



# AGENDA CITY OF NORCO

CITY COUNCIL  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
FEBRUARY 15, 2012

- 
- CALL TO ORDER: 7:00 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
- PLEDGE OF ALLEGIANCE: Council Member Hanna
- INVOCATION: My Father's House Ministries  
*Pastor Mark Thomas*
- PRESENTATION: Donation for Trail Cleanup  
*Norco Regional Conservancy*
- RETIREMENT RECOGNITION: Deborah DeGrado, Housing Manager

## REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

### 1. CITY COUNCIL PRESENTATION ITEM:

#### A. Horse Manure-to-Energy Project Feasibility Study

Representatives from Chevron Energy Solutions will present the Feasibility Study report completed for the City of Norco Horse Manure-to-Energy Project.

**Recommended Action: Receive and File the Study.** (Deputy City Manager/Director of Finance)

### 2. 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.3 of the Agenda)*

- #### A. Approval of Minutes:
- Regular Meeting of February 1, 2012  
Special Meeting of January 30, 2012 (Former Norco CRA)  
Recommended Action: **Approve the City Council Minutes** (City Clerk)

- B. Recap of Actions Taken at the Planning Commission Regular Meeting of February 8, 2012. **Recommended Action: Receive and file** (Planning Director)
- C. Fiscal Year 2012 Second Quarter Budget to Actual Report. **Recommended Action: Receive and file.** (Deputy City Manager/Director of Finance)
- D. Approval to Declare Various City Assets as Surplus Property. **Recommended Action: Declare Various City Assets as Surplus and authorize the Deputy City Manager/Director of Finance to dispose of surplus assets through appropriate means.** (Deputy City Manager/Director of Finance)
- E. Approval of a Service Agreement with Roger J. Grody to Provide Economic Development Consulting Services. **Recommended Action: Approve a Service Agreement with Roger J. Grody to serve as the City's Economic Development Specialist.** (City Manager)
- F. Approval of Public Works Director Part Time/Temporary Employment. **Recommended Action: Approve the Agreement for Temporary/Part-Time Employment of Public Works Director.** (Deputy City Manager/Director of Finance)
- G. Resolution Approving an Amendment to the Rules of Procedure for City Council Meetings. **Recommended Action: Adopt Resolution No. 2012-\_\_\_\_, amending the rules of procedure for City Council meetings.** (City Clerk)
- H. Resolution Amending and Approving the City's Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974. **Recommended Action: Adopt Resolution No. 2012-\_\_\_\_, amending the City's Conflict of Interest Code.** (City Clerk)
- I. Approval of a Two-Year Weed Abatement Contract Extension with Warren Brothers Tractor Work to Provide Weed Abatement on Vacant Parcels. **Recommended Action: Approve a Two-Year Contract Extension with Warren Brothers Tractor Work.** (Fire Chief)
- J. Request for a One-Year Extension to the License Agreement for Grading and Removal of Aggregate and Related Materials at George Ingalls Equestrian Event Center. **Recommended Action: Approve a one year Extension of the License Agreement with So Cal Sandbags, Inc.** (Parks, Recreation & Community Services Director)

- K. Acceptance of Bids and Award of Contract for the Horseless Carriage 12-Inch Water Line Extension Project. **Recommended Action: Accept bids and award the contract for the installation of a new 12-inch water line extension to TK Construction in the amount of \$58,982, and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.** (Public Works Director)
- L. Not used.
- M. Acceptance of the Fiscal Year 2011-12 Equestrian Trail Fence Project as Complete. **Recommended Action: Accept the Fiscal Year 2011-12 Equestrian Trail Fence Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.** (Public Works Director)
- N. Acceptance of the Norco Drive Sewer and Water Improvements Project as Complete. **Recommended Action: That the City Council 1.) Accept the Norco Drive Sewer and Water Improvements Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office; and 2.) Ratify the expenditure of \$26,281.23 for extra work required to complete the project.** (Public Works Director)
- O. Consideration of a Resolution in Support for the City of Ontario to gain local control of Ontario International Airport (ONT). **Recommended Action: Adopt Resolution No. 2012-\_\_\_, supporting the transfer of ONT to local control.** (City Manager)

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

4. **CITY COUNCIL ACTION ITEM:**

- A. Mid-Year Budget Amendments to Fiscal Year 2011-12 Annual Operating Budget

*The recommended mid-year budget revisions proposed will increase estimated General Fund revenues by a net amount of \$149,838; increase estimated General Fund expenditures by a net amount of \$236,550 and transfer \$86,712 from the Equipment Replacement Fund to the General Fund. The recommended changes to the General Fund budget do not change the fund balance of nearly \$2.1 million reported as of the end of the Fiscal Year 2010-2011.*

**Recommended Actions: Adopt Resolution No. 2012-\_\_\_, approving various mid-year amendments to the Fiscal Year 2011-12 Annual Budget and authorizing changes in appropriations and revenues thereto; and approving the Job Specification for Deputy Director of Public Works/Senior Engineer.** (Deputy City Manager/Director of Finance)

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 – CITY COUNCIL, CITY MANAGER AND STAFF:**

A. City Council Updates from Regional Boards and Commissions

B. City Council Other Matters

C. Staff Other Matters

7. **CITY COUNCIL ITEMS -- ACTING AS GOVERNING BODY OF THE SUCCESSOR AGENCY TO THE NORCO COMMUNITY REDEVELOPMENT AGENCY:**

A. Review of the Draft Recognized Obligation Payment Schedule (“ROPS”). **Recommended Action: Staff recommends that the City Council, acting as the governing body of the Successor Agency, approve the Draft ROPS for submittal to the Riverside County Auditor-Controller and the Oversight Board for certification and final approval.** (Deputy City Manager/Director of Finance)

B. Resolution Establishing Basic Governance, Rules and Regulation for the Successor Agency to the Norco Community Redevelopment Agency. **Recommended Action: Adopt Resolution No. 2012-\_\_\_, establishing basic governance, rules, and regulations for the Successor Agency as a new and distinct legal entity from the City in performing duties and functions previously performed by the Norco Community Redevelopment Agency.** (City Manager)

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).*

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

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

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

DATE: February 15, 2012

SUBJECT: Horse Manure-to-Energy Project Feasibility Study

RECOMMENDATION: Receive and File

**SUMMARY:** Chevron Energy Solutions has completed the Feasibility Study for the City of Norco Horse Manure-to-Energy project. This study finds that there is a potential technical solution that can be implemented to construct a project that could also be economically viable.

**BACKGROUND/ANALYSIS:** On December 15, 2010, the City Council entered into a Professional Services Agreement with Chevron Energy Solutions for performance of an engineering study of a Horse Manure-to-Energy Project. Over the last twelve months, Chevron Energy Solutions has performed technical and economic analyses to determine the possibility of building a manure-to-energy project that can meet the City's needs.

Chevron Energy Solutions representatives will be available during this meeting to present their formal report to the City Council.

**FISCAL IMPACT:** The City was awarded a Federal Grant of \$750,000 for this project. The City is required to present 20% matching funds of \$187,500 for total available funds of \$937,500. The total cost of the Feasibility Study, including the City's 20% matching funds was \$681,694. This leaves remaining available funds of \$255,806 which could be used to pursue other phases of this project.

/jk-80362



# MINUTES CITY OF NORCO

CITY COUNCIL  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
FEBRUARY 1, 2012

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

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**

THE CITY COUNCIL RECESSED 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: 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: Mayor Pro Tem Azevedo

INVOCATION: Norco Church of Christ  
*Pastor Andrew Lemus*

COMMENDATION: Deputy Tim Warburg

**Mayor Bash presented Deputy Warburg with a commendation honoring him and wishing him well on his retirement effective February 10, 2012. He noted that Deputy Warburg, a 26-year law enforcement veteran, provided exemplary service to the citizens of Norco for 17 years.**

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

**M/S Higgins/Hanna 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: SULLIVAN ON 1.E.**

**ABSENT: NONE**

**ABSTAIN: NONE**

- 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 2012-06, 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. 2012-07, 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 2012-08, 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. 2012-09.** (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)

**M/S Hanna/Azevedo to Adopt Ordinance No. 938 for second reading. The motion was carried by the following roll call vote:**

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

- 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)

**M/S Azevedo/Hanna to Adopt Ordinance No. 939 for second reading. The motion was carried by the following roll call vote:**

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

4. CITY COUNCIL DISCUSSION ITEM:
  - A. City of Norco General Municipal election Cycle. (Mayor Bash)

**City Manager Groves** introduced the item for City Council discussion.

**Katherine Bish.** Ms. Bish stated that she opposes changing the election cycle from odd to even years, noting that voters in Norco that vote in odd years are better informed and the most concerned about what happens in Norco.

**Pat Overstreet.** Ms. Overstreet stated that she opposes changing the election cycle as there is an overload of election material to review for the larger elections. She added that the current odd-year election cycle brings out the people that care about the town.

**Mayor Bash** stated that the reason why he would suggest moving to an even-year election cycle is that it makes smaller groups less powerful. He commented on the importance of having representation on the School Board. He also noted that the Riverside Community College District is contemplating the creation of districts and that election would most likely be on an even-year cycle. He further stated that changing to an even-year election cycle is good government with better representation.

**Council Member Sullivan** stated that he opposes changing the election cycle. He commented on the 2004 ballot measure to change to an even-numbered election cycle voted down by the people. He further commented on the length of the ballot for a national election and also the length of time it takes to certify that election. He stated that he is not in favor of this change.

**Council Member Higgins** stated that he could not find a convincing reason to make a decision. He commented on the election statistics provided, noting that the number of voters does not mean they are more or less concerned. He noted that he wanted to reduce the term to three years rather than four, but was concerned with the legal opinion provided. He stated that he does not want to go to five year terms without bringing this to the voters, adding that based on the information provided; he would not suggest a change at this time.

**Council Member Hanna** commented on the City Council's previous discussions in 2010, adding that he spoke with residents who stated that they want the Council to serve 4 years. He stated that he would not vote on decreasing the terms and will say no on this item.

**Mayor Pro Tem Azevedo** stated that in a perfect world, the even-year election cycle would be the best way to go as it has a higher voter turnout. She further stated that she believes that she would have then been elected by a larger majority of the people. She commented on the fact that she does not want to spend the money, nor is she comfortable with giving herself an added year, and so will not support the change at this time.

**Mayor Bash** stated that he was prepared to reduce his term to three years, adding that he believes that it is imperative for Norco to go to the even-year election because in the long term, the odd-year election cycle will hurt the City. He stated that he will bring this issue back again next year for the City Council to discuss.

5. PUBLIC COMMENTS OR QUESTIONS:

**Katherine Bish.** Ms. Bish stated that she supports City Council term limits and further stated that the City Council should not receive any pay, benefits or retirement until things become better in the City.

**Robin Grundmeyer.** Ms. Grundmeyer provided information regarding the Norco FFA and the top program it provides. She noted that, unfortunately, the state budget had a detrimental effect on education. She further commented on the cuts made to the state's technical and career education.

**Kirsten Smith.** Ms. Smith commented on the Norco FFA and what a great organization it is, noting the leadership conferences they attend. She informed the Council that the FFA is selling agricultural license plates and is holding a fund raising dinner on February 25 at Nellie Weaver Hall, beginning at 6 p.m. The tickets are available at \$50 for a single and \$75 for a couple

**Carole Lindsey.** Ms. Lindsey commented on the leadership in the FFA. She provided additional information on the California agriculture special interest license plate (information regarding the license plate is located on the California Department of Food and Agriculture website at <https://secure.cdffa.ca.gov/eqgov/calagplate/>). She stated that the Norco FFA is charged with selling 37 plates and they are hoping that people will understand how important the Ag program is as a result of the fundraising activities.

**Vern Showalter.** Mr. Showalter congratulated the Norco Ag program for a job well done. He also commented on the poor service he has been receiving from Charter Cable and asked that the Council really scrutinize them when renewal time comes up.

## 6. OTHER MATTERS – COUNCIL:

### **Council Member Sullivan:**

- ✚ Stated that the Sign Code Working Group is close to bringing something back to the Council and will be holding two more meetings to finalize the details.
- ✚ Reported that there will be a presentation from Chevron at the City Council Meeting on February 15<sup>th</sup> regarding the feasibility study that was completed.

### **Council Member Higgins:**

- ✚ Stated that in the future he will want to discuss the need to modify the City's Charter to add City Council term limits, along with no salaries or benefits for Council Members.
- ✚ Commented on his discussions following the Alere Appeal Hearing, noting that Alere realized that they presented the project in the wrong way. He added that they will want to make sure that they do not spend a million dollars on something the City will not approve. He suggested discussing the Planning issues before a new project begins, adding that if the Gateway Specific Plan is modified in the middle of project discussions, there will be a conflict.

### **Mayor Pro Tem Azevedo:**

- ✚ Reported that she will be judging the talent show put on by the cheerleaders at Norco High School, which will be held in the new performance theater.
- ✚ Stated that she has been working with Director Petree and the President of the Norco Horsemen's Association on a television network cooking show that will be locating in Norco on April 4<sup>th</sup>.

- ✚ Asked if a "State of the City" address has been scheduled. City Manager Groves responded that the Norco Area Chamber will be hosting this in March some time and the date is yet uncertain.

**Council Member Hanna:**

- ✚ Commented on the need for the Council to discuss the Gateway Specific Plan. City Manager Groves stated that a study session would be scheduled in the future to discuss this.

**Mayor Bash:**

- ✚ Noted that he is not a believer in City Council term limits. He stated that in terms of the money, the Council does not make that much, adding that it is not a volunteer job. He further stated that if the City goes under, then it would be a different story.
- ✚ Reported that he is getting compliments on the Fire Department, noting that the transition has been wonderful.

7. OTHER MATTERS – STAFF: None

8. ADJOURNMENT: There being no further business to come before the City Council, Mayor Bash adjourned the meeting at 8:08 p.m.

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BRENDA K. JACOBS, CMC  
CITY CLERK



**MINUTES**  
**CITY OF NORCO**  
NORCO COMMUNITY REDEVELOPMENT AGENCY  
SPECIAL MEETING  
NORCO CITY HALL  
CONFERENCE ROOMS "A" AND "B"  
2870 CLARK AVENUE  
NORCO, CA 92860  
JANUARY 30, 2012

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1. CALL TO ORDER: Chairman Bash called the meeting to order at 6:00 p.m.
2. ROLL CALL: Chairman Kevin Bash, **Present**  
Vice Chairman Kathy Azevedo, **Present**  
Agency Board Member Berwin Hanna, **Present**  
Agency Board Member Herb Higgins, **Present**  
Agency Board Member Harvey C. Sullivan, **Present**
3. NORCO COMMUNITY REDEVELOPMENT AGENCY (CRA) CONSENT ITEM:
  - A. Approval and Adoption of the Updated Amended Enforceable Obligation Payment Schedule (EOPS) as Required by AB x1 26. **Recommended Acton: Adopt CRA Resolution No. 2012-\_\_\_, approving and adopting the Updated Amended EOPS.** (Deputy City Manager/Director of Finance)

**City Manager Groves and Deputy City Manager/Director of Finance Okoro** presented an overview of the history and compliance requirements regarding the adoption of the Updated Amended EOPS. Information was provided regarding the dissolution of the Norco Community Redevelopment Agency on February 1, 2012. The Updated Amended EOPS was completed based on staff's understanding of the law. The Updated Amended EOPS is subject to review and approval by the Oversight Board once it is formed and only listed obligations can be paid.

**M/S Hanna/Azevedo to adopt CRA Resolution No. 2012-02, approving and adopting the Updated Amended EOPS. The motion was carried by the following roll call vote:**

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

4. PUBLIC COMMENTS: **None received**
5. ADJOURNMENT: There being no further business to come before the Norco Community Redevelopment Agency, Chairman Bash adjourned the meeting at 6:18 p.m.

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BRENDA K. JACOBS, CMC  
SECRETARY



**RECAP OF ACTION TAKEN AGENDA**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
FEBRUARY 8, 2012

- 
1. CALL TO ORDER: **7:00 p.m.**
  2. ROLL CALL: **Chair Wright, Vice Chair Henderson, Commission Members Jaffarian and Leonard (Hedges absent)**
  3. STAFF PRESENT: **Planning Director King, Senior Planner Robles, Deputy City Clerk Germain**
  4. PLEDGE OF ALLEGIANCE: **Commissioner Jaffarian**
  5. APPEAL NOTICE: **Read by Staff**
  6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: **None**
  7. APPROVAL OF MINUTES: Minutes of January 11, 2012. **Recommended Action: Approval** (Deputy City Clerk): **3-0-1 (Hedges absent, Jaffarian abstained)**
  8. CONTINUED ITEMS (from January 11, 2012):
    - A. **Resolution No. 2012-\_\_\_**; Conditional Use Permit 2011-27 (Gilmore): A Request for Approval to Allow an Accessory Building Consisting of a 2,520 square-foot Storage Building at 4127 Temescal Avenue Located within the A-1-20 Zone. **Recommended Action: Approval** (SP Robles): **Approved 4-0**
    - B. **Resolution 2012-\_\_\_**; Zone Code Amendment 2011-05 (City): A City-Initiated Proposal to Amend Title 18 of the Norco Municipal Code by Amending the Provisions of Chapter 18.39 Entitled "General Provisions – Non-Conforming Uses, Lots and Structures", to Establish Criteria for the Issuance of "Rebuild" Letters. **Recommended Action: Recommendation for Approval** (PD King): **Recommended approval 4-0. This item will go before the City Council at the next available meeting.**

9. PUBLIC HEARINGS

- A. **Resolution No. 2012-\_\_\_**; Conditional Use Permit 2011-28 (McGreevey): A Request for Approval to Allow an Accessory Building Consisting of a two-story 2,437 Square-Foot Storage and Shop Building at 3067 Pacer Drive Located within the A-1-20 Zone. **Recommended Action: Continue to March 14, 2012 (SP Robles): Continued 4-0**

10. BUSINESS ITEMS:

- A. **Resolution No. 2012-\_\_\_**; Site Plan 2012-01 (Leister): A Request for Approval to Allow an Accessory Building Consisting of a 288 square-foot storage shed with an attached 96 square-foot porch at 1424 Foxtrotter Road Located within the Norco Ridge Ranch Specific Plan (NRRSP). **Recommended Action: Approval (SP Robles): Approved 4-0**
- B. Consideration of Architecture Changes (Canopy Structure Material) for Approved Conditional Use Permit 2011-15. **Recommended Action: Approval (SP Robles): Approved 4-0**

11. CITY COUNCIL: **Received and Filed**

- A. Recap of Actions Taken at the February 1, 2012 City Council/Community Redevelopment Agency Meeting.
- B. City Council Minutes dated December 7, 2011 and January 11, 18, and 23, 2012

12. PLANNING COMMISSION: Oral Reports from Various Committees: **None**

13. STAFF: Current Work Program: **Received and Filed**

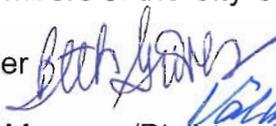
14. OTHER MATTERS: **Received and Filed**

- A. Follow-up on Items from Previous Meetings (Director King)

15. ADJOURNMENT: **7:48 p.m.**

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

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

DATE: February 15, 2012

SUBJECT: Fiscal Year 2012 Second Quarter Budget to Actual Report

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2012 second quarter budget to actual report.

**SUMMARY:** One of the department's annual goals is to inform the City Council on actual operating budget results relative to the annual adopted budget. This report provides information on how actual results through December 31, 2011 compare to the adopted budget. Notable variances identified as a result of analyzing the budget performance through December 31, 2011 are being recommended as mid-year budget amendments.

**BACKGROUND/ANALYSIS:** As part of revenue and expenditure reporting and monitoring program, staff has provided the City Council with quarterly budget to actual reports since Fiscal Year 2004. This report provides status information as of the end of the second quarter ended December 31, 2011 for the City and Redevelopment Agency Operating Funds. As a result of timing differences, the first six months of actual recorded data may not be reflective of what the ultimate year-end numbers will be at June 30, 2012. However, these numbers have been analyzed in conjunction with other historic and currently available data through the first week of February in order to identify notable variances from the adopted budget.

Attachment 1 provides a summary of revenues and expenditures for each Operating Fund through December 31, 2011.

## **General Fund Revenues**

Including the effects of timing differences, few notable variances have been identified between adopted budget and actual results through December 31, 2011. These notable variances have been incorporated into the recommended mid-year budget adjustments.

- **Property Tax:** The low percentage of property tax revenue received as of December 31, 2011 is due to the uneven nature of property tax receipts. The bulk of property tax revenue is received in the months of January and May of each fiscal year. Based on the most recent assessed value and receipt information from the County, it is anticipated that actual property tax receipts by year-end will be slightly higher than the amount in the adopted budget. An

upward revision of \$51,500 has been recommended as a mid-year budget adjustment.

- **Sales Tax:** There is usually a time lag between when sales transactions occur and the time the City receives payment from the state. Additionally, 25% of total projected sales tax revenues are received over two installments in January and June. Based on actual sales tax receipts through December 31, 2011 and known future receipts under the "triple flip" arrangement, sales tax revenue for the year is expected to be slightly higher than the amount in the adopted budget. An upward revision of \$61,460 has been recommended as a mid-year budget adjustment.
- **Franchise Fees:** Most of the revenues in this category are from electric and gas franchises which are received once a year. The City is yet to receive any payment for electric or gas franchise fees. Refuse franchise revenues are received monthly while cable TV franchises are received quarterly. Refuse franchise revenues are tracking within budget. At this time no adjustment is being proposed for franchise fees revenue category.
- **Motor Vehicle In-Lieu Fees:** The low percentage of the budget received as of December 31, 2011 is due to the implementation of the "Triple Flip". Under this arrangement, the allocation of VLF is paid with property tax. The first installment of the replacement property tax amount was received last week. Due to state action to take away the base motor vehicle license fees from local governments in FY 2011-2012, a reduction of \$51,599 has been recommended as a mid-year budget adjustment.
- **Community Development Fees:** While building permits are tracking above budget, planning and engineering division revenues are below budget due lower than anticipated activity. Overall, a net budget increase of \$28,377 has been recommended as a mid-year budget adjustment to this revenue category.
- **Community Services/Recreation:** Wee People Program revenues and certain fees related to facility rentals and recreation activities are tracking below original budget estimates due to lower participation. The mid-year budget adjustment report includes a recommendation to reduce these revenues by a total of \$111,000; related expenditures are also recommended to be reduced.
- **Other Revenues:** Other General Fund revenue category which include emergency medical subscription fees, refuse billing and collection fees, penalties, dog license, fire inspection fee, and other miscellaneous revenue items are tracking ahead of budget primarily due to increase in dog license and penalties revenue line items. The mid-year budget adjustment report includes a recommendation to increase this revenue category by \$175,000.

### **General Fund Expenditures**

Except for the items summarized below and also discussed in the mid-year budget adjustment staff report, General Fund expenditures are tracking within the original

budget amounts. Due to lower than anticipated general liability losses, Public Entity Risk Management Authority (the City's Insurance Risk Pool) has refunded \$62,260 to the City. This amount has been credited to current year general liability budget line item and will reduce the budget by the amount of the refund. As a result of lower participation in the Wee People Program and contract classes; and anticipated savings in utility cost budget line item, Parks, Recreation and Wee People division expenditures are anticipated to be lower than budget by a total of \$113,000.

### **Water Fund Revenues and Expenditures**

Based on expenditures to date, Water Fund expenditures and revenues are tracking within budget. At this time, no budget adjustments are recommended for the Water Fund.

### **Other City Funds**

This second quarter report also provides summary information on the Sewer, Gas Tax, NPDES and Miscellaneous Grant Funds. Sewer Fund revenues and expenditures are tracking to the adopted budget amount. Gas Tax Fund revenues and expenditures are also tracking to budget. The lower recorded revenue in the Gas Tax Fund through December is due to timing differences. Actual revenues received are through October 2011. NPDES expenditures are tracking to budget. The lower than anticipated revenue received through December for the NPDES Fund is due to the timing of property tax payments.

### **Redevelopment Agency Funds**

Redevelopment Agency Operating Funds include the Administration/Debt Service Fund and the Low to Moderate Income Housing Fund. As of December 31, 2011, no tax increment revenues were received from the County. The first installment payment was received in late January and thus not included in this report.

Due to the dissolution of the RDA effective February 1, 2012, this first installment will be the last property tax increment allocated to the former Norco Community Redevelopment Agency. Future allocations as necessary to pay enforceable obligations of the former Agency will be made to the Successor Agency. It is anticipated that a close out audit will be performed to provide final accounting and reconciliation of the financial activities of the former Agency. This close out audit is expected to be completed before June 30, 2012.

**FISCAL IMPACT:** This report is informational. Budget changes identified as a result of the second quarter budget to actual review are being included in the mid-year budget amendment staff report.

/ao-80373

Attachment: Budget and Actual Report

**City of Norco  
Budget and Actual Report  
For the Two Quarters Ended December 31, 2011**

	Adopted Budget	Amended Budget	Year to Date Actual	Remaining Budget	% Achieved
<b>GENERAL FUND</b>					
<b>REVENUES</b>					
Property Taxes	\$ 1,124,700	1,124,700	369,157	755,543	33% (1)
Sales Taxes	4,140,223	4,140,223	1,092,304	3,047,919	26% (2)
Other Taxes	691,926	691,926	390,764	301,162	56% (3)
Franchise Fees	1,015,729	1,015,729	257,510	758,219	25% (3)
Motor Vehicle in-lieu Fees	2,021,931	2,021,931	13,541	2,008,390	1% (4)
Intergovernmental	42,295	42,295	14,650	27,645	35% (3)
Fines and Penalties	89,000	89,000	57,316	31,684	64%
Interest Income/Lease	350,193	350,193	52,078	298,115	15% (5)
Community Development Fees	486,512	486,512	267,061	219,451	55%
Community Services/Recreation	707,927	707,927	304,463	403,464	43%
Other Revenues	1,065,012	1,065,012	728,814	336,198	68%
Operating Transfers	1,067,771	1,067,771	519,579	548,192	49%
Total revenues	<u>\$ 12,803,219</u>	<u>12,803,219</u>	<u>4,067,237</u>	<u>8,735,982</u>	<u>32%</u>
<b>EXPENDITURES</b>					
<b>Legislative</b>					
City Council	\$ 53,025	53,025	26,782	26,243	51%
City Attorney	89,988	89,988	33,742	56,246	37%
City Clerk	133,795	133,795	57,152	76,643	43%
City Manager	132,481	132,481	63,772	68,709	48%
<b>Parks, Recreation &amp; Community Services</b>					
Recreation	813,661	813,661	338,314	475,347	42%
Youth & Teen	321,724	321,724	115,044	206,680	36%
Park Maintenance	635,167	635,167	250,370	384,797	39%
Senior Citizens	143,827	143,827	57,888	85,939	40%
Public Buildings	296,934	296,934	113,652	183,282	38%
Animal Control	590,332	590,332	288,322	302,010	49%
<b>Community Development</b>					
Planning	175,763	175,763	82,415	93,348	47%
Building & Safety	187,358	187,358	90,329	97,029	48%
<b>Public Works/Engineering</b>					
Engineering	186,964	186,964	87,162	99,802	47%
Inspection	24,741	24,741	12,454	12,287	50%
Parkway Maintenance	54,941	54,941	26,722	28,219	49%
<b>Fire Department</b>					
Fire Suppression	2,184,703	2,184,703	1,136,537	1,048,166	52%
Paramedic	780,279	780,279	334,392	445,887	43%
Emergency Services	3,960	3,960	186	3,774	5%
<b>Police Protection</b>					
Sheriff	4,363,221	4,363,221	1,569,095	2,794,126	36% (6)
Citizens on Patrol	15,942	15,942	15,244	698	96% (10)
Crossing Guards	64,589	64,589	23,329	41,260	36%
<b>Fiscal and Support Services</b>					
Finance and Human Resources	408,540	408,540	199,659	208,881	49%
Non-Departmental	1,368,993	1,368,993	743,952	625,041	54% (7)
Total Expenditures	<u>13,030,928</u>	<u>13,030,928</u>	<u>5,666,514</u>	<u>7,364,414</u>	<u>43%</u>
Net Revenues Over (Under) Expenditures	<u>\$ (227,709)</u>	<u>(227,709)</u>	<u>(1,599,277)</u>		

**City of Norco  
Budget and Actual Report  
For the Two Quarters Ended December 31, 2011**

	Adopted Budget	Amended Budget	Year to Date Actual	Remaining Budget	% Achieved
<b>REDEVELOPMENT AGENCY</b>					
<b>REVENUES</b>					
Tax Increment	\$ 11,602,487	11,602,487	20	11,602,467	0% (8)
Interest and Lease Income	201,227	201,227	93,637	107,590	47%
Contributions/Reimbursements	572,222	572,222	25,221	547,001	0%
School Bond	2,057,441	2,057,441	-	2,057,441	0% (3)
Total Revenues	<u>14,433,377</u>	<u>14,433,377</u>	<u>118,878</u>	<u>14,314,499</u>	<u>1%</u>
<b>EXPENDITURES</b>					
Redevelopment Administration	1,488,118	1,488,118	423,364	1,064,754	28%
Redevelopment Agency Debt Service	6,173,842	6,173,842	2,154,421	4,019,421	35%
Pass Thru Agreement	8,520,128	8,520,128	-	8,520,128	0% (3)
Transfers Out	25,000	25,000	17,176	7,824	69%
Total Expenditures	<u>16,207,088</u>	<u>16,207,088</u>	<u>2,594,961</u>	<u>13,612,127</u>	<u>16%</u>
Net Revenues Over (Under) Expenditures	<u>\$ (1,773,711)</u>	<u>(1,773,711)</u>	<u>(2,476,083)</u>		
<b>LOW-MOD INCOME HOUSING</b>					
<b>REVENUES</b>					
Tax Increment	\$ 2,825,249	2,825,249	-	2,825,249	0% (8)
Interest and Lease Income	15,000	15,000	2,596	12,404	17%
Other Revenue	167,056	167,056	16,610	150,446	10%
Total Revenues	<u>3,007,305</u>	<u>3,007,305</u>	<u>19,206</u>	<u>2,988,099</u>	<u>1%</u>
<b>EXPENDITURES</b>					
Low-Mod Income Housing Program	374,098	374,098	157,348	216,750	42%
Grant Programs	964,000	964,000	146,395	817,605	15%
Redevelopment Agency Debt Service	1,029,100	1,029,100	359,550	669,550	35%
Total Expenditures	<u>2,367,198</u>	<u>2,367,198</u>	<u>663,293</u>	<u>1,703,905</u>	<u>28%</u>
Net Revenues Over (Under) Expenditures	<u>\$ 640,107</u>	<u>640,107</u>	<u>(644,087)</u>		
<b>COMMUNITY DEVELOPMENT</b>					
<b>BLOCK GRANT</b>					
Revenues	\$ 337,514	337,514	-	337,514	0%
Expenditures	337,514	337,514	-	337,514	0%
Net Revenues Over (Under) Expenditures	<u>\$ -</u>	<u>-</u>	<u>-</u>		
<b>WATER FUND</b>					
Revenues	\$ 9,003,662	9,003,662	4,726,363	4,277,299	52%
Expenditures	8,306,254	8,306,254	4,166,753	4,139,501	50%
Net Revenues (Expenses)	<u>\$ 697,408</u>	<u>697,408</u>	<u>559,610</u>		
<b>SEWER FUND</b>					
Revenues	\$ 4,755,882	4,755,882	2,219,029	2,536,853	47%
Expenditures	4,649,670	4,649,670	2,081,277	2,568,393	45%
Net Revenues (Expenses)	<u>\$ 106,212</u>	<u>106,212</u>	<u>137,752</u>		
<b>GAS TAX</b>					
Revenues	\$ 738,394	738,394	231,705	506,689	31% (9)
Expenditures	632,701	632,701	240,219	392,482	38%
Net Revenues Over or Under Expenditures	<u>\$ 105,693</u>	<u>105,693</u>	<u>(8,514)</u>		

**City of Norco  
Budget and Actual Report  
For the Two Quarters Ended December 31, 2011**

	Adopted Budget	Amended Budget	Year to Date Actual	Remaining Budget	%
					Achieved
<u>NPDES FUND</u>					
Revenues	\$ 140,000	140,000	25,004	114,996	18%
Expenditures	96,099	96,099	46,825	49,274	49%
Net Revenues Over or (Under) Expenditures	<u>\$ 43,901</u>	<u>43,901</u>	<u>(21,821)</u>		
<u>MISCELLANEOUS GRANTS</u>					
Revenues	\$ 613,407	836,766	129,685	707,081	15%
Expenditures	612,791	799,144	83,220	715,924	10%
Net revenues and expenditures	<u>\$ 616</u>	<u>37,622</u>	<u>46,465</u>		

FOOTNOTES :

1. The secured property tax amount received to date represents the receipt of a portion of the payment by property owners of the first installment. The remainder of the first installment was received in late January.
2. Reflects receipts as of December 11 and excludes the triple flip allocations received in early February
3. Due to uneven collection of revenues throughout the year.
4. VLF is part of the Triple Flip - Payments are received in early February and late May
5. Most of investment earnings are recognized on a quarterly basis in the month following the end of the quarter.
6. Reflects payment of Sheriff contract expenditures up to November 16
7. Most of the expenditures are one-time and are paid at the beginning of the fiscal year.
8. The first installment of tax increment was received in late January
9. Gas Tax revenues reflects only the amount received through October 31, 2011.
10. Actual expenditures include \$8,064 in worker's compensation, which was not a budgeted expenditure.

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of City Council

FROM: Beth Groves, City Manager 

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

DATE: February 15, 2012

SUBJECT: Approval to Declare Various City Assets as Surplus Property

RECOMMENDATION: Declare Various City Assets as Surplus and authorize the Deputy City Manager/Director of Finance to dispose of surplus assets through appropriate means.

**SUMMARY:** Staff has identified various obsolete pieces of equipment and other assets that are no longer needed for City operations. It is recommended that the City Council declare the assets as surplus and authorize staff to dispose of them through appropriate means including auctions, bid solicitation, or negotiated sale. Appropriate means of disposal for obsolete equipment may include donation to charity and electronic recycling.

**BACKGROUND/ANALYSIS:** In the course of business, the City purchases new equipment to replace obsolete items. Some assets also become surplus due to changes in the organization while others simply break down and cannot be repaired or maintained in a cost effective manner. Obsolete equipment/assets have served their useful lives and are either no longer in service or inadequate for City needs due to software upgrades, excessive maintenance cost and normal wear and tear. Other assets have simply become surplus due to reduction in work force or other changes in the organization. Staff is recommending that the assets listed on the attached schedule be declared surplus and/or obsolete property and authorize staff to dispose of them through appropriate means.

**FINANCIAL IMPACT:** Revenues generated from the sale of obsolete and surplus assets will be credited to the Fund that paid for the original assets.

/jk-80195  
Attachment: Surplus List

**Workstations:** (17 items)

- 9 – Intel Pentium IV 3.0
- 2 – Intel Core2Duo 2.4
- 6 – Intel Core2Duo 1.6

**Printers / Copiers / Scanners:**

(19 Items)

- 4 – HP ScanJet Scanners
- 1 – Epson LQ-590 Printer
- 4 – HP DeskJet Printers
- 3 – HP PhotoSmart Printers
- 2 – HP OfficeJet Pro Printers
- 3 – HP LaserJet Printers
- 2 – Canon Copiers

**Monitors:** (10 Items)

- 1 – 15” CRT Monitor
- 3 – 17” LCD Monitor
- 6 – 17” CRT Monitor

**Other:** (15 Items)

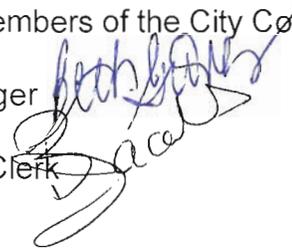
- 1 – Realistic Tape Deck
- 1 – Kenwood Receiver
- 2 – Bogen multi-disk player
- 1 – APC Battery Back-up
- 1 – IBM Typewriter
- 1 – Infocus Projector
- 1 – Nikon digital camera
- 1 – Sony digital camera
- 1 – Canon 35mm camera
- 1 – Pentax 35mm camera
- 1 – Bausch & Lomb Lenses
- 1 – Daewood TV/VCR Combo
- 1 – Brother fax machine
- 1 – HP Fax

**Vehicles/Trailers:** (8 Items)

#	Description:	Vin:	Lic:	Condition:
335	2004 Ford F-150 4X2	2FTRF17W94CA66437	1124376	Fair
147	1999 GMV Savana Van	1GJHG39J1X1135125	1043091	Fair
112	1990 Ford F-250	1FTHX25G2LKA51833	283406	Fair
130	1997 GMC 2500, w/extended cab	1GCGC29R6VE227142	995737	Fair
387	2006 GMC TC15703-2 cab/chassis	3GTEC14V26G158949	1189131	Totaled front end
337	2004 GMC Extended Cab	2GTEC19V641329524	1124377	Good
156	2000 Ford Ranger Pickup	1FTYR10V9XPB47978	1068744	Fair
150	1999 Saulsbury Fire Engine	4S7AT4196XC032930	1065663	Very good
164	2000 Dodge Durango	1B4HS28Z67YF136490	1101734	Good
180	Mighty Mover Radar Trailer	4AGAU111XYC033471	1065705	Fair
None	Carrier Trailer	4G44S0814YA000172	1065666	Fair

# 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 15, 2012

SUBJECT: Approval of a Service Agreement with Roger J. Grody to Provide Economic Development Consulting Services

RECOMMENDATION: Approve a Service Agreement with Roger J. Grody to serve as the City's Economic Development Specialist.

**SUMMARY:** In an effort to continue economic development functions in the City following the dissolution of the Norco Community Redevelopment Agency (the "Norco CRA"), an agreement has been prepared to retain Roger J. Grody as the City's Economic Development Specialist. Mr. Grody is currently providing housing and economic development services and has proved to be a great asset to the City. By retaining Mr. Grody, the City will benefit greatly from his knowledge and skill level, along with his work in recruiting new business development, his contributions to other City departments, and his leadership roles with City committees and commissions.

**BACKGROUND/ANALYSIS:** Mr. Roger Grody has been working as an independent contractor at City Hall since February of 2006. Initially, he provided assistance with housing programs. Since 2010, he has become a valuable asset to the City by providing economic development services.

Mr. Grody currently fulfills all of the economic development functions; holds leadership roles with the Economic Development Advisory Council and the Historic Preservation Commission; and assists other City Departments on an as-needed basis to further the efforts of the City. He is an experienced professional and the continuation of his services through an independent contract will ensure the City's economic development and marketing/communications efforts will continue as stated in Article 3 of the Service Agreement.

With the recent dissolution of the Norco CRA, ongoing services provided by Mr. Grody were not eligible to be included in the adopted Updated Amended Enforceable Obligation Payment Schedule; therefore, those funds will need to be appropriated from the General Fund for the remainder of Fiscal Year 2011-12.

**FISCAL IMPACT:** Funding for the Service Agreement for Mr. Grody will be appropriated through the remaining Fiscal Year 2011-12 in the Mid-Year Budget Amendment if approved on this same date.

/bj-80304

Attachment: Service Agreement for Economic Development consulting Services

## **SERVICE AGREEMENT FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES**

This AGREEMENT made and entered into this 15<sup>th</sup> day of February 2012, between: **The City of Norco**, a municipal corporation ("**City**") and **Roger J. Grody, LLC**, an independent consultant ("**Contractor**") for economic development and marketing/communications consulting services.

### **ARTICLE 1. TERM OF CONTRACT**

Section 1.01. This Agreement will become effective on February 15, 2012 and will continue in effect for an undetermined period unless terminated in accordance with the provisions of Article 7 of this Agreement.

### **ARTICLE 2. INDEPENDENT CONTRACTOR STATUS**

Section 2.01. It is the express intention of parties that the Contractor is an independent contractor and not an employee, agent, joint-venturer or partner of City. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between City and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

### **ARTICLE 3. SERVICES TO BE PERFORMED BY CONTRACTOR**

Section 3.01. Contractor will perform a variety of tasks for the City in the fields of economic development, communications, public relations, city planning, and governmental affairs, among others, and will serve as the City's Economic Development Specialist. Contractor's primary responsibilities will involve day-to-day oversight of near- and long-term economic development strategies, including the retention of local businesses and the attraction of new sales tax-generating enterprises, as well as positioning the City of Norco as a visitors' destination. Additional responsibilities shall include the preparation of marketing materials to heighten the visibility of Norco among retailers, restaurant and hotel operators. Contractor will meet with developers and coordinate the review of projects with City departments such as Planning, Public Works and Parks & Recreation, and will participate in the review and formulation of affordable housing and mixed-used developments. In addition, Contractor will coordinate the activities of the Historic Preservation Commission, Economic Development Advisory Committee and any other pertinent City Council or citizen-based committees. Specific work products of Contractor shall consist of, but not be limited to, research reports, analyses, white papers, grant applications or proposals, marketing materials, press releases, web site copy, and staff reports.

#### **ARTICLE 4. COMPENSATION**

Section 4.01. In consideration for the services to be performed by Contractor, the City agrees to pay Contractor \$4,583.33 per month, all inclusive. It is understood and agreed upon that Contractor will attend essential meetings at City Hall and elsewhere in the City of Norco, as needed, and will observe a minimum of fifteen (15) hours at Norco City Hall per week. Additional projects outside the scope of services described in Article 3 will be billed at an agreed-upon flat fee or a rate of \$60.00 per hour, subject to prior written approval of the City Manager.

Section 4.02. Contractor shall submit monthly invoices, and the City shall make payments to Contractor for services rendered on a monthly basis.

Section 4.03. Contractor shall be responsible for all costs and expenses incident to the performance of services for the City, including but not limited to, all costs of equipment provided by Contractor, all fees, fines, licenses, bonds or taxes required of or imposed against Contractor and all other of Contractor's costs of doing business. The City shall be responsible for no expenses incurred by Contractor in performing services for the Agency, unless otherwise authorized by the City.

#### **ARTICLE 5. OBLIGATIONS OF CONTRACTOR**

Section 5.01. Contractor agrees that the City will not provide workers' compensation insurance for Contractor's employees and agents and agrees to hold harmless and indemnify the City for any and all claims arising out of any injury, disability, or death of any of Contractor's employees or agents.

Section 5.02. The City shall defend, hold harmless and indemnify the Contractor and its agents against any tort professional liability claims or demand or any other legal action whether groundless or otherwise arising out of any alleged act or omission of the Contractor occurring in the course and scope of performance or functions and duties undertaken pursuant to the Agreement with the City. The City may compromise and settle any such claim or suit, and pay the amounts of all settlement or judgments rendered against the Contractor and for the City thereon and select counsel in the absolute discretion of the City.

Section 5.03. It is agreed upon and understood that the Contractor will maintain a policy of professional liability insurance in the minimum amount of one million dollars (\$1,000,000) per incident, naming the City as an additional insured to cover any liability imposed or claimed, including attorney's fees and any legal expenses, for acts or omissions of Contractor or Contractor's agents occurring outside the normal course and scope of performance and function of duties undertaken pursuant to this Agreement.

Section 5.04. Neither this Agreement nor any duties or obligations under this Agreement may be assigned by Contractor without the prior written consent of the City.

Section 5.05. As Contractor is not the City's employee, Contractor is responsible for paying all required state and federal taxes. In particular:

- City will not withhold FICA (Social Security) from Contractor's payments;
- City will not make state or federal unemployment insurance contributions on Contractor's behalf;
- City will not withhold state or federal income tax from payment to Contractor;
- City will not make disability insurance contributions on behalf of Contractor;
- City will not obtain workers' compensation insurance on behalf of Contractor.

**ARTICLE 6. OBLIGATIONS OF THE CITY**

Section 6.01. The City agrees to comply with all reasonable requests of Contractor and provide access to all documents reasonably necessary for the performance of Contractor's duties under this Agreement.

**ARTICLE 7. TERMINATION OF AGREEMENT**

Section 7.01. Contractor acknowledges, understands, agrees and warrants that he serves at the pleasure of the City, and have no vested rights whatsoever in continuation of the business relationship with the Agency, or in compensation which may be provided beyond the stated terms of this Agreement. The City shall have the right to terminate this Agreement without cause at any time.

**ARTICLE 8. GENERAL PROVISIONS**

Section 8.01. Any notices to be given hereunder by either party to the other may be effected either by personal delivery in writing or by U.S. mail to the following addresses;

AGENCY: City of Norco  
 Attn: City Manager  
 2870 Clark Avenue  
 Norco, CA 92860

CONTRACTOR: Roger J. Grody, Principal  
 Roger J. Grody, LLC  
 P.O. Box 788  
 Pasadena, CA 91102

Section 8.02. Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict or appear as a conflict in any manner or degree with the performance of services required to be performed under this Agreement. In the event that an activity of the Contractor may be construed to constitute a conflict of interest with his responsibilities hereunder, Contractor shall obtain permission for such activity from the City before proceeding further with such activity. In the event a conflict of interest is alleged, the City shall finally and conclusively determine if a conflict of interest in fact exists, or can be foreseen. In such cases, where a conflict of interest is deemed to occur or is determined to occur, the City may terminate this Agreement in accordance with Section 7.01.

Section 8.03. The formation, construction and performance of this Agreement shall be construed in accordance with the laws of the State of California.

Section 8.04. This Agreement constitutes the sole and complete Agreement between the parties. This Agreement supersedes any and all written and oral agreements between the parties and any ordinance, rule, regulation, policy, or procedure of the City that is inconsistent with the Agreement. No amendments may be made to this Agreement except in writing and signed by the parties hereto.

Section 8.05. If any provision of this Agreement is held invalid or unenforceable, the remainder shall remain in full force and effect.

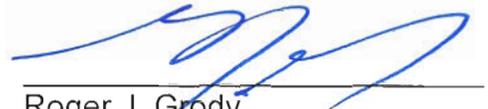
/rg-80260

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

**City of Norco**  
A Municipal Corporation

**Roger J. Grody, LLC**  
Contractor

By: \_\_\_\_\_  
Beth Groves  
City Manager

  
\_\_\_\_\_  
Roger J. Grody  
Principal

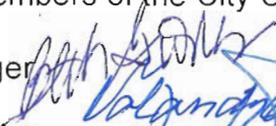
Attest: \_\_\_\_\_  
Brenda K. Jacobs, CMC  
City Clerk

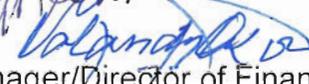
Approved as to Form:

\_\_\_\_\_  
John Harper, City Attorney

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

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

DATE: February 15, 2012

SUBJECT: Approval of Public Works Director Part Time/Temporary Employment

RECOMMENDATION: Approve the Agreement for Temporary/ Part-Time Employment of Public Works Director

**SUMMARY:** Public Works Director William Thompson has submitted a letter stating that he will be retiring effective March 2, 2012. Post retirement employment with the City of Norco for Mr. Thompson is limited to a temporary/part-time basis. Therefore, an agreement has been drafted to contractually retain Mr. Thompson to function as a temporary part time Public Works Director for the City of Norco.

**BACKGROUND/ANALYSIS:** Under Government Code Section 21221(h) a retired annuitant may work for a CalPERS agency without reinstatement if appointment meets the following requirements:

- Limited duration appointment to a vacant position during recruitment for a permanent appointee requiring "specialized skills" or position that must be filled in an emergency to prevent stoppage of public business
- Interim appointment by the governing body
- Limited to 960 hours in a fiscal year
- Appointment cannot exceed twelve (12) months
- Compensation cannot exceed maximum of published pay scale for vacant position

Attached is the "Agreement for Temporary/Part-Time Employment of Public Works Director" which is a contract to hire William Thompson on a temporary/part-time status and which meets Government Code Section 21221(h) requirements.

**FINANCIAL IMPACT:** Funding for this position is included in the FY 2011-12 Budget and appropriated from Water, Sewer and Gas Tax Funds.

/mp-80310

Attachment: Agreement for Temporary/Part-Time Employment of Public Works Director

**AGREEMENT FOR TEMPORARY PART-TIME EMPLOYMENT OF  
PUBLIC WORKS DIRECTOR**

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THIS AGREEMENT is made and entered into this 15<sup>th</sup> day of February, 2012 by and between the CITY OF NORCO, California, a municipal corporation ("City"), and William Thompson, an individual ("Public Works Director").

The City Manager of City desires to contractually retain Mr. Thompson to function as a temporary part time Public Works Director for the City of Norco. The city desires to fix and determine the scope, nature and extent of Public Works Director's duties and the compensation for those duties.

NOW THEREFORE, it is hereby mutually agreed by and between the parties as follows:

1. **TERM OF AGREEMENT:** The effective date of this Agreement shall be from March 3, 2012 and shall continue for a period of time not exceeding twelve (12) months, nor 960 hours in a fiscal year, unless sooner terminated pursuant to Paragraph 6 hereof ("Termination"). During employment with the City of Norco and as a CalPERS annuitant, Public Works Director may not be employed with any other CalPERS agency.
2. **SERVICES:** Under the direction of the City Manager, Public Works Director shall perform the duties and functions required by the position of Public Works Director and such other and further duties as required by the City Manager or state law. Such duties include, but are not limited to those described in the Scope of Services/Public Works Director Job Specification, a copy of which is attached hereto as Exhibit "A," and made a part hereof.
3. **EMPLOYMENT SCHEDULE:** Public Works director is expected to work no more than twenty (20) hours a week, Tuesday, Wednesday, and Thursday, between the hours of 8:00 a.m. to 6:00 p.m. The hours worked each week may be adjusted by the Public Works Director with the approval of the City Manager to accommodate situations that may arise.
4. **COMPENSATION:** Public Works Director will be paid \$60.2032 for each hour he actually provides services as described above to City. Public Works Director shall not receive any benefits, leave, holidays, retirement, health, disability, insurance or other emoluments whatsoever, not expressly provided in this Agreement. City shall make appropriate tax deductions and/or withholding from the aforementioned compensation.
5. **PROFESSIONAL MEMBERSHIPS AND MEETINGS:** It is understood and agreed that the City benefits from the Public Works Director's participation in various professional activities relating to Public Works affairs. Therefore, Public Works Director shall maintain active participation in such professional organizations as may be approved by the City Manager. Upon prior approval of the City Manager, and in accordance with existing budget guidelines,

Public Works Director may incur and be reimbursed for, reasonable costs and expenses in conjunction with these activities.

6. **TERMINATION:** Public Works Director acknowledges, understands, agrees and warrants that he is a temporary part-time employee of City, that he serves at the pleasure of the City's City Manager, and has no vested right whatsoever in continuation of his business relationship with the City or in the compensation which may be provided pursuant to this Agreement, beyond the date of termination of this Agreement. City shall have the right to terminate this Agreement without cause at any time without prior written notice. Public Works Director may terminate this Agreement providing a two (2) week notification.
7. **OUTSIDE BUSINESS ACTIVITIES:** The City is aware that Mr. Thompson may have other confidential contractual agreements. The City, with the City Manager's knowledge will allow him to complete these agreements on his own time as long as those agreements do not interfere with his duties and responsibilities as defined in this Agreement and are not hours worked with any other CalPERS agency.
8. **CONFLICT OF INTEREST:** Public Works Director covenants that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict or appear as a conflict in any manner or degree with the performance of services required to be performed under this Agreement. In the event that an activity of Public Works Director may be construed to constitute a conflict of interest with his responsibilities hereunder, Public Works Director shall obtain permission for such activity from the City Manager before proceeding further with such activity. In the event a conflict of interest is alleged, the City Manager shall finally and conclusively determine if a conflict of interest in fact exists, or can be foreseen. In such cases, where a conflict of interest is deemed to occur or is determined to occur, the City Manager, in her absolute discretion, may terminate this Agreement in accordance with Paragraph 6 above ("Termination").
9. **INDEMNIFICATION:** City shall defend, hold harmless and indemnify Public Works Director against any tort, professional liability claim or demand or any other legal action, whether groundless or otherwise arising out of any alleged act of omission occurring in the course and scope of performance of Public Works Director's functions and duties required by law to do for any Public Works Director employed by the City. City may compromise judgments rendered against Public Works Director and/or City thereon, and select defense counsel, in the absolute discretion of City.
10. **JURISDICTION:** The formation, construction and performance of this Agreement shall be construed in accordance with the laws of the State of California.

11. INTEGRATION: This Agreement constitutes the sole and complete Agreement between the parties. This Agreement supersedes any and all written and oral agreements between the parties and any ordinance, rule, regulation, policy, or procedure of the City that is inconsistent with the Agreement. No amendments may be made to this Agreement except in writing and signed by the parties hereto.

12. SEVERABILITY: If any provision of this Agreement is held invalid or unenforceable, the remainder shall remain in full force and effect.

13. NOTICES:

a. CITY: City Manager  
2870 Clark Avenue  
Norco, CA 92860

b. Thompson: William Thompson  
15055 Rocking Horse Court  
Lake Elsinore, CA 92530

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as applicable to civil judicial process. Notice shall be deemed given as of the date of personal service, or by mail, pursuant to the provisions of the California Code of Civil Procedure, Section 1013. The address for service of any party hereto may be changed at any time by giving written notice to the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

CITY OF NORCO, a Municipal Corporation

Public Works Director

By: \_\_\_\_\_  
Beth Groves  
City Manager

  
\_\_\_\_\_  
William Thompson

Attest: \_\_\_\_\_  
Brenda K. Jacobs  
City Clerk

Approved as to Form:

\_\_\_\_\_  
John Harper, Harper and Burns  
City Attorney

## **DIRECTOR OF PUBLIC WORKS**

### **DEFINITION:**

Under general direction, functions as the administrative head of the Public Works Department. Serves as a member of the City's Management Team.

### **ESSENTIAL FUNCTIONS:**

Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

### **TYPICAL DUTIES & RESPONSIBILITIES:**

Plans, directs, organizes and reviews the public works activities of the City including field maintenance, water and sewer operations, inspections, facility construction, and related support activities. Confers with and advises other staff members or contractors on problems related to the design and construction of public works and utilities systems and the interpretation and enforcement of construction specifications.

Serves as technical advisor to the City Manager and City Council on public works and utilities matters and develops comprehensive recommendations for management use. Determines need for new equipment and facilities, major repair and rebuilding projects. Meets with the public in small and large groups to discuss City public works policies, practices and problems. Reviews plans for public works and utilities improvement projects.

Provides direction and customer service regarding policy, project management and daily operations of the Public Works Department. Prepares staff reports and other necessary accessory reports. Approves hiring, training, direction, assignment and evaluation of assigned staff. Plans, coordinates, and prepares the budget for the Public Works Department. Performs related public works and administrative duties as assigned.

### **CLASS CHARACTERISTICS:**

This is the Department Head position for overseeing the Public Works Department. All Department work is directed and coordinated by this position.

### **CONTACTS AND RELATIONSHIP:**

This position has the majority of their interaction with the public, contractors, City Departments and with other City employees.

### **QUALIFICATION GUIDELINES:**

The knowledge and abilities which are required to perform the duties and responsibilities of this class are as follows:

### **DESIRABLE QUALIFICATIONS:**

**Experience:** At least five years of increasingly responsible administration, supervisory and maintenance experience in the field of public works and utilities operations.

**Education:** A Bachelors Degree from an accredited college or university in Public Administration or related field; or equivalent related combination of utility related certification, education, training and experience.

**DIRECTOR OF PUBLIC WORKS**

Knowledge: Principles and practices of engineering, maintenance and administration as applied to the design and construction of public works and utilities facilities and technical inspection services. Methods, materials and techniques employed in public works construction. Recent developments, current literature and sources of information in municipal public works administration.

Ability: To plan, organize, and direct various activities of a Public Works Department. To delegate authority and responsibility and schedule and program work on a long term basis. To utilize computer hardware, software and peripherals. To establish and maintain effective working relationships. To communicate effectively both verbally and in writing.

**A typical way to obtain the knowledge and abilities is as follows:**

Education: Obtain a Bachelors Degree from an accredited college or university in Public Administration or related field, or obtain equivalent related combination of utility related certification (Grade IV Water Distribution Operator and a Grade III Water Treatment Operator), education, training and experience.

AND

Experience: A minimum of least five years of increasingly responsible administration, supervisory and maintenance experience in the field of public works and utilities operations.

License Required: Valid California Drivers License and certification as a Grade IV Water Distribution Operator and a Grade III Water Treatment Operator.

**PHYSICAL REQUIREMENTS**

Work is performed in an office environment. Work may require occasional bending and lifting up to 15 pounds.

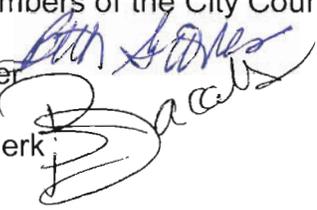
**SUPERVISION RECEIVED** City Manager

**SUPERVISION EXERCISED** Staff members of the Public Works Department

**FAIR LABOR STANDARDS ACT DESIGNATION:** Exempt

# 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 15, 2012

SUBJECT: Resolution Approving Amendments to the Rules of Procedure for City Council Meetings

RECOMMENDATION: Adopt **Resolution No. 2012-\_\_\_**, amending the rules of procedure for City Council meetings.

**SUMMARY:** The rules and regulations for City Council meetings are amended from time-to-time in order to provide guidelines for the conduct of the public business by, or on behalf of, the City Council. The most substantial change in the proposed amendment, from the previous resolution, allows for some flexibility in the agenda sequence and order of business and is set administratively, rather than by resolution.

**BACKGROUND/ANALYSIS:** Section 2.04.070 of the Norco Municipal Code allows the City Council to adopt Rules of Procedure to govern the conduct of its meetings and any of its other functions and activities. In 1997, the City Council adopted its first resolution approving the rules of procedure. These rules were amended in 2000, 2002 and 2005. The nature of the resolution is to guide the Council in the conduct of its business, facilitate the decision-making process and insure impartiality, fairness and equality among the members.

The current adopted resolution sets the order and sequence of the agenda, which has been followed to this date but is somewhat restrictive in its requirements for the agenda structure. Staff is proposing that the title, order and sequence of the agenda be set by the City Manager (Section 2 – Order of Business) to allow for changes and/or updates from time-to-time without requiring a resolution amendment to do so. As the City Manager “sets” the agenda, this allows for reasonable flexibility in that administrative process.

In addition, a few minor clerical details were “cleaned up” and corrected in the proposed amendment to the Rules and Procedures that do not significantly affect the rules or guidelines and all in accordance with the City’s Municipal Code and the California Government Code. The previous resolution included a section named “Council Policies and Practices”, which was later replaced with the adopted Norms and Procedures document. Therefore, that section is now deleted.

/bj-73715  
Attachment: Resolution No. 2012-\_\_\_

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

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS

WHEREAS, Section 2.04.070 of the Municipal Code allows the City Council to adopt Rules of Procedure to govern the conduct of its meetings and any of its other functions, activities and regulations pertaining thereto; and

WHEREAS, in 1997, the City Council of the City of Norco approved Resolution No. 97-15 adopting the rules of procedure. These rules were amended by Resolution No. 2000-06; Resolution No. 2002-28; and Resolution No. 2005-77.

NOW, THEREFORE, be it resolved as follows:

SECTION 1: Resolution No. 2002-28 is hereby repealed.

SECTION 2: Resolution No. 2005-77, requiring a majority vote of the City Council before agendizing matters for future Council and commission meetings is incorporated herein.

SECTION 3: The Rules of Procedures for City Council meetings and related functions and activities are hereby adopted to read as follows:

**PURPOSE:** The purpose and intent of the City Council in adopting the following rules shall be to provide guidelines for the conduct of the public business by or on behalf of the City Council, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

#### 1. CITY COUNCIL MEETINGS

##### A. REGULAR MEETINGS:

The City Council of the City of Norco shall hold regular meetings in the place specified in the Municipal Code and on the first and third Wednesdays of each month beginning at 6 p.m. When the day of a regular meeting of the Council falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the next succeeding day thereafter that is not a holiday.

B. ADJOURNED MEETINGS:

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting; otherwise, once adjourned, the meeting may not be reconvened.

C. SPECIAL MEETINGS:

Special meetings may be called by the Mayor or by a majority of Council Members on a 24-hour notice, as set forth in Section 54956 of the Government Code of the State of California. Only matters contained in the notice may be considered and no ordinances (other than urgency ordinances) may be adopted.

D. NOTICE OF MEETINGS:

Notice of regular meetings is not required. Mailed or personally delivered notice is required of special meetings and study sessions. Mailed and posted notice is required of meetings adjourned by the City Clerk. Posted notice is required of all other adjourned meetings. (Section 54956 Government Code)

E. QUORUM:

Unless otherwise provided for in state statute or the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed by a majority of those in attendance. The adoption of an Ordinance requires three affirmative votes or in accordance with the City's Charter.

F. MEETINGS TO BE PUBLIC:

All regular, adjourned and special meetings of the City Council shall be open to the public, provided, however, the Council may hold closed sessions from which the public may be excluded for the consideration of matters permitted pursuant to the Ralph M. Brown Act, Government Code section 54950 et seq.

2. ORDER OF BUSINESS

A. AGENDA:

The order of business and agenda sequence shall be administratively set by the City Manager and updated from time-to-time. The following considerations shall be included at each meeting:

1. It is the Council's intention to receive public comments by 9 p.m. If the public comment portion of the agenda is not reached by 9 p.m., the Mayor may take public comments out of order so that members of the public wishing to speak shall be heard.

2. Whenever reasonably necessary to expedite the business of the meeting, the Presiding Officer may alter the order of business.

3. It is the Council's intention to conclude Council meetings by 11 p.m. If the meeting continues beyond that time, the Presiding Officer will endeavor to conclude the meeting by continuing matters needing further discussion and/or streamlining necessary discussion with the goal of adjourning the meeting.

4. No matters other than those listed on the agenda shall be finally acted upon by the Council; however, the Council may take action on items of business which do not appear on the posted agenda under any of the following conditions or circumstance:

(a) Upon a determination by a majority vote of the Council that an emergency situation exists, as defined in Section 54956.5 of the California Government Code; and

(b) Upon a determination by a 2/3 vote of the Council, or, if less than 2/3 of the Council Members are present, a unanimous vote of those Council Members present, that the need to take immediate action arose subsequent to the agenda; and

(c) The item was posted for a prior meeting of the Council occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is proposed to be taken.

B. SUBMISSION OF AGENDA ITEMS:

Items placed on the agenda shall be requested by a City Council Member or City Staff. Deadlines for placing items on the City Council agenda will be set and determined by the City Manager. A City Council Member wishing to place a matter on a future City Council agenda shall first obtain majority approval of the City Council. Likewise, any City Council Member wishing to refer a matter to a Commission shall obtain majority approval of the City Council before the matter may be agendaized by the Commission. Majority approval shall be obtained at the request of a City Council Member during the Other Matters portion of the City Council agenda and while the matter may be described, there may be no substantive discussion of the matter by the City Council.

C. DELIVERY OF AGENDA:

Barring unavoidable difficulties and holidays, the Agenda for each regular meeting of the Council, and reports and other documentation related thereto, shall be delivered to the Members of the Council the Thursday evening preceding the Wednesday meeting and made available to the newspapers and the public on the

Monday preceding the Wednesday meeting to which it pertains. In respect to every regular meeting, the agenda shall conform to Section 54954.2 of the California Government Code and shall be posted at least 72 hours prior to the time scheduled for the meeting. Agendas shall be posted at the designated posting locations as adopted by a City Council resolution.

D. ROLL CALL:

Before proceeding with the business of the Council, the Presiding Officer shall state the roll of the Council Members and the names of those present shall be entered in the minutes.

E. CONSENT CALENDAR:

Items of routine nature shall be placed on the Consent Calendar. All items may be approved by one blanket motion upon majority consent. Prior to, or following review of, the Consent Calendar, a Council Member or staff may request that any item be withdrawn from the Consent Calendar for separate consideration under the "Items Pulled from Consent Calendar" portion of the agenda.

F. APPROVAL OF MINUTES:

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council Member with a copy thereof.

G. PUBLIC HEARINGS:

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

Staff Report Presentation  
Questions of Staff by Council  
Public Hearing Opened by Mayor  
Testimony by Proponents and Opponents  
Public Hearing Closed by Mayor  
Questions by Council  
Discussion by Council  
Action Taken by Council

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony, to three minutes per individual. Any person may speak for a longer period of time upon approval of the majority of the City Council.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard. For matters requiring a public hearing, only evidence provided during the public hearing will be considered.

H. PUBLIC COMMENTS:

Any person may address the Council on any subject pertaining to City business, during the "Public Comments" portion of each regular meeting; provided that comments relating to an item listed on the agenda should be heard when that item is being considered but prior to voting. Public comments received at a special meeting shall only pertain to items listed on agenda.

3. PRESIDING OFFICER

A. PRESIDING OFFICER:

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Mayor Pro Tem or until adjournment.

In accordance with Elections Code Sections 10411, 15308 and 15400, the City Council shall meet following receipt of the statement of election results and declare those elected to office and the results of any measures. At a regular meeting of the City Council in the month of December, in keeping with the date for seating newly elected Council persons in an election year, the Council shall elect a Mayor and Mayor Pro Tem.

B. CALL TO ORDER:

The meeting of the Council shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem. In absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

C. PARTICIPATION OF PRESIDING OFFICER:

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the Council, the Presiding Officer should consider turning the Chair over to another Council Member.

D. QUESTION TO BE STATED:

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

E. SIGNING OF DOCUMENTS:

The Mayor, or Mayor Pro Tem, in the absence of the Mayor, shall sign ordinances adopted by the City Council. The City Clerk, or Deputy City Clerk, shall attest to the signature of the Mayor and Mayor Pro Tem.

F. MAINTENANCE OF ORDER:

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak whom the Presiding Officer has not first recognized. All questions and remarks shall be addressed to the Presiding Officer.

4. RULES, DECORUM, AND ORDER

A. POINTS OF ORDER:

The Presiding Officer shall determine all points of order subject to the right of any appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

B. DECORUM AND ORDER (COUNCIL MEMBERS):

1. Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine himself or herself to the question under debate.

2. A Council Member desiring to question the staff shall address his or her question to the City Manager, City Attorney, or appropriate staff.

3. A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a point of order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

4. Any Council Member called to order while speaking shall cease immediately until the question of order is determined. If ruled to be in order, the Council Member shall be permitted to proceed. If ruled to be not in order, the Council Member shall remain silent or shall alter remarks so as to comply with rules of the Council.

5. Council Members shall afford the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

6. Any Council Member may move to require the Presiding Officer to immediately enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

C. DECORUM AND ORDER (EMPLOYEES):

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to Members of the Council. The City Manager shall insure that all City employees observe such decorum. The Presiding Officer shall first recognize any staff members, including the City Manager, desiring to address the Council or members of the public. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

D. DECORUM AND ORDER (PUBLIC):

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. The Council of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the City or the acts or omissions of the City Council. No privilege or protection for expression beyond that otherwise provided by law is conferred (Gov. Code 54954.3). Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on an appropriate complaint signed by the Presiding Officer.

E. ENFORCEMENT OF DECORUM:

The head of the City's police agency or his designee shall be ex-officio sergeant-at-arms of the Council. The sergeant-at-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-of-arms or the representative to eject any person(s) from the Council Chambers or place the person(s) under arrest or both.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

F. PERSONAL PRIVILEGE:

The right to address the Council on a question of personal privilege shall be limited to cases in which integrity, character, or motives are assailed, questioned or impugned.

G. CONFLICT OF INTEREST:

All Council Members are subject to the provisions of California Law, including, but not limited to, Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Council. Any Council Member prevented from voting because of a conflict of interest shall refrain from debate and voting. Such Council Member may choose to leave the Council Chambers during debate and voting on the issue.

H. LIMITATION OF DEBATE:

In order to allow all Council Members the opportunity to address a subject, a Council Member should speak only once until every other Council Member choosing to speak thereon has spoken.

I. DISSENTS, PROTESTS, AND COMMENTS:

Any Council Member shall have the right to express dissent from, or protest, or comment upon, any action of the Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as; "I would like the minutes to show that I am opposed to this action for the following reasons."

J. PROCEDURES IN ABSENCE OF RULES:

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

K. RULINGS OF CHAIR FINAL UNLESS OVERRULED:

In presiding over Council meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Members present and voting, and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

L. ACTIONS NOT INVALIDATED:

Failure to strictly comply with these Rules of Procedure shall not necessarily invalidate any action taken by the City Council.

5. ADDRESSING THE COUNCIL

A. MANNER OF ADDRESSING THE COUNCIL:

Any member of the public desiring to address the Council shall fill out a speaker card and submit the card to the City Clerk or other staff member. Once the Presiding Officer calls the speaker, he/she should proceed to the podium and wait to be recognized. After being recognized, he/she shall sign in and state his/her name for the record.

All remarks and questions shall be addressed to the Presiding Officer and not to any individual Council Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized.

B. TIME LIMITATION:

Any member of the public desiring to address the Council shall limit the address to three minutes unless further time has been granted by the Presiding Officer.

C. LIMITATIONS REGARDING PUBLIC COMMENTS:

The making of oral communications to the Council by any member of the public during the "Public Comments" portion of the agenda shall be subject to the following limitations:

(a) In general, no speaker should address the Council on a topic which is currently before or about to be submitted for consideration by a City commission, board or other agency before which the speaker should make the presentation, until that latter body has completed its deliberations and taken its final action. If the speaker elects to address the City Council on such a topic, the Presiding Officer shall refer the speaker to the appropriate City commission or agency for consideration.

(b) If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesman.

(c) No oral communication by a Council Member shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference, which tends to identify him or her. All charges or complaints against employees shall be submitted to the City Manager for appropriate action, and may also be submitted to Members of the Council by written communication.

D. WRITTEN CORRESPONDENCE:

The City Clerk is authorized to receive and open all mail addressed to the Council regarding any matters listed on the agenda. Any communication relating to a matter pending shall be included in the agenda packet if provided before the staff report is completed for the meeting at which such item is to be considered. Communication presented after the staff report is completed will be presented to the Council Members at the meeting.

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Municipal Code, or other ordinances.

6. VOTING PROCEDURE

A. VOTING PROCEDURE:

In acting upon every motion, the vote shall be taken in a way that provides a basis to record the vote of each individual Council Member decision. The vote on each motion shall then be entered in full upon the record.

B. FAILURE TO VOTE:

Every Council Member should vote unless disqualified for cause.

C. TIE VOTES:

Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when less than all Members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

7. RESOLUTIONS

A. DEFINITION:

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by "ordinance," whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term resolution in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance.

A "motion" (assuming it was one which passed) is a Council action that is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

B. RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any Council Member may require that the resolution be read in full.

C. RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Council meeting.

D. URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure described above shall be followed.

Urgency resolutions shall be avoided except when absolutely necessary, and shall be avoided entirely when resolutions are required by law, in improvement acts, zoning matters, or force account work on public projects. Where the resolution has been drafted in written form, either before or during the meeting, this paragraph shall not be deemed applicable.

8. ORDINANCES

A. INTRODUCTION AND ADOPTION OF ORDINANCES:

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency

ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council Members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

B. EFFECTIVE DATE:

All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

C. PUBLISHING:

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within 15 days after adoption.

D. URGENCY ORDINANCES:

All urgency ordinances must receive four affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 15, 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 Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on February 15, 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 15, 2012.

---

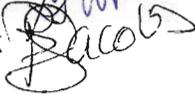
Brenda K. Jacobs, CMC, City Clerk  
City of Norco, California

/bj-73507

**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 15, 2012

SUBJECT: Resolution Amending and Approving the City's Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974

RECOMMENDATION: Adopt **Resolution No. 2012-\_\_\_**, amending the City's Conflict of Interest Code.

SUMMARY: Every two years the City Council is required to review and update its Conflict of Interest Code. Staff is recommending some non-substantive amendments to the City's Conflict of Interest Code in order to revise the listing of designated City positions as stated in the resolution.

BACKGROUND/ANALYSIS: In keeping with state law under the Political Reform Act of 1974, it is necessary to update the listing of designated City positions required to file the Form 700 Statement of Economic Interest.

The proposed resolution reflects the following additions, revisions and deletion of designated City positions listed in Exhibit "A" of the proposed resolution:

**Additions:**

Deputy Director of Public Works/Senior Engineer (*Position Name Change*)  
Economic Development Specialist (*Makes or Participates in Making Decisions*)  
Consultants (*Makes or Participates in Making Decisions*)  
Human Resources Analyst (*Makes or Participates in Making Decisions*)  
Parks & Public Buildings Maintenance Supervisor (*Position Name Change*)  
Planning Director (*Position Name Change*)

**Deletions:**

Senior Engineer (*Position Name Change*)  
Superintendent of Parks and Buildings (*Position Name Change*)  
Planning Manager (*Position Name Change*)  
Fire Battalion Chief (*Position No Longer City Employee*)  
Fire Chief (*Position No Longer City Employee*)

The proposed resolution also includes disclosure categories set forth in Exhibit "B" which remain unchanged.

Following his review, the City Attorney concurs with the amendment. Following the adoption of the resolution, it will be sent to the Fair Political Practices Commission for its review and approval.

/bj-79987

Attachments: Resolution 2012-\_\_\_

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

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, AMENDING AND APPROVING THE CITY'S CONFLICT OF INTEREST CODE APPLICABLE TO DESIGNATED EMPLOYEES PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Political Reform Act, Government Code Sections 8100 et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the City Council of the City of Norco, California, at its regular meeting of February 3, 2012, adopted Resolution No. 2010-04 updating its Conflict of Interest Code; and

WHEREAS, after conducting a biennial review of the list of designated positions and due to changes in the City's organizational structure, it has been determined that Exhibit "A" requires non-substantive amendments and Exhibit "B" remains unchanged.

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

SECTION 1: Resolution No. 2010-04 is hereby repealed in its entirety.

SECTION 2: The City of Norco's Conflict of Interest Code incorporates the Fair Political Practices Commission Regulation 18730 by reference.

SECTION 3: DESIGNATED CITY POSITIONS AND DISCLOSURE CATEGORIES. Exhibit "A" lists the amended designated positions included in the Conflict of Interest Code and is attached hereto.

SECTION 4: DISCLOSURE CATEGORIES. Exhibit "B" lists the disclosure categories included in the Conflict of Interest Code and is attached hereto.

SECTION 4: EFFECTIVE DATE. This Resolution shall become effective immediately 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 15, 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 Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on February 15, 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 15, 2012.

---

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

/bj-79989

## EXHIBIT "A"

### DESIGNATED CITY POSITIONS AND DISCLOSURE CATEGORIES

For purposes of disclosure, all positions listed are governed by the Code Provisions of Chapter 7, Article 2, of the Political Reform Act of 1994. Note that positions listed in Government Code Section 87200 (i.e. City Councilmembers and Planning Commission Members) are not required to be included, because these positions automatically file Form 700.

City Manager

City Attorney

City Treasurer/Deputy City Manager/Director of Finance

Accountant

Accounting Manager

Building Official

City Clerk

City Engineer

Consultants who make (not just such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof.

Consultants who act in a staff capacity with the City, and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

*Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.*

Deputy City Attorney

Deputy Director of Public Works/Senior Engineer

Economic Development Advisory Council

Economic Development Director

Economic Development Specialist

Historic Preservation Commission

Housing Manager

Housing Specialist

Human Resources Analyst

IT Manager

Parks & Public Buildings Maintenance  
Supervisor

Parks, Rec. & Community Services  
Commission

Parks, Rec. & Community Services Director

Planning Director

Public Works Director

Public Works Superintendent

Senior Planner

Senior Building Inspector

Street, Trails & Utilities Commission

Superintendent of Animal Control &  
Equestrian Services

Superintendent of Rec. & Community Services

## EXHIBIT "B"

### DISCLOSURE CATEGORIES

1. Real property within the City or two miles thereof.
2. Construction and building materials, and construction equipment parts and service.
3. Engineering, surveying and architectural services and supplies.
4. Real estate development.
5. Office equipment and supplies.
6. Computer hardware and software, and computer services.
7. Equipment rental.
8. Newspapers and printing.
9. Banks and Savings and Loans.
10. Pipes, valves, pumps, motors, meters or other water system materials, parts or equipment.
11. Sewer system chemicals or supplies, including chlorine and other such chemicals.
12. Petroleum products and supplies.
13. Public utilities and mutual water companies.
14. Title insurance and escrow companies or services.
15. Employment and manpower agencies.
16. Insurance and insurance services including brokers and agencies.
17. Safety equipment and supplies.
18. Motor vehicles, parts and service.
19. Fire prevention and firefighting equipment, supplies and services.
20. Private investigation or protection related agencies, equipment and services.

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Geoff Pemberton, Fire Chief

DATE: February 15, 2012

SUBJECT: Approval of a Two-Year Weed Abatement Contract Extension with Warren Brothers Tractor Work to Provide Weed Abatement on Vacant Parcels

RECOMMENDATION: Staff recommends City Council approve a two-year extension of the vacant parcel weed abatement contract with Warren Brothers Tractor Work.

SUMMARY: Warren Brothers Tractor Work has requested approval of a two-year extension of the vacant parcel weed abatement contract with the City. The existing contract allows for extensions providing both parties mutually agree to the same terms and conditions.

BACKGROUND/ANALYSIS: The City's weed abatement contractor for vacant parcels is Warren Brothers Tractor Work. On January 24, 2012, Warren Brothers requested an extension of the contract for a period of two years at the same contract rates as agreed upon in the 2007 contract. If there are any rate changes during the next two-year period, Warren Brothers will submit an itemized statement with justification for the increases to City Council for review and approval.

Staff has worked with Warren Brothers for many years and has been satisfied with their service performance. It is recommended that the City Council authorize the extension of their contract through February 15, 2014.

FINANCIAL IMPACT: Funds are allocated in the FY 2011-2012 General Fund Weed Abatement Maintenance Account.

/mb-80240

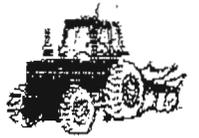
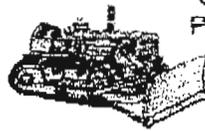
Attachments: Letter of Request  
Weed & Hazardous Vegetation Abatement Contract Dated 02/03/99

BILL TO:

NORCO FIRE DEPARTMENT  
ADMINISTRATION  
3902 Hillside Ave  
NORCO CA, 92860

**WARREN BROS.**  
**TRACTOR WORK**

7731 GRANDVIEW ST.  
CORONA, CA 92881  
PH/FAX 951.737.2227



DEAR City of NORCO FIRE DEPT.  
THIS is a REQUEST to EXTEND OUR  
CONTRACT 2 MORE year's at Same  
Rate's as last year.

We Have INCLUDED OUR Bid PRICE  
With this Fax.

We thank you FOR all the year's OF  
USING OUR SERVICE'S

David H Warren 1/23/012  
DAVID H WARREN

**Warren Brothers Tractor Work**

**Vacant Lot Weed & Hazardous Vegetation  
Itemized Statement of Rate Changes**

<u>Unit</u>	<u>Description</u>	<u>New Rate</u>	<u>Old Rate</u>
Lot	Clean lots less than .25 acre & adjacent parkways or portions thereof, includes one (1) discing operation	Per Lot <u>70<sup>00</sup></u>	60.00
Lot	Clean lots .25 acre or more, but less than .50 acres & adjacent parkways or portions thereof, includes one (1) discing operation	Per Lot <u>70<sup>00</sup></u>	60.00
Lot	Clean lots .50 acre or more, but less than 1.0 acre & adjacent parkways or portions thereof, includes one (1) discing operation	Per Lot <u>70<sup>00</sup></u>	60.00
Acre	Clean lots 1 acre or more & adjacent parkways or portions thereof, includes one (1) discing operation	Per Acre <u>55<sup>00</sup></u>	45.00
Sq. Ft.	Hand clean lots & adjacent parkways or portions thereof, includes all equipment as required	Per Sq. Ft. <u>.05¢</u>	.05¢
Lineal Ft.	Disc or mow fire breaks, minimum 30 feet wide	Per Lineal Ft. <u>1<sup>00</sup></u>	1.00

## WEED AND HAZARDOUS VEGETATION ABATEMENT CONTRACT

This CONTRACT, made and entered into this 3rd day of February, 1999, by and between Warren Brothers Tractor Work, hereinafter called "CONTRACTOR," and the CITY OF NORCO, a municipal corporation, hereinafter referred to as "CITY."

### WITNESSED

WHEREAS, the CITY has awarded a contract to the CONTRACTOR for performing the work hereinafter mentioned in accordance with the proposal of said CONTRACTOR,

NOW, THEREFORE, IT IS AGREED by the CITY and the CONTRACTOR as follows:

1. SCOPE OF WORK: The CONTRACTOR, as an independent CONTRACTOR, shall furnish all labor, methods or processes, implements, tools, machinery and equipment required for performing the work as outlined in the PLANS AND SPECIFICATIONS for said work which PLANS AND SPECIFICATIONS are made a part of this CONTRACT as if wholly set forth herein, and in accordance with the CONTRACTOR'S bid, which is also made a part of this CONTRACT, a copy of which is attached hereto.

The estimated work includes the following:

368 parcels less than 10 acres each requiring complete removal of the hazards. Approximately 533.51 total acres.

31 parcels 10 acres and larger requiring a 30 foot fire break around the outside perimeter and 30 foot breaks which divide the property into five acre parcels or less. Approximately 1,506.28 total acres.

2. TIME OF PERFORMANCE/LIQUIDATED DAMAGES: The CONTRACTOR shall diligently prosecute the work to completion on or before June 18, 1999 (privately owned), and July 27, 1999 (City owned), or in accordance with the directions of the CITY's Fire Chief or his/her authorized representative(s). Time is of the essence. The parties acknowledge that damages for the failure to complete the work are impossible to calculate and therefore agree that liquidated damages in the amount of \$250 per day for each and every day the work is not completed after June 18, 1999, (privately owned) and July 27, 1999 (City owned).

3. PROGRESS PAYMENTS: Prior to the fifteenth day of the next month following the commencement of the work, there shall be paid to the CONTRACTOR a sum equal to 90 percent of the value of the work completed since the commencement of the work as determined by the CITY; and thereafter, prior to the fifteenth day of each successive month as the work progresses, the CONTRACTOR shall be paid such sums as will bring the payments each month up to 90 percent of the value of the work completed since the commencement of the work as determined by the CITY, less previous payments. The final payment, if unencumbered or any part thereof encumbered, shall be pursuant to Paragraph 5.

4. CONTRACT SECURITY: Concurrently with the execution hereof, the CONTRACTOR shall furnish to the CITY: (1) Performance Bond of at least \$30,000; (2) Payment Bond of at least \$15,000, executed by corporate sureties acceptable to CITY.

4a. GUARANTEE BY CONTRACTOR IN LIEU OF BOND: In Lieu of Faithful Performance and Payment Bonds, CONTRACTOR shall provide a Cash Bond in the amount of \$1,500. CITY shall hold said Cash Bond, pursuant to Paragraph 3. Said Bond shall be held for a period of six months from the date the final work performed under this CONTRACT, is accepted

by CITY. In the event no work and/or labor liens are filed within said six-month period, said Bond held by CITY shall be reimbursed to CONTRACTOR

5. HOLD HARMLESS AGREEMENT AND CONTRACTOR'S INSURANCE: CONTRACTOR hereby agrees to, and shall hold the CITY, its Council, its elective and appointive officers, agents and employees, harmless from any liability for damage or claims, for personal injury damage, including death, as well as from property damage claims, which may arise from the CONTRACTOR'S, or any of the subcontractor's operations under this CONTRACT regardless of whether or not the CONTRACTOR's insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

The CONTRACTOR shall not commence work under this CONTRACT until he/she has obtained all insurance required under this Section, and such insurance shall have been approved by the CITY as to form, amount and carrier; nor shall the CONTRACTOR allow any subcontractor to commence work on any subcontract until these requirements have been met.

Said insurance shall include: (1) Public Liability Insurance of at least \$500,000/\$1,000,000 for injury or death; (2) Property Damage Insurance of at least \$100,000 that insures capacity; (3) Workmen's Compensation adequate to the requirements of the provisions of Section 3700 of the Labor Code of the State of California.

6. CONTRACT PERIOD: The period of this contract shall be from February 3, 1999 to February 3, 2000, unless extended by mutual agreement of both parties under the same terms and conditions as provided for herein on a yearly basis.

7. OTHER DOCUMENTS INCLUDED: It is further agreed by the parties hereto that the following documents are incorporated herein by reference and are to be read and construed as to the full, complete and integrated terms of this CONTRACT. What is called for in one document is as binding as though fully set forth in all documents, inclusive of:

- A. Notice Inviting Sealed Bids
- B. Instructions to Bidders
- C. Bid Proposal Form Instruction
- D. Bid Proposal Form
- E. Plans and Specifications
- F. Contract Performance Bond
- G. Payment Bond

8. CONTRACTOR'S AFFIDAVIT: After completion of the work contemplated by this CONTRACT, the CONTRACTOR shall file with the CITY, his affidavit stating that all workmen and persons employed, all firms supplying materials, and all subcontractors upon the project have been paid in full, and that there are no claims outstanding against the project for either labor or material except certain items, if any, to be set forth in an affidavit covering disputed claims; or items in connection with Notices to withhold, which have been filed under the provisions of the statutes of the State of California.

9. CONTRACTOR'S WAIVER: The acceptance by the CONTRACTOR of the payment of the final certificate shall constitute a waiver of all claims against the CITY under or arising from this CONTRACT.

10. LABOR: Wage scale, hours of labor and alien labor shall be governed by the applicable Sections of the Labor Code of the State of California.

11. TERMINATION: If CONTRACTOR fails or refuses to prosecute the work with diligence, or fails to complete the work within the time specified, or is adjudged a bankrupt, or makes an assignment for the benefit of creditors, or becomes insolvent, or violates any provisions of the CONTRACT documents, CITY may give notice in writing of its intention to terminate the CONTRACT. Unless the violation ceases within ten (10) days after said notice of intention has been served on CONTRACTOR, CITY may terminate this CONTRACT upon the expiration of that time.

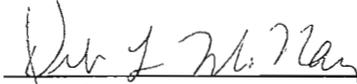
12. CONTRACTOR'S INDEPENDENT INVESTIGATION: No plea of ignorance of conditions that exist or that may hereafter exist, or of conditions or difficulties that may be encountered in the execution of the work under this CONTRACT as a result of failure to make the necessary independent examinations and investigations, and no plea of reliance on initial investigations or reports prepared by CITY for purpose of letting this CONTRACT out to bid, will be accepted as an excuse for any failure or omission on the part of CONTRACTOR to fulfill in every detail all requirements of said CONTRACT, specifications and plans. Nor will such reasons be accepted as a basis for any claims whatsoever, for extra compensation or for extension of time.

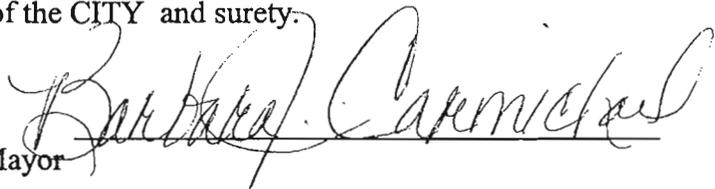
13. ATTORNEY'S FEES: If any action at law or in equity is necessary to enforce or interpret the terms of this CONTRACT, the prevailing party shall be entitled to reasonable attorney's fees, costs and necessary disbursements, in addition to any other relief to which he may be entitle. If any action is brought against the CONTRACTOR or any Sub-Contractor to enforce a Stop Notice or Notice to Withhold, which names the CITY as a party to said action, CITY shall be entitled to reasonable attorney's fees, costs and necessary disbursements.

14. PERMITS: CONTRACTOR shall obtain from CITY, County or other responsible public agencies, all licenses (including City Business License) and permits, and pay all fees related thereto, necessary to complete the job.

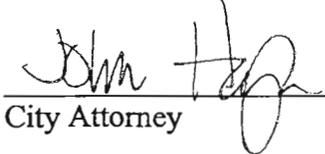
15. ASSIGNMENT: No assignment by the CONTRACTOR of this Contract or any part hereof, or of funds to be received hereunder, will be recognized by the CITY unless such assignment has had prior to written approval and consent of the CITY and surety.

ATTEST: CITY OF NORCO

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

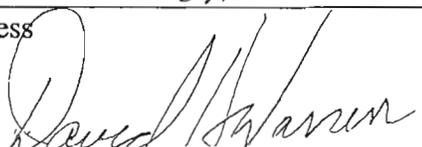
  
\_\_\_\_\_  
City Attorney

CONTRACTOR:

WARREN BROS. TRACTOR WORK  
Name

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Fire Chief

7731 Grandview St CORONA  
Address  
BY:   
\_\_\_\_\_

CITY OF NORCO  
 WEED & HAZARDOUS VEGETATION ABATEMENT PROGRAM  
 CALENDAR YEAR 1999  
 BID NO. 98 - 01

ITEM	UNIT	DESCRIPTION	RATE
1.	Lots	Clean lots (less than 0.25 acre) and adjacent parkways or portions thereof, one (1) discing operation.	Per Lot \$ <u>5000</u>
2.	Lots	Clean lots (0.25 acre or more, but less than 0.50 acres) and adjacent parkways, or portions thereof, one (1) discing operation.	Per Lot \$ <u>5000</u>
3.	Lots	Clean lots (0.50 acre or more, but less than 1.0 acre) and adjacent parkways, or portions thereof, one (1) discing operation.	Per Lot \$ <u>5000</u>
4.	Acre	Clean lots (1 acre or more) and adjacent parkways or portions thereof, including one (1) discing operation.	Per Acre \$ <u>3500</u>
5.	Sq. Ft.	Hand clean lots and parkways or portions thereof, including all equipment as required.	Per Sq. Ft. \$ <u>5 CENTS</u>
6.	Lineal Ft.	Disc or Mow fire breaks minimum 30 feet wide.	Per Lineal Ft \$ <u>100</u>

Items to be attached to Bid Proposal Form:

1. List of equipment
2. List of Sub-Contractors (if any)
3. Copy of State Contractor's License
4. List of client references (including names, addresses and telephone numbers)

The City of Norco reserves the right to inspect all equipment before awarding bid contract.

Upon the acceptance of this proposal, the undersigned hereby agrees to furnish and deliver the items as described in the accompanying specifications at the prices stated.

Signature: *Samuel Wain*

Name: WARREN BROS TRACTOR WORK

Title: OWNER 50%

Address: 7731 GRANDVIEW ST  
CORONA CA 91719

Telephone: 909-737-2227

Date: DECEMBER 1, 1998



**WARREN BROTHERS TRACTOR WORK**

7731 Grandview St. ~ Corona, Ca. 91719

Phone 909-737-2227 ~ Fax 909-737-2227 ~ Email TAX I.D. 33-0618741

December 01, 1998

EQUIPMENT

699 MASEY FURGESON

2424 INTERNATIONAL

30 B MASEY FURGESON

CAT D-4

CAT D-6

CAT MOTOR GRADER 12

3 DUMP TRUCKS

DISC'S & MOWERS

FORD 5000

T.O. 30

MICHIGAN 4 WHEEL DRIVE LOADER

CHAIN SAWS

WEED EATERS



**WARREN BROTHERS TRACTOR WORK**

7731 Grandview St. ~ Corona, Ca. 91719

Phone 909-737-2227 ~ Fax 909-737-2227 ~ I TAX I.D. 33-0618741

December 01, 1998

BUSINESS REFRENCES

RIVERSIDE WASTE RESOURCE MANAGEMENT

1995 MARKET ST.

RIVERSIDE, CA. 92501

(909) 955-1370 FAX # (909) 955-1374 / KEVIN JOYCE

NORCO FIRE DEPT.

3367 CORRYDON AVE.

NORCO, CA. 91760

(909) 737-8097 FAX # (909)734-8531 / SHALIEN

COUNTY OF RIVERSIDE FIRE DEPT.

210 SAN JACINTO AVE.

PERRIS, CA. 92570

(909) 940-6963 /DAN (909) 275-4750 /HOWARD WINDSOR- CAPTAIN

CITY OF PERRIS

155 E. 4TH ST. STE. 110

PERERIS, CA.92570

(909) 943-5003 / GREG LEE

CITY OF CORONA FIRE DEPT.

315 S. BUENA VISTA

CORONA, CA. 91720

(909) 736-2220 FAX #(909) 736-2497 / KURT

METROPOLITAN WATER DIST. OF SO. CA.

P.O. BOX 54153

LOS ANGELAS, CA. 90054-0153

(909) 780-1511 / CHARLES POLING

CORONA / NORCO SCHOOL DISTRICT

CLARK ST.

NORCO, CA 91760

# ATTN ROBERT PEREZ

C.R.C.

5TH ST.

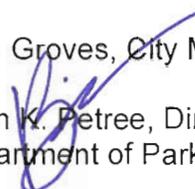
NORCO, CA. 91760

#ATTN MATENACE

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brian K. Petree, Director  
Department of Parks, Recreation and Community Services 

DATE: February 15, 2012

SUBJECT: Request for a One-Year Extension to the License Agreement for Grading and Removal of Aggregate and Related Materials at George Ingalls Equestrian Event Center

RECOMMENDATION: That the City Council approve a one-year extension of the License Agreement for Grading and Removal of Aggregate and Related Materials at George Ingalls Equestrian Event Center through January 30, 2013.

**SUMMARY:** The City of Norco first entered into a License Agreement in 2007 with So Cal Sandbags, Inc. to remove aggregate material and grade the east pad at the George Ingalls Equestrian Event Center. City staff received a letter from the contractor indicating they would like to exercise their rights under the License Agreement to extend the License for one additional year.

**BACKGROUND/ANALYSIS:** So Cal Sandbags, Inc. ("SCSB") performs the removal of aggregate material and rough grading on the east pad of the George Ingalls Equestrian Event Center ("GIEEC"). The License Agreement provides for the Concessionaire, SCSB, to grade the eastern portion of the GIEEC and provide a flat pad. For this activity the City is provided a royalty, payment for any water usage, SWPPP maintenance, decomposed granite (DG), fill material, base material, landscape rock, filled sandbags and gravel bags to City forces upon request. In addition, SCSB provides a special material delivery rate to residents within the limits of the City.

Since the License was granted, the economy has taken a major downturn affecting the sale of aggregate and the production of base material for construction, a primary material produced at the site. This has impacted the project requiring it to take longer than anticipated to meet the City objectives and scope of work. SCSB has been accommodating to the City during event activities over the years and without reparation for extension, which is allowed by their existing License. Currently, the City shuts down SCSB for approximately 6-8 weeks a year for events.

The License scope of work is currently in its final phase and requires approximately 2 acres to complete grade and finish the engineer benched slopes. Staff has worked with SCSB over the past several years and has been satisfied with their performance and recommends that the City Council authorize the extension of the License Agreement through January 30, 2013.

/bp-80321

Attachments: Request for Extension So Cal Sandbags, Inc.



## **Erosion Control Services**

January 31, 2012

City of Norco  
Dept. of Parks, Recreation and Community Services  
2870 Clark Avenue  
Norco, CA 92860-0428  
Attn: Brian Petree

Dear Mr. Petree:

So Cal Sandbags, Inc. is requesting an extension of the Ingalls Park Grading license agreement. Due to the economic downturn effecting not only home building but construction as a whole, demand for aggregate materials has hit an extreme low and as of today has not bounced back. In conjunction with the economy we have encountered a large quantity of poorly blasted area by the city provided blaster within the hill itself causing a slow down not only in excavation, but processing as well. These two items have caused our original schedule to be pushed back. However, we have made tremendous strides towards the completion of this project over the past year. With the construction of the Silver Lakes Equestrian Center levee we were able to remove close to 20,000 tons of oversized materials that would otherwise need further breaking to process. The results of this large removal in a short period of time cleared a large portion of the floor area allowing the expansion of event parking and attraction space. We are in the final phases of the material export and forecast that we can complete the project by the end of January 2013 and begin demobilization of our equipment and facilities thereafter.

So Cal Sandbags, Inc. is hereby requesting an extension to the Ingalls Park license agreement through January 30, 2013.

I appreciate your understanding and hope to speak with you soon. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Feidner", is written over a light blue circular stamp.

Dennis Feidner

[DennisF@SoCalSandbags.com](mailto:DennisF@SoCalSandbags.com)

(951) 277-3404 Office

(951) 277-1683 Fax

# 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 15, 2012

SUBJECT: Acceptance of Bids and Award of Contract for the Horseless Carriage 12-inch Water Line Extension Project

RECOMMENDATION: Accept bids and award the contract for the installation of a new 12-inch water line extension to TK Construction in the amount of \$58,982, and authorize the City Manager to approve contract change orders up to 10 percent of the contract amount.

SUMMARY: Bids for the Horseless Carriage 12-inch Water Line Extension Project were opened on January 31, 2012 with TK Construction, of San Bernardino, CA, being the lowest responsible bidder. Therefore, it is recommended that a contract be awarded to TK Construction in the amount of \$58,982.

BACKGROUND/ANALYSIS: Staff completed plans and specifications for the Horseless Carriage 12-inch Water Line Extension Project and on January 31, 2012 bids were received. The project approved as a part of 2011/12 Water Capital Improvement Program Budget in the amount of \$10,000. The scope of the meter connection project has been expanded to include the installation of approximately 615 linear feet of 12" CML&C water line to be constructed from Horseless Carriage Drive south to Fourth Street to complete the CRC/Navy water meter connection project. A total of 13 bids were received with proposals ranging in value from \$58,982 to \$214,500. The lowest bidder, TK Construction, of San Bernardino, CA, submitted a bid that was 53% lower than the engineers estimate for the waterline extension. References were checked on TK Construction and found to be favorable. The bid summary sheet has been attached for Council's review.

The recently completed Second Street water line improvement project realized a savings of \$150,000. Staff is requesting approval to transfer of \$55,000 from the Second Street waterline project to the expanded CRC/Navy Facilities Improvements (Connection) project #4706-5.

FINANCIAL IMPACT: Funds are available within the 2011/12 Water Capital Improvement Program Fund 144 (Water) for this project.

Attachments: Bid Summary

/wrt-80359

BID SUMMARY SHEET



HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION

ITEM	QUANTITY	UNITS	DESCRIPTION	TK Construction			TBU, Inc.
				UNIT BID	TOTAL	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00
2	612	LF	12" CML&C Water Line	\$53.50	\$32,742.00	\$77.00	\$47,124.00
3	15	LF	8" CML&C Waterline	\$140.00	\$2,100.00	\$48.00	\$720.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$950.00	\$1,900.00	\$550.00	\$1,100.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$1,600.00	\$1,600.00	\$1,850.00	\$1,850.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$700.00	\$2,100.00	\$350.00	\$1,050.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$1,250.00	\$1,250.00	\$5,000.00	\$5,000.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$1,775.00	\$3,550.00	\$6,000.00	\$12,000.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$4,400.00	\$4,400.00	\$3,000.00	\$3,000.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$6,840.00	\$6,840.00	\$4,000.00	\$4,000.00
<b>TOTAL BID</b>					<b>\$58,982.00</b>		<b>\$76,844.00</b>
Low Bid Subcontractors				Video	Houston & Harris, Grand Terrace, CA	Welding	J & K Welding
				Misc. Pipe Materials	Inland Pipe, San Bernardino, CA	Chlorination	Spincor, Ontario, CA
				Steel Pipe	Southland Pipe, Alta Loma, CA	Compaction	City & County Soils, Ontario, CA

**BID SUMMARY SHEET**



**HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION**

ITEM	QUANTITY	UNITS	DESCRIPTION	Genesis Construction		Vido Samarzich, Inc.	
				UNIT BID	TOTAL	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$9,571.00	\$9,571.00	\$1,000.00	\$1,000.00
2	612	LF	12" CML&C Water Line	\$88.00	\$53,856.00	\$106.00	\$64,872.00
3	15	LF	8" CML&C Waterline	\$150.00	\$2,250.00	\$90.00	\$1,350.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$500.00	\$1,000.00	\$1,000.00	\$2,000.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$700.00	\$700.00	\$1,300.00	\$1,300.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$300.00	\$900.00	\$600.00	\$1,800.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$4,500.00	\$9,000.00	\$3,500.00	\$7,000.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00
			<b>TOTAL BID</b>		<b>\$84,277.00</b>		<b>\$87,822.00</b>
			Low Bid Subcontractors				

**BID SUMMARY SHEET**



**HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION**

ITEM	QUANTITY	UNITS	DESCRIPTION	C. P. Construction Co., Inc.		Environmental Assessment & Remediation Management, Inc.	
				UNIT BID	TOTAL	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$4,950.00	\$4,950.00	\$9,625.00	\$9,625.00
2	612	LF	12" CML&C Water Line	\$92.00	\$56,304.00	\$106.00	\$64,872.00
3	15	LF	8" CML&C Waterline	\$115.00	\$1,725.00	\$140.00	\$2,100.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$1,250.00	\$2,500.00	\$1,250.00	\$2,500.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$1,650.00	\$1,650.00	\$1,950.00	\$1,950.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$650.00	\$1,950.00	\$725.00	\$2,175.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$2,450.00	\$2,450.00	\$2,000.00	\$2,000.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$4,500.00	\$9,000.00	\$2,150.00	\$4,300.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$4,000.00	\$4,000.00	\$4,600.00	\$4,600.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$3,500.00	\$3,500.00	\$4,878.00	\$4,878.00
<b>TOTAL BID</b>					<b>\$88,029.00</b>		<b>\$99,000.00</b>
Low Bid Subcontractors							

**BID SUMMARY SHEET**



**HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION**

Pro-Craft construction,  
Inc.

ITEM	QUANTITY	UNITS	DESCRIPTION	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$5,000.00	\$5,000.00
2	612	LF	12" CML&C Water Line	\$130.00	\$79,560.00
3	15	LF	8" CML&C Waterline	\$120.00	\$1,800.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$500.00	\$1,000.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$900.00	\$900.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$400.00	\$1,200.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$1,300.00	\$1,300.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$3,000.00	\$6,000.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$1,000.00	\$1,000.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$2,000.00	\$2,000.00

**TOTAL BID**

**\$99,760.00**

Low Bid Subcontractors

BID SUMMARY SHEET



HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION

ITEM	QUANTITY	UNITS	DESCRIPTION	Atlas-Allied, Inc.		Piperin Corporation	
				UNIT BID	TOTAL	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$5,000.00	\$5,000.00	\$20,000.00	\$20,000.00
2	612	LF	12" CML&C Water Line	\$125.00	\$76,500.00	\$100.00	\$61,200.00
3	15	LF	8" CML&C Waterline	\$100.00	\$1,500.00	\$200.00	\$3,000.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$1,500.00	\$3,000.00	\$2,000.00	\$4,000.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$2,500.00	\$2,500.00	\$4,000.00	\$4,000.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$1,200.00	\$3,600.00	\$1,000.00	\$3,000.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$3,000.00	\$6,000.00	\$4,000.00	\$8,000.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$2,380.00	\$2,380.00	\$4,000.00	\$4,000.00
<b>TOTAL BID</b>					<b>\$108,980.00</b>		<b>\$115,200.00</b>
Low Bid Subcontractors							

**BID SUMMARY SHEET**



**HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION**

ITEM	QUANTITY	UNITS	DESCRIPTION	Miramontes Construction Co., Inc.		SRD Engineering, Inc.	
				UNIT BID	TOTAL	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$15,000.00	\$15,000.00	\$22,700.00	\$22,700.00
2	612	LF	12" CML&C Water Line	\$125.00	\$76,500.00	\$95.00	\$58,140.00
3	15	LF	8" CML&C Waterline	\$300.00	\$4,500.00	\$260.00	\$3,900.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$500.00	\$1,000.00	\$1,400.00	\$2,800.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$3,000.00	\$3,000.00	\$1,980.00	\$1,980.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$500.00	\$1,500.00	\$1,000.00	\$3,000.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$2,500.00	\$5,000.00	\$3,500.00	\$7,000.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$5,000.00	\$5,000.00	\$10,400.00	\$10,400.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$5,000.00	\$5,000.00	\$6,100.00	\$6,100.00
			<b>TOTAL BID</b>		<b>\$118,500.00</b>		<b>\$118,520.00</b>
			Low Bid Subcontractors				

**BID SUMMARY SHEET**



**HORSELESS CARRIAGE 12-INCH WATERLINE EXTENSION**

		Sandoval & Johnson Construction & Engineering Pipeline, Inc.		T.A. Rivard, Inc.			
ITEM	QUANTITY	UNITS	DESCRIPTION	UNIT BID	TOTAL	UNIT BID	TOTAL
1	1	LS	Clearing, Grubbing, Mobilization and Traffic Control	\$4,000.00	\$4,000.00	\$8,000.00	\$8,000.00
2	612	LF	12" CML&C Water Line	\$165.00	\$100,980.00	\$250.00	\$153,000.00
3	15	LF	8" CML&C Waterline	\$253.00	\$3,795.00	\$500.00	\$7,500.00
4	2	EA	12" Flange x Flange 45 Degree Elbow	\$1,463.00	\$2,926.00	\$2,500.00	\$5,000.00
5	1	EA	12" x 12" x 8" CML & C Tee	\$2,591.00	\$2,591.00	\$4,000.00	\$4,000.00
6	3	EA	8" Flange x Flange 45 Degree Elbow	\$1,393.00	\$4,179.00	\$1,500.00	\$4,500.00
7	1	EA	8" Butterfly Valve (flange x flange)	\$2,730.00	\$2,730.00	\$3,500.00	\$3,500.00
8	2	EA	12" Butterfly Valve (flange x flange)	\$3,180.00	\$6,360.00	\$6,500.00	\$13,000.00
9	1	LS	Pipe Fittings, Connections to Existing, and all related work and materials	\$3,000.00	\$3,000.00	\$8,000.00	\$8,000.00
10	1	LS	Street Pavement Repair, and all related labor and materials	\$3,160.00	\$3,160.00	\$8,000.00	\$8,000.00
<b>TOTAL BID</b>					<b>\$133,721.00</b>		<b>\$214,500.00</b>
Low Bid Subcontractors							

# 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 15, 2012

SUBJECT: Acceptance of the Fiscal Year 2011/12 Equestrian Trail Fence Project as Complete

RECOMMENDATION: That the City Council accepts the Fiscal Year 2011/12 Equestrian Trail Fence Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.

SUMMARY: The 2011/12 Equestrian Trail Fence Project consisted of the construction and installation of trail fence improvements at various locations throughout the City. The project also included clearing, grubbing, minor grading and removal of existing trail fence.

BACKGROUND/ANALYSIS: On October 19, 2011, the City Council awarded a public works contract to Valley Cities/Gonzales Fence, Inc. in the amount of \$63,000, including a 10% contingency available for justified change orders. The project completion included a staff authorized increase in the total constructed footage amount. The final contract amount is \$64,022 which is the base contract award amount and an additional 146 feet. The final contract amount is based on the actual quantity of material used on the project as verified by staff.

Work on the project has been completed to the satisfaction of the City Engineer and a Notice of Completion has been prepared. Staff is requesting that the City Council accept the work performed by Valley Cities/Gonzales Fence, Inc. and authorize the City Clerk to record the Notice of Completion.

FINANCIAL IMPACT: Funds are available within the approved FY 2011/12 Trails Capital Improvement Fund Program (143).

Attachment: N/A

/wrt-80358

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Lori J. Askew, Senior Engineer 

DATE: February 15, 2012

SUBJECT: Acceptance of the Norco Drive Sewer and Water Improvements Project as Complete

RECOMMENDATION: That the City Council

- 1.) Accept the Norco Drive Sewer and Water Improvements Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office; and
- 2.) Ratify the expenditure of \$26,281.23 for extra work required to complete the project.

**SUMMARY:** The Norco Drive Sewer and Water Improvements Project consisted of installation of approximately 800 linear feet of 8" VCP sewer pipe and 300 linear feet of 12 inch CML & C waterline and all related appurtenances in Norco Drive, immediately west of Hamner Avenue.

**BACKGROUND/ANALYSIS:** On July 6, 2011, the City Council awarded a public works contract to Vido Samarzich, Inc. for the Norco Drive Sewer and Water Improvements Project in the amount of \$166,446.00 with an additional 10% contingency for change orders, for a total of \$183,090.60. The project scope consisted of installation of nearly 800 linear feet of 8" VCP sewer line and close to 150 linear feet of 4 inch VCP sewer line in addition to nearly 300 linear feet of 12" CML & C water line with all necessary appurtenances. The Contractor completed all scheduled work, including staff requested street pavement repairs in the amount of \$20,124.00, within the required working days for a total cost of \$177,405.00.

After completion of the project the contractor submitted a request for extra work invoices in the amount of \$31,966.83. The extra work including labor for hand digging of trenches at several locations for unmarked utilities, hand breaking of concrete encased water line at the point of connection at Hamner Avenue and several days of digging through rock for the water line trenches. Therefore, the total construction cost of the project is \$209,371.83. The final contract amount is based on the actual quantity of material placed on the project as verified by staff.

Acceptance of Norco Drive Sewer and Water Improvements

Page 2

February 15, 2012

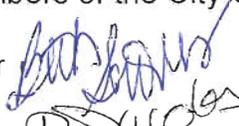
Work on the project has been completed to the satisfaction of the City Engineer and a Notice of Completion has been prepared. Staff is requesting that the City Council accept the work performed by Vido Samarzich, Inc., and authorize the City Clerk to record the Notice of Completion with the County Recorder's Office.

**FINANCIAL IMPACT:** Additional funding for the project in the amount of \$26,281.23 is split equally between Funds 144 (Water) and 147 (Sewer).

/lja-80342

## 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 15, 2012

SUBJECT: Consideration of a Resolution Supporting the Transfer of Ontario International Airport to Local Control

RECOMMENDATION: Adopt **Resolution No. 2012-\_\_\_**, supporting the transfer of Ontario International Airport to local control.

**SUMMARY:** As Western Riverside County continues to experience growth in population and employment, a regionally-located airport that serves both passenger and good movement needs is an important and necessary economic asset. Absent adequate service at Ontario International Airport, the remaining choices for Western Riverside residents and employees are distant, including San Diego, John Wayne, Palm Springs, Long Beach and LAX. Travel to and from these locations is often impractical and results in needless additional freeway congestion and air pollution in the region. The City of Ontario is seeking support from local jurisdictions, state and federal congressional representatives, and regional entities in its effort to transfer the Ontario International Airport.

**BACKGROUND/ANALYSIS:** Ontario International Airport (ONT) has been under control of the Los Angeles World Airports (LAWA) since 1967. LAWA is a branch of the City of Los Angeles and is governed by a seven-member board appointed by the Mayor of Los Angeles and approved by the City Council. Because much of the annual activity at ONT during the 1960s was accommodating diverted airplanes from LAX during periods of inclement weather, the Cities of Ontario and Los Angeles believed it would be in the best interests of the Southern California region for LAWA to take responsibility for operating ONT. In addition, Los Angeles was expected to bring more air service to ONT, thereby attracting businesses and creating jobs. In 1967, these discussions resulted in a Joint Powers Agreement between the City of Los Angeles and the City of Ontario. Because these two airports coordinated so often, it made economic and organizational sense to place them under control of the same Board.

Although ONT experienced significant growth from the late 1970s until the mid-2000s, passenger volumes at the airport have declined since 2007, especially when compared to surrounding Southern California airports and other medium hub airports nationwide. Since 2007, the number of passengers at ONT has decreased by almost 37%, while most other regional airports experienced increases or less severe decreases during this

Consideration of a Resolution Supporting the Transfer of Ontario International Airport to  
Local Control

Page 2

February 15, 2012

same timeframe. Departures from ONT have gone down by 56% since 2007. Southwest Airlines is now the only low-cost carrier serving ONT. Additionally, LAWA has made cuts to the airport's marketing efforts, thus reducing resources devoted to the ONT market by 85% since 2007.

These downtrends have a significant impact on the regional economy. The total economic impact of ONT was reported as \$849 million in 2011. This is a decline from the estimated \$1.3 billion in economic impact the airport reportedly had in 2007. This equates to over 9,000 jobs lost in the last four years.

Information regarding the increasing costs, transfer options, and growing support for local control was presented at the WRCOG Executive Committee Meeting held on February 6, 2012 (attached). Support on this issue is being received from several local jurisdictions, state and federal congressional representatives, and regional entities.

Additional information regarding ONT is attached for the City Council's review. The Council is recommended to adopt a resolution supporting the transfer of ONT to local control. If adopted, the City Clerk will transmit a certified copy of the resolution to the following individuals:

Mayor Antonio Villaraigosa  
City of Los Angeles  
City Hall  
200 North Spring Street, Room 300  
Los Angeles, CA 90012

Mayor Paul S. Leon  
City of Ontario  
City Hall  
415 East "B" Street  
Ontario, CA 91764

Michael P. Huerta  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

FINANCIAL IMPACT: None

/bj-80357

Attachment: Resolution No. 2012-\_\_\_\_\_  
ONT Information for Review

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

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, SUPPORTING THE TRANSFER OF ONTARIO INTERNATIONAL AIRPORT (ONT) TO LOCAL CONTROL

WHEREAS, local control of airports in Southern California has been shown to be conducive to development of successful regional airports because the airport sponsor has a vested interest in the airport making the greatest contribution to its economy; and

WHEREAS, local control of ONT will help ensure that all of Southern California will have sufficient airport capacity to meet the long-term demand for air travel in the region; and

WHEREAS, on September 2, 2010, the Southern California Association of Governments (SCAG) Regional Council enacted a resolution recommending the transfer of ONT to local control as being in the best interests of Los Angeles and the Southern California region. SCAG further stated that under local control, ONT can recover from the economic downturn of the past several years while positioning itself for long-term growth, consistent with the reorganization of air traffic contemplated in SCAG's Regional Transportation Plan; and

WHEREAS, on November 29, 2010, the Alliance for a Regional Solution to Airport Congestion (ARSAC) urged the Los Angeles Board of Airport Commissioners to transfer ONT airport management decisions to the local Ontario area in pursuit of a regional airport system that can better address ONT patronage decline and regional service demands; and

WHEREAS, on January 7, 2011, the Los Angeles Economic Development Corporation called on Los Angeles World Airports (LAWA) to shift control of ONT – as well as the responsibility and risk that comes with that control – to another entity so LAWA can focus more of its energy on modernizing Los Angeles International Airport; and

WHEREAS, after transfer to local control, ONT can operate on the same basis as airports in Burbank, Orange County, Long Beach and Palm Springs - as low-cost secondary airports under local control.

NOW THEREFORE, BE IT RESOLVED, the Norco City Council hereby supports the transfer of ONT to local control in furtherance of airport regionalization and the region's economy.

BE IT FURTHER RESOLVED, that the Norco City Council requests the cities of Los Angeles and Ontario commit the necessary resources and effort to affect the transfer of ONT to local control at the earliest possible date.

BE IT FURTHER RESOLVED, that the City Clerk shall communicate this action of the Norco City Council to the Mayors of Los Angeles and Ontario, the Acting Administrator of the Federal Aviation Administration, and state and federal elected representatives.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 15, 2012.

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Mayor of the City of Norco, California

ATTEST:

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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 Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on February 15, 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 15, 2012.

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

/bj-80355



Southern California's

## Ontario International Airport

### FACTS AT A GLANCE

**Airport Code:** *ONT*

**Location:** *35 miles east of downtown Los Angeles in the Inland Empire and the center of Southern California*

**Access:** *Well-located within the regional ground transportation system, lying between I-10 Freeway on the north and the SR-60 Pomona Freeway on the south; also accessible via a well-developed system of arterial and local roadways*

**Airport Sponsor:** *ONT is currently operated by Los Angeles World Airports under a joint powers agreement signed in 1967 when ONT was frequently used as a diversion airport for fogged-in LAX*

**Market:** *ONT's service area includes a population of six million in San Bernardino and Riverside Counties, and portions of north Orange County and east Los Angeles County*

**Airport Size:** *1,700 acres*

**Runways:** *Runway 26R/8L: 12,200 feet long, 150 feet wide  
Runway 26L/8R: 10, 200 feet long, 150 feet wide*

**Capacity:** *Current facilities supports 10 million annual passengers; ultimate capacity of 31 million through expansion and surface transportation infrastructure development (SCAG analysis)*

**Passenger Airlines:** *Alaska/Horizon, American, Continental, Delta, Southwest, United/United Express and US Airways*

**Cargo Airlines:** *FedEx, UPS*

**Passengers Served:** *4,808,241 (2010)*

**Cargo Tons Handled:** *392,427 (2010)*

**Flight Departures per Day:** *70 (Summer 2011)*

**Terminals:** *570,500 square feet with 35 gates in two domestic terminals and an International Arrivals Terminal.*

**Hangar Space:** *350,000 square feet*

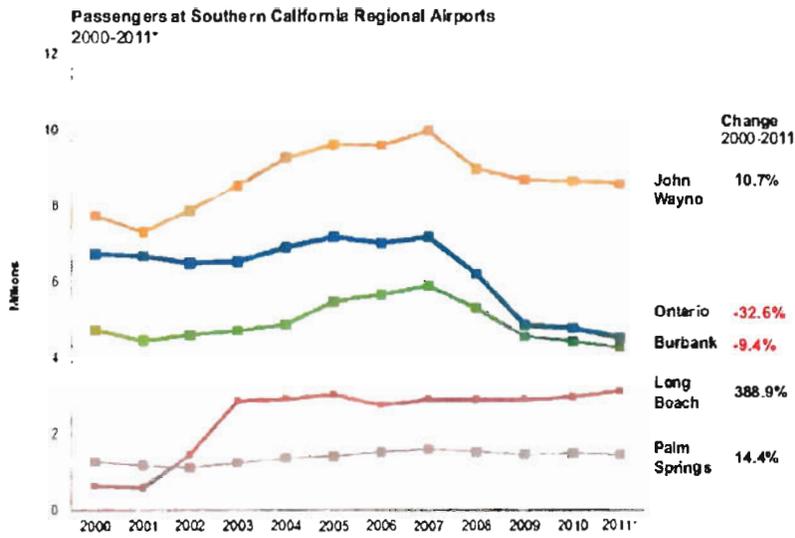
**Parking:** *Lot 2 (1,601 spaces), Lot 4 (1,790), Lot 5 (2,200)*

**Hours of Operation:** *24 hours a day, 7 days a week*

**Constraints:** *Virtually none. Current policy prohibits flight training (touch and go's) by jet powered aircraft and engine run-ups during overnight hours 11 p.m. to 7 a.m.*



Photo credits: City of Ontario

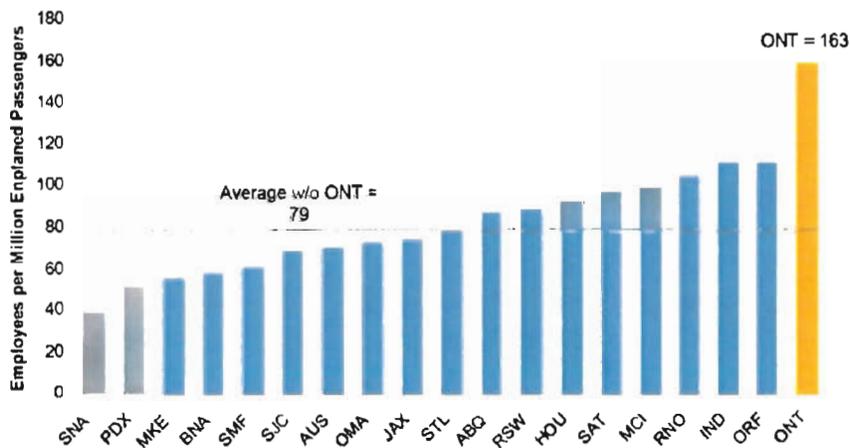


From [www.setontariofree.com](http://www.setontariofree.com)

**Increasing Costs:** Costs to airlines at ONT have been significantly higher than other secondary airports in Southern California and among the highest-cost medium hub airports in U.S., contributing to the downturn in passenger service and ridership the airport has recently experienced. Airport costs are typically measured in terms of the Cost per Enplaned Passenger (CPE), which represents the sum of the charges paid by the airlines to an airport, divided by the number of passengers departing from that airport. While the U.S. median CPE was most recently reported at \$6.76 in 2008, ONT's CPE estimate for 2010 according to LAWA was \$14.50, more than twice the national median and significantly higher than at LAX. Operations and maintenance costs are also high at ONT compared to other airports. Airlines have difficulty charging higher fares at ONT to compensate for the higher airport costs because in a region with competing airports, travelers are often not willing to pay higher airfares to fly from ONT than other nearby airports. Low-cost carriers especially have little ability to increase their fares, which is why JetBlue and other low-cost airlines have eliminated flights to and from ONT. According to several reports, if the Ontario Airport had had a competitive CPE, the airport could have retained air service that was lost between 2008 and 2011.

The City of Ontario examined potential causes of increasing costs in its 2010 Recovery Plan for the Ontario Airport. This study found that ONT has relatively low debt when compared with similar-sized airports, and has higher non-airline revenues (from rental car fees, parking, and food and retail sales). These revenues would normally lower the fees that airlines must pay, yet ONT's costs are so high that they have caused air service to decline during a period while comparable airports saw growth. A primary cause of high costs at ONT is the airport's large workforce combined with higher compensation levels compared to other medium-size airports. In addition, ONT pays LAWA an administrative fee of 15% of its operating expenses.

**Employees per Million Enplaned Passengers – Medium U.S. Hubs  
Most Recent Fiscal Year**



From: Ontario International Airport – A Recovery Plan, 2010, [www.setontariofree.com](http://www.setontariofree.com)

**Transfer Options:** An independent study completed in August 2010 for LAWA examined three alternatives for improving financial options at ONT.

1. LAWA continues to operate ONT pursuant to the existing airline agreement and implements certain operational improvements to improve financial results and lower the CPE;
2. LAWA enters into a concession agreement with a 3<sup>rd</sup> party that is responsible for operation and maintenance of the terminal facilities, concession program, public parking and rental car; and
3. LAWA enters into a long-term concession for the operation and management of ONT; LAWA would maintain ownership of the airport and would continue to be responsible for safety and security.

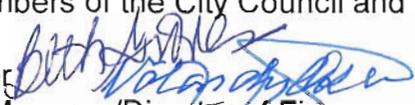
The City of Ontario contends that none of these options would bring the immediate assistance and attention that ONT needs to reduce costs and promote the airport. Instead, City leaders believe that by returning ONT to local control, ONT can receive the level of attention and support it needs to restore the airport as the primary economic engine of the Riverside/San Bernardino Region.

**Growing Support for Local Control:** The transfer to local control of ONT to the City of Ontario has garnered considerable support during the past few months. Ontario's "Set ONTario Free" campaign ([www.setontariofree.com](http://www.setontariofree.com)) has received endorsements from the Southern California Association of Governments (SCAG), Los Angeles County Board of Supervisors, L.A. Times Editorial Board, League of California Cities – Inland Empire Division, L.A. County Economic Development Corporation, Neighborhood Council of Westchester/Playa, Alliance for a Regional Solution to Airport Congestion, and a number of local cities and Congressional representatives. A January 2012 poll of 900 Los Angeles City voters found that after informed about the details of the proposed transfer, 77% of voters favored shifting control of ONT to the City of Ontario, while 12% opposed and 11% were undecided.

**What's Next?** As Western Riverside County continues to experience growth in population and employment, a regionally-located airport that serves both passenger and goods movement needs is an important and necessary economic asset. Absent adequate service at ONT, the remaining choices for Western Riverside residents and employees are distant, including San Diego, John Wayne, Palm Springs, Long Beach, and LAX. Travel to and from these locations is often impractical and results in needless additional freeway congestion and air pollution in the region. The City of Ontario is seeking support on this issue from local jurisdictions, state and federal congressional representatives, and regional entities.

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council and

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

DATE: February 15, 2012

SUBJECT: Mid-Year Amendments to Fiscal Year 2011-2012 Annual Operating Budget

RECOMMENDATION: Staff Recommends:

- 1) That the City Council Adopt **Resolution No. 2012-\_\_\_**, approving various Mid-Year Amendments to the Fiscal Year 2011-2012 Annual Operating Budget and authorizing changes in appropriations and revenues thereto; and
- 2) Approve Job Specification for Deputy Director of Public Works/Senior Engineer.

**SUMMARY:** This item provides recommended mid-year revisions to the Operating Budget for Fiscal Year 2011-2012. The recommended mid-year budget revisions will increase estimated General Fund revenues by a net amount of \$149,838; increase estimated General Fund expenditures by a net amount of \$236,550 and transfer \$86,712 from the Equipment Replacement Fund to the General Fund as detailed on the attached Exhibit A. The recommended changes to the General Fund budget do not change the fund balance of nearly \$2.1 million reported as of the end of the Fiscal Year 2010-2011.

In addition to the recommended budget changes, staff also recommends that the City Council approve the attached Job Specification for the position of Deputy Director of Public Works/Senior Engineer.

**BACKGROUND/ANLYSIS:** The City's Operating Budget for Fiscal Year 2011-2012 was adopted by the City Council on June 15, 2011. The proposed mid-year budget adjustments are necessary to reflect information that has become available since the budget was adopted.

The recommended budget changes are summarized below.

## General Fund Revenues:

1. **Property Taxes:** Property tax revenues are estimated based on the assessed value of taxable real property in the City. The City's assessed value information

was received from the County in August 2011 after the budget was adopted. Based on the August assessed information; recent information from the City's property tax consultant HDL and property tax receipts through January 31, 2012, staff is recommending that estimated property tax revenue for the Fiscal Year 2011-2012 be increased by \$51,500 .

2. **Sales Tax:** Sales tax is a major component of General Fund revenues. Sales tax revenue for FY 2011-2012 budget year was estimated based on state-wide estimated increase and City specific receipt data from FY 2010-2011. Based on actual sales tax receipts through January 31, 2012 and revised information presented by the City's sales tax consultant HDL, staff is now estimating that sales receipt for FY 2011-2012 should exceed the current estimated budget amount by \$61,460.
3. **Other Taxes:** General Fund revenues included in this category consists of public safety sales tax, business license tax, transient occupancy tax and property transfer tax. Based on actual receipts through January 2012, staff is recommending increasing public safety sales tax by \$11,000 and decreasing property transfer tax by \$9,300. The estimated increase in public safety sales tax is consistent with anticipated fiscal year increase in sales tax. The estimated decrease in property transfer tax is consistent with data from the property tax consultant showing decreasing real property sales in the City for Fiscal Year 2011-2012.
4. **Vehicle License Fee:** As part of the state budget, motor vehicle license base fees paid to local governments was diverted by the state to fund Supplemental Laws Enforcement Services. As a result of this action, the City lost \$95,795 from motor vehicle license base fee. However, the City's share of motor vehicle license backfill under the Triple-Flip plan is estimated to increase by \$44,196 for a net loss of \$51,599. Based on this information, staff is recommending that motor vehicle license fee revenue be decreased by \$51,599.
5. **Other Revenues:** Based on the amount received through January 31, 2012, staff is recommending that booking fee revenue be increased by \$8,400; increase parking citations by \$3,000; increase vehicle impound fees by \$10,000 and decrease communication site lease revenues by \$27,000. The estimated decrease in communication site revenues is due to anticipated contracts that have not materialized.
6. **Community Development Fees:** Community development fees consist of planning, engineering and building fees. These revenues are estimated at the beginning of the fiscal year based on the anticipated level of development activities. More information is now available which shows that while building related revenues are projected to increase over the previously estimated amount, planning and engineering revenues are estimated to come below budget. The net recommended increase in revenues from these activities is \$28,377.

7. **Community Services Fees:** Community Services fees include charges for various park and recreation programs, facility rentals, Wee People Program and other related fees. Due to continuing decline in participation in the Wee People program and miscellaneous parks and recreation fees, staff is recommending that revenue estimates be reduced by \$111,000. Expenditure reductions are also being proposed in the expenditure section of this report to recognize the decrease in activity level.
  
8. **Other General Fund Miscellaneous Revenues:** Examples of revenue items included in this category are; refuse billing and collection fees, dog licenses, voluntary EMS fees, penalties, business license inspection fees, mandated cost reimbursements etc. Based on actual receipts through January 31, 2012 staff is projecting that total receipts from these revenue sources should exceed budget by \$175,000. This includes \$50,000 revenue gains from dog license and animal control fees and \$125,000 estimated increase from late utility payment penalties. The increase in dog license is mainly due to change in the licensing cycle and the implementation of new software that provides better tracking of licenses. The increase in penalties is due to increase in the number of accounts that are paid after due dates.

#### **General Fund Expenditure Reductions:**

**Liability Insurance:** Due to a lower payroll and better loss experience from the previous year, the City has received a rebate check in the amount of \$62,360 from Public Entity Risk Management Authority (PERMA). This refund will be applied as reduction to the City's general liability expenditure budget line item.

**Parks & Recreation, Animal Control & Wee People Program:** Due to reduced demand for Wee People Program services caused by the ongoing economic slowdown, program expenditures are estimated to be reduced by \$59,000. Program expenditures are determined based the level of demand for services and service levels drive staffing levels. As previously discussed, program revenues have also been recommended to be reduced by \$59,000. In Parks and Recreation Division, contractual services, utilities and part-time salaries and benefits are recommended to be reduced by \$54,000 due to lower participation levels.

**Contribution to Employee Benefits and Insurance Fund:** The approved budget includes a \$97,000 contribution from the General Fund to the Employee Benefits and Insurance Fund. Due to savings from the final payment of accrued sick and vacation to fire employees that transitioned to Cal Fire employment, staff is recommending that this contribution not be made for the fiscal year. The savings resulted from Cal Fire allowing the transitioning employees to carry over some of their accrued vacation and sick balance at no cost to the City.

**General Fund Expenditure Increases:**

**Close Out of City Fire Budget:** City fire employees transitioned to Cal Fire employees as of January 1, 2012. Fire Department expenditures through December 31, 2011 have been gathered. The available unspent budget balance is estimated to be \$125,000 lower than the amount needed to fund Cal Fire costs for the fiscal year. The overage in the Fire Department expenditure budget through mid-year was due to higher one-time spending on constant staffing, employee group insurance and contractual services. In addition, the amount needed to establish the Cal Fire contract includes \$50,000 in one time transition cost and \$19,200 contribution to Cal Fire for equipment replacement.

**Increases Due to Elimination of RDA:** Assembly Bill 26, which eliminated all redevelopment agencies in California, including the Norco Community Redevelopment Agency, became effective February 1, 2012. Administrative and other support services are provided to the former Norco Community Redevelopment Agency by City of Norco employees. Legal services to the RDA are provided by the City Attorney while economic development services are provided by a consultant. With the dissolution of the RDA, the City is prohibited from using any existing RDA funds to pay for these services effective February 1, 2012.

On January 11, 2012, the City Council voted to serve as the Successor Agency to the Norco Community Redevelopment Agency. The Successor Agency is responsible for performing tasks necessary to wind down the activities of the former Norco RDA.

Some of the duties of the Successor Agency will include:

1. Payment of liabilities and obligations
2. Dispose of former Agency assets
3. Create Redevelopment Obligation Retirement Fund
4. Maintain required debt service reserve funds
5. Perform obligations required under Enforceable Obligations Payment Schedule (EOPS) and a yet to be adopted Recognized Obligations Payment Schedule (ROPS)
6. Remit unencumbered balance of RDA funds to County Auditor including unencumbered low mod funds
7. Collect on loans, rents and other revenues
8. Transfer housing functions and assets

While the dissolution act provides for administrative cost reimbursement for performing Successor Agency tasks, the timing and amount of any reimbursement to be received is not yet known. To continue an orderly wind down of the RDA for the remainder of Fiscal Year 2011-2012 staff is recommending additional General Fund appropriation in the amount of \$383,910 to temporarily cover administrative and support costs. The costs by department are listed on Exhibit A.

**Transfers from Equipment Replacement Fund:**

The proposed budget changes to the General Fund include net expenditure increase of \$236,550 and net additions to revenue of \$149,838. In order to balance the mid-year adjustments without impacting the already fragile fund balance of the General Fund, staff is recommending that the City Council authorize transfer of \$86,712 from Equipment Replacement Fund to the General Fund. This transfer will be drawn from the amount set-aside in the Equipment Replacement Fund to replace fire engines. With the City's decision to contract out for fire and emergency medical services and to transfer responsibility for future engine replacement in exchange for annual contribution to Riverside County, sufficient funds are available in the replacement account to make future required contributions and to make the recommended one-time transfer.

**Staff Changes:**

The Director of Public Works has notified the City of his intent to retire from full-time City employment effective March 2, 2012. The director will assume a temporary part-time position with the City while staff evaluates operational options and conducts recruitment for a replacement. Meanwhile, staff is recommending that the City Council approve the attached Job Specification for the position of Deputy Director of Public Works/Senior Engineer. This position will assume some of the duties of the Director of Public Works. Any salary increase associated with this position change will be offset by salary savings from the retirement of the Director of Public Works.

FISCAL IMPACT: Exhibit A provides a summary of the fiscal impact of the recommended mid-year budget adjustments.

/ao-80320

Attachments: Resolution No. 2012-\_\_\_\_  
Job Specification - Deputy Director of Public Works/Senior Engineer

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

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING VARIOUS MID YEAR AMENDMENTS TO FISCAL YEAR 2011-12 ANNUAL BUDGET AND AUTHORIZING CHANGES IN APPROPRIATIONS AND REVENUES THERETO

WHEREAS, the Fiscal Year 2011-12 annual budget for the City of Norco, California was adopted by the City Council on June 15, 2011; and

WHEREAS, certain revenue items listed and attached hereto have been revised to reflect an estimated increase in the adopted budget; and

WHEREAS, certain expenditure items listed and attached hereto have been revised to reflect an estimated increase in the adopted budget; and

WHEREAS, these revenue and expenditure changes are necessary to accurately reflect the City's expenditure and revenue budget for Fiscal Year 2011-12; and

WHEREAS, the Director of Public Works is retiring effective march 2, 2012; and

WHEREAS, an interim position is being created for Deputy Public Works Director/Senior Engineer to assume additional responsibilities until successful recruitment and hiring of a Public Works Director.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco at a regular meeting held on February 15, 2012 approved the budget changes listed on Attachment "A".

NOW, THEREFORE, BE IT ALSO BE RESOLVED that the City Council of the City of Norco at a regular meeting held on February 15, 2012 approved the staff changes.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 15, 2012

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

ATTEST:

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

February 15, 2012

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 15, 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 15, 2012

---

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

/jk-80348

Attachment: Exhibit "A"

## Summary FY 2011-2012 Mid-Year General Fund Adjustments

Description	Revenues	Expenditures
Revenue Revisions:		
Increase Property Tax	\$ 51,500	
Increase Sales Tax	61,460	
Increase Public Safety Sales Tax	11,000	
Reduce Propert Transfer Tax	(9,300)	
Reduce Motor Vehicle Fees	(51,599)	
Increase AB 1662 Booking Fee	8,400	
Increase Parking Citation & Vehicle Impound Fees	13,000	
Reduce Communication Site Lease Income	(27,000)	
Increase Community Development Fees	28,377	
Decrease Community Services/Recreation Fees	(111,000)	
Increase Penalties, Dog License and Animal Control Fees	175,000	
Subtotal - Net Increase to GF Revenues	<u>\$ 149,838</u>	
Expenditure Revisions:		
Reduce Liability Insurance Costs (PERMA Refund)		\$ (62,360)
Reduce P&R and Wee People Expenditures		(113,000)
Eliminate Transfer to Employee Benefits and Insurance Fund		(97,000)
Subtotal - GF Expenditure Reductions		<u>\$ (272,360)</u>
Adjustment to Close Out City Fire Budget		125,000
Adjustments Due to Elimination of RDA:		
City Council		\$ 22,620
City Manager		49,916
City Clerk		41,446
Fiscal & Support Services		78,160
Public Works		4,925
Planning		36,377
Part-Time Employees		21,890
Election Costs		17,500
Economic Development Assistance		21,000
City Engineer		10,000
City Attorney Costs		47,326
Information Technology Staff Costs		24,750
Commissions		3,000
Utilities		5,000
Subtotal - Increase in GF Expenditures Due to RDA Elimination		<u>\$ 383,910</u>
Transfer from Equipment Replacement Fund	86,712	
Net Budget Revisions	<u>\$ 236,550</u>	<u>\$ 236,550</u> \$ -

### EXHIBIT A

**DEPUTY DIRECTOR OF PUBLIC WORKS/SENIOR ENGINEER**

**SALARY RANGE:** \$72,984 - \$88,704

**DEFINITION:**

Under general direction, assists the Director of Public Works in the maintenance and expansion of streets, sewers, water systems, storm drains, and traffic control systems, performs the most complex and difficult professional field and office civil engineering work related to the planning, design, construction and maintenance of City capital improvement projects and infrastructure; confers with developers, contractors and representatives of other agencies regarding facility and infrastructure development; provides professional assistance to the Public Works Director and City Engineer, the City Council and others in areas of expertise; performs a variety of studies and prepares and presents staff reports; submits reports and performs similar work within state guidelines; performs related duties as required.

**ESSENTIAL FUNCTIONS:**

Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and tasks performed by positions in this class.

**TYPICAL DUTIES & RESPONSIBILITIES:**

Typical duties and responsibilities include, but are not limited to:

- Researches, designs, prepares and evaluates plans, specifications and estimates for Capital Improvement Projects, Subdivision Maps and Private Development Projects.
- Develops and submits Request for Proposal contracts and administers projects.
- Examines public and private engineering plans, specifications, designs, cost estimates and legal descriptions for a variety of construction and maintenance projects.
- Develops and administers contracts for professional services and construction, including processing payments for reimbursement and preparing change orders.
- Conducts complex civil engineering research projects, evaluates alternatives, making sound recommendations. Prepares effective technical staff reports.
- Meets with developers and representatives to resolve development issues and enforce compliance with municipal codes.
- Investigates, researches and responds to citizen requests for information, explanation or justification on requests and complaints.
- Provides inspection oversight and dispute resolution for homeowners, contractors and developers.
- Attends and participates in a variety of public and professional group meetings; stays abreast of trends and innovations in civil or traffic engineering.
- Provides technical engineering assistance to City council and other commissions and attends meetings on behalf of the Director of Public Works.
- Supervises the work of lower level personnel in a variety of professional, sub-professional, technical or clerical work.

**CLASS CHARACTERISTICS:**

This is a Middle Management position in the Public Works Department. This position performs a wide variety of public works and engineering duties.

**DEPUTY DIRECTOR OF PUBLIC WORKS/SENIOR ENGINEER**

**CONTACTS AND RELATIONSHIPS:**

This position has the majority of their interaction with the public, contractors, governmental, regulatory compliance agencies and other City employees.

**QUALIFICATION GUIDELINES:**

The knowledge and abilities which are required to perform the duties and responsibilities of this class are as follows:

**DESIRABLE QUALIFICATIONS:**

Experience: Eight years of professional experience in design, construction and management of civil engineering projects.

Education: Bachelor's Degree in Civil Engineering or related field from an accredited college or university.

Knowledge:

- Knowledge of Public Works infrastructure and facility maintenance, development and design.
- Knowledge of principles, practices, procedures and standards of civil engineering design and construction related to City public works and infrastructure development and maintenance.
- Knowledge of principles and practices of civil and transportation engineering in a municipal setting.
- Knowledge of principles and practices of capital improvement cost estimation and contract administration.
- Knowledge of laws, regulations, codes and ordinances applicable to area assigned including Federal and State laws/requirements; including NPDES storm water, street maintenance and traffic control signage regulatory requirements.
- Knowledge of the principles and practices of water, sewer collection and storm drain facilities and infrastructure.
- Knowledge of practices of researching engineering and design issues, evaluating alternatives, making sound recommendations and preparing and presenting effective staff reports.
- Knowledge of plan design and specification review practices.
- Knowledge of basic supervisory principles and practices.
- Knowledge of computer applications related to the work, including computer-aided drafting concepts and applications.

Ability:

- Ability to effectively represent the City in contracts with governmental agencies, community groups, various business, professional, educational and regulatory organizations and with property owners, developers, contractors and the public.
- Ability to develop and administer multiple contract budgets and funding sources.
- Ability to deal effectively with the public, vendors, contractors and City staff, in person and over the telephone.

**DEPUTY DIRECTOR OF PUBLIC WORKS/SENIOR ENGINEER**

- Ability to provide a high level of customer service to the public and City staff.
- Ability to direct and review the work of support staff on a project or day-to-day basis.
- Ability to make effective public presentations.
- Ability to maintain accurate records and files.
- Ability to use English effectively to communicate in person, over the telephone and in writing.
- Ability to use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
- Ability to establish and maintain effective working relationships with those contacted in the course of work.

**A typical way to obtain the knowledge and abilities is as follows:**

Education: A Bachelor's Degree in Civil Engineering or related field from an accredited college or university.

Experience: Eight years municipal civil engineering experience. Registration as a Civil Engineer in the State of California is desirable.

License Required: Possession of or ability to obtain a valid Class C California driver's license and maintaining a satisfactory driving record is required.

**PHYSICAL REQUIREMENTS**

Work is performed in office, construction site and field environments. Work requires frequent standing, walking, bending, and lifting up to 40 pounds. May be exposed to extreme weather, moving traffic, construction sites, uneven terrain and toxic chemicals.

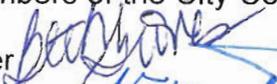
**SUPERVISION RECEIVED:** Public Works Director

**SUPERVISION EXERCISED :** Engineering Staff, Building and Safety Staff, Public Works Staff

**FAIR LABOR STANDARDS ACT DESIGNATION:** Exempt

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Deputy City Manager/Director of Finance 

DATE: February 15, 2012

SUBJECT: Review of Draft Recognized Obligation Payment Schedule

RECOMMENDATION: Staff recommends that the City Council, acting as the governing body of the Successor Agency, approve the Draft ROPS for submittal to the Riverside County Auditor-Controller and the Oversight Board for certification and final approval.

**SUMMARY:** On September 29, 2011, staff prepared and submitted to the State Department of Finance a preliminary draft of the initial Recognized Obligation Payment Schedule (ROPS) as required by ABx1 26. Since that time, the California Supreme Court has ruled that ABx1 26 is constitutional, resulting in the dissolution of all redevelopment agencies in California including the Norco Community Development Agency effective February 1, 2012. The ROPS is one of the administrative documents necessary to implement the dissolution act. The attached ROPS has been prepared to cover the time period of January 1, 2012 through June 30, 2012.

**BACKGROUND/ANALYSIS:** On September 29, 2011, staff prepared and submitted to the State Department of Finance a preliminary draft of the initial Recognized Obligation Payment Schedule (ROPS) as required by ABx1 26. The preliminary draft of the ROPS was prepared administratively and did not require the adoption by the Norco Community Redevelopment Agency. Since that time, the California Supreme Court has ruled that ABx1 26 is constitutional, resulting in the dissolution of all redevelopment agencies in California including the Norco Community Development Agency effective February 1, 2012.

On December 29, 2011, the California Supreme Court upheld the provisions of the ABx1 26 after a challenge by the California Redevelopment Association and the League of California Cities. The Supreme Court ruling extended the dissolution date to February 1, 2012. On January 11, 2012, the City Council voted to serve as the Successor Agency of the Norco Community Redevelopment Agency beginning February 1, 2012. Successor Agencies are required to adopt a Recognized Obligations Payment Schedule (ROPS) by March 1, 2012. The ROPS is a permanent schedule of obligations which will replace the interim EOPS once it is certified by the Riverside County Auditor-Controller, and approved by the Oversight Board and the State Department of Finance.

The information on the ROPS is essentially the same as the information on the Enforceable Obligations Payment Schedule with the following two exceptions:

1. The ROPS includes information on the source of revenue from which enforceable obligations will be paid.
2. The ROPS provides information regarding various pass-through tax increment payment obligations.

While ABx1 26 does not specifically require that pass-through obligation information to be included in the ROPS, many experts including the County Auditor-Controller are recommending that this information be included to alert the state and county that these pass-through payments exist. In Norco's case, it is to be noted that the County Auditor-Controller administers the various negotiated pass-through agreements and will continue to do so with the dissolution of the Norco Community Redevelopment Agency. The former Norco Community Redevelopment Agency administered statutory pass-through payments. However, with the dissolution of the Agency, this task will be performed by the County-Auditor Controller effective February 1, 2012. The amount of statutory pass-through payment outstanding as of February 1, 2012 has been calculated and included in the ROPS. The amount of future negotiated and statutory pass-through payments due to each taxing entity will be determined by the County Auditor-Controller as tax increments are received. The amount due to each tax entity will be paid directly to that entity by the County Auditor-Controller.

**FISCAL IMPACT:** The ROPS is a schedule of recognized obligations for the former Norco Community Redevelopment Agency including outstanding as of January 1, 2012. The estimates have been made based on staff's best understanding of the provisions of ABx1 26. Staff estimates that the total recognized obligations outstanding (excluding pass-through payments) as of January 1, 2012 under the provisions of ABx1 26 to be \$179.2 million. The total amount estimated to be paid during the period covered by this ROPS (January 1, 2012 through June 30, 2012) is \$8.9 million.

/ao-80349

Attachment: Draft ROPS

**NORCO COMMUNITY REDEVELOPMENT AGENCY  
RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

January 1, 2012 Through June 30, 2012 Per AB 26 - HSC 34169 (h)  
City Contact: Andy Okoro; Deputy City Manager/Director of Finance. Email: aokoro@ci.norco.ca.us. Phone: (951) 270-5650  
Project Area No. 1 Including all Amendments

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation as of January 1, 2012	Total Due During Fiscal Year	Source of Payment	Payments by month						Total
						January	February	March	April	May	June	
1) RCC Certificate of Participation	Riverside Community Col	Third Street Entry Project	3,049,415.00	86,512.00	RDA Prop Tax TF		86,512.00					\$ 86,512.00
2) 2001 RDA Refunding TAB	US Bank Trustee	Refund 1992 RDA TAB	41,325,118.75	2,711,512.50	RDA Prop Tax TF		2,038,256.25					\$ 2,038,256.25
3) 2001 School Refunding Bonds	US Bank Trustee	Refund 1992 School District Bonds	6,436,657.50	343,155.00	School District Pass-through TI		234,077.50					\$ 234,077.50
4) 2004 School Refunding Bonds	US Bank Trustee	Refund 2001 School Notes, Projects	15,850,123.75	731,372.50	School District Pass-through TI		495,686.25					\$ 495,686.25
5) 2005 RDA Refunding TAB	US Bank Trustee	Refund 1996 RDA TAB	26,176,523.12	883,431.25	RDA Prop Tax TF		474,215.62					\$ 474,215.62
6) 2009 School District Bonds	US Bank Trustee	Various School District Projects	24,257,200.62	982,913.75	School District Pass-through TI		598,956.87					\$ 598,956.87
7) 2010 RDA Refunding Bonds	US Bank Trustee	Refund 2003 RDA TAB	53,914,697.01	1,550,556.26	RDA Prop Tax TF		835,278.13					\$ 835,278.13
8) Loan from LMIHF	LMIHF	Borrowing to Pay Part of 2010 SERAF	3,000,000.00	0.00	RDA Prop Tax TF							\$ -
9) Unfunded Pension Obligations	City of Norco, CalPERS	Allocated Unfunded Pension Costs	223,050.00	18,588.00	RDA/LMIHF Fund	1,549.00	1,549.00	1,549.00	1,549.00	1,549.00	1,549.00	\$ 9,294.00
10) Unfunded Post Retirement Health	City of Norco, CalPERS	Allocated OPEB Cost	1,076,051.00	89,670.00	RDA/LMIHF Fund	7,473.00	7,473.00	7,473.00	7,473.00	7,473.00	7,473.00	\$ 44,838.00
11) Employee Costs	Employees of Agency	Payroll for Employees	64,462.00	451,304.00	Balance	64,462.00						\$ 64,462.00
12) Contract for Animal Shelter	Hamel Contracting	Construction of Animal Shelter	943,278.00	1,500,928.00	Bond Proceeds	232,656.00	300,000.00	300,000.00	110,622.00			\$ 943,278.00
13) Contract for Animal Shelter	GMID	Engineering & PM Animal Shelter	17,075.00	17,075.00	Bond Proceeds	4,000.00	4,000.00	4,000.00	5,075.00			\$ 17,075.00
14) Contract for Consulting	Harper & Burns	Agency Legal Services	6,310.00	44,170.00	Balance	6,310.00						\$ 6,310.00
15) Contract for Consulting	Turch & Associates	Economic Development Assistance	1,000.00	7,000.00	RDA/LMIHF Fund	1,000.00						\$ 1,000.00
16) Contract for Consulting	Bill Wilkman	Historical Services	2,000.00	14,000.00	Balance	2,000.00						\$ 2,000.00
17) Contract for Consulting	Roger Groby	Economic Development Assistance	5,605.00	67,250.00	Balance	5,605.00						\$ 5,605.00
18) Contract for Consulting	LSA and Associates	Historic Resources Survey	2,565.00	2,565.00	Balance	2,565.00						\$ 2,565.00
19) Contract for Consulting	RKA Engineering	Engineering Project Assistance	2,083.00	14,581.00	Balance	2,083.00						\$ 2,083.00
20) Contract for Consulting	HDL Companies	Tax Increment Consulting Services	1,500.00	18,000.00	Balance	1,500.00						\$ 1,500.00
21) Success Agency Admin Costs	City of Norco	Successor Agency Costs	250,000.00	250,000.00	RDA Prop Tax TF		50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	\$ 250,000.00
22) Animal Shelter	Chameleon Software	Animal Shelter Facility Software	10,950.00	10,950.00	Bond Proceeds	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	950.00	\$ 10,950.00
23) Animal Shelter	Various	Animal Shelter Miscellaneous	54,979.00	54,979.00	Bond Proceeds				15,000.00	25,000.00	14,979.00	\$ 54,979.00
24) Contract for Consulting	Witdan Financial	Continuing Disclosure	15,000.00	15,000.00	Balance	15,000.00						\$ 15,000.00
25) Ingalls Park Improvements	Electrical Contract	Ingalls Facility Electrical	454,906.00	454,906.00	Bond Proceeds					454,906.00		\$ 454,906.00
26) Contract for Consulting	Griffith Company	Street Improvements	1,601,460.00	1,601,460.00	Bond Proceeds					801,460.00	800,000.00	\$ 1,601,460.00
27) SWAT	Qualified Senior/Disabled	Utility Subsidy	57,498.00	114,996.00	LMIHF Fund Bal	9,583.00	9,583.00	9,583.00	9,583.00	9,583.00	9,583.00	\$ 57,498.00
Totals - This Page			\$ 178,799,507.75	\$ 12,036,875.26		\$ 357,786.00	\$ 5,137,587.62	\$ 374,605.00	\$ 201,302.00	\$ 1,351,971.00	\$ 884,534.00	\$ 8,307,765.62
Totals - Page 2			\$ 392,193.00	\$ 392,193.00		\$ -	\$ 574,151.00	\$ -	\$ -	\$ -	\$ -	\$ 574,151.00
Grand total - All Pages			\$ 179,191,700.75	\$ 12,429,068.26		\$ 357,786.00	\$ 5,711,738.62	\$ 374,605.00	\$ 201,302.00	\$ 1,351,971.00	\$ 884,534.00	\$ 8,881,936.62

The County of Riverside will be responsible for administering statutory, negotiated pass-through and tax sharing payments effective February 1, 2012. The amount shown outstanding in the February column are for statutory payments applicable to increments received before February 1, 2012. The County has in the past been responsible for administering all negotiated pass-through payments

**NORCO COMMUNITY REDEVELOPMENT AGENCY**  
**RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE**  
 January 1, 2012 through June 30, 2012 Per AB 26 HSC Section 34169(h)  
 City Contact: Andy Okoro; Deputy City Manager/Director of Finance. Email: aokoro@ci.norco.ca.us. Phone: (951) 270-5650  
 Project Area No. 1 including all Amendments

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation as of January 1, 2012	Total Due During Fiscal Year	Source of Payment	Payments by month						Total
						January	February	March	April	May	June	
1) Pass-Through Payments	Riverside County Library	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							
2) Statutory Payments SB 211	Various Tax Entities	Accrued Payments per CRL 33607.5 and .7	392,193.00	392,193.00	RDA Fund Balance		392,193.00					\$ 392,193.00
3) Pass-Through Payments	Riverside County Flood Control	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
4) Statutory Payments SB 211	City of Norco	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		91,225.00					\$ 91,225.00
5) Statutory Payments SB 211	Riverside County	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		30,803.00					\$ 30,803.00
6) Statutory Payments SB 211	Riverside County Library	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		2,938.00					\$ 2,938.00
7) Statutory Payments SB 211	Corona Norco USD	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		41,250.00					\$ 41,250.00
8) Statutory Payments SB 211	County Office of Education	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF							\$ -
9) Statutory Payments SB 211	Northwest Mosquito Dist	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		917.00					\$ 917.00
10) Statutory Payments SB 211	Western MWD	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		7,378.00					\$ 7,378.00
11) Statutory Payments SB 211	Riverside Comm. Coll. Dist	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		6,067.00					\$ 6,067.00
12) Statutory Payments SB 211	Flood Control District Zone 1	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF							\$ -
13) Statutory Payments SB 211	Riverside Corona Resource Ctr	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF		1,380.00					\$ 1,380.00
14) Statutory Payments SB 211	Flood Control District Admin	Payments per CRL 33607.5 and .7	TBD	TBD	RDA Prop Tax TF							\$ -
15) Pass-Through Payments	Riverside County	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
16) Pass-Through Payments	Northwest Mosquito Dist	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
17) Pass-Through Payments	Riverside County Flood Ctr Admin	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
18) Pass-Through Payments	Riverside Community College Dist	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
19) Pass-Through Payments	Riverside County Sup. Of Schools	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
20) Pass-Through Payments	Corona Norco USD	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
21) Pass-Through Payments	City of Norco	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
22) Pass-Through Payments	Western MWD	Pass-through Payments	TBD	TBD	RDA Prop Tax TF							\$ -
23) Tax Sharing Agreement	RCC District	Payments Per Former CRL 33401	TBD	TBD	RDA Prop Tax TF							\$ -
24) Tax Sharing Agreement	Riverside Office of Education	Payments Per Former CRL 33401	TBD	TBD	RDA Prop Tax TF							\$ -
<b>Totals - Other Obligations</b>			<b>\$ 392,193.00</b>	<b>\$ 392,193.00</b>		<b>\$ -</b>	<b>\$ 574,151.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 574,151.00</b>

The County of Riverside will be responsible for administering statutory, negotiated pass-through and tax sharing payments effective February 1, 2012. The amount shown outstanding in the February column are for statutory payments applicable to increments received before February 1, 2012. The County has in the past been responsible for administering all negotiated pass-through payments

## 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 15, 2012

SUBJECT: Resolution Establishing Basic Governance, Rules and Regulation for the Successor Agency to the Norco Community Redevelopment Agency

RECOMMENDATION: Staff recommends that the City Council, acting as the governing body of the Successor Agency, adopt **Resolution No. 2012-\_\_\_**, establishing basic governance, rules, and regulations for the Successor Agency as a new and distinct legal entity from the City in performing duties and functions previously performed by the Norco Community Redevelopment Agency.

**SUMMARY:** The proposed resolution establishes basic governance, rules and regulations for the Successor Agency as a new and distinct legal entity from the City. The Successor Agency will be responsible for the wind-down of the Norco Community Redevelopment Agency following its dissolution on February 1, 2012.

**BACKGROUND/ANALYSIS:** As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved and successor agencies were designated as successor entities to the former redevelopment agencies. ABx1 26 provides that successor agencies are to be designated as the successor entities to the former redevelopment agencies, vested with all authority, rights, powers, duties, and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law (Health & Safety Code, § 33000 et seq.), with certain exceptions, and responsible for the wind-down of the agencies' affairs upon the agencies' dissolution. The City elected to be the Agency's Successor Agency by Resolution No. 2012-01, on January 11, 2012.

The proposed resolution establishes basic governance, rules and regulations for the Successor Agency as a new and distinct legal entity from the City. Assembly Member Blumenfield, the author of ABx1 26, stated in a letter of clarification addressed to the California State Assembly on January 10, 2012 that cities are "distinct legal entities from successor agencies, and therefore the liabilities of the former redevelopment agencies and the successor agencies do not become the liabilities of the corresponding cities."

This proposed resolution further provides that the Successor Agency will be governed by a Board of Directors, which shall consist of the members of the City Council, that the Mayor and Mayor Pro Tem will serve as Chair and Vice Chair of the of the Board, and provides for regular meetings of the Board (to occur at the same time as the regular meetings of the City Council). The Resolution designates the City Manager as Executive Director, the City Clerk as Secretary, the City Deputy City Manager/Director of Finance as Finance Officer and the City Attorney as Legal Counsel for the Successor Agency.

The Successor Agency will exercise the powers necessary to perform all of the functions described in Health and Safety Code Section 34177, as well as any other powers granted under law. The Successor Agency's statutory functions include making payments and performing obligations required under enforceable obligations, continuing to collect loans, rents and other revenue on behalf of the former redevelopment agency, continuing to oversee development of properties until the contracted work has been completed, and disposing of assets and properties of the former redevelopment agency as directed by the oversight board. The Successor Agency also will prepare proposed administrative budgets and submit them to the Oversight Board for its approval, pursuant to Health and Safety Code Section 34177(j).

FINANCIAL IMPACT: Subject to the approval of the Oversight Board and to specified reductions if other funds are available for administration, the Dissolution Act permits the Successor Agency to receive an annual operating budget to defray its administrative costs in an amount up to five percent of the property tax allocated to the Successor Agency for FY 2011-12, and up to three percent of the property tax allocated to the Successor Agency each succeeding fiscal year; provided, however, that the annual amount shall not be less than \$250,000 for any fiscal year (or such lesser amount as agreed to by the Successor Agency). Note that the Successor Agency administrative allowance is not guaranteed. This amount would be paid only if there are sufficient funds available in the Redevelopment Property Tax Trust Fund.

/bj-80325

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

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, ACTING AS THE GOVERNING BODY FOR THE SUCCESSOR AGENCY TO THE NORCO COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATIONS OF THE SUCCESSOR AGENCY AS A NEW LEGAL ENTITY SEPARATE FROM THE CITY AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

WHEREAS, the Norco Community Redevelopment Agency was a redevelopment agency in the City of Norco (the "City"), duly created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law"); and

WHEREAS, ABx1 26 and ABx1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code"); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that ABx1 26 and ABx1 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently; and

WHEREAS, the Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012 to take effect four months later; and

WHEREAS, as a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved and replaced by successor agencies established pursuant to Health and Safety Code Section 34173; and

WHEREAS, the City Council of the City of Norco (the "City") adopted Resolution No. 2012-01, on January 11, 2012, pursuant to Part 1.85 electing for the City to serve as the Successor Agency for the Norco Community Redevelopment Agency upon the Agency's dissolution; and

WHEREAS, the City Council, acting as the governing board for the Successor Agency, hereby desires to adopt a name for that separate legal entity and establish rules and regulations that will apply to the governance and operations of the successor agency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, ACTING AS THE GOVERNING BODY FOR THE SUCCESSOR AGENCY TO THE NORCO COMMUNITY REDEVELOPMENT AGENCY, HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. Designated Successor Agency. Pursuant to Resolution No. 2012-01, adopted on January 11, 2012, by which the City elected to serve as the Successor Agency to the Norco Community Redevelopment Agency, upon the Agency's dissolution (the "Successor Agency"), and the Agency having been dissolved by operation of law on February 1, 2012, the Successor Agency is hereby declared constituted.

SECTION 2. Separate Legal Entity. The Successor Agency is a distinct and separate legal entity from the City, and is hereby named "Successor Agency to the Norco Community Redevelopment Agency," the sole name by which it will exercise its powers and fulfill its duties.

SECTION 3. Governance.

A. **Board of Directors**. The Successor Agency shall be governed by a Board of Directors (the "Board"), which shall exercise the powers and perform the duties of the Successor Agency. The Board shall consist of the Members of the City Council of the City.

B. **Board Officers**. The Board shall have a Chair to preside at and conduct all meetings and a Vice Chair who shall act in the absence of the Chair. The offices of the Chair and Vice Chair shall be filled by the Mayor and Mayor Pro Tempore, respectively, of the City Council of the City.

C. **Meetings of the Board**. The Board shall hold regular meetings on the same date and time of regular Norco City Council meetings as stated in Section 2.04.030 of the Norco Municipal Code. The Board shall follow the same rules and procedures for conducting such meetings and other business as adopted by the City Council. All meetings of the Board including, without limitation, regular, adjourned regular, and special meetings shall be called, noticed and conducted in accordance with the provisions of the Ralph M. Brown Act, Sections 54950 *et seq.* of the California Government Code.

D. **Quorum**. The presence of a majority of the Board members at a meeting shall constitute a quorum for the transaction of Successor Agency business. Less than a quorum may adjourn or continue meetings from time to time.

E. **Voting.** Except as otherwise provided by law or resolution of the Board, decisions of the Board shall be made by a majority of a quorum.

F. **Board Compensation.** The Board shall not receive any financial compensation for performing the duties of the Successor Agency.

G. **Executive Director.** The City Manager of the City shall serve as Executive Director of the Successor Agency. The Executive Director may appoint officers and employees as necessary to perform the duties of the Successor Agency. The Executive Director also may delegate the performance of his or her duties to other officers or employees.

H. **Secretary.** The City Clerk of the City shall serve as Secretary to the Successor Agency.

I. **Finance Officer.** The Deputy City Manager/Director of Finance of the City shall serve as Finance Officer of the Successor Agency. The Finance Officer shall have the care and custody of all funds of the Successor Agency and shall deposit the same in the name of the Successor Agency in such bank or banks as he or she may select. The Finance Officer also may enter into agreements on behalf of the Successor Agency with any bank or trust company authorized to accept deposits of public funds, providing for the transfer of funds between accounts maintained by the Successor Agency upon request by telephone. Such agreement also may provide for the investment upon request by telephone of funds maintained in such accounts.

J. **Legal Counsel.** The City Attorney shall serve as Legal Counsel of the Successor Agency.

K. **Additional Duties.** The officers of the Successor Agency shall perform such other duties and functions as may from time to time be required or directed by the Board of the Successor Agency. Any member of the Board and the Executive Director may sign, with the counter-signature of one other member of the Board, or the Executive Director or the Finance Officer, all orders and checks for the payment of money. The Chair, or Vice Chair in the absence of the Chair, and the Executive Director may sign deeds, contracts and other instruments made by the Successor Agency.

SECTION 4. Powers and Duties of the Successor Agency. The Successor Agency shall have the authority to perform the functions and duties described in Part 1.85; including, but not limited to, making payments and performing obligations required by enforceable obligations and expeditiously winding down the affairs of the Agency. The Successor Agency also may exercise any other powers provided by statute or granted by law.

SECTION 5. Successor Agency Funds and Obligations. All assets and monies held by or under the control of the Successor Agency shall be maintained in funds and accounts established by the Successor Agency and shall be kept separate and apart from the funds and accounts of the City.

SECTION 6. Indemnification and Liability.

A. **Indemnification.** The Successor Agency shall defend, indemnify, and hold harmless the City, and its City Council, boards, commissions, officers, employees and agents, from any and all claims, losses, damages, costs, injuries and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Successor Agency.

B. **Liability.** In accordance with Health and Safety Code Section 34173(e), the liability of the Successor Agency, acting pursuant to the powers granted under Part 1.85, shall be limited to the extent of, and payable solely from, the total sum of property tax revenues it receives pursuant to Part 1.85 and the value of assets transferred to it as a successor agency for a dissolved redevelopment agency. The debts, assets, liabilities, and obligations of the Successor Agency shall be solely the debts, assets, liabilities, and obligations of the Successor Agency and not of the City.

PASSED AND ADOPTED by the City Council, acting as the governing body of the Successor Agency to the Norco Community Redevelopment Agency, at a Regular Meeting held on February 15, 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 Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on February 15, 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 15, 2012.

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