of the ordinance and each municipal election thereafter shall be conducted on the date specified by the city council, in accordance with subdivision (b), unless the ordinance in question is later repealed by the city council.

(d) If the date of a general municipal election is changed pursuant to subdivision (b), at least one election shall be held before the ordinance, as approved by the board of supervisors, may be subsequently repealed or amended.

10403.5. (a) (1) Any city ordinance requiring its general municipal election to be held on a day specified in subdivision (b) of Section 1301 shall be approved by the board of supervisors unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled. Prior to adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(2) A city, by itself or in concert with other cities, may purchase or otherwise contribute to the purchase of elections equipment, including, but not limited to, a computer for the purposes of conducting a consolidated election when the equipment shall be owned by the county.

(b) As a result of the adoption of an ordinance pursuant to this section, no term of office shall be increased or decreased by more than 12 months. As used in this subdivision, "12 months" means the period between the day upon which the term of office would otherwise have commenced and the first Tuesday after the second Monday in the 12th month before or after that day, inclusive.

CITY COUNCIL POTENTIAL TERMS OF OFFICE IMPACTS: Mayor Bash and Council Member Sullivan terms of office expire November of 2013. Council Member Hanna, Mayor Pro Tem Azevedo and Council Member Higgins terms of office expire November of 2015. As the California Election Code states, no term of office can be increased or decreased by more than 12 months. Therefore, following is an example of increasing terms by one year for all of the current City Council Members:

If an even-year election cycle began in 2014, it would increase the term of office by 12 months for Mayor Bash and Council Member Sullivan to 2014; and increase the term of office by 12 months for Council Member Hanna, Mayor Pro Tem Azevedo and Council Member Higgins to 2016.

If the City Council chose to begin the even-year election cycle in 2012, it would decrease the terms of office for Mayor Bash and Council Member Sullivan by 12 months to 2012, and decrease the terms of office by 12 months for Mayor Pro Tem Azevedo and Council Member Higgins to 2014. The timeframe required to meet the election deadlines would be extremely

difficult to meet, as the "calling of the election" process begins in March. The other factor to consider is that the 2011 election costs have not to this date been invoiced (approximately \$35,000). An additional \$6,000 would need to be appropriated from the FY 2011-12 Budget to pay for the noticing to the residents of the election cycle change. As an added consideration, the City Attorney stated that there is some legal uncertainty concerning a City Council's ability to reduce the term of current Council Members, particularly if an affected Council Member objects.

STEPS REQUIRED MOVING FORWARD WITH CHANGING THE ELECTION CYCLE:

The first step necessary would be to determine when the even-year election cycle would take effect. An ordinance would be prepared amending Chapter 2.44 of the Norco Municipal Code, Section 2.44.010 to change when the General Municipal Election would be held. The next step would be to send that ordinance to the Riverside County Board of Supervisors for its approval. They will then, upon approval, send to all Norco residents a Change of Election Date Notice as required by the California Elections Code. The Council would also have the option to place an Advisory Vote on the ballot, as done in 2004, which would require a ballot measure.

FINANCIAL IMPACTS: In order to implement this change, \$6,000 would be appropriated from the General Fund for the Board of Supervisors to approve that ordinance and notify the City residents with a Change of Election Date Notice as required by the California Elections Code. If that election cycle began in 2014, there would be no regular General Municipal Election expenditures appropriated from the General Fund in 2013 (approximately \$35,000). With the dissolution of the Norco Redevelopment Agency, the General Fund will need to absorb a portion of Norco Redevelopment Agency costs and this expenditure could potentially be used for other City services in that fiscal year.

/bj-80202