



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

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

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

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

Section 54956.9 – Conference with Legal Counsel – Existing Litigation

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

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

Section 54957.6 – Conference with Labor Negotiator

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

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

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

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

PLEDGE OF ALLEGIANCE: Council Member Higgins

INVOCATION: The River – Foursquare Church
Pastor Jared Vieyra

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

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

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

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

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

- A. CRA Minutes: Regular Meeting of December 7, 2011
Recommended Action: Approve the CRA Minutes (City Clerk)
- B. Transfer of City Hall Property from the Norco Redevelopment Agency to the City of Norco and the Corona-Norco Unified School District. **Recommended Action: Adopt CRA Resolution No. 2012-01, authorizing the Norco Redevelopment Agency to Convey Property to the City of Norco and the Corona-Norco Unified School District pursuant to the Disposition, Development and Shared Use Public Facilities Agreement.** (City Attorney)

2. OTHER CRA MATTERS: No other CRA matters

ADJOURNMENT OF CRA: 7:07 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. CITY COUNCIL PRESENTATION ITEM:

- A. Report on Fiscal Year 2011 Audited Financial Reports. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)

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

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

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

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

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

4. CITY COUNCIL CONSENT CALENDAR ITEMS:

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

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

- A. City Council Minutes:
Special Meeting of January 11, 2012
Regular Meeting of December 7, 2011
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Recap of Actions Taken at the Planning Commission Regular Meeting of December 14, 2011 and Regular Meeting of January 11, 2012.
Recommended Action: Receive and File (Planning Director)
- C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- D. Appointments to Standing Committees and Other Governmental Agencies.
Recommended Action: Approve the Mayor-recommended appointments to the various standing committees and other governmental agencies for the 2012 calendar year. (City Clerk)
- E. Award of Contract for Building Division Plan Check Services. **Recommended Action: Award a professional services contract to JAS Pacific and Willdan Engineering to perform plan check services through June 30, 2012.** (Public Works Director)
- F. Approval of the First Amendment to the Cooperative Agreement to provide Fire Protection, Rescue and Emergency Services between the County of Riverside and the City of Norco. **Recommended Action: Approve the First Amendment to the Cooperative Agreement.** (Deputy City Manager/Director of Finance)

- G. Participation in the Franchise Tax Board Interagency Intercept Collection Program. **Recommended Action: Adopt Resolution No. 2012-03, approving the City's participation in the Franchise Tax Board Interagency Intercept Collection Program.** (Deputy City Manager/Director of Finance)
 - H. Approval of an Agreement for Delinquent Account Collection Services with Marigold Financial, LLC. **Recommended Action: Approve the agreement for delinquent account collection services with Marigold Financial, LLC.** (Deputy City Manager/Director of Finance)
 - I. Quarterly Investment Report for Quarter Ended December 31, 2011. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
 - J. Acceptance of LMD No. 4 Equestrian Trail Drainage Improvements Project as Complete. **Recommended Action: Accept the LMD No. 4 Equestrian Trail Drainage Improvements Project as Complete; authorize the City Clerk to File a Notice of Completion with the County Recorder's Office; and Adopt Resolution No. 2012-04, appropriating additional funds in the amount of \$66,578.90 for the LMD No. 4 Equestrian Drainage Improvements Project.** (Public Works Director)
 - K. Approval to Implement Measures Necessary to Proceed with the Construction on the Silverlakes Project. **Recommended Action: Grant authority to the City Manager to implement measures necessary to proceed with the construction on the Silverlakes Project.** (City Manager)
 - L. Transfer of City Hall Property from the Norco Redevelopment Agency to the City of Norco and the Corona-Norco Unified School District. **Recommended Action: Adopt Resolution No. 2012-05, exercising the City's Option to Purchase Property and Requesting that the Norco Redevelopment Agency convey property to the City of Norco and the Corona-Norco Unified School District pursuant to the Disposition, Development and Shared Use Public Facilities Agreement.** (City Attorney)
5. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
6. CITY COUNCIL ACTION ITEM:
- A. Appeal of Planning Commission Denial of a Request to Construct a 174 Square-Foot Accessory Building Designed as a Windmill with a Blade Height of 40 Feet at 1407 Second Street in the A-1-20 Zone

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

another review by the Planning Commission. The applicant appealed the action of the Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M/S Sullivan/Hanna to approve the applicant's request to construct a 174 square foot accessory building designed as a windmill with a blade height of 40 feet at 1407 Second Street in the A-1-20 Zone. The motion was carried by the following roll call vote:

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

7. CITY COUNCIL PUBLIC HEARING:

- A. Reconsideration of Ordinance No. 938, Amending Title 18 of the Norco Municipal Code by Amending the Provisions of Chapter 18.13 Entitled "A-1 Zone-Agricultural Low Density", Amending the Provisions that Regulate Roosters within the A-1 Zone; and Ordinance No. 939, Amending the Norco Hills Specific Plan to Establish Provisions to Regulate Fowl and the Number of Animals not Otherwise Categorized as an Animal Unit

On November 16, 2011, the City Council considered ordinances to regulate roosters in the A-1 zone and to establish the regulation of fowl and other animals not already regulated by an animal unit in the Norco Hills Specific Plan. Ordinance No. 938 was unanimously adopted for first reading approving Zone Code Amendment 2011-04; however, the Ordinance was revised to only include the following modification to Section 18.13.06 (D) ii. of the Norco Municipal Code: ii. ~~Offspring of permitted adult roosters shall not be counted in determining the permitted number of roosters on a given lot, until the offspring reach age seven months.~~ When it can be determined that a bird is a stag it shall be included in the count regardless of the age of the stag. For purposes of this section of the Municipal Code a stag is a rooster less than one year old.

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

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

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

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

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

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

Kim Melillo
Dyanna Smith
Cong Wang
Doug and Marilyn Wuest
Christine Minor
Tony Mauro
Penny Leach
Ryleigh Mendez
Jeff Josselyn
Dan Leach
Rachel Betancourt
Linda Dixon
Adam Caudill
John Opitz
Ron Taber
Monty Covert
Robert Swindell
Geni Huegle
Kerry Bolle
Robert Russell
Pat Overstreet
Clare McGrew
Don Bowker
Roy Hungerford
Bill Green
Rosa Green
Vern Showalter

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

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

Mayor Bash CLOSED the public hearing.

RECESSED: 9:35 p.m.

RECONVENED: 9:45 p.m.

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

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

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

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

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

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

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

~~Offspring of permitted adult roosters shall not be counted in determining the permitted number of roosters on a given lot, until the offspring reach age seven months. When it can be determined by appearance or crowing that a bird is a stag, it shall be included in the count regardless of the age of the stag.~~

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

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

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

The motion was carried by the following roll call vote:

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

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

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

8. PUBLIC COMMENTS OR QUESTIONS:

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

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

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

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

9. OTHER MATTERS – COUNCIL:

Council Member Hanna:

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

Mayor Pro Tem Azevedo:

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

Council Member Sullivan:

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

Mayor Bash:

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

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

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

10. OTHER MATTERS – STAFF: None

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

BRENDA K. JACOBS, CMC
CITY CLERK

/bj-80164