



# AGENDA

## CITY OF NORCO

CITY COUNCIL

REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE

FEBRUARY 20, 2013

---

CALL TO ORDER: 6:00 p.m.

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

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

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

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

### **Conference with Legal Counsel** **Anticipated Litigation Pursuant to Section 54956.9 (c)**

Potential Settlement of Claim Against the County of Riverside

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Beacon Hill Assembly of God  
*Pastor Rene Parish*

PRESENTATION: Norco Horseweek Committee  
*Presentation to the Norco Animal Rescue Team (N.A.R.T.)*

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.2 of the Agenda.)*
  - A. City Council Minutes:  
Regular Meeting of February 6, 2013  
Recommended Action: **Approve the City Council Minutes** (City Clerk)
  - B. Procedural Step to Approve Ordinance after Reading of Title Only.  
**Recommended Action: Approval** (City Clerk)
  - C. Fiscal Year 2013 Second Quarter Budget Performance Report  
**Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
  - D. Request for an Extension to the License Agreement with So Cal Sandbags, Inc. for Grading and Removal of Aggregate and Related Materials at George Ingalls Equestrian Event Center. **Recommended Action: Approve an eleven-month extension of the License Agreement with So Cal Sandbags, Inc. for grading and removal of aggregate and related materials at George Ingalls Equestrian Event Center through December 31, 2013.** (Director of Parks, Recreation and Community Services)
  - E. Execution of a Cooperative Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District. **Recommended Action: Approve Project Nos. 2-0-00083 and 2-0-00084 Cooperative Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District and authorize the City Manager to execute the Agreement.** (Deputy Public Works Director/Senior Engineer)
  - F. Code of Ethics Administrative Policy and Procedures for the City Council, Commission Members and City Employees. **Recommended Action: Approval for the City Manager to sign and process the Administrative Policy.** (City Manager)
  - G. Appropriation of Funds for the Hamner Widening Conservation Area Endowment Fund. **Recommended Action: Adopt Resolution No. 2013-10, appropriating funds in an amount not-to-exceed \$50,000 to establish the endowment fund.** (Planning Director)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:

3. CITY COUNCIL ACTION ITEMS:

- A. Swap Meet Permit 2013-1 (Norco Trading Post): Proposed Outdoor Market-Style Business in the Main Parking Lot of Norco College (2001 Third Street). **Recommended Action: Adopt Resolution No. 2013-07, approving Swap Meet Permit 2013-01 at (Norco College) 2001 Third Street..** (Planning Director)
- B. Mid-Year Amendments to the Fiscal Year 2012-2013 Annual Operating Budget **Recommended Action: Adopt Resolution No. 2013-08, approving various Mid-Year Amendments to the Fiscal Year 2012-2013 annual Operating Budget and authorizing changes in appropriations and revenues thereto.** (Deputy City Manager/Director of Finance)
- C. Resolution Accepting a Grant in the Amount of \$5,009 from the FY2012 Home Security Grant Program (HSGP) to Begin a City Citizen Emergency Response Team (CERT) Program. **Recommended Action: Adopt Resolution No. 2013-09.** (Fire Chief)

4. LEGISLATIVE MATTERS: **(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)**

- A. **Ordinance No. 956 Second Reading:** Amending Chapter 18.28 “P-E – Pedestrian-Equestrian Trails” of the Norco Municipal Code Revising Regulations and the Approval Process for Allowed Encroachments into the Public Right-of-Way for Certain Driveway Materials. **Recommended Action: Adopt Ordinance No. 956.** (City Clerk)
- B. **Ordinance No. 957 Second Reading:** Amending Section 18.51 “Special Events” of Chapter 18.51 of the Norco Municipal Code to Revise and Update Certain Provisions and Requirements of Special Events in the City of Norco. **Recommended Action: Adopt Ordinance No. 957.** (City Clerk)
- C. **Ordinance No. 958 Second Reading:** Amending Section 18.29.20 “Permitted Uses” of Chapter 18.29 of the Norco Municipal Code to Permit “Cash for Gold” Businesses as Conditionally-Permitted Ancillary Uses. **Recommended Action: Adopt Ordinance No. 958.** (City Clerk)
- D. **Ordinance No. 959 Second Reading:** Specific Plan 85-1 (Auto Mall) Amendment 5a: Amending the Auto Mall Specific Plan Area D “Permitted Uses”. (Specific Plan 85-1, Amendment 5a). **Recommended Action: Adopt Ordinance No. 959.** (City Clerk)

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. CITY COUNCIL COMMUNICATIONS AND REPORTS ON REGIONAL BOARDS AND COMMISSIONS:
7. CITY MANAGER / STAFF COMMUNICATIONS:
8. ADJOURNMENT:

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

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



**MINUTES  
CITY OF NORCO**

**CITY COUNCIL  
REGULAR MEETING  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
FEBRUARY 6, 2013**

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

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

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

**Conference with Legal Counsel**  
**Anticipated Litigation Pursuant to Section 54956.9 (c)**

4 Potential Cases

**RECONVENE PUBLIC SESSION:** 7:00 p.m.

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

**PLEDGE OF ALLEGIANCE:** Council Member Higgins

**INVOCATION:** Council Member Sullivan

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

**M/S Sullivan/Bash 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**

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

- A. City Council Minutes:  
Regular Meeting of January 16, 2013  
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only.  
**Recommended Action: Approval** (City Clerk)
- C. Professional Consultant Services Agreement with Albert Grover & Associates to Complete a Citywide Engineering and Traffic Survey.  
**Recommended Action: Adopt Resolution No. 2013-06, appropriating \$25,840 for a Citywide Engineering and Traffic Study and authorizing the City Manager to execute a Professional Services Agreement with Albert Grover & Associates.** (Director of Public Works)
- D. Professional Services Agreement with RKA Consulting Group to Design the Bluff Street Reservoir Improvement Project. **Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with RKA Consulting Group to design the Bluff Street Reservoir Improvement Project on a time and materials basis in an amount not-to-exceed \$271,000.** (Director of Public Works)
- E. Public Entity Risk Management Authority (PERMA) Joint Powers Agreement Amendment. **Recommended Action: Adopt Resolution 2013-04, amending the PERMA Joint Powers Authority (JPA) to incorporate Government Code section 6505.6 to allow the agency to appoint one of its officers or employees to either or both the Treasurer and Auditor positions.** (Deputy City Manager/Director of Finance)
- F. Revised Resolution Amending and Updating the Code of Ethics for the City Council, City Commission Members and City Employees. **Recommended Action: Adopt Resolution No. 2013-01, approving the amended Code of Ethics.** (Deputy City Manager/Director of Finance)
- G. Appointment of One Member to the Economic Development Advisory Council. **Recommended Action: Appoint Melissa Villapando to the Economic Development Advisory Council to fill the term through June of 2013.** (Economic Development Specialist)

2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR: **None**

3. CITY COUNCIL DISCUSSION ITEM:

- A. Discussion Regarding Planning for the 2014 City of Norco 50<sup>th</sup> Birthday Celebration and Activities. (City Manager)

**City Manager Groves** presented information as stated in the staff report.

**Mayor Azevedo** commented and expanded on ideas she has for the celebration. She also commented on the interest from residents to participate on the committee.

**M/S Higgins/Sullivan to approve the concept of a community event and designate Mayor Azevedo and Mayor Pro Tem Hanna to work with and create a 50<sup>th</sup> Birthday Volunteer Community Planning Committee. 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 PUBLIC HEARINGS:

- A. Ordinance Amending Chapter 18.28 "P-E – Pedestrian-Equestrian Trails" of the Norco Municipal Code Revising Regulations and the Approval Process for Allowed Encroachments into the Public Right-of-Way for Certain Driveway Materials.

*The Norco City Council requested discussion and review of the standards per City Standard Drawing 700, Equestrian Trails, as they relate to residential driveway pavers. At its meeting held on June 15, 2011, the City Council suspended the issuance of permits for interlocking residential driveway pavers. On January 9, 2013, the Planning Commission recommended revisions to make the process of obtaining encroachment permits easier, while at the same time making more restrictive the types of alternative trail materials that can be approved and in what instances.*

**Recommended Action: Adopt Ordinance No. 956 for first reading.**  
(Deputy Public Works Director/Senior Engineer and Planning Director)

**Planning Director King and Deputy Public Works Director/Senior Engineer Askew** presented the public hearing item. She stated that revisions to the 700 Trail Standards will be completed following the adoption of the proposed ordinance and would then be presented to the Streets, Trails and Utilities Commission for its confirmation.

**Mayor Azevedo** stated that there is some confusion in the proposed ordinance regarding the approval of alternative trail materials. In response, Public Works Director/Senior Engineer Askew stated that only commercial properties could submit applications for alternative trail materials, adding that only DG would be allowed in residential areas and once the ordinance is approved, the 700 Trail Standards will be modified to reflect this.

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

**Ted Hoffman.** Mr. Hoffman commented on this item, noting that it is time something is getting done and adding that he is in support of the recommended process.

**Dave Henderson.** Mr. Henderson spoke as a member of the Planning Commission, noting that changes need to be made in accordance with the land use of the pedestrian/equestrian trails. He further stated that the long process will be mitigated with the adoption of this ordinance; adding that this is a viable, workable way to manage the P-E Zone in the future.

**Greg Newton.** Mr. Newton commented on the Planning Commission meeting held, noting that the Commission was professionally unbiased in its recommendation to the City Council.

**Mayor Azevedo CLOSED the public hearing.**

**M/S Sullivan/Higgins to adopt Ordinance No. 956 for first reading. The motion was carried by the following roll call vote:**

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

- B. Ordinance Amending Section 18.51 "Special Events" of Chapter 18.51 of the Norco Municipal Code to Revise and Update Certain Provisions and Requirements of Special Events in the City of Norco.

*Zone Code Amendment 2012-08 is a City-initiated proposal to amend the Norco Municipal Code, Chapter 18.51 "Special Events", to revise and update certain provisions and requirements of special events in the City of Norco.*

**Recommended Action: Adopt Ordinance No. 957 for first reading.**  
(Planning Director)

**Planning Director King** presented the public hearing item. He noted a correction to page 2, Section 18.51.020, Subsection .023 ~~vacant~~ is removed and correctly reads: "lots for the sales of holiday ornaments and/or decorations such as pumpkins, Christmas trees, or the like."

**Council Member Sullivan** asked about Section 18.51.020, Subsection .022 regarding seasonal sales. In response, Director King stated that this would relate to commercial sales. Also in response to Council Member Sullivan, Director King stated that if a parking lot is used, a special event permit will be required.

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

**M/S Hanna/Bash to adopt Ordinance No. 957 for first reading. The motion was carried by the following roll call vote:**

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

- C. Ordinance Amending Section 18.29.20 "Permitted Uses" of Chapter 18.29 of the Norco Municipal Code to Permit "Cash for Gold" Businesses as Conditionally-Permitted Ancillary Uses.

*Zone Code amendment 2012-09 is a City-initiated proposal to make provision for "cash for gold" businesses in the City of Norco.*

**Recommended Action: Adopt Ordinance No. 958 for first reading.**  
(Planning Director)

**Planning Director King** presented the public hearing item. He noted that this will be retroactive to existing businesses.

**Council Member Higgins** asked what "other related retail business" means. Director King responded that the only business staff could come up with is a pawn shop, but there may be others.

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

**M/S Bash/Hanna to adopt Ordinance No. 958 for first reading. The motion was carried by the following roll call vote:**

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

- D. Proposal to Vacate the Cota Street Public Right-of-Way Located Between Hamner Avenue and Parkridge Avenue.

*The City of Norco is being requested by an adjoining property owner to vacate the Cota Street ROW between Parkridge Avenue and Hamner Avenue. The Planning Commission reviewed the proposed vacation on December 12, 2012 and adopted Resolution 2012-49 recommending approval.*

**Recommended Action: Adopt Resolution No. 2013-05, approving the potential vacation of Cota Street subject to certain required conditions precedent.** (Planning Director)

**Planning Director King** presented the public hearing item, adding that the “conditions precedent” were added following the Planning Commission’s approval.

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

**Keith Osborn and Kip Dubbs.** Mr. Osborn was present representing the property owner on the east side of Cota and Kip Dubbs was present representing the property owner on the west side of Cota. Mr. Osborn confirmed that the City needs to be the applicant to LAFCO. The City Attorney confirmed that this action does not preclude the vacation process.

**Mayor Azevedo CLOSED the public hearing.**

**M/S Bash/Higgins to adopt Resolution No. 2013-05. The motion was carried by the following roll call vote:**

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

- E. Specific Plan 85-1 (Auto Mall) Amendment 5a: Amending the Auto Mall Specific Plan Area D “Permitted Uses”. (Specific Plan 85-1, Amendment 5a)

*The ordinance is a proposed amendment to Area D “Permitted Uses” of the Auto Mall Specific Plan reflecting the Planning Commission’s recommendation.*

**Recommended Action: Adopt Ordinance No. 959 for first reading.** (Planning Director)

**Planning Director King** presented the public hearing item.

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

**M/S Sullivan/Bash to adopt Ordinance No. 959 for first reading. The motion was carried by the following roll call vote:**

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

**5. PUBLIC COMMENTS OR QUESTIONS:**

**Ted Hoffman.** Mr. Hoffman commented on the March 1-2 Cal Poly Rodeo noting that the Norco Horsemen's Association is selling tickets. He also commented on the Wild West Casino Night to be held on March 9<sup>th</sup>.

**Greg Newton.** Mr. Newton commented on the Gateway Specific Plan, requesting that the Council direct staff and the Planning Commission to review, update and redefine the intent and use of distribution centers and minimally change the use from a permitted use to a conditionally permitted use.

**Karen Leonard.** Ms. Leonard commented on a letter sent to the City Manager from resident addressing concerns regarding inconsistencies and procedures on a construction project. She further stated that there were no violations of the Code of Ethics and asked for a public censure of a Council Member to take place.

**Vern Showalter.** Mr. Showalter asked if there will be workshops held in preparation for the new budget.

**Linda Dixon.** Ms. Dixon commented on her desire for the Gateway Specific Plan to be revisited.

**6. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:**

**Council Member Bash:**

- Commented on the recent visit by the Department of Corrections at which time they held discussions regarding an EIR Notice of Preparation. He added that he is very concerned about the process.
- Stated that he is concerned about the light at west-bound Sierra and Sixth Street. Director Thompson responded that he would contact CalTrans.
- Requested that the Gateway Specific Plan be agendized as soon as possible.

**M/S Bash/Higgins to move forward with the process to amend the Gateway Specific Plan. The motion was carried by the following roll call vote:**

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

**Mayor Pro Tem Hanna:**

- Reported on the Riverside County Transportation Commission Workshop he attended. He noted that there is not good news from federal and state levels. He further noted that they approved construction on the 15 Freeway toll lanes.
- Commented on the NART Fundraiser on February 9<sup>th</sup> at Nellie Weaver Hall.

**Council Member Higgins:**

- Commented on commercial parking permits issued and asked about a timeline for correcting the Code. City Manager Groves responded that Planning Director King will send the summary of the contradictions in the existing code.
- Stated that he is doing some research regarding eliminating puppy mills and the buying and selling of cats and dogs in the City, other than at the animal shelter.

**Council Member Sullivan:**

- Reported on the Riverside Transit Authority meeting he attended, noting that the timelines for the bus routes has been extended.
- Reported that the Chino Desalter Authority will hold a closed session meeting.
- Commented on the re-zoning of the CRC and Navy grounds.
- Requested that the Administrative Policy for the Code of Ethics be presented at the next City Council meeting.

**Mayor Azevedo:**

- Reported on the WRCOG Executive Committee she attended, noting the legislative report available on the website.
- Reported on the UNLOAD Committee meeting she attended, noting that the Town Hall meeting is being planned.
- Reported on the Schools Committee meeting she attended, noting that the District is hiring an audit committee to aid in keeping the kids safe.
- Commented on the Norco Area Chamber of Commerce installation and awards dinner held and commended them on a job well done.
- Stated that the Norco Area Chamber of Commercial will be hosting the 2013 State of the City event at Norco High School on April 4<sup>th</sup>.

**7. CITY MANAGER/STAFF REPORTS:**

- Stated that the mid-year budget update will be presented to the City Council on February 20<sup>th</sup> and dates are being scheduled for the budget workshops.

**8. ADJOURNMENT:** There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:20 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 20, 2013

SUBJECT: Fiscal Year 2013 Second Quarter Budget Performance Report

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2013 second quarter budget performance report.

**SUMMARY:** One of the department's annual goals is to inform City Council on actual operating budget results relative to the annual adopted budget. This report provides information on how actual results through December 31, 2013 compares to the adopted budget. Any significant variances identified as a result of analyzing the budget performance through December 31, 2012 have been recommended as mid-year budget amendments. This report also provide budget to actual information on the City's five Landscape Maintenance Districts.

**BACKGROUND/ANALYSIS:** As part of revenue and expenditure reporting and monitoring program, staff has provided Council with quarterly budget performance reports since Fiscal Year 2004. This report provides information as of the second quarter ended December 31, 2012. As a result of timing differences, the first six months of actual recorded data may not be reflective of what the year-end numbers will be at June 30, 2013. However, these numbers have been analyzed in conjunction with other historic and currently available data through the second week of February in order to identify material variances from the adopted budget.

Attachment 1 provides a summary of revenues and expenditures for each operating fund through December 31, 2012.

### **General Fund Revenues**

Including the effects of timing differences, the following variances have been identified between adopted budget and actual results through December 31, 2012. These variances are being incorporated as part of the mid-year budget amendments.

- **Property Tax:** The low percentage of property tax revenue received as of December 31, 2012 is due to the uneven distribution of property tax receipts during the fiscal year. The bulk of property tax revenues are received in the months of January and May of each year. Based on the most recent assessed value and receipt information from the County and one-time receipts associated with the dissolution of the Norco Community Redevelopment Agency, it is anticipated that actual property tax receipts by year-end will be higher than the amount in the adopted budget. Additional details are provided in the mid-year budget amendment report.
- **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, 2012 and known future receipts under the "triple flip" arrangement, sales tax revenue for the year is tracking ahead of budget.
- **Motor Vehicle In-Lieu Fees:** The low percentage of the budget received as of December 31, 2012 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. The amount received indicates that actual revenues will be slightly higher than the budget amount.
- **Other Taxes:** The other taxes category which includes public safety sales tax, property transfer tax, bed tax and business license tax are tracking ahead of budget due to improvement in retail sales; increased real property sales; and high hotel occupancy rates. Recommended adjustments have been included in the mid-year budget amendment report.
- **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. Based on all available information through January, staff believes that the adopted budget numbers should remain unchanged.
- **Intergovernmental Revenues:** Intergovernmental revenues are running below budget due to lower than anticipated receipts from mandated state cost reimbursements. Appropriate reductions to the budget have been recommended in the mid-year budget amendment report.
- **Interest/Lease Income:** Actual receipts from this revenue category through December 31, 2012 is ahead of budget due to higher receipts from cell sites

leases and library lease income that was inadvertently not included in the adopted budget. Appropriate upward adjustments have been recommended in the mid-year budget amendment report.

- **Community Development Fees:** While building permits revenues are tracking within budget, planning and engineering division revenues are tracking below budget due to delays in planned projects. Necessary adjustments have been recommended in the mid-year budget amendment report.
- **Community Services/Recreation:** Community services revenues are tracking ahead of budget due to re-structured fees and increased rentals. The necessary adjustments have been included in the mid-year budget amendment report.
- **Overhead Reimbursements/Transfers:** Due to one-time unanticipated reimbursement from the Department of Energy for overhead costs and from the County for post-retirement healthcare obligations, this revenue category is projected to be higher than the original budget.

### **General Fund Expenditures**

Overall General Fund expenditures are tracking to the adopted budget. As shown on attachment A, expenditures in the Sheriff's department are below budget as of December 31, 2012 because County billing for contract services usually lag behind by at least 30 days. Similarly, Cal Fire costs are paid on a quarterly basis and usually lag behind several months. Through December 31, 2013, the City has only paid for Cal Fire costs incurred through September 30, 2012.

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

Based on recorded data to date, Water Fund expenditures and revenues are tracking to the adopted budget numbers. However, expenditures can be volatile due to purchased water costs which can change rapidly due to operating conditions. Revenues can also change quickly due to changes in weather conditions which affects consumption. Sewer Fund revenues and expenditures are tracking within budget.

### **Other City Funds**

This second quarter report also provides summary information on CDBG, Gas Tax, NPDES and Miscellaneous Grant Funds. The lower than anticipated receipt in the Gas Tax Fund is due to delay by the state in making payments. The City has received only four months allocation as of December 31, 2012. 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 from the County.

### **Landscape Maintenance Districts**

Through meetings and other discussions with residents of Landscape Maintenance Districts (LMDS), it was agreed between staff and residents that quarterly budget to actual reports on the LMDS would help residents to better understand how LMD assessment receipts are expended. Attachment B provides a budget to actual comparison of each district's revenues and expenditures through December 31, 2012. The quarterly budget to actual report is also intended to assist staff to better monitor and control costs to ensure expenditures are within amounts approved and levied to homeowners.

As of December 31, 2012, no revenues have been received for any of the districts. The first installment of the assessments was received during the first week of February 2013. Based on the amounts received for the first installment for each of the districts, staff believes that budgeted revenue numbers would be achieved by the end of the fiscal year. Actual expenditure amount shown for each district represents costs that have been paid through December 31, 2012. These costs are typically lower than actual costs incurred due to time lag between when services are provided by contractors and the time their invoices are submitted and paid. Attachment B provides detail expenditure data for each district through December 31, 2012.

Attachment B also provides information regarding the cash and fund balance of each district at the beginning of the fiscal year and as of December 31, 2012. This information is necessary in understanding the fiscal condition of each district and is necessary in determining the ability of each district to pay for operating expenditures as they become due as well as the ability of each district to provide funding for future trails and other capital asset replacements.

Based on the fund balance information, district number 2 is in poor fiscal condition due to negative fund and cash balances. Future expenditures would need to be significantly reduced and/or assessments would need to be increase in order to cover current cash and fund balance deficits and to begin building a cushion for future cash flows and for infrastructure replacement. Regarding district number 4 (Norco Ridge Ranch), phase two of drain improvement project estimated to cost \$240,000 was recently approved. This project would require a draw from existing fund balance which would likely create a deficit cash flow situation during the first half of fiscal year 2013-2014. To avoid this situation, the upcoming assessment would likely have to be increased. Districts 1, 3 and 5 appear to be in better financial position to provide for adequate cash flows during the first half of each fiscal year when no cash is received from assessments. All districts have a need to increase assessments and/or reduce expenditures in order to accumulate for future infrastructure replacements. These issues would be taken into consideration in setting the budget for FY 2013-2014.

FY 2012-2013 Second Qtr. Budget Performance

Page 5

February 20, 2013

**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.

Attachment: Budget and Actual Comparative Analysis – Attachment A  
Budget to Actual LMDS – Attachment B

**City of Norco**  
**Budget to Actual Report**  
**For the Two Quarters Ended December 31, 2012**

	Adopted Budget	Amended Budget	Year to Date Actual	Remaining Budget	% Achieved
<b>GENERAL FUND</b>					
<b>REVENUES</b>					
Property taxes	1,178,588	1,178,588	685,504	493,084	58%
Sales taxes	4,346,220	4,346,220	944,307	3,401,913	22%
Motor Vehicle License Fees	1,957,000	1,957,000	14,030	1,942,970	1%
Other Taxes	730,700	730,700	433,387	297,313	59%
Franchise Fees	1,009,000	1,009,000	213,352	795,648	21%
Intergovernmental	38,295	38,295	9,248	29,047	24%
Fines and Penalties	58,500	58,500	39,270	19,230	67%
Interest income/Lease	461,623	461,623	280,634	180,989	61%
Community Development fees	459,223	459,223	219,025	240,198	48%
Community Services/Recreation	628,862	628,862	332,428	296,434	53%
Other revenues	1,126,437	1,126,437	698,065	428,372	62%
Administrative Overhead/Operating Transfers	1,885,871	1,885,871	1,075,824	810,047	57%
Total revenues	<u>13,880,319</u>	<u>13,880,319</u>	<u>4,945,074</u>	<u>8,935,245</u>	<u>36%</u>
<b>EXPENDITURES</b>					
City Council	97,466	97,466	46,001	51,465	47%
City Attorney	205,000	205,000	84,815	120,185	41%
City Clerk	212,503	212,503	103,565	108,938	49%
City Manager	251,941	251,941	119,812	132,129	48%
Economic Development	81,857	81,857	37,372	44,485	46%
Code Enforcement	76,070	76,070	23,222	52,848	31%
Recreation	738,323	738,323	323,293	415,030	44%
Youth & Teen	282,417	282,417	109,364	173,053	39%
Park Maintenance	641,793	641,793	275,270	366,523	43%
Senior Citizens	135,684	135,684	54,931	80,753	40%
Public Buildings	288,287	288,287	143,832	144,455	50%
Animal Control	596,794	596,794	339,839	256,955	57%
Community Development	250,374	250,374	116,671	133,703	47%
Building & Safety	185,760	185,760	75,683	110,077	41%
Engineering	153,678	153,678	73,797	79,881	48%
Inspection	32,105	32,105	15,773	16,332	49%
Parkway Maintenance	53,999	53,999	19,264	34,735	36%
CAL Fire	3,216,681	3,216,681	845,473	2,371,208	26%
Sheriff	4,403,848	4,403,848	1,544,968	2,858,880	35%
Citizens on Patrol	15,356	15,356	11,194	4,162	73%
Crossing Guards	56,589	56,589	23,857	32,732	42%
Fiscal & Support Services	594,686	594,686	295,969	298,717	50%
Non-Departmental	1,307,454	1,330,079	672,469	657,610	51%
Total Expenditures	<u>13,878,665</u>	<u>13,901,290</u>	<u>5,356,434</u>	<u>8,544,856</u>	<u>39%</u>
Net revenues (under) over expenditures	<u>1,654</u>	<u>(20,971)</u>	<u>(411,360)</u>		

**City of Norco**  
**Budget to Actual Report**  
**For the Two Quarters Ended December 31, 2012**

	Adopted Budget	Amended Budget	Year to Date Actual	Remaining Budget	%
					Achieved
<u>CDBG</u>					
Revenues	377,014	377,014	7,170	369,844	2%
Expenditures	377,014	377,014	-	377,014	0%
Net revenues over (under) expenditures	<u>-</u>	<u>-</u>	<u>7,170</u>		
<u>WATER FUND</u>					
Revenues	9,555,916	9,555,916	4,908,230	4,647,686	51%
Expenditures	8,749,588	8,757,776	4,136,231	4,621,545	47%
Net profit (loss)	<u>806,328</u>	<u>798,140</u>	<u>771,999</u>		
<u>SEWER FUND</u>					
Revenues	5,339,590	5,339,590	2,491,160	2,848,430	47%
Expenditures	4,660,846	4,669,033	1,849,030	2,820,003	40%
Net profit (loss)	<u>678,744</u>	<u>670,557</u>	<u>642,130</u>		
<u>GAS TAX</u>					
Revenues	719,124	719,124	184,987	534,137	26%
Expenditures	843,137	843,137	228,888	614,249	27%
Net revenues and expenditures	<u>(124,013)</u>	<u>(124,013)</u>	<u>(43,901)</u>		
<u>NPDES FUND</u>					
Revenues	89,200	89,200	12,502	76,698	14%
Expenditures	106,010	106,010	60,813	45,197	57%
Net revenues and expenditures	<u>(16,810)</u>	<u>(16,810)</u>	<u>(48,311)</u>		
<u>MISCELLANEOUS GRANTS</u>					
Revenues	159,374	273,458	44,558	228,900	16%
Expenditures	159,374	273,458	117,464	155,994	43%
Net revenues and expenditures	<u>-</u>	<u>-</u>	<u>(72,906)</u>		
<u>LANDSCAPE MAINTENANCE DISTRICTS</u>					
Revenues	742,792	742,792	-		
Expenditures	686,618	958,101	264,618		
Net revenues and expenditures	<u>56,174</u>	<u>(215,309)</u>	<u>(264,618)</u>		

**City of Norco**  
**Landscape Maintenance District Revenues & Expenses**  
**For the Two Quarters Ended December 31, 2012**

	<b>FY 2012 Amended Budget</b>	<b>Actuals Thru December 31, 2012</b>
<b>District #1 - Beazer Homes</b>		
LMD # 1 Assessments	9,239	-
Total Revenues	<u>9,239</u>	<u>-</u>
Expenditures		
Observation	900	347
Utilities	1,870	1,124
Landscape Maintenance	2,779	908
Contractual	1,400	1,139
Administrative Overhead	1,400	698
Admin Fees-Property Taxes	150	-
Incidentals	290	-
Operating Contingency	315	-
Total Expenditures	<u>9,104</u>	<u>4,216</u>
Net Revenues Over (Under) Expenditures	<u>135</u>	<u>(4,216)</u>
<b>District #2 - Norco Estates</b>		
LMD # 2 Assessments	124,772	-
Total Revenues	<u>124,772</u>	<u>-</u>
Expenditures		
Observation	3,179	1,734
Trail Maintenance	17,000	-
Utilities	43,219	22,213
Landscape Maintenance	32,759	17,640
Wet Lands Area	1,000	-
Park Maintenance	9,248	-
Contractual	2,500	393
Administrative Overhead	14,133	7,065
Admin Fees-Property Taxes	230	-
Incidentals	216	-
Operating Contingency	1,288	-
Total Expenditures	<u>124,772</u>	<u>49,045</u>
Net Revenues Over (Under) Expenditures	<u>-</u>	<u>(49,045)</u>

**City of Norco**  
**Landscape Maintenance District Revenues & Expenses**  
**For the Two Quarters Ended December 31, 2012**

	<u>FY 2012 Amended Budget</u>	<u>Actuals Thru December 31, 2012</u>
<b>District #3 - Centex</b>		
LMD # 3 Assessments	79,621	-
Total Revenues	<u>79,621</u>	<u>-</u>
Expenditures		
Observation	2,830	1,388
Trail Maintenance	5,750	-
Utilities	31,159	17,677
Landscape Maintenance	27,857	10,786
Contractual	2,000	530
Administrative Overhead	8,639	4,319
Admin Fees-Property Taxes	155	-
Incidentals	91	-
Operating Contingency	1,140	-
Total Expenditures	<u>79,621</u>	<u>34,700</u>
Net Revenues Over (Under) Expenditures	<u>-</u>	<u>(34,700)</u>
<b>District #4 - Norco Ridge Ranch</b>		
LMD # 4 Assessments	482,722	-
Total Revenues	<u>482,722</u>	<u>-</u>
Expenditures		
Observation	5,000	2,427
Trail Maintenance	70,747	1,688
Tree Replacement	5,000	-
Utilities	192,492	68,796
Landscape Maintenance	117,757	66,928
Natural Open Space	11,000	-
Wet Lands Area	5,000	-
Contractual	3,600	4,830
Administrative Overhead	26,647	13,321
Admin Fees-Property Taxes	382	-
Incidentals	130	-
Operating Contingency	19,967	-
Drain Improvements	240,444	-
Total Expenditures	<u>698,166</u>	<u>157,990</u>
Net Revenues Over (Under) Expenditures	<u>(215,444)</u>	<u>(157,990)</u>

**City of Norco**  
**Landscape Maintenance District Revenues & Expenses**  
**For the Two Quarters Ended December 31, 2012**

	<u>FY 2012 Amended Budget</u>	<u>Actuals Thru December 31, 2012</u>
<b>District #5 - KB Homes</b>		
LMD # 5 Assessments	46,438	-
Total Revenues	<u>46,438</u>	<u>-</u>
Expenditures		
Observation	1,800	1,041
Trail Maintenance	7,080	-
Utilities	8,967	5,516
Landscape Maintenance	15,274	7,531
Contractual	2,500	475
Administrative Overhead	8,214	4,104
Admin Fees-Property Taxes	139	-
Incidentals	191	-
Operating Contingency	2,273	-
Total Expenditures	<u>46,438</u>	<u>18,667</u>
Net Revenues Over (Under) Expenditures	<u>-</u>	<u>(18,667)</u>

**Cash and Fund Balance Information**

<b>District #1 - Beazer Homes</b>	Cash	Fund Balance
June 30, 2012	19,086	17,965
December 31, 2012	13,760	13,760
<b>District #2 - Norco Estates</b>		
June 30, 2012	(45,657)	(45,807)
December 31, 2012	(94,886)	(94,852)
<b>District #3 - Centex</b>		
June 30, 2012	73,892	75,713
December 31, 2012	41,054	41,054
<b>District #4 - Norco Ridge Ranch</b>		
June 30, 2012	343,360	336,854
December 31, 2012	184,291	177,891
<b>District #5 - KB Homes</b>		
June 30, 2012	55,899	57,053
December 31, 2012	38,416	38,416

## 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

Dominic Milano, City Engineer

DATE: February 20, 2013

SUBJECT: Request for an Extension to the License Agreement with So Cal Sandbags, Inc. for Grading and Removal of Aggregate and Related Materials at George Ingalls Equestrian Event Center

RECOMMENDATION: Approve an eleven-month extension of the License Agreement with So Cal Sandbags, Inc. for Grading and Removal of Aggregate and Related Materials at George Ingalls Equestrian Event Center through December 31, 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. On February 13, 2012, the City Council approved a one-year extension of the License Agreement through January 30, 2013. City staff received a letter (Exhibit "A") from the contractor indicating they would like to exercise their rights under the License Agreement to extend the License for an additional 11 months.

**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.

**So Cal**  
**SANDBAGS** INC.  
**SWPPP SPECIALISTS**

**Erosion Control Services**

January 28, 2013

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

Dear Mr. Petree:

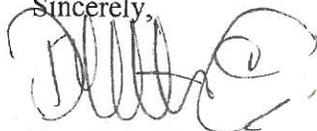
So Cal Sandbags, Inc. is requesting an extension of the Ingalls Park Grading license agreement. Due to the economic downturn effecting not only home building but construction as a whole, demand for aggregate materials has hit an extreme low and as of today has not bounced back. In conjunction with the 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 two year. We are in the final phases of the material export and forecast that we can complete the project by the end of November 30, 2013 and begin demobilization of our equipment and facilities thereafter.

In an effort to provide the City of Norco with an area for parking of trailers and concession stands we have been working the South end to a finish grade. This area will provide approximately 5 acres of usable area that will no longer have construction activity for the purposes of grading. In addition, we will be relocating our containers and equipment into the limits of the condensed construction area. This area at the North will provide an additional acre and a half for parking.

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

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

Sincerely,



Dennis Feidner  
[DennisF@SoCalSandbags.com](mailto:DennisF@SoCalSandbags.com)  
(951) 277-3404 Office  
(951) 277-1683 Fax

Extension to the License Agreement Expired on January 30, 2013

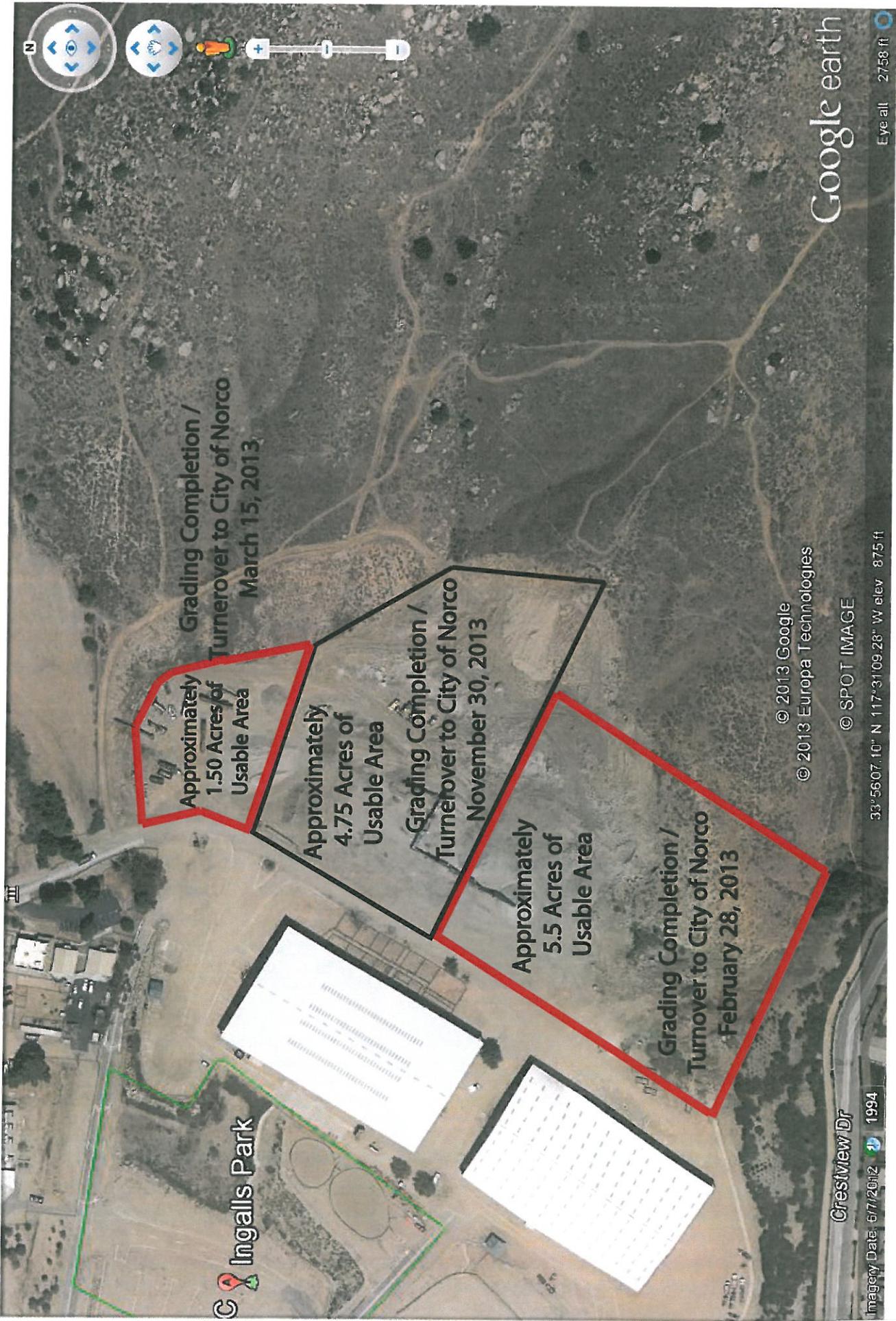
Page 2

February 20, 2013

The current extension to the License Agreement expired on January 30, 2013, and the Licensee is asking for an additional 11 months to perform the final clean up and phase out of the project to meet the City Engineer's grading design. Exhibit "B" provides the phase out site map identifying grading priorities reducing the foot print of equipment and finally leaving grade as designed by the City Engineer. Staff has worked with SCSB over the past several years and has been satisfied with their performance and recommends that the City Council approve an extension of the License Agreement through December 31, 2013.

Attachments: Exhibit "A"      Letter Requesting Extension So Cal Sandbags, Inc.  
                  Exhibit "B"      Site Map

/bp



Grading Completion /  
Turnover to City of Norco  
March 15, 2013

Approximately  
1.50 Acres of  
Usable Area

Approximately  
4.75 Acres of  
Usable Area

Grading Completion /  
Turnover to City of Norco  
November 30, 2013

Approximately  
5.5 Acres of  
Usable Area

Grading Completion /  
Turnover to City of Norco  
February 28, 2013

Ingalls Park

Crestview Dr

Google earth

© 2013 Google  
© 2013 Europa Technologies

© SPOT IMAGE

33° 56' 07.10" N 117° 31' 09.28" W elev 875 ft

Imagery Date: 6/7/2012 1994

Eye alt 2758 ft

Exhibit "B"

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Lori J. Askew , Deputy Director of Public Works/Senior Engineer

DATE: February 20, 2013

SUBJECT: Execution of a Cooperative Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District

RECOMMENDATION: That City Council Approve Project Nos. 2-0-00083 and 2-0-00084 Cooperative Agreement between the City of Norco and the Riverside County Flood Control and Water Conservation District and authorize the City Manager to execute the Agreement.

**SUMMARY:** The Riverside County Flood Control and Water Conservation District (RCFC) has prepared plans and specifications for the construction of two individual storm drainage plans that include Norco MDP Lateral N-1D and Norco Spirit Knoll Court Storm Drain. The RCFC has committed to constructing the improvements with the City contributing funding for the installation of a new sewer line and relocation of various water services.

**BACKGROUND/ANALYSIS:** The plans for two storm drain projects have been designed and specifications prepared by the RCFC. They are substantially completed and will be advertised for bidding in the near future.

Norco MDP Lateral N-1D includes construction of a reinforced concrete box structure in Temescal Avenue beginning approximately 300 feet south of Rose Court. The box will continue northerly to Rose Court and connect to the existing 8' by 5' box structure at the west end of Rose Court that is part of the North Norco Channel. Catch basins will be located along the box at appropriate locations. An existing 8" sewer line in Rose Court created a problem with construction of the box structure. Laterals on one side would be in conflict with the proposed storm drain line. Therefore, a new parallel sewer will be constructed on the south side of the box within Rose Court. The RCFC has requested of the City to contribute funding for the construction of this sewer line which has been estimated at \$7,700.

Norco Spirit Knoll Court Storm Drain includes construction of a 24" diameter reinforced concrete pipe in Temescal Avenue from approximately 600 feet south of Spirit Knoll Court. The pipe transitions to an elliptical pipe at Spirit Knoll Court and continues to the west end of Spirit Knoll Court where it connects to an existing 30" reinforced concrete pipe. Catch basins will be constructed at appropriate locations along the alignment.

Execution of a Cooperative Agreement between the City of Norco and the Riverside  
County Flood Control and Water Conservation District

Page 2

February 20, 2013

Both storm drain alignments have conflicts with existing City water infrastructure. Therefore, the RCFC has requested of the City to perform the relocation of these water lines.

The purpose of the Cooperative Agreement is to memorialize the mutual understandings between both parties with respect to construction, ownership, operation and maintenance, along with funding contribution. Staff is requesting that the City Council approve the Cooperative Agreement and authorize the City Manager to execute the Agreement.

FINANCIAL IMPACT: \$7,700 from Fund 126 which has \$25,000 budgeted in FY 12/13 under Unspecified Sewer Line Extension.

/lja

Attachment: Cooperative Agreement

**COOPERATIVE AGREEMENT**

Norco MDP Lateral N-1D and Norco Spirit Knoll Court Storm Drain  
Project Nos. 2-0-00083 and 2-0-00084

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT, hereinafter called "DISTRICT", and the CITY OF NORCO,  
hereinafter called "CITY", hereby agree as follows:

**RECITALS**

A. DISTRICT has budgeted for and plans to design and construct certain  
flood control facilities located within the City of Norco; and

B. These certain flood control facilities consist of (i) approximately 1,000  
lineal feet of storm drain system, hereinafter called "NORCO MDP LATERAL N-1D", as  
shown in concept in red on Exhibit "A" attached hereto and made a part hereof, and (ii)  
approximately 1,200 lineal feet of underground storm drain system, hereinafter called "SPIRIT  
KNOLL LATERAL", as shown in concept in green on Exhibit "A". Together NORCO MDP  
LATERAL N-1D and SPIRIT KNOLL LATERAL are hereinafter called "STORM DRAIN";  
and

C. Associated with the construction of STORM DRAIN are various catch  
basins, laterals and connector pipes located within CITY held easements or rights of way,  
hereinafter called "APPURTENANCES". Together, STORM DRAIN and  
APPURTENANCES are hereinafter called "PROJECT"; and

D. DISTRICT desires CITY to contribute funding toward the construction of  
PROJECT; and

E. CITY owns, operates and maintains certain utility lines located within  
CITY rights of way, hereinafter called "CITY UTILITIES". CITY wishes to support  
DISTRICT'S efforts to construct PROJECT by providing a financial contribution in an amount

1 of seven thousand seven hundred dollars (\$7,700), hereinafter called "CITY  
2 CONTRIBUTION", toward the relocation of any CITY UTILITIES which interfere with the  
3 construction of PROJECT; and

4 F. DISTRICT desires CITY to accept ownership and responsibility for  
5 operation and maintenance of SPIRIT KNOLL LATERAL and APPURTENANCES upon  
6 completion of construction. Therefore, CITY must review and approve DISTRICT'S plans and  
7 specifications for PROJECT and subsequently inspect the construction of PROJECT; and  
8

9 G. CITY owns, operates and maintains all waterlines located within public or  
10 private rights of way. Certain existing waterlines interfere with PROJECT'S alignment,  
11 hereinafter called "CITY WATERLINES"; therefore, those interfering portions of CITY  
12 WATERLINES must be relocated as shown in concept on Exhibit "A"; and  
13

14 H. The purpose of this Agreement is to memorialize the understandings by  
15 and amongst CITY and DISTRICT with respect to the funding, design, construction,  
16 inspection, ownership, operation and maintenance of PROJECT; and

17 I. DISTRICT and CITY acknowledge it is in the best interest of the public to  
18 proceed with the construction of PROJECT at the earliest possible date.

19 NOW, THEREFORE, the parties hereto mutually agree as follows:

20 **SECTION I**

21 DISTRICT shall:

22 1. Pursuant to the California Environmental Quality Act (CEQA), act as Lead  
23 Agency and assume responsibility for preparation, circulation and adoption of all necessary and  
24 appropriate CEQA documents pertaining to the construction, operation and maintenance of  
25 PROJECT.  
26 PROJECT.

1           2. Prepare or cause to be prepared, plans and specifications for PROJECT,  
2 hereinafter called "IMPROVEMENT PLANS", in accordance with applicable DISTRICT and  
3 CITY standards.

4           3. Provide CITY an opportunity to review and approve, as appropriate,  
5 IMPROVEMENT PLANS prior to DISTRICT advertising PROJECT for construction bids.

6           4. Obtain, at its sole cost and expense, all necessary permits, licenses,  
7 agreements, approvals, rights of way, rights of entry and temporary construction easements as  
8 may be necessary to construct, operate and maintain PROJECT.

9           5. Advertise, award and administer a public works construction contract for  
10 PROJECT at its sole cost and expense.

11           6. Provide CITY with written notice that DISTRICT has awarded a  
12 construction contract for PROJECT.

13           7. Notify CITY in writing at least twenty (20) days prior to the start of  
14 construction of PROJECT.

15           8. Furnish CITY, at the time of providing written notice of the start of  
16 construction as set forth in Section I.7., with a construction schedule which shall show the order  
17 and dates in which DISTRICT or DISTRICT'S contractor proposes to carry on the various parts  
18 of work, including estimated start and completion dates.

19           9. Construct or cause to be constructed, PROJECT pursuant to a DISTRICT  
20 administered public works construction contract, in accordance with DISTRICT and CITY  
21 approved IMPROVEMENT PLANS, and pay all costs associated therewith.

22           10. Inspect the construction of PROJECT.  
23  
24  
25  
26  
27  
28





1           3. DISTRICT shall indemnify, defend, save and hold harmless CITY  
2 (including its officers, employees, agents, representatives, independent contractors, and  
3 subcontractors) from any liabilities, claim, damage, proceeding or action, present or future,  
4 based upon, arising out of or in any way relating to DISTRICT (including its officers, Board of  
5 Supervisors, elected and appointed officials, employees, agents, representatives, independent  
6 contractors, and subcontractors) actual or alleged acts or omissions related to this Agreement,  
7 performance under this Agreement, or failure to comply with the requirements of this  
8 Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c)  
9 payment of attorney's fees; or (d) any other element of any kind or nature whatsoever.  
10

11           4. CITY shall indemnify, defend, save and hold harmless DISTRICT and  
12 County of Riverside (including their respective officers, districts, special districts and  
13 departments, their respective directors, officers, Board of Supervisors, elected and appointed  
14 officials, employees, agents, representatives, independent contractors, and subcontractors) from  
15 any liabilities, claim, damage, proceeding or action, present or future, based upon, arising out  
16 of or in any way relating to CITY (including its officers, employees, agents, representatives,  
17 independent contractors, and subcontractors) actual or alleged acts or omissions related to this  
18 Agreement, performance under this Agreement, or failure to comply with the requirements of  
19 this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death;  
20 (c) payment of attorney's fees; or (d) any other element of any kind or nature whatsoever.  
21  
22

23           5. Any waiver by DISTRICT or by CITY of any breach of any one or more  
24 of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other  
25 breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to  
26 require exact, full and complete compliance with any terms of this Agreement shall not be  
27  
28

1 construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from  
2 enforcement hereof.

3 6. This Agreement is to be construed in accordance with the laws of the State  
4 of California.

5 7. Any and all notices sent or required to be sent to the parties to this  
6 Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

7  
8 RIVERSIDE COUNTY FLOOD CONTROL  
9 AND WATER CONSERVATION DISTRICT  
10 1995 Market Street  
11 Riverside, CA 92501  
12 Attn: Contract Administration

CITY OF NORCO  
2870 Clark Avenue  
Norco, CA 92860  
Attn: Lori Askew, Deputy Director  
of Public Works

13 8. If any provision in this Agreement is held by a court of competent  
14 jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless  
15 continue in full force without being impaired or invalidated in any way.

16 9. This Agreement is the result of negotiations between the parties hereto,  
17 and the advice and assistance of their respective counsel. No provision contained herein shall  
18 be construed against DISTRICT solely because, as a matter of convenience, it prepared this  
19 Agreement in its final form.

20 10. This Agreement is intended by the parties hereto as a final expression of  
21 their understanding with respect to the subject matter hereof and as a complete and exclusive  
22 statement of the terms and conditions thereof. This Agreement may be changed or modified  
23 only upon the written consent of the parties hereto.

24 //

25 //

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

\_\_\_\_\_  
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

By \_\_\_\_\_  
WARREN D. WILLIAMS  
General Manager-Chief Engineer

By \_\_\_\_\_  
MARION ASHLEY, Chairman  
Riverside County Flood Control and Water  
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS  
County Counsel

KECIA HARPER-IHEM  
Clerk of the Board

By  \_\_\_\_\_  
NEAL KIPNIS  
Deputy County Counsel

By \_\_\_\_\_  
Deputy

(SEAL)

Cooperative Agreement: Norco MDP Lateral N-1D  
and Norco Spirit Knoll Court Storm Drain

TNK:blj  
01/24/13

CITY OF NORCO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By \_\_\_\_\_  
BETH GROVES  
City Manager

APPROVED AS TO FORM:

ATTEST:

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

By \_\_\_\_\_  
BRENDA JACOBS  
City Clerk

(SEAL)

Cooperative Agreement: Norco MDP Lateral N-1D  
and Norco Spirit Knoll Court Storm Drain  
TNK:blj  
01/24/13

CITY OF NORCO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By \_\_\_\_\_  
BETH GROVES  
City Manager

APPROVED AS TO FORM:

ATTEST:

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

By \_\_\_\_\_  
BRENDA JACOBS  
City Clerk

(SEAL)

Cooperative Agreement: Norco MDP Lateral N-1D  
and Norco Spirit Knoll Court Storm Drain  
TNK:blj  
01/24/13

**CITY OF NORCO**

1

2

3

4

5

By \_\_\_\_\_  
BETH GROVES  
City Manager

6 APPROVED AS TO FORM:

ATTEST:

7

8 By \_\_\_\_\_  
JOHN HARPER  
City Attorney

By \_\_\_\_\_  
BRENDA JACOBS  
City Clerk

9

10

(SEAL)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Cooperative Agreement: Norco MDP Lateral N-1D  
26 and Norco Spirit Knoll Court Storm Drain

27 TNK:blj  
01/24/13

28

CITY OF NORCO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By \_\_\_\_\_  
BETH GROVES  
City Manager

APPROVED AS TO FORM:

ATTEST:

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

By \_\_\_\_\_  
BRENDA JACOBS  
City Clerk

(SEAL)

Cooperative Agreement: Norco MDP Lateral N-1D  
and Norco Spirit Knoll Court Storm Drain  
TNK:blj  
01/24/13



ROSE COURT

TEMPESCAL AVENUE

SPIRIT KNOLL COURT

LEGEND:



SEGMENT OF CITY WATERLINES (TO BE RELOCATED)



EXHIBIT A

## 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 20, 2013

SUBJECT: Code of Ethics Administrative Policy and Procedures for the City Council, Commission Members and City Employees

RECOMMENDATION: Approval for the City Manager to sign and process the Administrative Policy.

**SUMMARY:** At its meeting held on November 6, 2013, the City Council adopted a Resolution approving a revised Code of Ethics for the City Council, City commissions and City employees. An Administrative Policy has been prepared to include the process for the distribution of the Code of Ethics to the City Council, City commission members and City employees for their information and acknowledgement by signature. The proposed Administrative Policy further details and dictates the process for enforcement and sanctions.

**BACKGROUND:** On November 6, 2013, the City Council adopted Resolution No. 2013-01, approving a revised Code of Ethics for the City Council, City commissions and City employees. The Resolution section on Enforcement and Sanctions minimally details the process for a person that violates the Code of Ethics. It does not, however, dictate a progressive process for sanctions that would apply. The proposed Administrative Policy identifies progressive steps that should be taken in each individual case of a Council member, commission member or City employee. Each process is different and in the case of City employees, the City's Personnel Rules and Regulations and the Skelly grievance procedure dictate the process.

The City Council is recommended to approve the Administrative Policy for signature by the City Manager. Following approval, the Administrative Policy will be distributed to all City Council members, commission members and City employees for their information and acknowledgement by signature.

Attachment: Code of Ethics Administrative Policy



# CITY OF NORCO ADMINISTRATIVE POLICY STATEMENT

**SUBJECT:** CODE OF ETHICS POLICY AND PROCEDURES FOR CITY COUNCIL MEMBERS, COMMISSION MEMBERS AND CITY EMPLOYEES

**POLICY NUMBER:** 311

**DATE ISSUED:** February 20, 2013

**PURPOSE AND SCOPE:** In order to best serve the citizens and customers of the City of Norco, the elected and appointed officials, commission members, and employees of the City must act individually and collectively to create a City government that is responsible, equitable, honest and open. They are further expected to demonstrate the highest standards of personal integrity, honesty and conduct in all activities.

The City Council members, commission members, and employees must be independent, impartial and responsible in the performance of their duties and acting in the public interest. The purpose of this Code of Ethics is to establish policy and guidelines, reflecting expected values and behaviors for use by and applicable to the City Council, commission members, and employees. Individuals employed by the City under contractual agreement must also observe the provisions of this policy for the term of their contract or as the contract may stipulate.

The City Council members, commission members, and employees of the City of Norco at all levels are guardians of the public trust and are required to be impartial and responsible in the fulfillment of their duties. The citizens and customers of the City of Norco expect and must receive the highest standard of ethics from all those in public service, regardless of personal consideration.

**ETHICAL CONSIDERATIONS:** At its meeting held on February 6, 2013, Resolution No. 2013-01 was adopted approving the following Code of Ethics:

1. *Comply with Law.* City Council members, commission members, and employees are obligated to uphold the Constitution of the United States and the Constitution of the State of California and to comply with Federal, State, and local laws and City policies. Recognizing the special responsibilities of serving the City and its citizens and customers, they are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow City employees with respect, courtesy, concern and responsiveness. Their conduct in both their official and private affairs should be above reproach to assure that their City position is not used for personal gain.

2. *Work for the Common Good.* City Council members, commission members, and employees shall represent and work for the common good of the people of Norco and not for private interest, assuring equitable treatment of all persons, claims, and transactions coming before the Norco City Council and City commissions.

3. *Conduct of City Council Members, City Commission Members, and City Employees.* The professional and personal conduct of officials and employees must avoid the appearance of impropriety. City Council members, commission members, and employees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other officials, employees or the public.

City Council members, commission members, and employees shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting gifts or favors or promises of future benefits which might compromise or tend to impair their independence of judgment or give the appearance of being compromised. All California Fair Political Practices Commission rules and regulations shall be followed in regards to gifting and ticket distribution policies.

4. *Respect for Process.* The professional and personal conduct of City Council members, commission members, and employees must be above reproach and members must avoid even the appearance of impropriety. They shall perform their duties in accordance with the processes and rules of order established governing the deliberation of public policy issues.

5. *Use of City Employment and Facilities for Personal Gain.* City Council members, commission members, and employees shall not use City time, City funds or City facilities, equipment or supplies for personal use or personal gain or for campaign related political activities; nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

6. *Decisions Based on Merit.* City Council members, commission members, and employees shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall base all decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. *Confidential Information.* City Council members, commission members, and employees shall not use confidential information acquired by or available to them in the course of their employment with the City for personal gain or for personal, non-City business related reasons. They shall respect the confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance their financial or other private interests.

City Council members, commission members, and employees shall uphold the public's right to know, and in accordance with the Brown Act, uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies. Confidential information means all information, whether transmitted verbally or in writing, which is of a nature that it is not, at that time, a matter of public record or public knowledge, including those items described in the California Public Records Act and items subject to the attorney-client privilege. Any City Council member, commission member, or employee who is aware of a breach of confidentiality is expected to bring forth that information in a timely manner.

8. *Conflict of Interest.* City Council members, commission members, and employees are expected to avoid any conflicts of interest. Further, they should avoid the appearance of conflicts of interest in order to ensure that City decisions are made in an independent and impartial manner.

All City Council members, commission members, and employees are prohibited from making, participating in making, or attempting in any way to use his or her official position to influence a City decision in which the City of Norco employee knows, or has reason to know, he or she has a financial interest as defined by law. If, however, persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall remove themselves from making, participating in the making, or seeking to influence any decision regarding such matter. All City Council members, commission members, and employees who are designated in the City's Conflict of Interest Code, shall file the appropriate disclosure statements required under State Law. A conflict of interest may arise when dealing with a current or prospective vendor, supplier, or other business.

9. *Advocacy.* City Council members, commission members, and employees shall represent the official policies or positions of the City Council or City Commission to the best of their ability when designated as delegates for this purpose.

10. *Positive Work Environment.* City Council members, commission members, and employees shall faithfully perform their duties by attending all meetings of which they are a member, unless unable to do so for some compelling reason or disability. They will make every attempt to be punctual and ready for City business and shall support the maintenance of a positive and constructive work place environment for City employees, private citizens and businesses dealing with the City.

11. *Discrimination and Harassment.* City Council members, commission members, and employees shall not, in the performance of their duties, discriminate against any person on the basis of race, color, religion, national origin, ancestry, age, sex, gender, pregnancy, childbirth or related medical condition, sexual orientation, marital status, disability, medical condition and actual or perceived gender identity and they will reinforce the City of Norco's commitment to equal employment opportunity and a work environment free of discrimination and harassment, including sexual harassment.

12. *Self-Enforcement of the Code.* As an expression of the standards of conduct for City Council members, commission members, and employees, the City of Norco Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with and embrace its provisions. For this reason, the Code of Ethics shall be included in the orientation materials given to candidates for City Council, shall be placed in the City of Norco Commissioner's Handbook, and provided to all City employees. City Council members (as well as City Council candidates filing for office), commission members, and City employees shall sign a statement affirming that they have read and understood the City of Norco Code of Ethics.

**DISTRIBUTION:** The Code of Ethics shall be included in the orientation materials given to candidates for City Council, shall be placed in the City of Norco Commissioner's Handbook, and provided to all City employees. City Council members (as well as City Council candidates filing for office), commission members, and City employees shall sign a statement affirming that they have read and understood the City of Norco Code of Ethics. The signed statement shall be filed in the office of Human Resources.

**ENFORCEMENT AND SANCTIONS:** It is the intention that this Code of Ethics be self-enforcing. However, it is recognized that there may be instances where even after receiving guidance and counsel, a person may continue to violate the Code's provisions. In those cases, the following language is added to Resolution No. 2013-01 to more specifically dictate enforcement and sanctions, understanding that such a violation is only made in regards to the adopted Code of Ethics:

1. *City Council.*

A. If it is believed that a City Council member has violated this Code of Ethics, a formal written statement shall be submitted to the City Clerk for processing, specifically stating the violation that has occurred and naming that City Council member who has committed this violation. A committee will be formed consisting of the City Manager, Deputy City Manager/Finance Director and the City Attorney to review the submitted statement and formally interview that City Council member that has been accused of the violation. The committee will then provide the entire City Council with its findings.

B. The first step in curing the violation will be that the accused City Council member receives guidance from the City Attorney in regards to the violation that occurred including a warning that if that City Council member continues to violate the Code of Ethics, sanctions against that City Council member will occur and be discussed at a public meeting.

C. If a City Council Member continues to violate the Code of Ethics, and a formal written statement is again submitted to the City Manager, the City Manager shall provide that statement to all City Council Members and a censure of that City Council member shall take place at a public meeting.

D. The ultimate sanction of removal from office would lie in the hands of the electorate.

2. *Commission Members.*

A. If it is believed that a commission member has violated this Code of Ethics, a formal written statement shall be submitted to the City Clerk for processing, specifically stating the violation that has occurred and naming that commission member who has committed this violation. A committee will be formed consisting of the City Attorney, Mayor and Mayor Pro Tem to review the submitted statement and formally interview that commission member that has been accused of the violation. The committee will then provide the entire City Council with its findings.

B. The first step in curing the violation will be that the accused commission member receives guidance from the City Attorney in regards to the violation that occurred including a warning that if that commission member continues to violate the Code of Ethics, sanctions against that commission member will occur in a public meeting, including potential removal of office.

3. *City Employees.*

A. If it is believed that a City employee has violated this Code of Ethics, a formal written statement shall be submitted to the City Clerk for processing, specifically stating the violation that has occurred and naming that City employee who has committed this violation. The City Manager will review the submitted statement and formally interview that City employee that has been accused of the violation. If in the case of the City Manager being named, the City Attorney will review the submitted statement and will proceed under the terms of his/her employment agreement.

B. City employees are subject to discipline per the City's Personnel Rules and Regulations and follow other processes, including the Skelley grievance procedure.

I have read and understand the City of Norco Code of Ethics.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

City Manager \_\_\_\_\_

Date \_\_\_\_\_

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: February 20, 2013

SUBJECT: Appropriation of Funds for the Hamner Widening Conservation Area Endowment Fund

RECOMMENDATION: Adopt **Resolution No. 2013-10**, appropriating funds in an amount not-to-exceed \$50,000 to establish the endowment fund.

**SUMMARY:** This is a request to establish an endowment fund for the on-going maintenance of a conservation area already approved by the City Council to mitigate the loss of riparian habitat from the Hamner Widening project.

**BACKGROUND/ANALYSIS:** On February 15, 2012 the City Council authorized the City Manager to enter into a Streambed Alteration Agreement with the state Department of Fish and Game (DFG) (now Department of Fish and Wildlife) to establish a 15.39-acre conservation area that would allow the Hamner Widening project to proceed. The agreement requires the City to dedicate an easement to a DFG-approved local conservation entity. Inland Empire Resource Conservation District (IERCD) is such a group and it currently maintains another easement adjacent to the City's conservation area (dedicated from Goose Creek Golf Course), so it logistically makes sense to have the same group oversee both conservation easements.

In addition to the conservation area for the Hamner Widening project, DFG recommended that if the City wanted, instead of maintaining an on-site mitigation area in the middle of Silverlakes, a transfer acreage be added to that already approved acreage for the Hamner Widening project. On April 18, 2012 the City Council approved the transfer of the on-site Silverlakes mitigation area to the off-site location being combined with the Hamner Widening conservation acreage. The result is a total of 21.5 acres that will have a dedicated easement for conservation purposes to the IERCD for both projects (ref. Exhibit "A"). A Streambed Alteration Agreement has also been entered into with DFG for the Silverlakes transfer acreage.

The dedication of an easement for conservation maintenance to the IERCD requires the establishment of a one-time endowment to cover the costs of on-going maintenance in

Appropriation of Funds, Conservation Area Endowment Fund

Page 2

February 20, 2013

perpetuity for the conservation area. The cost of the endowment to be appropriated is an amount not-to- exceed \$50,000.00. This endowment covers the 15.39-acre conservation area required from the Hamner Widening project (or the City's portion). The additional conservation acreage (6.1 acres) for the transfer of the on-site Silverlakes mitigation area is the responsibility of Balboa Management Group, LLC.

**FINANCIAL IMPACT:** A resolution has been prepared to appropriate an amount not-to-exceed \$50,000 for the Hamner Widening Conservation Area from the Street Improvement Fund.

Attachment: Resolution No. 2013-10

## RESOLUTION NO. 2013-10

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROPRIATING FUNDS IN AN AMOUNT NOT-TO- EXCEED \$50,000 FOR THE HAMNER AVENUE WIDENING PROJECT AND SILVERLAKES MITIGATION TRANSFER CONSERVATION AREA

WHEREAS, the Norco City Council ("Council"), has approved a Capital Improvement Program for the construction of public improvements for the benefit of the Community; and

WHEREAS, the Hamner Avenue Widening project will benefit the City of Norco by improving City-wide and regional circulation and access into the Silverlakes Equestrian and Sports Park; and

WHEREAS, funds are required to establish an endowment for the maintenance in perpetuity of a conservation area (21.5 acres) to mitigate the loss of riparian habitat due to the Hamner Avenue Widening and the Silverlakes Equestrian and Sports Park projects; and

WHEREAS, this appropriation covers the City's portion of the endowment cost related to the Hamner Avenue Widening Project; and

WHEREAS, funding is available through the Street Improvement Fund (Fund 149).

NOW THEREFORE, BE IT RESOLVED that the amount not-to-exceed \$50,000 shall be appropriated from the Street Improvement Fund (Fund 149) as the City's portion to establish the endowment for the maintenance in perpetuity of a conservation easement to be granted to the Inland Empire Resource Conservation District.

PASSED AND ADOPTED by the City Council at a regular meeting held on February 20, 2013.

---

Mayor of the City of Norco, California

ATTEST:

---

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

Resolution No. 2013-10

Page 2

February 20, 2013

I, BRENDA K. JACOBS, City Clerk of the City of Norco, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California at a regular meeting thereof held on February 20, 2013 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 20, 2013.

---

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

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY:  Steve King, Planning Director

DATE: February 20, 2013

SUBJECT: Swap Meet Permit 2013-1 (Norco Trading Post): Proposed Outdoor Market-Style Business in the Main Parking Lot of Norco College (2001 Third Street)

RECOMMENDATION: Adopt **Resolution No. 2013-07**, approving Swap Meet Permit 2013-01 at (Norco College) 2001 Third Street.

**SUMMARY:** The applicant, The Norco Trading Post, has a long term agreement with The Riverside Community College District to hold a weekly (Saturday and Sunday) outdoor market-style business on the Norco College Campus. According to the Norco Municipal Code, the operator must acquire a "Swap Meet Permit" from the City Council.

**BACKGROUND/ANALYSIS:** The Norco Trading Post will be held in the main parking lot of Norco College (ref. Exhibit A – Location Map; Exhibit B – Site Map). The first phase (approximately two years) will have up to 200 vendors and be located in Parking Lot B (Exhibit B) with event parking in Parking Lot A and in the parking area next to JFK Middle College/High School. As the event grows, exhibitor spaces will be expanded into Parking Lot B and the parking previously located there will be moved westerly to Center Drive.

Once fully developed, the event will have up to 350 exhibitor spaces, with projected 500 to 1,000 attendees per day. The hours of operation are from 6:00 a.m. to 6:00 p.m. every Saturday and Sunday except for major holidays. The agreement with the Riverside Community College District dictates that set up operations can begin on Fridays at 9:00 p.m. with tear-down and clean-up operations no later than Mondays at 6:00 a.m. Public entry hours are from 8: a.m. to 5:00 p.m. daily. Exhibitor booths and spaces are left constructed overnight from Saturday to Sunday.

The operator is required under its agreement with the College, to provide portable restrooms that must be removed after every weekend the event occurs. The college has also agreed to allow usage of on-campus restrooms that are close to the event site.

The operator is required to provide its own security. College police personnel have the right to enter the property as necessary. Likewise, Norco Sheriff's Department has the

right to enter the property as it deems necessary but is not obligated to provide on-going security for market weekends. The project has been conditioned so that if temporary traffic control is needed on Hamner Avenue at Third Street that will be provided by the operator at the direction of the Public Works Director and/or the Sheriff's Department, with provisions for reimbursement of direct costs.

The Norco Municipal Code requires City Council approval of swap meet permits and does not limit the number of events that can occur on any specific property. The business model that the Code is based on is an event that occurs once or twice a year and the City fee schedule is based on that model. The Norco Trading Post has a long-term lease, which is a different business model, so it is not specifically covered by our current fee schedule.

The proposed fees for this business, that have been included in the conditions of approval, compared to the existing fee schedule, are shown below. The Swap Meet Application Permit is a one-time processing fee for review and approval of the project (weekly market events) and is paid by the operator. The Business License Fees are renewed annually and are currently paid by both the operator and the exhibitors. In the case of the Norco Trading Post, the operator would pay an annual fee to cover exhibitors. Those would be covered by a \$500 annual fee paid by the operator. The \$500 fee would be set for five years after which the fee could be adjusted upon consultation with the operator.

FEES	EXISTING	PROPOSED
SWAP MEET PERMIT (paid by operator)	\$40/day (approx. \$4,000)	\$2,000
BUSINESS LICENSE:		
Tax (paid by operator)	\$60	\$60 \$500 (for exhibitors)
Tax (paid by exhibitor)	\$60	--
Processing Fee (operator)	\$27 (1 <sup>st</sup> ), \$15 (renewal)	\$27 (1 <sup>st</sup> ), \$15 (renewal)
Processing Fee (exhibitor)	\$27 (1 <sup>st</sup> ), \$15 (renewal)	--
FIRE INSPECTION FEE (paid by operator)	\$150 per event	\$150 per year (more as needed)

The Norco Trading Post is required to ensure that all vendors, unless exempt, hold the appropriate State Board of Equalization Swap Meets, Flea Markets, or Special Event Seller's Permit with Norco listed as the "point of sale." This will be verified with monthly or quarterly lists of participants.

FINANCIAL IMPACT: A one-time application of fee of \$2,000 will be collected. Also, a City business license tax will be paid by the operator (\$60 annually plus a \$27 processing fee which lowers to \$15 annually with renewal), as well as a flat \$500 annual business tax fee to cover vendors. An annual fire inspection fee of \$150 will be paid as well as fees for any other fire inspections as needed throughout the year. After five years, the flat annual vendor business tax fee can be re-evaluated and adjusted. Each vendor is required to report sales at the Norco Trading Post with Norco listed as the "point of sale" for sales tax collection. It is unknown what the total sales tax generation will be, however; Norco does receive a portion of all sales tax paid in the City, so these will be additional revenues for the City's General fund.

Attachments: Resolution No. 2013-07  
Exhibit "A" – Location Map  
Exhibit "B" – Site Plan

## RESOLUTION NO. 2013-07

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, GRANTING WITH CONDITIONS, A WEEKLY (SATURDAYS AND SUNDAYS) SWAP MEET PERMIT IN THE PARKING LOT OF NORCO COLLEGE AT 2001 THIRD STREET. SWAP MEET PERMIT 2013-01**

WHEREAS, NORCO TRADING CO. submitted an application for a swap meet to the City of Norco, California under the provisions of Chapter 5.28, Title 5 of the Norco Municipal Code, for property located at 2001 Third Street (APN 126-020-002, 129-210-005); and

WHEREAS, at the set time; at 7 p.m. on February 20, 2013 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the City Council for the City of Norco; and

WHEREAS, at said time and place set, said City Council considered the aforesaid application and received both oral and written testimony pertaining to said application; and

WHEREAS, the City of Norco acting as the Lead Agency, has determined that the project is exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Category 1.

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

1. The operation or conduct of the requested event will not be contrary to the public peace, health, safety and welfare of the City since the event will be conducted entirely on property of Norco College and operators will provide temporary traffic control if needed.
2. The applicant can and will as a condition of approval, submit monthly or quarterly lists of vendors/exhibitors with satisfactory evidence that a California State Board of Equalization resale number has been obtained by each vendor/exhibitor, unless exempted, listing Norco as the point of sale.
3. The applicant has submitted satisfactory evidence that adequate and safe parking accommodations will be provided for the swap meet.
4. The applicant has submitted satisfactory evidence that adequate restroom facilities will be provided for participants in the swap meet and the anticipated members of the public who are expected to attend the swap meet.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norco, California, in session assembled February 20, 2013 that the application for Swap Meet 2013-01 is approved, subject to the conditions provided in Chapter 5.28 of the Municipal Code of Norco, and including but not limited to the following conditions:

1. Approval is based on Exhibit "B" – Site Plan dated February 14, 2012 and incorporated herein by reference and on file with the Planning Division. The event shall occur as shown unless otherwise noted in these conditions.
2. The application fee for the Swap Meet Permit Application shall be submitted within 30 days of approval to the Planning Division. The application fee is \$2,000.00.
3. The operator shall obtain a Norco Business License and pay the annual business license tax of \$60.00 plus a first year processing fee of \$27 for a total of \$87.00. The business license shall be renewed annually at a cost of \$60.00 for the business license tax with a renewal processing fee of \$15.00 for a total of \$75.00, or as adjusted to reflect current taxes and fees by the City Council.
4. The operator shall pay an annual flat-rate fee of \$500.00 for the first five years of operation. The annual flat-rate fee shall be subject to revision by the City after five years and after review and consultation by the City with the operator.
5. The operator shall pay an annual \$150.00 fire inspection fee. This fee is subject to adjustment based on the actual number of inspections required to ensure public safety.
6. The applicant and recorded owner of the property shall submit to the Planning Division for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
7. The project shall be in compliance with all applicable City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
8. In the event conditions for approval by the City Council require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes.

9. No expansion of use/event beyond the scope and nature described in this application which would tend to increase the projected scale of operations shall be permitted except upon application for and approval of modification of this application in compliance with all procedures and requirements thereof.
10. The sale, trade, exchange and barter of flammable liquids, including but not limited to gasoline, kerosene, acetone, thinners and solvents; ammunition and blasting agents; liquid petroleum gases or other combustible gases; any type of fireworks, acids, caustics or oxidizing agents is strictly prohibited.
11. The sale, trade, barter or exchange of live animals or birds shall not be allowed.
12. The provision (at permittee's expense) of any number of law enforcement officials or event control apparatus deemed necessary to provide adequate crowd and traffic control for the swap meet may be required by staff upon review and consultation by the City with the operator and/or the College District.
13. Every person who desires to exhibit for sale, barter, trade or exchange identifiable, tangible personal property at a swap meet shall, before he or she is permitted to exhibit such identifiable, tangible personal property at the swap meet, furnish to the operator of the swap meet or a person designated in advance by the operator to receive such information, a written notice containing all of the following information:
  - a. The name and current address of the person who desires to exhibit for sale, barter, exchange or trade identifiable tangible personal property at the swap meet;
  - b. An accurate description, including any identifying manufacturer's or license number, of every item of identifiable, tangible personal property which such person will exhibit at the swap meet for sale, barter, trade or exchange; and
  - c. The name and current address of the owner of every item of identifiable, tangible personal property which such person will exhibit at the swap meet for sale, barter, trade or exchange.
14. Every person who sells, barter, trades or exchanges any identifiable, tangible personal property at a swap meet shall furnish to the operator of the swap meet, or a person designated in advance by such operator to receive such information, a written notice containing all of the following information with respect to each such sale or exchange:

- a. An accurate description, including any identifying manufacturer's or license number, of the identifiable, tangible personal property which was sold, bartered, traded or exchanged;
  - b. The name and current address of the person selling, bartering, trading or exchanging the identifiable, tangible personal property;
  - c. The name and current address of the person who purchased or received the identifiable, tangible personal property.
15. As needed, and upon demand, the operator of the swap meet shall transmit information received pursuant to Conditions 13 and 14 to the Riverside County Sheriff on a form prescribed or approved by the Sheriff's Department.
16. The operator shall provide monthly or quarterly lists (whichever is most convenient) of participants to the City Finance Department demonstrating that vendors/exhibitors have obtained the appropriate State Board of Equalization Swap Meets, Flea Markets, or Special Event Seller's Permit with the City of Norco listed as the point of sale.
17. The sale of alcohol shall be prohibited, with the exception of beer and wine which is permitted, subject to the approval of the appropriate license from the State Department of Alcoholic Beverage Control.
18. The operator shall keep clear and accessible, at all times the event is operating, Fire Department access including main access points.
19. All fire hydrants shall be kept clear and un-obstructed.
20. Temporary canopies 400 square feet or larger, and tents 220 square feet or larger, shall require additional inspections from the Fire Department including the payment of inspection fees prior to use at a market event.
21. A one-time Special Event Sign Permit, including the payment of an application fee, shall be submitted for review and approval to the Planning Division to cover all temporary signs that will be used from week-to-week at the same locations to advertise and guide traffic for market events at least two weeks prior to the first scheduled market event.
22. The applicant/operator shall comply with all applicable City requirements including but not limited to the Fire and Sheriff's Departments.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 20, 2013.

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

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a regular meeting held on February 20, 2013 by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California February 20, 2013.

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



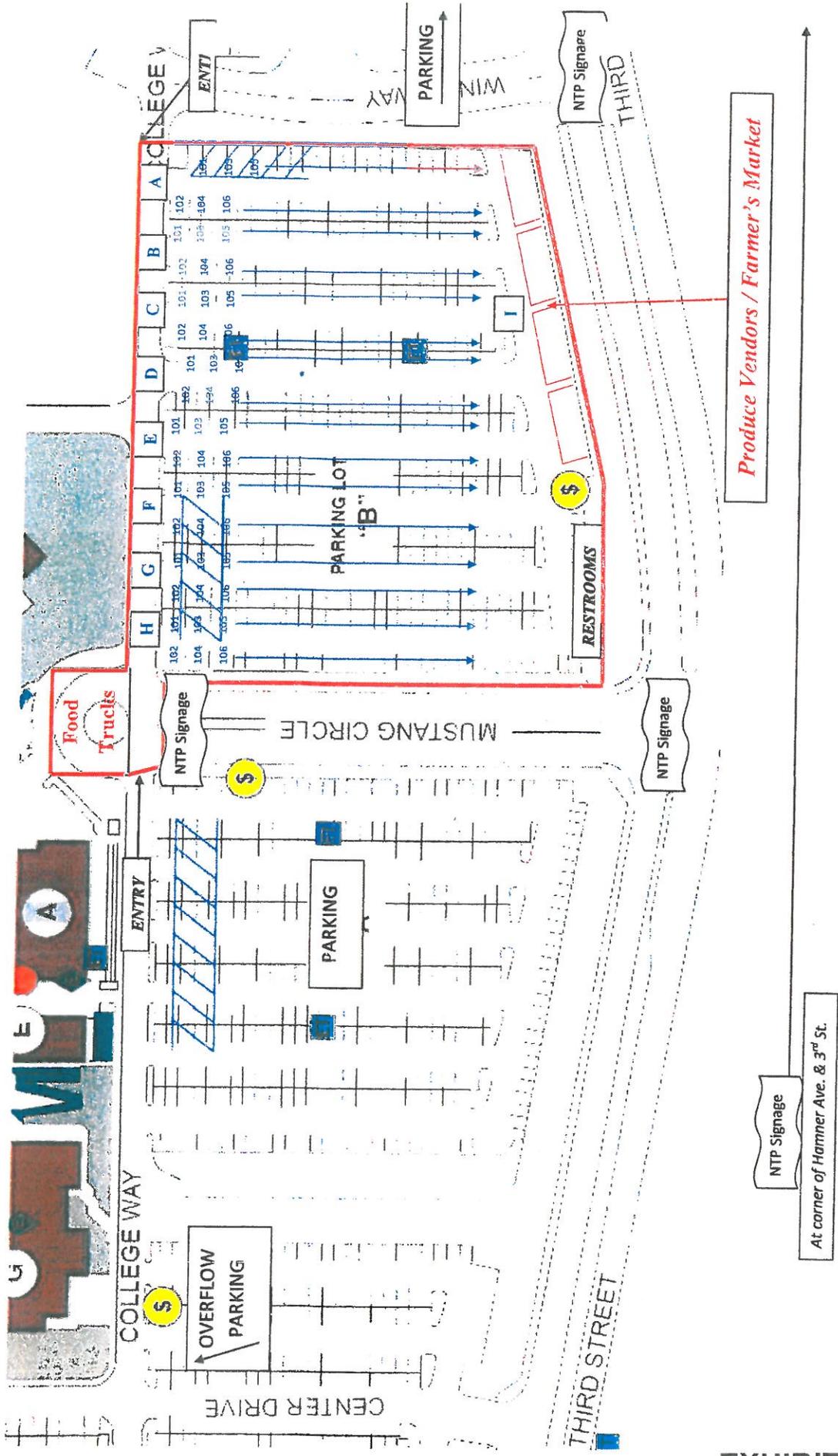


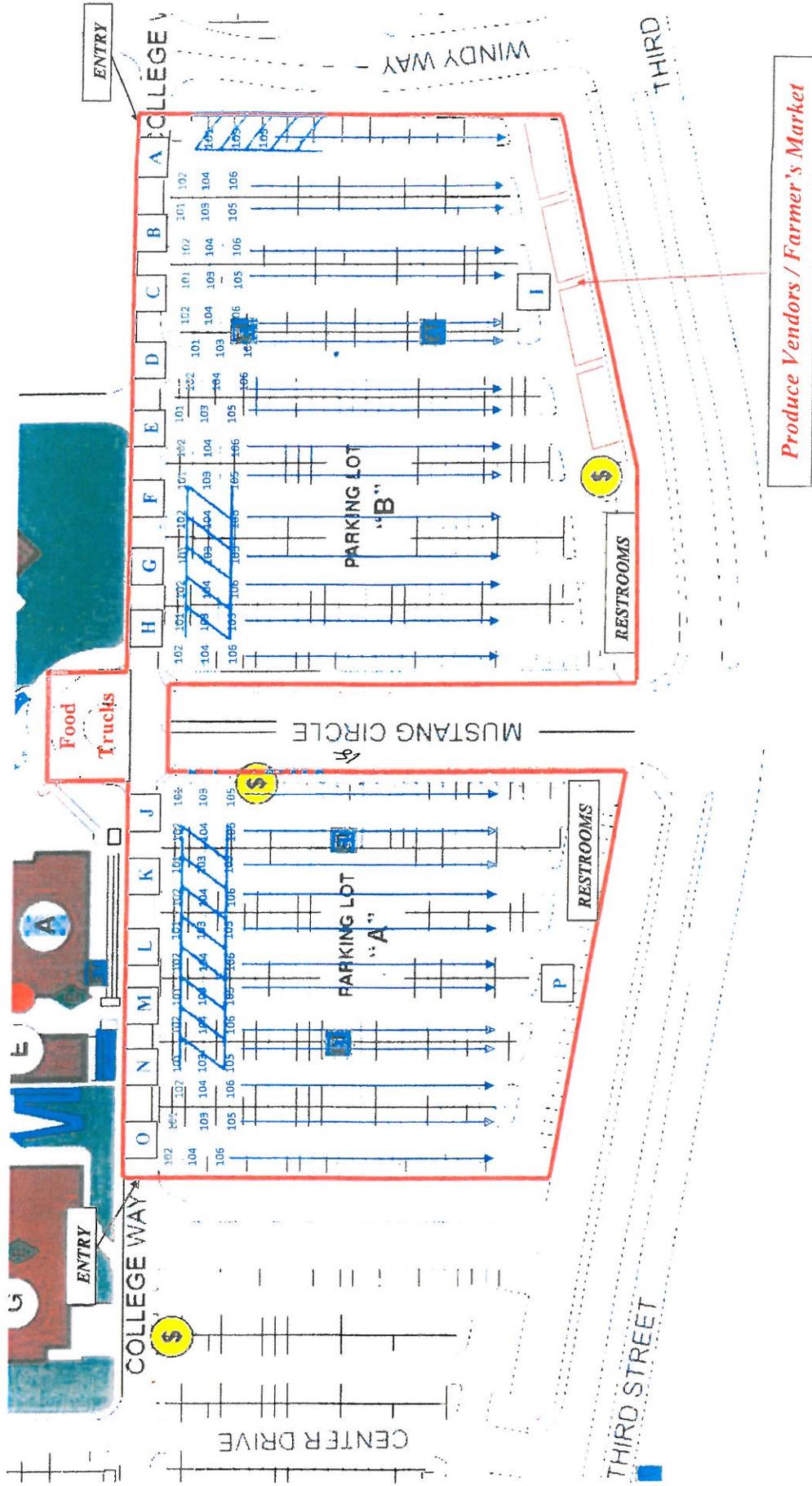
EXHIBIT "B"

Produce Vendors / Farmer's Market

NTP Signage  
At corner of Hammer Ave. & 3<sup>rd</sup> St.

FEB 11 2013

BY: \_\_\_\_\_



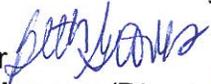
Produce Vendors / Farmer's Market

FEB 11 2013

BY: .....

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

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

DATE: February 20, 2013

SUBJECT: Mid-Year Amendments to Fiscal Year 2012-2013 Annual Operating Budget

RECOMMENDATION: Adopt **Resolution No. 2013-08**, approving various Mid-Year Amendments to the Fiscal Year 2012-2013 Annual Operating Budget and authorizing changes in appropriations and revenues thereto.

**SUMMARY:** The recommended mid-year budget revisions increases estimated General Fund revenues by a net amount of \$1,264,349 primarily due to projected increase in sales and property tax revenues; and one-time receipt of revenues arising from the dissolution of the Redevelopment Agency and reimbursement from the Department of Energy (DOE). General Fund expenditures are recommended to be increased by \$440,020 primarily to make the minimum annual required contribution for unfunded post-retirement healthcare liabilities; and to fund other projected increases to General Fund expenditures. The net result of the recommended mid-year revenue and expenditure budget revisions would be an addition of \$824,329 to estimated General Fund's fund balance. While this is good news, it is important to note that excluding the effects of one-time items, the FY 2012-2013 General Fund operating budget still has a structural deficit of \$334,264. Attachment A provides detail recommended General Fund revenue adjustments by line items while Attachment B provides a listing of recommended General Fund expenditure adjustments.

**BACKGROUND/ANLYSIS:** The City's Operating Budget for Fiscal Year 2012-2013 was adopted by the City Council on June 6, 2012. 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.

## **Proposed General Fund Revenue Adjustments:**

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 2013 after the budget was adopted. The assessed value information from the County showed no notable change from the

FY 2011-2012 numbers. However, due to certain one-time revenue items related to the dissolution of the Redevelopment Agency (RDA) and a change in the way the County Auditor Controller calculates property tax administration fees, staff estimates that property tax revenue amount would exceed the adopted budget amount by \$485,198 (See Attachment A).

- a. Following the dissolution of the RDA, cities were required to undergo a Due Diligence Review (DDR) to determine the amount of funds that were available in the dissolved RDA to be transferred to the County Auditor Controller for re-distribution to the taxing entities in the dissolved RDA. The DDR for the Low-to-Moderate Income Housing Fund (LMIHF) of the dissolved RDA was completed and submitted to the Department of Finance (DOF) on October 11, 2012. On November 7, 2012, the DOF completed its review of the DDR of LMIHF and agreed without any change the DDR's determination that \$3,160,089 of available funds remained in the LMIHF at the time the RDA was dissolved. The City, acting as the Successor Agency to the dissolved RDA, transmitted this amount to the County Auditor Controller for re-distribution to the taxing entities. The City's share of this amount was \$314,347. This one time revenue was not included in the FY 2012-2013 adopted budget and staff is now recommending that the amount be recognized as additional General Fund property tax revenue.
- b. Recently, the California Supreme Court held that the Los Angeles County Auditor Controller overcharged cities since FY 2006-2007 for property tax administration fees. The Riverside County Auditor Controller follows the same methodology as the Los Angeles County Auditor Controller. Consequently, the Riverside Auditor Controller has also overcharged cities in Riverside County, including the City of Norco, for property tax administration fees. The City has filed a claim against the County Auditor Controller estimated to be \$300,000. Parts of the claim have already been administratively rejected due to statute of limitation. Meanwhile, the County Auditor Controller has changed the way it calculates property tax administration fee effective FY 2012-2013. As a result of this change the City of Norco is expected to receive additional \$48,000 in property tax above the amount included in the adopted budget.
- c. Due to the dissolution of the RDA, taxing entities, including the City of Norco, are entitled their proportionate share of any residual revenues after recognized obligations are paid. Based on the distribution for the first half of the fiscal year, the City is expected to receive an allocation of \$120,000 from residual property tax increment. This amount is not included in the adopted budget.

2. **Sales Tax:** Sales tax is a major component of General Fund revenues. Sales tax revenue for FY 2012-2013 budget year was estimated based on state-wide estimated increase and City specific revenue data from FY 2011-2012. Based on actual sales tax receipts through January 31, 2013 and revised information provided by the City's sales tax consultant, staff is now estimating that sales receipt for FY 2012-2013 would exceed the current estimated budget amount by \$425,991.
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 revenues received through January 2013, staff is recommending increasing public safety sales tax, transient occupancy tax and property transfer tax by \$72,895 (See Attachment A). The estimated increase in public safety sales tax is consistent with anticipated fiscal year increase in sales tax. The estimated increase in property transfer tax is based on increased real property sales transaction in the City, while the recommended increase in transient occupancy tax reflects better than anticipated occupancy rate in available hotel and motel rooms.
4. **Vehicle License Fee:** A slight positive adjustment of \$17,291 is being recommended based on actual revenue received and other information from the state as of February 11, 2013.
5. **Intergovernmental Revenues:** This category includes reimbursement of cost from other local and state governmental agencies. Based on lower than anticipated reimbursements for state mandated cost claims, staff is recommending revenue reduction of \$24,376.
6. **Fines and Penalties:** This category comprises of vehicle and municipal code related violation fines. Due to lower than anticipated receipt through January 31, 2013, staff is recommending a net reduction of \$3,500 as detailed on Attachment A.
7. **Interest and Lease Income:** This category includes investment earnings, Silverlakes property, library, and cellphone site lease revenues. Two new cellphone sites for Metro PCS and T-Mobile were inadvertently not included in the FY 2012-2013 adopted budget. The estimated annual revenues for these two sites are \$48,437. Library lease revenue totaling \$36,899 was not included in the budget and investment earnings income is projected to be higher than the amount in the budget by \$5,000. Overall, this revenue category is recommended to be increased by \$90,336 (See Attachment A).
8. **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 be within budget, planning and engineering fees are estimated to come below budget. The net recommended decrease in revenues from these activities is \$76,512 (See Attachment A).

9. **Community Services Fees:** Community Services fees include charges for various park and recreation programs, facility rentals, and other related fees. Due to the new model implemented regarding the rental of Ingalls arena including fee bundling, multi-day and weekday rentals, rental usage of the arena has increased. Similarly, revised fee structure has also increased the amount recovered for field light costs for various sporting events. As a result of the improved rental usage and cost recovery, community services revenues for Ingalls Park North and South and field light revenues are projected to increase by \$54,702 above the amount in the adopted budget (See Attachment A)
10. **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, 2013 staff is projecting that total receipts from these revenue sources should exceed budget by \$21,950 primarily due to premium reimbursements from Public Entity Risk Management Authority (PERMA). For additional information, please see Attachment A.
11. **Overhead Reimbursements and Transfers:** As part of the dissolution of the RDA, Successor Agencies are required to prepare and submit a Recognized Obligations Payments Schedule (ROPS) for review and approval by the DOF. For the FY 2012-2013 ROPS staff requested reimbursement for the cost of unfunded accrued post-retirement healthcare obligations and unfunded accrued pension obligation. The requested amount is intended to represent the proportionate share of these costs that are attributable to employees that performed services for the dissolved RDA. At the time of FY 2012-2013, staff did not hold much hope that the requested reimbursement would be approved by the DOF. Since then, the DOF has reviewed and approved the City's request. Consequently, the City will receive \$108,264 in FY 2012-2013. Additionally, staff recently filed a final report with the Department of Energy (DOE) on the \$750,000 grant awarded to the City for manure to energy project. As part of the final report, DOE agreed to allow \$106,166 of remaining funds to be applied towards City administrative cost in managing the engineering feasibility and environmental impact studies. This amount will be credited to the General Fund.

**Proposed General Fund Expenditure Adjustments:**

**Contribution to Fund Post-Retirement Healthcare Liability:** As a result of projected General Fund budget shortfall during the FY 2012-2013 budget process, the annual required contribution to fund accrued unfunded post-retirement healthcare obligations was included in the budget. As a result of the positive revenue adjustments for this mid-year budget review, staff is recommending that City Council approve appropriation in the amount of \$300,000 to make the annual required contribution. As June 30, 2012, the City was \$844,000 behind in its progress towards funding for unfunded post-retirement healthcare obligations. Without this contribution, the City would fall further behind by the end of FY 2012-2013. As previously discussed in the revenue section of this report, it is important to note that \$108,000 of this amount is available from reimbursement to the City as Successor Agency to the dissolved RDA.

**Successor Agency Professional and Contractual Services:** The City serves as the Successor Agency to the former Norco Community Redevelopment Agency. As the Successor Agency, the City is responsible for performing various administrative tasks that are required under the dissolution act to wind down the activities of the dissolved agency. While most of the required tasks are being performed by City staff, some tasks require assistance from experts such as auditors, financial advisors, real estate agents, bond disclosure agents, legal counsel, etc. In order to pay for the required expert professional services, staff is requesting a \$30,000 appropriation for FY 2012-2013. It is to be noted that the General Fund is reimbursed approximately \$250,000 annually to cover the costs to the City for serving as a the Successor Agency.

**Reimbursement to California Department of Forestry and Fire Protection:** For several years, the California Department of Forestry and Fire Protection overpaid the City of Norco for Strike Team reimbursements due to errors in submitted workers compensation reimbursement rate. The initial agreement was for the state to deduct the overpayment from future strike team reimbursements to the City. However, with the contracting out of City fire services, the offset agreement is no longer feasible. Instead, the City has agreed to reimburse the state \$15,673.39 each quarter for eight quarters in order to pay off the remaining balance of \$125,387. For FY 2012-2013, the City will pay for three quarters totaling \$47,020. Staff is requesting additional appropriation to make the FY 2012-2013 payments.

**Repairs and Replacement of Roofs and Air Conditioner:** Several City buildings including fires stations 47, 57 and the gymnasium are in need of roof repairs and replacements. Additionally, one of the air conditioning units at City Hall needs to be replaced. The costs to replace/repair these items were not included in the adopted budget. Staff is now requesting additional appropriation in the amount \$47,020 to make the necessary repairs and replacements.

**City Attorney Legal Costs:** City attorney services are currently being provided on a monthly retainer which covers all services provided by the City Attorney except for code enforcement cases. Due to unplanned code enforcement cases which must now be resolved, the budget for City Attorney services needs to be increased by \$15,000 to cover the cost of handling these cases. The potential exists for recovery of some code enforcement related costs through court actions.

**FISCAL IMPACT:**

The mid-year budget revisions are estimated to add \$824,329 to the fund balance for FY 2012-2013. However, it is important to note the mid-year budget revisions and the FY 2012-2013 adopted budget include one-time revenues totaling \$1,060,603 and \$100,000 of expenditure deferrals. Excluding all the effects of one-time items, the FY 2012-2013 General Fund budget still has a structural deficit of \$334,264.

Attachments: Resolution No. 2013-08

## RESOLUTION NO. 2013-08

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING VARIOUS MID YEAR AMENDMENTS TO FISCAL YEAR 2012-13 ANNUAL BUDGET AND AUTHORIZING CHANGES IN APPROPRIATIONS AND REVENUES THERETO

WHEREAS, the Fiscal Year 2012-13 annual budget for the City of Norco, California was adopted by the City Council on June 6, 2012; 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 2012-13.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco at a regular meeting held on February 20, 2013 approved the budget changes listed on Attachments "A & B".

NOW, THEREFORE, BE IT ALSO BE RESOLVED that the City Council of the City of Norco at a regular meeting held on February 20, 2013 approved the staff changes.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 20, 2013

---

Mayor of the City of Norco, California

ATTEST:

---

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 20, 2013, 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 20, 2013.

---

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

/jk

Attachment: Exhibit "A & B"

*City of Norco, California*  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
<b>Property Taxes</b>			
121-000-50100 Current Secured Taxes	\$ 1,020,000	1,068,000	48,000
121-000-50105 Current Unsecured	51,588	49,349	(2,239)
121-000-50115 Homeowner's exemption	14,000	17,000	3,000
121-000-50120 Prior Years Sec'd & Unsec'd	72,000	72,000	-
121-000-50125 Supplemental Taxes	15,000	19,000	4,000
Share of LMIHF Fund Balance	-	314,437	314,437
121-000-50140 Tax Increment - Pass-through	-	120,000	120,000
121-000-50135 Tax Penalty	6,000	4,000	(2,000)
<b>Total</b>	<b>1,178,588</b>	<b>1,663,786</b>	<b>485,198</b>
<b>Sales Taxes</b>			
121-000-50150 Sales Tax	3,255,840	3,614,418	358,578
121-000-50155 In-lieu Sales Tax	1,090,380	1,157,793	67,413
<b>Total</b>	<b>4,346,220</b>	<b>4,772,211</b>	<b>425,991</b>
<b>Other Taxes</b>			
121-000-50160 Public Safety Sales Tax	239,700	250,470	10,770
121-000-50165 Property Transfer Tax	68,000	98,000	30,000
121-000-50170 Transient Occupancy Tax	208,000	240,000	32,000
121-000-50185 Business Licenses	215,000	215,000	-
121-000-57330 Ranch Licenses	-	125	125
121-000-57335 Poultry License Fees	-	-	-
<b>Total</b>	<b>730,700</b>	<b>803,595</b>	<b>72,895</b>

**City of Norco, California**  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
<b>Franchise Fees</b>			
121-000-52100 Cable TV Franchise	192,000	192,000	-
121-000-52105 Electric Franchise	235,000	235,000	-
121-000-52110 Gas Franchise	102,000	102,000	-
121-000-52115 Refuse Franchise	480,000	480,000	-
<b>Total</b>	<b>1,009,000</b>	<b>1,009,000</b>	<b>-</b>
<b>Motor Vehicle in- Lieu Fees</b>			
121-000-52200 Motor Vehicle In-Lieu	1,957,000	1,974,291	17,291
<b>Total</b>	<b>1,957,000</b>	<b>1,974,291</b>	<b>17,291</b>
<b>Intergovernmental</b>			
121-000-53525 CNUSD - Crossing Guards Reimb	28,295	28,295	-
121-000-53535 City of Corona	10,000	10,000	-
121-000-57620 State Mandated Cost Reimbursement	34,011	9,635	(24,376)
<b>Total</b>	<b>72,306</b>	<b>47,930</b>	<b>(24,376)</b>
<b>Fines and Penalties</b>			
121-000-54100 Vehicle Code Fines	25,000	25,000	-
121-000-54105 Parking Citations	10,000	15,000	5,000
121-000-54110 Municipal Code Violations	3,500	-	(3,500)
121-000-54120 Vehicle Impound Fees	20,000	15,000	(5,000)
<b>Total</b>	<b>58,500</b>	<b>55,000</b>	<b>(3,500)</b>
<b>Interest Income/Lease</b>			
121-000-54200 Interest Income	10,000	15,000	5,000
121-000-54215 Library and Silverlakes Lease	393,060	429,959	36,899
121-000-54220 Communication Site Leases	58,563	107,000	48,437
<b>Total</b>	<b>461,623</b>	<b>551,959</b>	<b>90,336</b>

**City of Norco, California**  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
<b>Community Development Fees</b>			
<i>Planning:</i>			
121-000-55100	29,011	29,011	-
121-000-55105	9,586	4,733	(4,853)
121-000-55110	2,926	-	(2,926)
121-000-55120	-	-	-
121-000-55125	16,647	5,699	(10,948)
121-000-55165	-	1,813	1,813
121-000-55145	6,252	3,126	(3,126)
121-000-55155	6,626	4,200	(2,426)
121-000-55160	1,813	1,813	-
121-000-55170	1,760	2,200	440
121-000-55195	6,000	2,500	(3,500)
121-000-55200	284	-	(284)
121-000-55205	690	700	10
121-000-55210	630	640	10
121-000-55220	658	500	(158)
121-000-55235	854	854	-
121-000-55265	1,259	1,000	(259)

*City of Norco, California*  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
<b>Building &amp; Safety:</b>			
121-000-55300	4,500	4,500	-
121-000-55305	80,000	80,000	-
121-000-55310	145,000	145,000	-
121-000-55315	18,000	18,000	-
121-000-55320	9,000	9,000	-
121-000-55325	11,000	11,000	-
121-000-55330	1,000	1,000	-
121-000-55335	2,000	2,000	-
<b>Engineering:</b>			
121-000-55400	40,454	26,325	(14,129)
121-000-55405	5,019	1,744	(3,275)
121-000-55410	7,876	1,536	(6,340)
121-000-55415	1,784	974	(810)
121-000-55420	3,000	-	(3,000)
121-000-55425	22,211	2,000	(20,211)
121-000-55430	5,383	2,843	(2,540)
<b>Total</b>	<b>441,223</b>	<b>364,711</b>	<b>(76,512)</b>
<b>Community Services/Recreation</b>			
121-000-55515	26,780	26,780	-
121-000-55525	58,102	58,102	-
121-000-55545	-	-	-
121-000-55600	72,708	72,708	-
121-000-55615	281,513	281,513	-
121-000-55625	2,000	2,000	-
121-000-55805	-	-	-

**City of Norco, California**  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
121-000-56200 Self Defense	-	-	-
121-000-56205 Karate	-	-	-
121-000-56250 Dog Obedience	1,119	1,119	-
121-000-56255 Horsemanship	1,260	1,260	-
121-000-56400 Ingalls Park/North	12,500	31,388	18,888
121-000-56405 Ingalls Park/South	36,000	60,640	24,640
121-000-56420 Bleacher Rentals	6,300	6,300	-
121-000-56425 Community Center	9,359	9,359	-
121-000-56422 Rental Services	5,680	5,680	-
121-000-56423 Rental Facility Insurance	1,960	1,960	-
121-000-56430 Field Lighting	22,000	33,174	11,174
121-000-56435 Shelter Rental	2,620	2,620	-
121-000-56445 Security Guards	11,500	11,500	-
121-000-56450 Cleaning Fees	7,500	7,500	-
121-000-56455 Cleaning Fees - Restrooms	780	780	-
121-000-56620 Concerts in the Park	2,000	2,000	-
121-000-56625 Day of the Cowboy	5,000	5,000	-
121-000-56810 Senior Special Events	1,200	1,200	-
121-000-56815 Wee People Special Events	970	970	-
121-000-56905 Banner Installation	1,960	1,960	-
121-000-56910 Parks & Rec Misc Revenue	13,000	13,000	-
121-000-55605 Private Youth Sports	9,198	9,198	-
121-000-55610 Triflytt Sports	1,180	1,180	-
121-000-56210 Taekwon-do	5,423	5,423	-
121-000-56600 Breakfast with Santa	750	750	-
121-000-56605 Horse Parade	25,000	25,000	-
121-000-56800 Party Pardners Donations	1,500	1,500	-

**City of Norco, California**  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
121-000-56902 P&R After Hours	1,000	1,000	-
121-000-56900 AC After Hr Call Reimb	1,000	1,000	-
<b>Total</b>	<b>628,862</b>	<b>683,564</b>	<b>54,702</b>
<b>Other Revenues</b>			
121-000-55185 Fire Permit	18,000	18,000	-
121-000-57150 Refuse Billing & Collection	66,000	66,000	-
121-000-57155 Penalties	275,000	275,000	-
121-000-57210 NCP Donations	1,000	500	(500)
121-000-57305 Impound Fees	8,000	8,000	-
121-000-57310 Adoption Fees	12,000	12,000	-
121-000-57315 Spay & Neuter Services	22,000	22,000	-
121-000-57320 Animal Shelter Donation	7,000	7,000	-
121-000-57325 Dog Licenses	110,000	110,000	-
121-000-57340 Misc. Animal Control Fees	4,526	4,526	-
121-000-57400 Emergency Medical Subscription	352,000	341,000	(11,000)
121-000-57415 Ambulance Fines (Restricted)	6,000	4,000	(2,000)
121-000-57430 Fire Fees	3,000	5,500	2,500
121-000-57440 Fire Inspection Fee	75,000	78,000	3,000
121-000-57445 Fire Plan Check Fees	30,000	30,000	-
121-000-57470 Weed & Lot Clearing	4,000	5,000	1,000
121-000-57610 Reimbursements	40,000	70,000	30,000
121-000-57700 Business License Renewal	28,000	29,000	1,000
121-000-57705 Business License Penalty	11,500	9,000	(2,500)
121-000-57715 License Processing Fees	20,000	15,000	(5,000)
121-000-57730 Yard Sale Permits	1,200	1,200	-
121-000-57815 Finger Printing	2,800	2,000	(800)

**City of Norco, California**  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
121-000-57825 Public Record Sales	400	150	(250)
121-000-57345 AC Software Maintenance Fee	-	6,500	6,500
121-000-57915 Miscellaneous	13,000	13,000	-
<b>Total</b>	<b>1,110,426</b>	<b>1,132,376</b>	<b>21,950</b>
<b>Overhead/Reimbursements/Transfers</b>			
121-000-57600 Overhead Charge Water	362,216	362,216	-
121-000-57600 Overhead Charge Sewer	200,000	200,000	-
121-000-57600 Overhead Charge Senior Program	5,600	5,600	-
121-000-59215 Transfer - Air Quality	1,500	1,500	-
121-000-59400 Transfer In Special Asset RF	500,000	500,000	-
121-000-53232 DOE Reimbursement	-	106,166	106,166
Reimbursement for PERS and OPEB	-	108,264	108,264
121-000-59220 Reimb for Street Damage - Sewer	127,223	127,223	-
121-000-59220 Reimb for Street Damage - Water	127,223	127,223	-
121-000-59220 Admin Cost Reimb Successor Agency	250,000	235,944	(14,056)
121-000-59225 Miscellaneous Grants	14,399	14,399	-
121-000-59250 Overhead to CFDS	115,705	115,705	-
121-000-59255 Overhead to ASD	70,000	70,000	-
121-000-59300 Overhead to CIPS	53,000	53,000	-
121-000-59400 Overhead to LMDS	59,005	59,005	-
<b>Total</b>	<b>1,885,871</b>	<b>2,086,245</b>	<b>200,374</b>

*City of Norco, California*  
**FY 2012-2013 Projected General Fund Revenues**

	FY 2013 Budget	FY 2013 Mid- Year Estimate	Estimated Budget Amendment
<b>Revenue Category</b>	<b>Adopted Budget</b>	<b>Mid-Year Projections</b>	<b>Recommended Adjustments</b>
Property Taxes	\$ 1,178,588	1,663,786	485,198
Sales Taxes	4,346,220	4,772,211	425,991
Other Taxes	730,700	803,595	72,895
Franchise Fees	1,009,000	1,009,000	-
Motor Vehicle in- Lieu Fees	1,957,000	1,974,291	17,291
Intergovernmental	72,306	47,930	(24,376)
Fines & Penalties	58,500	55,000	(3,500)
Interest Income/Lease	461,623	551,959	90,336
Community Development Fees	441,223	364,711	(76,512)
Community Services/Recreation	628,862	683,564	54,702
Other Revenues	1,110,426	1,132,376	21,950
Overhead/Transfers	1,885,871	2,086,245	200,374
<b>Total</b>	<b>\$ 13,880,319</b>	<b>15,144,668</b>	<b>1,264,349</b>

**FY 2012-2013 Mid-Year General Fund Budget Revisions  
List of Additional Appropriations Request**

<b>Department</b>	<b>Description</b>	<b>Amount</b>
Non-Departmental	Contribution to Post-Retirement Healthcare Liability	\$ 300,000
Non-Departmental	Professional & Contractual Services - Successor Agency	30,000
Building Maintenance	Repairs and Replacement of Roofs and Air Conditioners	48,000
Fire	Reimbursement to Department of Forestry & Fire Protection	47,020
City Attorney	Legal Services for Receivership	15,000
	<b>Total</b>	<b>\$ 440,020</b>

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Geoff Pemberton, Battalion Chief

DATE: February 20, 2013

SUBJECT: Resolution Accepting a Grant in the Amount of \$5,009 from the FY2012 Home Security Grant Program (HSGP) to Begin a City Citizen Emergency Response Team (CERT) Program

RECOMMENDATION: Adopt **Resolution No. 2013-09.**

**SUMMARY:** Upon approval from the Council, the California Emergency Management Agency (CalEMA) will grant the City of Norco \$5,009 to begin a Citizen Emergency Response Team (CERT) program. This grant does not require a local match.

**BACKGROUND/ANALYSIS:** Staff submitted a request to CalEMA for a grant of \$5,009 to implement a City of Norco CERT program and purchase equipment.

In November 2012, CalEMA advised that they would grant \$5,009 to fund equipment purchases and training to implement a city CERT program. This grant program will follow the federal fiscal year beginning October 1, 2012 and ending on January 30, 2014.

CalEMA is funding the equipment purchases and training to begin a volunteer CERT program in the City of Norco. This program will train and provide emergency response equipment to citizen volunteers who will respond in the event of a City-wide declared emergency disaster.

Staff recommends that the Council accept the \$5,009 grant, increase revenue \$5,009 (122-000-53305), and increase appropriation and expenditure \$5,009 (122-761-30425) to fund equipment purchases and training to implement a CERT program in the City of Norco. Staff anticipates receiving and expending \$5,009 in FY2013. A copy of the letter of approval dated November 13, 2012 is attached.

**FINANCIAL IMPACT:** Accepting this grant of \$5,009 will provide equipment and training to implement a volunteer CERT program in the City of Norco.

/rlf-

Attachments: Grant Approval Letter  
Resolution No. 2013-09



**RIVERSIDE COUNTY FIRE DEPARTMENT**  
 IN COOPERATION WITH  
 THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

**John R. Hawkins ~ Fire Chief**  
 210 West San Jacinto Avenue ~ Perris, CA 92570  
 (951) 940-6900 ~ www.rvcfire.org

PROUDLY SERVING THE  
 UNINCORPORATED AREAS  
 OF RIVERSIDE COUNTY  
 AND THE CITIES OF:

- BANNING
- BEAUMONT
- CALIMESA
- CANYON LAKE
- COACHELLA
- DESERT HOT SPRINGS
- EASTVALE
- INDIAN WELLS
- INDIO
- JURUPA VALLEY
- LAKE ELSINORE
- LA QUINTA
- MENIFEE
- MORENO VALLEY
- PALM DESERT
- PERRIS
- RANCHO MIRAGE
- RUBIDOUX CSD
- SAN JACINTO
- TEMECULA
- WILDOMAR

**BOARD OF  
 SUPERVISORS:**

- BOB BUSTER  
DISTRICT 1
- JOHN TAVAGLIONE  
DISTRICT 2
- JEFF STONE  
DISTRICT 3
- JOHN BENOIT  
DISTRICT 4
- MARION ASHLEY  
DISTRICT 5

November 13, 2012

Chief Geoff Pemberton  
 City of Norco  
 3902 Hillside Ave.  
 Norco, CA 92860

RE: FY12 Homeland Security Grant Program (HSGP) Award - \$5,009  
 Grant #2012-SS-00123 CFDA#: 97.067

The California Emergency Management Agency (CalEMA) has approved Riverside County's FY12 Homeland Security Grant Program (HSGP) application and has authorized the commencement of expenditures and reimbursement requests. The overall performance period of this grant is October 12, 2012 – January 30, 2014. The following milestones have been set by the state for all projects:

<u>Project</u>	<u>Amount</u>	<u>Completion Date</u>
All Projects	\$2,309	10/31/2013

This letter serves as authorization to begin spending and requesting reimbursement of your Anti-Terrorism Approval Authority (ATAA) approved projects. Please remember that changes to your grant will require the approval of the OA prior to incurring any costs. All modifications, EHP's, sole source procurement, EOC and construction requests require additional approvals from CalEMA through the OA prior to incurring any costs. Your Agency's Financial Workbook outlining your approved spending is included on the CD provided to you at the Post Award Workshop.

By accepting this award it will be understood that you are agreeing to conform to the requirements of the grant as put forth in the FY12 Grant Assurances, the Federal Single Audit Act of 1984 and amendment of 1996.

As always, please feel free to contact me with any questions you may have. I look forward to working with you and appreciate your cooperation and support.

Regards,

Laronte Groom  
 Administrative Services Analyst II  
 Riverside County Fire/OES

## RESOLUTION NO. 2013-09

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA ACCEPTING A GRANT OF \$5,009 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CalEMA) AND INCREASING REVENUE, APPROPRIATION AND EXPENDITURE

WHEREAS, the City of Norco desires to work with the California Emergency Management Agency (CalEMA) to implement a volunteer Citizen Emergency Response Team (CERT) program in the City of Norco; and

WHEREAS, the City has received a FY2012 Homeland Security Grant from CalEMA in the sum of \$5,009 for training and equipment purchases for a volunteer CERT program; and

WHEREAS, CalEMA has granted \$5,009 for equipment costs in FY2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco does hereby increase revenue \$5,009 (122-000-53305), and increase appropriation and expenditure \$5,009 (122-761-30425) to fund CERT equipment purchases.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 20, 2013.

\_\_\_\_\_  
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 adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on February 20, 2013 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 20, 2013.

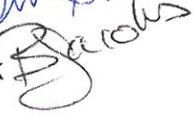
\_\_\_\_\_  
Brenda K. Jacobs, CMC, City Clerk  
City of Norco, California

/rlf

# 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 20, 2013

SUBJECT: **Ordinance No. 956, Second Reading.** Zone Code Amendment 2012-06: Amending Chapter 18.28 "P-E – Pedestrian-Equestrian Trails" of the Norco Municipal Code revising regulations and the approval process for allowed encroachments into the public right-of-way for certain driveway materials.

RECOMMENDATION: Adopt **Ordinance No. 956** for second reading.

SUMMARY: The first reading of Ordinance No. 956 was held on February 6, 2013 and was adopted by the City Council with a 5-0 vote. This Ordinance is an amendment to Chapter 18.28 "P-E – Pedestrian-Equestrian Trails" of the Norco Municipal Code revising regulations and the approval process for allowed encroachments into the public right-of-way for certain driveway materials.

Attachment: Ordinance No. 956

## ORDINANCE NO. 956

### **A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2012-06 AMENDING CHAPTER 18.38 "P-E ZONE" REGARDING PERMITTED MATERIALS IN TRAILS AND TO CLARIFY WHERE ALTERNATIVE MATERIALS CAN BE APPROVED. ZONE CODE AMENDMENT 2012-06.**

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2012-06, an amendment to Norco Municipal Code Title 18 (Zoning Code), to amend and update regulations as they pertain to permitted materials in driveway crossings of pedestrian-equestrian trails; and

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

WHEREAS, the Zone Code Amendment was scheduled for public hearing on January 9, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the Planning Commission adopted Resolution 2013-04 recommending that the City Council approve Zone Code Amendment 2012-06; and

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

WHEREAS, notice of public hearing on said petition has been given in the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on February 6, 2013, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the City Council for the City of Norco; and

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

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Category 21.

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

- A. The proposed Zone Code Amendment will not be inconsistent with, or contrary to, the General Plan or the Zoning Code since the project clarifies and updates acceptable materials for driveway crossings of trails in the Agricultural (A) zones and the procedures for getting alternative materials approved.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Category 21.

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

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

*Chapter 18.28*

*P-E ZONE PEDESTRIAN-EQUESTRIAN TRAILS*

*Sections:*

- 18.28.02 Intent and Purpose.*
- 18.28.04 Applicability of Regulations.*
- 18.28.06 Permitted Uses.*
- 18.28.08 Limitation of Uses.*
- 18.28.10 Construction of Pedestrian-Equestrian Trails.*
- 18.28.14 Designation of Pedestrian-Equestrian Trails.*
- 18.28.16 Encroachment for Driveways.*

*18.28.02 Intent and Purpose.*

*This zone is intended to establish, within public rights-of-way, public easements, and within private access easements, a zone and use that is compatible with and which will encourage the development of City of Norco as a community which emphasizes equestrian activities and which will safeguard the general public by providing regulated pedestrian - equestrian- trails.*

*18.28.04 Applicability of Regulations.*

*There is hereby created a zone classification, up to twelve (12) feet in width, over certain existing public easements and rights-of-way and within private access easements as designated on the official zoning map, within which pedestrian-equestrian trails are established to the exclusion of such other uses of land as may be in conflict therewith.*

*18.28.06 Permitted Uses.*

*There shall be permitted within the P-E Zone, pedestrian and equestrian traffic, as well as any bicycle or other device moved by human or equestrian propulsion.*

*18.28.08 Limitation of Uses.*

*It shall be unlawful for any motor-driven vehicle or motor-driven device to park, ride or drive upon a P-E Zone, except as may be necessary to enter a driveway, exit from a driveway, or perform necessary maintenance of the pedestrian-equestrian trails. No above grade structure, other than necessary fencing and maintenance facilities, shall be permitted within a P-E Zone.*

*18.28.10 Construction of Pedestrian-Equestrian Trails*

*Pedestrian-equestrian trails will be constructed and maintained to standards established in the City of Norco Standard Drawings No. 700 (Trail Standards), a copy of which will be available for inspection during normal business hours at the Norco City Hall, and on the City of Norco website. The surface of the pedestrian-equestrian trail shall be decomposed granite (dg) or such surface material as approved by the City Engineer/Director of Public Works, confirmed by the Streets, Trails, and Utilities Commission, and approved by the Norco City Council.*

*18.28.14 Designation of pedestrian –Equestrian Trails.*

*The City Engineer/Director of Public Works shall cause the placing of directional signs and other appropriate traffic control devices as may be warranted to designate pedestrian-equestrian trails and to provide for safe and appropriate crossing along the designated City street system.*

*18.28.16 Encroachment for Driveways.*

*Driveways across the Pedestrian-Equestrian zone exist in the public right-of-way.*

*(1) The use of any impervious material to surface a driveway across the Pedestrian-Equestrian zone where the adjacent property is within an "A" zone, Norco Hills Specific Plan Residential, or Norco Ridge Ranch Specific Plan is prohibited, except as allowed by the issuance of an Encroachment Permit to standards set by and with materials approved by the City Engineer/Director of Public Works, confirmed by the Streets, Trails, Utilities Commission and approved by the Norco City Council.*

*(2) The use of an alternate material to surface a driveway across the Pedestrian – Equestrian zone where the adjacent property is within a "C" zone, the Gateway Specific Plan, or the Auto Mall Specific Plan may be allowed with the issuance of an Encroachment Permit. Approval of the alternate material shall be at the sole discretion of the City Engineer/Director of Public Works, confirmed by the Streets, Trails, and Utilities Commission, and approved by the Norco City Council.*

*(3) If drainage facilities approved by the City Engineer are installed across a trail at a driveway location, an impervious material with a Class 2 Base may be used to cover said facilities in certain portions of the Pedestrian-Equestrian zone, trail or public right-of-way as follows, provided that a minimum 4" of decomposed granite can be placed over the structural section.*

*(4) The Pedestrian – Equestrian Zone Driveway Encroachment Permit:*

*(a) Equestrian Zone Driveway Encroachment Permits shall only be issued based on the policies and standards as contained in Standard City Drawing No. 700.*

*(b) Policies for the development of equestrian trails and the use of any materials within driveways that cross the Pedestrian – Equestrian zone shall be maintained on Standard City Drawing No. 700.*

*(c) Standard City Drawing No. 700 may be modified from time to time by the City Engineer/Director of Public Works, confirmed by the Streets, Trails, and Utilities Commission and approved by the Norco City Council.*

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held February 20, 2013.

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

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on February 6, 2013 and thereafter at a regular meeting of said City Council duly held on February 20, 2013, it was duly passed and adopted by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

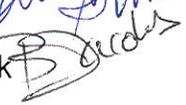
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 20, 2013.

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

# CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: February 20, 2013

SUBJECT: **Ordinance No. 957, Second Reading.** Zone Code Amendment 2012-08: Amending Chapter 18.51 "Special Events" of the Norco Municipal Code, to revise and update certain provisions and requirements of special events in the City of Norco.

RECOMMENDATION: Adopt **Ordinance No. 957** for second reading.

SUMMARY: The first reading of Ordinance No. 957 was held on February 6, 2013 and was adopted by the City Council with a 5-0 vote. Zone Code Amendment (ZCA) 2012-08 is a City-initiated proposal to amend the Norco Municipal Code, Chapter 18.51 "Special Events", to revise and update certain provisions and requirements of special events in the City of Norco.

Attachment: Ordinance No. 957

## ORDINANCE NO. 957

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO CHAPTER 18.51 "SPECIAL EVENTS", TO REVISE AND UPDATE CERTAIN PROVISIONS AND REQUIREMENTS OF SPECIAL EVENTS IN THE CITY OF NORCO. ZONE CODE AMENDMENT 2012-08**

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2012-08, an amendment to Norco Municipal Code Title 18 (Zoning Code), amending Chapter 18.51 "Special Events" to revise and update certain provisions and requirements of special events in the City of Norco; and

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

WHEREAS, the Zone Code Amendment was scheduled for public hearing on January 9, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the Planning Commission adopted Resolution 2013-02 recommending to the City Council that Zone Code Amendment 2012-08 be approved; and

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

WHEREAS, said application was scheduled for public hearing on February 6, 2013 at 7:00 P.M. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Class 5 (Minor Alterations in Land Use Limitations).

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

SECTION 1: Norco Municipal Code Title 18 "Zoning" Chapter 18.51 "Special Events", Section 18.51.020 "Special Event - Definitions" and Section 18.51.030 "Requirement for Permit" are hereby amended to read as follows:

**18.51.020 Special Event--Definition.**

For purposes of this chapter, the term "special event" shall mean any temporary use of lands, buildings, or structures for purposes of sales, advertising, or promotion of materials, goods and/or services, excepting "garage" or "yard sale" conducted on a residential premises in conformity with the provisions of Chapter 5.32 of the Norco Municipal Code. Such definition shall include, but not be limited to:

.021 occasional or seasonal sales, such as "parking lot sales," "sidewalk sales," when limited to the sales of goods or materials normally merchandised within the confines of the building(s) adjacent to such sales;

.022 seasonal sale of agricultural crops or products raised on site;

.023 lots for the sales of holiday ornaments and/or decorations such as pumpkins, Christmas trees, or the like;

.024 carnivals, circuses, rodeos, pony rides, and/or other traveling amusements which may include rides, games, booths, displays, or similar amusements and/or devices;

.025 outdoor shows, exhibits or displays for arts and crafts, historic, patriotic, religious, or similar purposes;

.026 parades, processions, dances, concerts, festivals, rallies, or similar temporary uses conducted outdoors and involving a large assemblage of persons;

.027 temporary construction offices;

.028 temporary advertising and/or promotional displays including but not limited to; temporary signs, flags, banners, pennants, statuary, balloons, spotlights, searchlights, or other devices located either on or off-site to the location of any such special event which is intended or designed to identify, advertise, or

promote the sale of goods, materials or services or the location thereof, subject to compliance with regulations for Special Events Signs outlined in Chapter 18.37 "Signs".

**18.51.030 Requirement for Permit.**

No person or organization shall conduct a special event without having first applied for and obtained the necessary Special Event Permits pursuant to the provisions of this chapter, and a City Business License in compliance with all procedures and requirements therefor.

Provided, however, that the following classes of temporary uses shall be exempted from permit requirements pursuant to the provisions set forth herein.

.031 City sponsored events including but not limited to; horse shows, dances, fireworks displays, etc., conducted on City property and under the jurisdiction of the Director of Parks and Recreation.

.032 Banquets, dances, and other occasional events sponsored by fraternal or charitable organizations and conducted on premises of such organization within an entirely enclosed building suitably designed to accommodate public assembly in conformance with the provisions of the Uniform Fire and Building Codes. (Ord. 577 Sec. 2 (part), 1987)

.033 Permanent outdoor storage and sales of goods approved under a Conditional Use Permit or Site Plan review by the Planning Commission as permitted in each corresponding zone.

.034 Outdoor display of merchandise for sale which does not extend past the foot print of a building, to include the front porch/patio or a portion of the sidewalk under the same roof of the building, provided all merchandise display areas are adequately delineated and do not obstruct any portion of parking spaces, parking lots, fire lanes, building entrances, or other areas required for public safety. Outdoor display of merchandise for sale shall be limited to the merchandise owned by the retail establishment that occupies the building where the merchandise is displayed or seasonal specialized merchandise associated with standard recognized holidays. Furthermore payment of merchandise being displayed shall be made inside the building.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 20, 2013.

---

Mayor of the City of Norco, California

ATTEST:

---

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on February 6, 2013, and thereafter at a regular meeting of said City Council duly held on February 20, 2013, it was duly passed and adopted by the following vote of the City Council.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 20, 2013.

---

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

/adr

# 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 20, 2013

SUBJECT: **Ordinance No. 958, Second Reading.** Zone Code Amendment 2012-09: Amending Section 18.29.20 "Permitted Uses", of the Norco Municipal Code to Permit "Cash for Gold" Businesses as Conditionally-Permitted Ancillary Uses.

RECOMMENDATION: Adopt **Ordinance No. 958** for second reading.

SUMMARY: The first reading of Ordinance No. 958 was held on February 6, 2013 and was adopted by the City Council with a 5-0 vote. Zone Code Amendment (ZCA) 2012-09 is a City-initiated proposal to make provision for "cash for gold" businesses in the City of Norco.

Attachment: Ordinance No. 958

## ORDINANCE NO. 958

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO SECTION 18.29.20 "PERMITTED USES" OF THE NORCO MUNICIPAL CODE TO PERMIT CASH FOR GOLD BUSINESSES AS CONDITIONALLY-PERMITTED ANCILLARY USES. ZONE CODE AMENDMENT 2012-09

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2012-09, an amendment to Norco Municipal Code Title 18 (Zoning Code), amending Chapter 18.29 "C-G (Commercial General)" zone, Section 18.29.20 "Permitted Uses", to allow cash for gold businesses as a conditionally-permitted ancillary use; and

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

WHEREAS, the Zone Code Amendment was scheduled for public hearing on January 9, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the Planning Commission adopted Resolution 2013-03 recommending to the City Council that Zone Code Amendment 2012-09 be approved; and

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

WHEREAS, said application was scheduled for public hearing on February 6, 2013 at 7:00 P.M. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Class 5 (Minor Alterations in Land Use Limitations).

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

SECTION 1: Norco Municipal Code Title 18 "Zoning", Chapter 18.29 – "C-G" (Commercial General), Section 18.29.20 –"Permitted Uses", Table 1 – Permitted Uses, under the Category entitled "**Service Commercial**" is hereby amended to read as follows:

<b>Service Commercial</b>	
Bank	p
Locksmith	p
Mail Cargo Packaging Services	p
Music/Dance/Photography/Art Studio	p
Printing Services	p
Repair Service (Non-Vehicle/Vessel & Non-Motorized)	p
Cash for Gold Businesses	c <sup>2,6</sup>
The processing, treatment, storage, or repair of products which are clearly incidental to the business conducted on the premises	a

1. To encourage more convenient access and visibility for entertainment, retail, and service commercial uses, noted uses are not encouraged on urban arterial street frontages unless located on the second floor of a mixed use retail/commercial development.
2. Conditionally permitted as an ancillary use only.
3. Plant Nursery's shall be permitted to have Outdoor Displays and Sales as an ancillary use.
4. Cannot be located on urban arterial street frontages unless the use is ancillary to a restaurant.
5. Includes dispatch and office support services for the operation of taxicab/ vehicles for hire businesses but does not include the storage, staging, standing, or parking of company vehicles on site.
6. Required to be within a viable business such as a jewelry store or other related retail business operation and must not exceed 20% of the floor area of such viable business. In addition, required to comply with all the legal requirements of gold buyers of the California Business and Professional Code and must submit periodic financial reports to the City Finance Department. All existing and new cash for gold businesses shall require approval of a

conditional use permit, and can only be approved as an ancillary use subject to compliance with all the requirements of this item 6, upon the effective date of Ordinance 958.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on February 20, 2013.

---

Mayor of the City of Norco, California

ATTEST:

---

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on February 6, 2013, and thereafter at a regular meeting of said City Council duly held on February 20, 2013, it was duly passed and adopted by the following vote of the City Council.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 20, 2013.

---

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

/adr

# 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 20, 2013

SUBJECT: **Ordinance No. 959, Second Reading.** Specific Plan 85-1 (Auto Mall) Amendment 5a: Amending the Auto Mall Specific Plan Area D "Permitted Uses". (Specific Plan 85-1, Amendment 5a).

RECOMMENDATION: Adopt **Ordinance No. 959** for second reading.

SUMMARY: The first reading of Ordinance No. 959 was held on February 6, 2013 and was adopted by the City Council with a 5-0 vote. The ordinance is a proposed amendment to Area D "Permitted Uses" of the Auto Mall Specific Plan reflecting the Planning Commission's recommendation.

Attachment: Ordinance No. 959

## ORDINANCE NO. 959

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING SPECIFIC PLAN 85-01 AMENDMENT 5a TO AMEND THE NORCO AUTO MALL SPECIFIC PLAN, WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED, AMENDING THE PERMITTED USES OF AREA D. SPECIFIC PLAN 85-01 AMENDMENT 5a.**

WHEREAS, the CITY OF NORCO initiated Amendment 5a to Specific Plan 85-01 (Norco Auto Mall Specific Plan); and

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

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on October 10, 2012 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, based on findings of fact said Planning Commission adopted Resolution 2012-42 recommending to the City Council that Specific Plan 85-1, Amendment 5, which includes Amendment 5a, be approved; and

WHEREAS, the Specific Plan Amendment was duly submitted to City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on February 6, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Class 3.

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

- A. The proposed Specific Plan Amendment is consistent with, and not contrary to, the Norco General Plan, the Zoning Code, and the Norco Auto Mall Specific

Plan Amendment 5 since the project removes uses as recommended by the Planning Commission, without eliminating the standard project review and conditioning process.

- B. The project has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

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

SECTION 1: Specific Plan 85-1, Norco Auto Mall Specific Plan is hereby amended as follows.

70. *Permitted Uses*

(1) *Area A:*

- (c) *Used automobile dealerships and accessory uses as an integral part of the operation of a used car dealership.*

(2) *Area B:*

- (a) *Uses as permitted in Area A.*

(3) *Area C:*

- (a) *Uses as permitted in Areas A and B.*

(4) *Area D:*

<b>Automotive/Vehicle/Vessel</b>	
<i>New Automobile Dealerships; and Accessory Uses (accessory uses only allowed as integral parts of, and under the same business operation as, the new automobile dealership).</i>	<i>p</i>
<b>Office</b>	
<i>Administrative, Business, and Professional Offices</i>	<i>p<sup>1,5</sup></i>
<i>Financial, Insurance, Real Estate Offices</i>	<i>p<sup>1</sup></i>
<i>General Offices</i>	<i>p<sup>1,5</sup></i>
<i>Medical and Dental Offices</i>	<i>p<sup>1</sup></i>
<i>Museums and Libraries</i>	<i>c<sup>1</sup></i>
<b>Entertainment/Recreation</b>	
<i>Health Clubs</i>	<i>c</i>
<i>Indoor and Outdoor Recreation</i>	<i>c</i>
<i>Motel and Hotel</i>	<i>c</i>
<i>Theater (Indoor)</i>	<i>c</i>
<b>Retail</b>	
<i>Drug Store/Pharmacy</i>	<i>p</i>
<i>Furniture Stores</i>	<i>p</i>
<i>General and Specialized Retail</i>	<i>p</i>
<i>Grocery Stores/Markets</i>	<i>p</i>

<i>Home Improvement/Goods/Supplies/Appliances</i>	<i>p</i>
<i>On-Site and Off-Site Liquor Sales (hard liquor)</i>	<i>c<sup>2</sup></i>
<i>On-Site and Off-Site Liquor Sales (beer and wine)</i>	<i>p</i>
<i>Plant Nursery</i>	<i>a</i>
<b>Service Commercial</b>	
<i>Banks</i>	<i>p</i>
<i>Locksmith</i>	<i>p</i>
<i>Mail Cargo Packaging/Processing Services</i>	<i>p</i>
<i>Printing Services</i>	<i>p</i>
<i>Repair Service (non-vehicle, vessel &amp; non-motorized)</i>	<i>p</i>
<i>The processing, treatment, storage, or repair of products which are clearly incidental to, and part of, the business conducted on the premises.</i>	<i>a</i>
<b>Personal Services</b>	
<i>Dry Cleaning, Tailoring, and Laundromats</i>	<i>p</i>
<i>Hair/Nail Salons, Barbers</i>	<i>p</i>
<i>Spa/Massage</i>	<i>c</i>
<b>Eating and Drinking Establishments</b>	
<i>Catering Establishments</i>	<i>p<sup>4</sup></i>
<i>Deli/Bakery</i>	<i>p</i>
<i>Dine-in Restaurants</i>	<i>p</i>
<i>Walk-up and Outdoor Eating Establishments</i>	<i>c</i>
<i>"p"</i>	<i>Permitted Use</i>
<i>"c"</i>	<i>Requires Approval of a Conditional Use Permit</i>
<i>"a"</i>	<i>Permitted as an Accessory Use</i>
<i>--<sup>1</sup></i>	<i>To encourage more convenient access and visibility for entertainment, retail, restaurant, and service commercial uses, noted uses are not encouraged on urban arterial street frontages unless located on the second floor of mixed-use retail/commercial development.</i>
<i>--<sup>2</sup></i>	<i>Conditionally permitted as an ancillary use only.</i>
<i>--<sup>3</sup></i>	<i>Plant nurseries shall be permitted to have outdoor displays and sales as ancillary uses.</i>
<i>--<sup>4</sup></i>	<i>Cannot be located on urban arterial street frontages unless the use is ancillary to a restaurant.</i>
<i>--<sup>5</sup></i>	<i>Includes dispatch and office support services for the operation of taxicab/vehicles for hire businesses but does not include the storage, staging, standing, or parking of company vehicles on-site.</i>
	<i>In the event that a use is not listed, and is not easily included in a listed category, at the discretion of the Planning Director, the use is determined to not be permitted. Through procedures established in Section 18.42 the Planning Commission may approve a Similar Use Application for said use.</i>

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held February 20, 2013.

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

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on February 6, 2013 and thereafter at a regular meeting of said City Council duly held on February 20, 2013, it was duly passed and adopted by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on February 20, 2013.

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