



AGENDA
CITY OF NORCO
CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
MARCH 20, 2013

CALL TO ORDER: 7:00 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

PLEDGE OF ALLEGIANCE: Mayor Azevedo

INVOCATION: Corona Church of the Open Doors
Pastor Fred Griffin

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:
Special Meeting of February 27, 2013
Regular Meeting of March 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. Recap of the Planning Commission Meeting of March 13, 2013.
Recommended Action: Receive and File (Planning Director)
 - D. Annual Resolution Making Findings and Continuing Existing Rates for Maintaining Flood control Channels within County Service Area CSA-152.
Recommended Action: Adopt Resolution 2013-13, making findings and continuing existing rates for maintaining flood control channels within County Service Area CSA-152. (Deputy City Manager/Director of Finance)

- E. Swap Meet Permit 2012-01 (Meisenbach): Renewal of the Swap Meet Permit at 2816 Hamner Avenue within the C-G (Commercial General) Zone. **Recommended Action: Adopt Resolution No. 2013-14, renewing Swap Meet Permit 2012-01 for one year, with the ability to adjust the flat annual vendor business tax fee at that time.** (Planning Director)
 - F. Approval of an Extension to the Agreement for Part-Time/Temporary Employment of Public Works Director. **Recommended Action: Approve an Extension to the Agreement for Part-Time/Temporary Employment of Public Works Director.** (City Manager)
 - G. Approval for an Extension of the Contract for Annual Audit Services with Rogers, Anderson, Malody and Scott, LLP. **Recommended Action: Approve the contract extension for annual audit services with Rogers, Anderson, Malody and Scott, LLP.** (Deputy City Manager/Director of Finance)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. CITY COUNCIL PRESENTATION/ACTION ITEM:
- A. Update on the Silverlakes Project. (City Manager)
4. CITY COUNCIL PUBLIC HEARING:
- A. Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6 regarding the Allowance of Massage Businesses as Ancillary Uses in Commercial Zones.

This item is a City-initiated proposal to allow massage businesses as an ancillary use in the subject zoning districts. Currently, the only zone in the City that allows massage services is the C-G zone with the approval of a conditional use permit (CUP). Staff has received requests for massage services to operate within a beauty salon as opposed to a "stand alone" operation.

Recommended Action: Adopt Ordinance No. 960 for first reading.
(Planning Director)

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:
 - A. Oral Update on Alleged Code Violations at 2309 Reservoir Drive. (City Manager)
8. ADJOURNMENT:

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

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
NORCO CITY COUNCIL
SPECIAL MEETING
CITY HALL CONFERENCE ROOMS "A" AND "B"
2870 CLARK AVENUE
NORCO, CA 92860
FEBRUARY 27, 2013

CALL TO ORDER: Mayor Azevedo called the meeting to order at 4:05 p.m.

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

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Hanna

1. CITY COUNCIL DISCUSSION / PRESENTATION ITEM:

- A. Land Use / Zoning Issues in the Industrial District of the Gateway Specific Plan (City Manager and Planning Director).

Council Member Sullivan made a motion to adjourn the special meeting to a Joint City Council/Planning Commission meeting. The motion died with a lack of a second to that motion.

City Manager Groves and Planning Director King presented information regarding the current land and zoning issues included in the Industrial District of the Gateway Specific Plan. The Gateway Specific Plan (GSP) was shown with the Housing Development Overlay Zone for reference. The GSP Industrial District was also shown for reference. The permitted uses, permitted uses with a Conditional Use Permit, and uses not permitted in the Industrial District of the GSP were identified. The environmental process for changing the Industrial District was presented in regards to reducing the maximum building size, changing the zone to a lesser intensity use, and changing the zone to a greater intensity use. Information was presented regarding Industrial Zoning and community economic enhancement – mixed-use development zoning.

Mayor Azevedo commented on the funding required for a zone change. She asked what the process would be to change the limitations on building sizes. In response, Director King stated that this would be a simple process and would not change the use.

Council Member Bash stated that he wanted to make sure that whatever goes there protects the community.

Council Member Sullivan stated that the City has enough animal-keeping properties and needs industrial development for jobs and revenue. He noted his concerns in regard to the City meeting the requirements of the Housing Element.

2. PUBLIC COMMENTS:

Linda Dixon. Ms. Dixon commented on her opposition to any warehouse distribution centers and the truck traffic created. She noted that any development needs to be conducive to the residential areas of the City and the Council needs to think this through.

Greg Newton. Mr. Newton noted that the GSP is twenty years old and recommended that it be reviewed and updated to redefine the uses.

Clark Nenhoff. Mr. Nenhoff spoke as a representative of Alere. He noted that the site they are under contract with fits locationally for a great industrial project. He noted that the site is too big for a mixed-use project, as they are better suited for downtown districts. Mr. Nenhoff stated that Alere is working with some name brand companies that would develop homes, with amenities, and with some mixed-use elements and no trucks.

Vern Showalter. Mr. Showalter noted that the City has no money set aside for infrastructure and this needs to be addressed.

Jeff Ruscigno. Mr. Ruscigno spoke as a representative of the Family Trust that owns the egg ranch site, noting that they want to be informed in writing of all meetings that take place regarding this property.

Su Bacon. Ms. Bacon commented on the opportunity to look at the GSP, adding her desire to look "outside of the box".

Ed Dixon. Mr. Dixon commented on the industrial vacancies in all cities.

After further comments regarding a residential development, City Manager Groves stated that in the housing world, there are many definitions of "density."

M/S Azevedo/Bash to convene a joint City Council/Planning Commission meeting to discuss updating the Gateway Specific Plan. The motion was carried by the following roll call vote:

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

3. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 5:45p.m.



MINUTES CITY OF NORCO

CITY COUNCIL
REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE

MARCH 6, 2013

CALL TO ORDER: Mayor Azevedo called the meeting to order at 7:00 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**

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Calvary Chapel – Norco
Pastor Louie Monteith

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

A member of the public pulled Item 1.C. for discussion. Council Member Sullivan pulled Items 1.E, 1.G. and 1.H. for discussion. Council Member Bash pulled Items 1.F. and 1.H. for discussion.

M/S Hanna/Bash to adopt the remaining 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 February 20, 2013
Recommended Action: **Approve the City Council Minutes** (City Clerk)
 - B. Recap of the Planning Commission Meeting of February 27, 2013.
Recommended Action: Receive and File (Planning Director)
 - C. 2013 Vacant Parcel Spring Weed Abatement Program. **Recommended Action: Adopt Resolution No. 2013-11, declaring that weeds and hazardous vegetation, on or in front of vacant property in the City of Norco, constitute a public nuisance; and setting the Public Hearing for May 1, 2013. (Fire Chief) PULLED FOR DISCUSSION**

- D. Acceptance of Bids and Award of Contract for the Clark Arena Electrical and Lighting Project. **Recommended Action: Accept bids submitted for the Clark Arena Electrical and Lighting Project and award a contract to MDE Group, Inc. in the amount of \$123,700, and authorize the City Manager to approve contract change orders up to 10 percent of the original contract amount.** (Director of Parks, Recreation and Community Services)

- E. Approval of Amendment No. 2 to the Transportation Uniform Mitigation Fee Program Funding Agreement for the Hamner Avenue Widening, Santa Ana River to Parkridge Avenue Project. **Recommended Action: Approve Amendment No. 2 to the Hamner Avenue Widening, Santa Ana River to Parkridge Avenue Project TUMF Funding Agreement with Western Riverside Council of Governments.** (Director of Public Works) PULLED FOR DISCUSSION

- F. Resolution Accepting the California Supplemental Law Enforcement Services Fund Grant and Amending the FY 2012-2013 Operating Budget. **Recommended Action: Adopt Resolution No. 2013-12, accepting the California Supplemental Law Enforcement Services Fund Grant; and increasing revenue by \$100,000 and increasing appropriation by \$62,994 in the Supplemental Law Enforcement Services Fund Grant.** (Lt. Daniel Hedge) PULLED FOR DISCUSSION

- G. Approval of the Second Amendment to the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Emergency Services between the County of Riverside and City of Norco. **Recommended Action: Approve the Second Amendment to the Cooperative Agreement to provide fire protection, fire prevention, rescue and emergency services between the County of Riverside and City of Norco** (Deputy City Manager/Director of Finance) PULLED FOR DISCUSSION

- H. Approval of an Assignment Agreement with Excel Hotel Group and Excel Corona LP. **Recommended Action: Approval for the City Manager to execute the Assignment Agreement Assigning the Project Developer Name from Excel Hotel Group to Excel Corona LP.** (Deputy City Manager/Director of Finance) PULLED FOR DISCUSSION

- I. Acceptance of a Storm Drain Easement Dedication by Charles W. Peachey and Priscilla M. Peachey **Recommended Action: That City Council accept the offer of dedication of a 20 foot wide by approximately 243 foot long public storm drain easement from Charles W. Peachey and Priscilla M. Peachey on Spencer Drive; authorize the Mayor to sign the Certificate of Acceptance; and direct the City Clerk to file the Certificate of Acceptance with the County of Riverside Recorder.** (Deputy Public Works Director/Senior Engineer)

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

Item 1.C. 2013 Vacant Parcel Spring Weed Abatement Program. **Recommended Action: Adopt Resolution No. 2013-11, declaring that weeds and hazardous vegetation, on or in front of vacant property in the City of Norco, constitute a public nuisance; and setting the Public Hearing for May 1, 2013.** (Fire Chief)

Jodie Webber. Ms. Webber commented on the resolution for this item and asked for clarification on that resolution where it states "no other Public Hearing needs to be held for the second or any subsequent occurrence of the nuisance ..." She noted that Government Code Section 39562.1 cited in the resolution does require that notice would be provided. The other issue she commented on is the cost and the fact that this cost is not provided to the property owner, recommending that a web link be provided to the property owner that would advise them what the potential cost would be. City Attorney Harper stated that notice is provided to the property owner and generally the amount charged is provided as well.

M/S Bash/Hanna to adopt Resolution No. 2013-11. The motion was carried by the following roll call vote:

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

Item 1.E. Approval of Amendment No. 2 to the Transportation Uniform Mitigation Fee Program Funding Agreement for the Hamner Avenue Widening, Santa Ana River to Parkridge Avenue Project. **Recommended Action: Approve Amendment No. 2 to the Hamner Avenue Widening, Santa Ana River to Parkridge Avenue Project TUMF Funding Agreement with Western Riverside Council of Governments.** (Director of Public Works)

Council Member Sullivan asked for clarification from Public Works Director Thompson regarding the difference from the amount funded in the original agreement and the amount funded on the Amendment No. 2. In response, Public Works Director Thompson stated that Amendment No. 2 reduced the amount to not-to exceed \$500,000 and transferred \$1.8 million that was to be used for the south side of the Santa Ana River to the north side of the Santa Ana River in order to receive reimbursement quicker.

M/S Sullivan/Bash to approve Amendment No. 2 to the Hamner Avenue Widening, Santa Ana River to Parkridge Avenue Project TUMF Funding Agreement with Western Riverside Council of Governments. The motion was carried by the following roll call vote:

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

Item 1.F. Resolution Accepting the California Supplemental Law Enforcement Services Fund Grant and Amending the FY 2012-2013 Operating Budget. **Recommended Action: Adopt Resolution No. 2013-12, accepting the California Supplemental Law Enforcement Services Fund Grant; and increasing revenue by \$100,000 and increasing appropriation by \$62,994 in the Supplemental Law Enforcement Services Fund Grant.** (Lt. Daniel Hedge)

Council Member Bash thanked Lt. Hedge for pursuing and receiving this grant.

M/S Bash/Sullivan to adopt Resolution No. 2013-12. The motion was carried by the following roll call vote:

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

Item 1.G. Approval of the Second Amendment to the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Emergency Services between the County of Riverside and City of Norco. **Recommended Action: Approve the Second Amendment to the Cooperative Agreement to provide fire protection, fire prevention, rescue and emergency services between the County of Riverside and City of Norco.** (Deputy City Manager/Director of Finance)

Council Member Sullivan asked if there were cost savings from this action. In response, City Manager Groves stated that this is just for the remainder of this fiscal year and will be addressed again for next fiscal year.

M/S Sullivan/Bash to approve the Second Amendment to the Cooperative Agreement to provide fire protection, fire prevention, rescue and emergency services between the County of Riverside and City of Norco. The motion was carried by the following roll call vote:

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

Item 1.H. Approval of an Assignment Agreement with Excel Hotel Group and Excel Corona LP. **Recommended Action: Approval for the City Manager to execute the Assignment Agreement Assigning the Project Developer Name from Excel Hotel Group to Excel Corona LP.** (Deputy City Manager/Director of Finance)

Council Member Sullivan asked about the term of the original Agreement with Excel Hotel Group and if that date would remain the same. In response, City Manager Groves stated that the only change with this Assignment Agreement is the name; everything else remains the same as originally approved.

Council Member Bash thanked staff for their continued work and efforts on this project.

M/S Sullivan/Bash to approve the City Manager to execute the Assignment Agreement Assigning the Project Developer Name from Excel Hotel Group to Excel Corona LP. The motion was carried by the following roll call vote:

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

INTRODUCTIONS:

Donna Johnston
Senior Legislative Assistant
County Supervisor John Tavaglione

Frank Johnston
Mayor Pro Tem
City of Jurupa Valley

Min Kim
Intern
Assembly Member Eric Linder

3. CITY COUNCIL DISCUSSION ITEMS:

- A. Discussion Regarding a Possible Amplified Sound Ordinance. (City Manager)

City Manager Groves stated that this item was agendaized at the February 20th City Council Meeting. She added that during public comments on February 20th, the concept of an amplified sound ordinance was recommended.

Mayor Pro Tem Hanna commented on the loud music that goes all night, adding that this is a problem and it goes on in his neighborhood. He stated that there needs to be something done for the peace and quiet of neighborhoods.

Council Member Higgins commented on amplified sound at Moreno Arena. Lt. Hedge stated that exemptions could include City events, adding that the normal sound range is measured from 50 – 85 decibels. Council Member Higgins stated that he is concerned about what would be defined as "annoyance noise" and how it would be defined.

Council Member Sullivan stated that he is not sure if he wants to write a sound ordinance, adding that he is open to looking into it; noting that it would be tough to come up with.

Mayor Azevedo stated that she concurs that this would be difficult, noting the amplified sound at athletic events and other City events. She noted her concerns regarding the impact to training public safety and the expenses involved to purchase equipment.

M/S Higgins/Bash to receive and file the report. The motion was carried by the following roll call vote:

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

- B. Discussion Regarding a City-Wide Awareness Program for Equestrians Riding after Dark. (City Manager)

City Manager Groves stated that this item was agendaized at the February 20th City Council Meeting. She displayed the flyer currently on the City's website and other samples that could be used for outreach purposes.

Council Member Sullivan stated that anything we do for awareness is good, noting that he is in favor of the lights that flash, or are turned on all of the time.

Council Member Higgins stated that the whole basis is an awareness, adding that he does not want to go further than that and any way we can get it out there is good.

Mayor Pro Tem Hanna stated that a lot of advertising is good, but we cannot force horse riders to wear a light.

Council Member Bash stated that this is the right direction.

Mayor Azevedo presented some slogans that she came up with that could be used.

Council Member Higgins presented an idea he had for a slogan as well.

M/S Bash/Azevedo to allow the Norco Horsemen's Association to pick a slogan and together unite to start a campaign. 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:

Lance Gregory. Mr. Gregory commented on a property on Foxtrotter that received approvals to build a swimming pool and a 1,900 square foot RV garage, noting that they are resorting to the use of explosives in the building process. He commented on his communications with the City regarding permits that were received for this and the inspection process that followed. Mr. Gregory asked staff and the City Council to look at this for the safety of the residents.

John Koscki. Mr. Koscki commented on an article in the Press Enterprise regarding Silverlakes. He further commented on rumors regarding the project and asked if there is a backup plan if the project does not work.

Cara McCray. Ms. McCray thanked the City Council for attending the funeral for Dave Cummings and also expressed appreciation for staff's assistance to use Nellie Weaver. She stated that a petition is being circulated by the Norco Little League to name Field 2 at Wayne Makin after Dave. Director Petree stated that this will be brought to the City Council at a future City Council meeting for approval.

Jodie Webber. Ms. Webber commented on an accident that occurred on VanderMolen at which time a water pipe was hit on a vacant lot, noting that Public Works staff responded immediately.

Coleen Daniel. Ms. Daniel commented on alleged specific code violations at 2309 Reservoir Drive and her concerns regarding code enforcement responses.

Vern Showalter. Mr. Showalter provided an update on the final design stage of Reservoir No. 4.

Su Bacon. Ms. Bacon commented on the monthly reports received regarding the Wyle property and suggested that the same monthly reports be provided from Balboa at a Council meeting to provide information regarding what is going on at Silverlakes.

Ted Hoffman. Mr. Hoffman thanked the City Council and staff for assisting with and supporting the college rodeo. He invited everyone to attend the Wild West Casino Night on Saturday night, noting that the proceeds go toward the FFA scholarship fund at Norco High School.

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

Council Member Bash:

- Reported that he attended a S.T.A.R. meeting at the Senior Center and complimented Supervisor Peggy Calvert on the great job she does.
- Commented on a Yale Music award received by Mr. Kris Parish at the 2013 Pasadena Rose Parade.
- Stated that the Norco High School theater has been booked for February 1st and 2nd, 2014 for a film festival.
- Commented on NART's response to a horse that went down at his stables. A check in the amount of \$250 was presented to NART from the horse's owner.
- Commented on the filming of "Small Town Big Deal" in Norco on Tuesday.

Council Member Higgins:

- Recommended that an item be placed on the next City Council agenda reviewing the code violations alleged at 2309 Reservoir Drive. City Attorney Harper stated that this item may appear on the agenda as a closed session item if there are code violations and the City is considering reviewing them. City Attorney Harper stated that it may appear as potential litigation if there are code violations.

M/S Higgins/Hanna to place an item on the next City Council agenda reviewing the code violations referenced at 2309 Reservoir Drive. The motion was carried by the following roll call vote:

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

Council Member Sullivan:

- Applauded the Sheriff's Department for its assistance to an elderly lady on Second Street.
- Stated that the City Council minutes do not often reflect what is said; noting some examples. He also stated that he does not want the City Attorney provide quotes in the newspaper regarding what goes on at City Council meetings.
- Recommended that an update be provided at the next City Council meeting regarding Silverlakes. He also stated specific questions that he would like answered or addressed. The questions have been provided to the City Manager and City Attorney in preparation of the staff report.

M/S Higgins/Hanna to place an item on the next City Council agenda to provide a Silverlakes update. The motion was carried by the following roll call vote:

Under Discussion:

Council Member Bash stated that the Council is very well briefed on the Silverlakes project, and is confident that he has the full facts. He noted that he hopes that the Council treads lightly and does not allow rumors and innuendo to have it sway.

Council Member Sullivan stated that he did not accuse the owner of Balboa of doing anything wrong, noting that he just wants answers to questions and is not placing the blame on anyone.

Mayor Azevedo commented on the deed restriction placed on the property and some of the history of maintaining the property in the past and the reason for the purchase of that property.

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

Mayor Azevedo:

- Reported that she served as “Administrator for the Day” today at Norco High School, adding that the administrators commented on disrepair of the County flood control channel. Public Works Director Thompson responded that the flood channel is currently in design and in environmental process to be covered, with some challenges involved. Mayor Azevedo further commented on the country store in the Agriculture Department.
- Reported that she attended a WRCOG meeting on Monday, noting that the HERO program is doing well. She also noted that there is a new program for energy opportunities for low income families.
- Commented on New Beginnings Church who said they are starting up a program for Norco’s seniors.

7. CITY MANAGER / STAFF COMMUNICATIONS: None

8. ADJOURNMENT: There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:37 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK



**RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
MARCH 13, 2013**

CALLED TO ORDER: 7:02 p.m.

ROLL CALL: Chair Wright, Vice Chair Henderson, Commission Members Hedge, Jaffarian, and Roberts

STAFF PRESENT: Planning Director King, Deputy City Clerk Germain

PLEDGE OF ALLEGIANCE: Vice Chair Henderson

1. APPEAL NOTICE: Stated
2. PUBLIC COMMENTS: None
3. APPROVAL OF MINUTES:
 - ❖ Minutes of February 27, 2013
 - Recommended Action: Approval (Deputy City Clerk)
 - Approved, 4-0-1 (Jaffarian abstained)**
4. CONTINUED PUBLIC HEARINGS:
 - A. Zone Code Amendment 2012-07 (City of Norco): A City-initiated proposal to amend Chapter 18.23 "C-4 - Commercial Zone" of the Norco Municipal Code, to revise the permitted and conditionally permitted uses in this zone. Recommended Action: Cancel, will be re-advertised when ready (*Planning Director*) **Action: Cancelled**
 - B. Zone Code Amendment 2013-01 and Code Amendment 2013-01 (City of Norco): Amending Chapter 18.32 "Home Occupations" and Chapter 10.16 "Commercial Vehicles/Trucks" of the Norco Municipal Code, regarding the use and parking of commercial vehicles in residential zones. Recommended Action: Approval (*Planning Director*) **Action: Adopted Resolution 2013-06 recommending approval. This item requires action by the City Council and will be advertised for the April 3, 2013 meeting.**
5. PUBLIC HEARINGS: NONE
6. BUSINESS ITEMS: NONE
7. CITY COUNCIL: Received and Filed
 - City Council Meeting Minutes of February 20, 2013
8. PLANNING COMMISSION: None
 - a. Oral Reports from Various Committees
 - b. Request for Items on Future Agenda (within the purview of the Commission)
9. ADJOURNMENT: 7:10 p.m.

Agenda Item 1.C.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM:: Beth Groves, City Manager 

PREPARED BY: Olivia Hoyt, Accounting Supervisor 

DATE: March 20, 2013

SUBJECT: Annual Resolution Making Findings and Continuing Existing Rates for Maintaining Flood Control Channels within County Service Area CSA-152

RECOMMENDATION: Adopt **Resolution 2013-13**, making findings and continuing existing rates for maintaining flood control channels within County Service Area CSA-152.

BACKGROUND/ANALYSIS: Riverside County requires an annual resolution authorizing the County to levy a County Service Area (CSA) parcel charge. The proceeds of the charge are used to maintain and operate the City's storm drains and flood control channels into the Santa Ana River. This service area assessment is exempt from the requirements of Prop. 218. Below is an excerpt from Prop. 218:

Section 5, Paragraph (a) of Proposition 218 reads as follows:

"Section 5. Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 2001, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4..."

The City Attorney supports a "declaration of exemption" for Norco in this case because the assessment was established before November 6, 1996 and is used exclusively for flood control purposes, an exempt category under Section 5 (a).

FINANCIAL IMPACT: The City will receive an estimated \$60,000 from these parcel charges that will be used exclusively for drainage improvements and NPDES permit compliance. The annual charge per parcel is \$5.78.

Attachment: Resolution No. 2013-13

RESOLUTION NO. 2013-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO MAKING FINDINGS AND CONTINUING EXISTING RATES FOR MAINTAINING FLOOD CONTROL CHANNELS WITHIN COUNTY SERVICE AREA CSA- 152.

WHEREAS, the City of Norco is a co-permittee of Permit No. CSA-618033 with the County of Riverside and the incorporated cities therein; and

WHEREAS, the City must have a valid NPDES Permit in order to discharge runoff from properties within the boundaries of the City through its storm drain and flood control channels directly into the Santa Ana River or through Riverside County's channels into the Santa Ana River; and

WHEREAS, the City uses revenues from the CSA-152-Norco assessments solely for the purpose of maintaining and operating the City's storm drain and flood control system, including complying with the Permit.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Norco as follows:

SECTION 1: Based upon the facts set forth herein, the City Council finds that CSA-152-Norco charges are assessments that confer benefits upon each parcel of property subject to the assessments. Pursuant to Section 5(a) of Article XIID of the California Constitution, the CSA-152-Norco assessments are exempt from the procedures and approval process of Section 4 of Article XIID of the California Constitution because CSA-152-Norco assessments existed before November 6, 1996, and the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for the flood control and drainage system in the City.

SECTION 2: The City Council entered into an agreement with the County of Riverside on April 6, 1994 to participate in the County Service Area 152 to facilitate collection of funds in implementing the federally mandated NPDES program. A yearly rate of \$5.78 per benefit assessment unit was added to residents' property tax bill following a public hearing on May 18, 1994.

SECTION 3: The City Council elects to continue existing rates.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held March 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 regularly introduced and adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on the 20th day of March, 2013 by the following vote of the City Council:

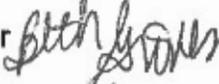
AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Norco, California this 20th day of March, 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: Steve King, Planning Director 

DATE: March 20, 2013

SUBJECT: Swap Meet Permit 2012-01 (Meisenbach): Renewal of the Swap Meet Permit at 2816 Hamner Avenue within the C-G (Commercial General) Zone

RECOMMENDATION: Adopt **Resolution No. 2013-14**, renewing Swap Meet Permit 2012-01 for one year, with the ability to adjust the flat annual vendor business tax fee at that time.

SUMMARY: The City Council approved Swap Meet Permit 2012-01 on March 7, 2012 with a condition that the permit needed to be renewed within one year of operation. This application is for the renewal of that permit.

BACKGROUND: The approved swap meet (Antique Swap Meet) occurs once a month every third Saturday in the parking lot of the Vandermolen Center. It is an antique swap meet (for vintage and handmade items) occurring between the hours of 7:00 a.m. and 3:00 p.m. on the days it is open. The event takes up approximately 15 parking spaces (for up to 15 vendors) towards the south east corner of the center next to Antiques, Trinkets, and More which is a tenant in the center, the owner of which is the sponsor of this event. The applicant estimated approximately 50 people to attend on any given Saturday. No food or beverages is sold at the event.

When the Swap Meet Permit was approved there was no business model on which to base conditions and fees since the current regulations and fee structure for swap meets is based on a one-time event, not a recurring event. As such the applicant is currently conditioned that, in addition to the one-year renewal, the applicant/sponsor also file a "review application" every month with a monthly fee of \$40.00 which is the current application fee (\$40.00 per day) for a Swap Meet Permit.

The Norco Municipal Code (NMC) requires that all swap meets be approved by the City Council. The NMC does not limit the number of events that can occur on any specific property, but the fee schedule and regulations are based on one-time events. Nonetheless, there is nothing that prohibits a monthly (or more frequent) swap meet event, provided that all conditions of approval can be met.

ANALYSIS: Because the event was sponsored by an existing business in Norco there is not a requirement to obtain another business license for the event. However, each exhibitor is currently required to obtain a business license if there is not a current Norco Business License associated with the exhibitor's business. There were some complaints that this was an onerous requirement for exhibitors that did not have to pay that fee in other cities where they also had booths at swap meets. The claim was that the sponsor of the event in other cities took care of the fees for them. Again, the City does not currently have a fee schedule based on a business plan of a recurring event.

Subsequent to the approval of the Antique Swap Meet Permit the City Council approved the swap meet permit for the Norco Trading Post that will begin in April of this year at the Norco College Campus and will be a weekly event, two days a week.

The table below shows the application and business license fees for the sponsor and exhibitors that were conditioned for the Norco Trading Post, compared with the same fees for the Antique Swap Meet.

EXISTING FEES		
	ANTIQUÉ SWAP MEET	NORCO TRADING POST
	12 days/year (1/mo.)	100 days/year
SWAP MEET PERMIT (paid by operator)	\$480 (\$40.00 per day) \$40.00 fee paid monthly	\$2,000 (\$20.00 per day) one-time fee
BUSINESS LICENSE: (annual fees)		
Tax (paid by operator)	\$60	\$60+ \$500 (for exhibitors)*
Tax (paid by exhibitor)	\$60	none*
Processing Fee (operator)	\$27 (1 st), \$15 (renewal)	\$27 (1 st), \$15 (renewal)
Processing Fee (exhibitor)	\$27 (1 st), \$15 (renewal)	none*
FIRE INSPECTION FEE (paid by operator)	no fee	\$150 per year (more as needed)

* Operator pays one annual fee to cover exhibitors

Staff is proposing new conditions for the Antique Swap Meet to make its fees and operating conditions consistent with what was approved for the Norco Trading Post:

ANTIQUE SWAP MEET FEES		
	EXISTING	PROPOSED
	12 days/year (1/mo.)	12 days/year (1/mo.)
SWAP MEET PERMIT (paid by operator)	\$480 (\$40.00 per day) \$40.00 fee paid monthly	N/A (already paid)
BUSINESS LICENSE: (annual fees)		
Tax (paid by operator)	\$60	\$60+ \$30 (for exhibitors)*
Tax (paid by exhibitor)	\$60	none*
Processing Fee (operator)	\$27 (1 st), \$15 (renewal)	\$27 (1 st), \$15 (renewal)
Processing Fee (exhibitor)	\$27 (1 st), \$15 (renewal)	none*
FIRE INSPECTION FEE (paid by operator)	no fee	no fee

* Operator pays one annual fee to cover exhibitors

The Norco Trading Post was required by condition 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." That is to be verified with monthly or quarterly lists of participants to be provided to the Deputy City Manager/Finance Director. The Antique Swap Meet has been conditioned with the same requirement. This is to ensure that, in agreement for the fee structure, there is a level of confidence to the City that sales taxes are being collected appropriately.

Staff has not received any complaints on the operation of the Antique Swap Meet event so no changes to conditions are proposed with the exception of the fee structure based on their business plan and an addition to the required renewal that an updated approval letter from the property owner, for the event, be provided with the application to renew the permit. The applicant originally received a permission from the property owner to operate the swap meet (ref. Exhibit "A" – Permission Letter) but the letter does not address a time-frame for the approval. Condition No. 2 requires the renewal of the permit within one year of approval and also requires the updated approval letter from the property owner.

FINANCIAL IMPACT: The application fee has already been collected so is not applicable to the renewal. 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 \$30 annual business tax fee to cover vendors. Upon application for renewal the flat annual vendor business tax fee can be re-evaluated and adjusted as needed. Each vendor is required to report sales at the Antique Swap Meet 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. 2013-14
Exhibit "A" – Permission Letter

RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, GRANTING WITH CONDITIONS, RENEWAL OF SWAP MEET PERMIT 2012-01 FOR A MONTHLY SWAP MEET AT THE PARKING LOT OF THE "VANDERMOLLEN CENTER" LOCATED AT 2816 HAMNER AVENUE WITHIN THE C-G (COMMERCIAL GENERAL) ZONE. SWAP MEET PERMIT 2012-01

WHEREAS, MS. PEGGY MEISENBACH 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 2816 Hamner Avenue (APN 129-251-008); and

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

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

WHEREAS, said City Council approved Swap Meet Permit 2012-01 with a condition that the permit be renewed within one year; and

WHEREAS, at the set time; at 7 p.m. on March 20, 2013 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition for renewal 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

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

1. The operation or conduct of the requested event, has not been, and will not be contrary to the public peace, health, safety and welfare of the City.
2. The applicant can and will as a condition of approval, submit in the appropriate form, satisfactory evidence that a California State Board of Equalization resale number has been obtained by the applicant and vendors for the requested swap meet.
3. The applicant has submitted satisfactory evidence and demonstrated that adequate and safe parking accommodations will be provided for the swap meet.

4. The applicant has provided satisfactory evidence to the capacity and willingness to clean up the site of the swap meet after its conclusion.
5. 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 March 20, 2013 that the application for Swap Meet 2012-01 is renewed, 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 the same exhibits and photos dated February 14, 2012, approved with Swap Meet Permit 2012-01 on March 7, 2012 and incorporated herein by reference and on file with the Planning Division. The event shall continue to occur as shown unless otherwise noted in these conditions.
2. This permit is granted for one year, with the ability to be extended by City Council action upon a written request from the operator at least one month prior to the one-year expiration. The applicant/operator shall provide an updated approval letter from the property owner with the application for extension.
3. 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.
4. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
5. 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.
6. The operator shall pay an annual flat-rate fee of \$30.00 to cover business license costs for the exhibitors. The annual flat-rate fee shall be subject to revision by the City upon each annual renewal of the Swap Meet Permit per Condition No. 2.

7. In the event conditions for approval by the Planning Commission or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes.
8. 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.
9. 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.
10. The sale, trade, barter or exchange of live animals or birds shall not be allowed.
11. The provision (at permittee's expense) of any number of law enforcement officials deemed necessary to provide adequate crowd and traffic control for the swap meet may be required by staff upon recommendation, review, and consultation with the Riverside County Sheriff Department.
12. The applicant shall secure (using a temporary barrier) the swap meet area for crowd control and so that vehicles do not enter the area.
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 the information he or she 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 applicant shall provide temporary trash bins throughout the site to ensure that trash from the event does not end up in the public right-of-way.
18. The applicant is responsible for full clean-up of the entire event site and all parking lots/areas following the special event.
19. The operator shall keep clear and accessible, at all times the event is operating, Fire Department access including main access points. All fire hydrants shall be kept clear and un-obstructed.
20. All exit and exit pathways shall remain unobstructed.
21. Accessibility paths of travel per the Americans with Disability Act (ADA) shall remain clear and unobstructed. All ADA parking stalls shall remain accessible.
22. If electrical power is needed, power cords shall not be run across or along any required exit paths or ADA accessible pathways, and the cords shall be covered and shall be installed so as not to present tripping hazards. All temporary electrical shall be installed per the California Building Code.

23. The installation of temporary canopies/easy-ups is not allowed underneath building eaves. The use of canopies/easy-ups shall only be in the parking lot, away from any building.
24. 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.
25. The applicant shall comply with all requirements from the Planning, Engineering, and Building Divisions; and the Fire and Sheriff's Departments; and all other applicable departments and agencies.

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

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



1774 4th Street • Norco, California 92860 (951) 734-7445 •

FAX (951) 734-7445

1-15-12

To who it may concern:

I Louis VanderMolen, owner of the "VanderMolen Center", give permission to Peggy Meisenbach of the 'Antique Store' to have a 'once a month' "Swap meet" on the parking lot in front of 2816 Hamner providing they provide liability insurance to cover any or all accidents and/or injuries that may occur on the premises during such occasion.

Louis VanderMolen

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: John Harper, City Attorney

DATE: March 20, 2013

SUBJECT: Approval of an Extension to the Agreement for Part-Time/Temporary Employment of Public Works Director

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

SUMMARY: On February 15, 2012, the City Council approved an Agreement for Temporary Part-Time Employment of Public Works Director William Thompson. Post retirement employment with the City of Norco for Mr. Thompson is limited to a temporary/part-time basis while the vacant Public Works Director position is being recruited. The maximum term under the statute was one year. The statute was amended to eliminate that limitation in June 2012 by Senate Bill 1021. It is anticipated that the vacancy will be filled on or before June 30, 2013; therefore, the Agreement with Mr. Thompson should be extended until that time.

BACKGROUND/ANALYSIS: Government Code §21221(h) states that a retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by PERS upon interim appointment by the governing body of a contract agency to a vacant position during recruitment for a permanent appointment, and which is deemed by the governing body to require specialized skills. The statutory limitation of one year for such employment was eliminated in June, 2012 by Senate Bill 1021.

An "Agreement for Temporary/Part-Time Employment of Public Works Director" employing William Thompson on a temporary/part-time status, and which meets Government Code §21221(h) requirements, was approved by the City Council on February 15, 2012 through March of 2013. The term was limited to one year due to the prior statute. Since Mr. Thompson's skills are specialized, and the position is not yet filled, it is recommended that the City Council approve an Extension Agreement through the end of the 2012-13 Fiscal Year to enable staff to fill the Public Works Director vacancy.

FINANCIAL IMPACT: Funding for this position is included in the FY 2012-13 Budget in the Water, Sewer and Gas Tax Funds.

Attachment: Extension to the Agreement for Temporary/Part-Time Employment Public Works Director.

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

This Extension Agreement is hereby made and entered into on this 3rd day of March, 2013, by and between the City of Norco, California, a Municipal Corporation, (hereinafter referred to as "City") and William Thompson, an individual, (hereinafter referred to as "Interim Public Works Director").

RECITALS

A. The City and the Interim Public Works Director heretofore entered into an Agreement for temporary part-time employment dated February 15, 2012 (the "Agreement").

B. The term of that Agreement was for twelve (12) months as a consequence of the statutory limitation contained in Government Code §21221, which limited the length of time a City could employ on an interim basis a retired person to fill a vacant position during recruitment for a permanent appointment.

C. The statute was amended by Senate Bill 1021, effective, June 27, 2012 to eliminate the one year limitation.

D. Following a review and potential reorganization of the department, the City anticipates filling the vacant position of Public Works Director on or before June 30, 2013, and as a consequence desires to extend the term of the interim Public Works Director until that date.

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

1. The foregoing recitals are true and correct and incorporated hereat as if set forth in full.
2. The term of the existing Agreement is hereby extended until June 30, 2013.
3. All other terms and conditions of the existing Agreement shall remain in full force and effect.

Dated: _____, 2013

CITY OF NORCO

By: _____
Kathy Azevedo, Mayor

Dated: _____, 2013

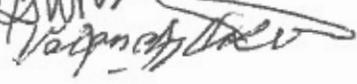
**INTERIM PUBLIC WORKS
DIRECTOR**

By: _____
William Thompson

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Olivia Hoyt, Accounting Manager 

DATE: March 20, 2013

SUBJECT: Approval for Extension of Contract for Annual Audit Services with Rogers, Anderson, Malody and Scott, LLP

RECOMMENDATION: Approve a contract extension for annual audit services with Rogers, Anderson, Malody and Scott, LLP.

SUMMARY: Staff is recommending that the Council approve a one-year contract extension with Rogers, Anderson, Malody and Scott, LLP (RAMS) to perform the required annual independent audit of the City of Norco for fiscal year ending June 30, 2013. The total cost to perform the required scope of services will not exceed \$44,000 for fiscal year 2013.

BACKGROUND/ANALYSIS: The first contract award with the Certified Public Accounting firm of Rogers, Anderson, Malody and Scott, LLP (RAMS) was for fiscal years ended June 30, 2001 through 2003. This contract was extended by the City Council for three additional years through fiscal year 2005-2006. After a competitive selection process in 2007, Council awarded a new three-year contract for audit services to RAMS. The three-year contract was for the fiscal years ended June 30, 2007, 2008 and 2009. In 2010 this contract was extended for additional three years which ended June 30, 2012. The recommended contract extension will be through June 30, 2013.

Through the audit contract, RAMS provides the following services to the City of Norco and the Successor Agency:

1. Audit of the basic financial statements of the City in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in the Government Auditing Standards.
2. Assistance with the preparation of City Comprehensive Annual Financial Report (CAFR). and Successor Agency's basic financial statements
3. Compliance with the requirements of the Single Audit Act of 1996 and OMB Circular A-133

4. Audit procedures required by Proposition 111 relative to the City's Appropriations Limit.
5. Audit of the basic financial statements of the Successor Agency to the former Norco Community Redevelopment Agency.
6. Assistance with preparation of State Controller's Report.

Over the years, RAMS has done an outstanding job for the City especially in assisting staff in the areas of implementing new technical accounting pronouncements as well as assessing compliance with internal controls. RAMS also has assisted the City in obtaining the GFOA's Certificate of Achievement of Excellence in Financial Reporting over the last nine consecutive years. The firm has demonstrated a very a good understanding of the City's financial structure and operations which results in an efficient and effective audit process.

While there may be some benefits to changing auditors from time to time, staff believes that at this time, it is in the best interest of the City to extend the audit contract with RAMS for one additional year. This will allow staff more time to develop the next audit services RFP and go through another competitive selection process.

FINANCIAL IMPACT: The overall fee for audit services in fiscal year 2012-2013 will decrease of by \$1,905 due to a reduction in scope as the RDA is now replaced with a Successor Agency. The total not-to-exceed annual cost of \$44,000 for the proposed contract extension will be included in the operating budget and the City will be reimbursed for the costs of auditing the Successor Agency.

Attachment: Letter from RAMS



ROGERS, ANDERSON, MALODY & SCOTT, LLP
 CERTIFIED PUBLIC ACCOUNTANTS, SINCE 1948

735 E. Carnegie Dr. Suite 100
 San Bernardino CA 92408
 909 889 0871 T
 909 889 5361 F
 ramscpa.net

February 19, 2013

MEMORANDUM
 TO: THE CITY COUNCIL

FROM: ANDY OKORO, Deputy City Manager/Director of Finance
 SUBJECT: REQUEST FOR PROPOSALS FOR THE AUDIT OF THE CITY OF NORCO FOR FISCAL YEAR 2012-13

DATE: FEBRUARY 19, 2013
 TIME: 10:00 AM

TO: THE CITY COUNCIL

FROM: ANDY OKORO, Deputy City Manager/Director of Finance

SUBJECT: REQUEST FOR PROPOSALS FOR THE AUDIT OF THE CITY OF NORCO FOR FISCAL YEAR 2012-13

DATE: FEBRUARY 19, 2013

TIME: 10:00 AM

City of Norco
Andy Okoro, Deputy City Manager/Director of Finance
2870 Clark Avenue
Norco, CA 92860

Dear Mr. Okoro:

This letter is in response to your request to have Rogers, Anderson, Malody & Scott, LLP perform the audit for the City of Norco for the Fiscal Year 2012-13.

We are proud of the excellent service our firm has provided the City. We have provided assistance to the City in preparing its Annual Financial Statements, we have been flexible in our audit schedules to accommodate any requests of the City and made ourselves available (at no extra charge) throughout the years to answer questions raised by Finance Staff that come up from time to time and have attended City Council meetings as needed.

We are proposing a one year extension to our contract for the fiscal year ended June 30, 2013 as follows:

City Audit	\$ 29,000
Successor Agency Funds	4,000
Preparation of CAFR	5,500
State Controller's Report Preparation	2,100
Single Audit (If applicable)	3,400
Total	<u>\$ 44,000</u>

FOR THE BOARD OF SUPERVISORS
 ANDY OKORO, Director of Finance

APPROVED: _____
 DATE: _____
 TITLE: _____

Overall between fiscal year 2011/12 and 2012/13 there is a decrease in our fees of \$1,905, due a reduction in the RDA audit of \$2,955. The increase in our fees for the City audit and other services from 2012 to 2013 is 2.7% or \$1,050. We understand the current economic conditions affecting all California governments, but feel this increase is warranted due to the nature of our professions constantly changing auditing and accounting standards, standards we must follow during all audits. During our contract period with the City, the American Institute of Certified Public Accountants issued thirteen new Statements on Auditing Standards and the Governmental Accounting Standards Board issued fourteen new accounting standards. The combination of these new standards has increased the cost of performing all of our audit engagements by a minimum of 15-20%.

We plan to provide continuity of staffing, be available to work with the finance staff in areas of technical accounting pronouncements as well as compliance and internal control issues. We are available for telephone consultation on various financial matters throughout the year. All professional consultation, throughout the year has been included in the above fixed fees.

We value the City as an important client and look forward to continuing our services for the fiscal year 2012-13.

Very truly yours,

Rogers, Anderson, Malody & Scott, LLP



Terry P. Shea, Partner
Certified Public Accountant

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

DATE: March 20, 2013

SUBJECT: Update on the Silverlakes Project

SUMMARY: At its March 6, 2013 regular meeting, the City Council voted to agendaize an update on the Silverlakes project. A brief background on the project is provided and representatives of Balboa Management Group, LLC, the project developer, will be present at the meeting to provide a project and construction status update and respond to Council Member questions.

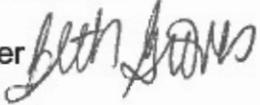
BACKGROUND: On July 6, 2011, the City Council approved agreements with Balboa Management Group, LLC, for the development of the Silverlakes project on 122 acres of City property, located at the northeast border of the City on Hamner Avenue.

- The project is to be developed as a recreation facility under a long-term ground lease in accordance with the deed restriction that exists on the property. The Silverlakes project is being implemented through four documents: 1.) Norco Silverlakes Ground Lease, 2.) Norco Silverlakes Shared Use Agreement, 3.) Development Agreement, and 4.) Funding, Construction & Acquisition Agreement. The Ground Lease was amended on January 18, 2012 and on March 7, 2012. The Funding, Construction and Acquisition Agreement was amended on June 6, 2012.
- On April 18, 2012, based on conditions in the agreements, the City received \$396,480 from Balboa (6 months rent and 6 months security deposit).
- On June 11, 2012, as dictated by the agreements, a \$350,000 irrevocable Letter of Credit was provided to the City as security for bond payments.
- On July 1, 2012, Monthly rent payments of \$33,000 began.

To date, approximately \$5.2 million of the allocated \$6 million of 2009 Enterprise Revenue Bond proceeds loan has been accessed for the implementation of grading, import of necessary fill material, construction of storm drain infrastructure (including catch basins), and coordination for the proposed sewer and water infrastructure on the property. Under the terms of the Funding, Construction and Acquisition Agreement, Balboa is responsible for paying back the loan at 5.9% interest. Monthly re-payment on the loan, including accrued interest, shall commence thirty (30) days from the date on which the City Council takes a final action to accept dedication of the Facilities constructed.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Alma Robles, Senior Planner 

DATE: March 20, 2013

SUBJECT: Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6: regarding the allowance of massage businesses as ancillary uses in commercial zones.

RECOMMENDATION: Adopt for First Reading Ordinance No.960, approving Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6.

SUMMARY: This item is a City-initiated proposal to allow massage businesses as an ancillary use in the subject zoning districts. Currently, the only zone in the City that allows massage services is the C-G zone with the approval of a conditional use permit (CUP). Staff has received requests for massage services to operate within a beauty salon as opposed to a "stand alone" operation.

BACKGROUND/ANALYSIS: Beauty salons are permitted uses by right (a CUP is not required) in the C-G zone. It is not unusual for some beauty salons to offer massages as an ancillary service, but the cost of a CUP is often prohibitive. Furthermore, massage services are not listed as permitted uses in the Norco Auto Mall, in the GWSP or in the NHSP; however, beauty salons are, which presents the same dilemma.

Before a City of Norco business license is issued to a massage technician, proof of either State certification or compliance with the requirements of Chapter 5.48 "Massage Business" of the Norco Municipal Code (NMC) is required. This chapter requires a background check, finger printing, proof of schooling etc., as well as compliance of the location where the massage service will be provided (ref. exhibit "A" – Chapter 5.48 "Massage Business" of the NMC). These requirements will not change with the proposed amendments, but these requirements in addition to a CUP can be prohibitive for such a small portion of a business.

The Planning Commission recommended that massage services be allowed, without a CUP, as an ancillary use to a hair/nail salon or a spa, provided that the maximum floor area for massage services be limited to no more than 20% of the floor area of such beauty salon.

Chapter 18.29 – “C-G” (Commercial General), Section 18.29.20 – “Permitted Uses”, Table 1 – Permitted Uses, under the category entitled “**Personal Services**”, and the foot note section located at the bottom row of Table 1 of Section 18.29.20 is recommended to be amended as follows (proposed verbiage is indicated in bold and underlined, and verbiage proposed to be eliminated is struck through):

Personal Services	
Dry Cleaning, Tailoring, and Laundromats	p
Hair/Nail Salon <u>with ancillary massage services</u>	<u>p⁷</u>
Spa/Massage <u>with ancillary massage services</u>	<u>ε p⁷</u>
<u>Massage</u>	<u>c</u>

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.
- 7. Massage services shall not exceed 20% of the floor area of such business.**

As noted above, the Planning Commission recommended that the “Spa/Massage” use which is conditionally permitted, be amended to read “Spa” with ancillary massage services” and that this use be permitted without a CUP. This use was conditionally permitted because the massage provision could actually occupy an entire facility, but this would no longer be allowed with the proposed amendment.

Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6:

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March 20, 2013

The permitted uses in the Norco Auto Mall, the Commercial District of the Gateway Specific Plan and the Neighborhood Commercial District of the Norco Hills Specific Plan are also proposed to be amended to reflect the same proposed provision in the C-G zone, to allow massage services as a permitted ancillary use to a type of beauty salon, without the need for a conditional use permit. The attached Ordinance reflects the verbiage proposed to be added to each commercial zone/district. A massage business would continue to be allowed a primary use upon approval of CUP, but only in the C-G Zone.

CONCLUSION: Based on the existing regulations in Chapter 5.48 of the NMC and the proposed provision to allow massage services only as ancillary use, massage services can be operated in a matter that is compatible with existing business in the subject commercial zones.

Attachments: Ordinance No.960 for first reading
 Exhibit "A" - Chapter 5.48 "Massage Business" of the NMC

ORDINANCE NO. 960

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2013-02; SPECIFIC PLAN 85-1, AMENDMENT 8; SPECIFIC PLAN 90-01, AMENDMENT 12; AND SPECIFIC PLAN 91-02, AMENDMENT 6 TO ALLOW MASSAGE SERVICES AS A PERMITTED ANCILLARY USE IN THE C-G (COMMERCIAL GENERAL) ZONE, THE NORCO AUTO MALL, THE GATEWAY SPECIFIC PLAN AND THE NORCO HILLS SPECIFIC PLAN. ZONE CODE AMENDMENT 2013-02; SPECIFIC PLAN 85-1, AMENDMENT 8; SPECIFIC PLAN 90-01, AMENDMENT 12; AND SPECIFIC PLAN 91-02, AMENDMENT 6.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6, to allow massage services as a permitted ancillary use in the corresponding commercial zones, 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 before the Planning Commission on February 20, 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 2013-10 recommending to the City Council that Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6, 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 March 20, 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:

Zone Code Amendment 2013-02: Chapter 18.29 – “C-G” (Commercial General), Section 18.29.20 – “Permitted Uses”, Table 1 – Permitted Uses, under the Category entitled “Personal Services”, and the foot note section located at the bottom row of Table 1 of Section 18.29.20 is hereby amended to read as follows:

Personal Services	
Dry Cleaning, Tailoring, and Laundromats	p
Hair/Nail Salon with ancillary massage services	p ⁷
Spa with ancillary massage services	p ⁷
Massage	c
<p>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.</p> <p>2. Conditionally permitted as an ancillary use only.</p> <p>3. Plant Nursery's shall be permitted to have Outdoor Displays and Sales as an ancillary use.</p> <p>4. Cannot be located on urban arterial street frontages unless the use is ancillary to a restaurant.</p> <p>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.</p> <p>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.</p> <p>7. Massage services shall not exceed 20% of the floor area of such business.</p>	

Specific Plan 85-1 (Norco Auto Mall Specific Plan), Amendment 8: Section 70- "Permitted Uses", Subsection (3) – Area "C", item (b) , and Subsection (4) – Area "D" under the category entitled "Personal Services", and the foot note section located at the bottom row of the table are hereby amended to read as follows:

Section 70 - "Permitted Uses"

(3) Area C

(b) Service Related: financial institutions. Barbershops and beauty shops (to include massage services as an ancillary use not to exceed 20% of the Barber or Beauty Shop business), clothes cleaners and other services related to employee or customers within the auto mall.

(4) Area D

Personal Services	
Dry Cleaning, Tailoring, and Laundromats	p
Hair/Nail Salon with ancillary massage services	p ⁶
Spa with ancillary massage services	p ⁶

"p"	<i>Permitted Use</i>
"c"	<i>Requires Approval of a Conditional Use Permit</i>
"a"	<i>Permitted as an Accessory Use</i>
-- ¹	<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>
-- ²	<i>Conditionally permitted as an ancillary use only.</i>
-- ³	<i>Plant nurseries shall be permitted to have outdoor displays and sales as ancillary uses.</i>
-- ⁴	<i>Cannot be located on urban arterial street frontages unless the use is ancillary to a restaurant.</i>
-- ⁵	<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>
-- ⁶	<i>Massage services shall not exceed 20% of the floor area of such business.</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</i>

Commission may approve a Similar Use Application for said use.

Specific Plan 90-01 (Gateway Specific Plan), Amendment 12: Appendix "C" of the Gateway Specific Plan, under the Category entitled "Barber and Beauty Shops" is hereby amended as follows:

APPENDIX C

SUMMARY OF PERMITTED (X) AND CONDITIONALLY PERMITTED (O) USES

	COMMERCIAL	OFFICE	INDUSTRIAL
Barber and Beauty Shops	X		
a) Massage Services (as an ancillary use being no more than 20% of a barber or beauty shop)	X		

Specific Plan 91-02 (Norco Hills Specific Plan), Amendment 6: Chapter III – "Development Regulations", Section C – "Regulations", Subsection 2 – "Neighborhood Commercial District", Item b. (Permitted Uses) 2. (Service Businesses) (b), is hereby amended as follows:

2) Service Business

(b) Barber or Beauty shop (to include massage services as an ancillary use not to exceed 20% of the Barber or Beauty shop business).

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 April 3, 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 March 20, 2013, and thereafter at a regular meeting of said City Council duly held on April 3, 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 April 3, 2013.

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

/adr

Chapter 5.48 MESSAGE BUSINESSES

Sections:

5.48.100 Definitions.

5.48.200 MESSAGE BUSINESS

- 5.48.210 Message Business--Permit Required.
- 5.48.215 Message Business Exemptions.
- 5.48.220 Message Business Application.
- 5.48.225 Message Business--Operating Requirements.
- 5.48.230 Message Business--Facilities.
- 5.48.235 Message Business Inspection.
- 5.48.240 Message Business--Licenses Not Transferable.
- 5.48.245 Message Business--Change of Location or Name.
- 5.48.250 Message Business--Notification of Change.
- 5.48.255 Message Business--Renewal of Permit.
- 5.48.260 Message Business--Applicability of Regulations to Existing Businesses.

5.48.300 MESSAGE TECHNICIANS

- 5.48.310 Message Technicians--Permit Required.
- 5.48.320 Message Technician--Application.
- 5.48.330 Message Technician Examining Panel.
- 5.48.340 Message Technicians--Renewal.
- 5.48.350 Message Technicians Permit--Posting.
- 5.48.360 Message Technicians--Apparel Requirements.

5.48.400 OUT CALL MESSAGE SERVICE

- 5.48.410 Out Call Massage Services--Special Endorsement Required.
- 5.48.420 Out Call Massage Services Application.
- 5.48.430 Business Out Call Massage Services--Records.

5.48.500 PROHIBITED CONDUCT, PROCEDURES, AND PENALTIES

- 5.48.510 Prohibited Conduct.
- 5.48.520 Suspension Pending Revocation.
- 5.48.530 Revocation--Massage Business Permit.
- 5.48.540 Revocation--Massage Technician Permit.
- 5.48.550 Permit Denial/Revocation Appeal Procedure.
- 5.48.560 Burden of Proof at Hearing.

5.48.100 Definitions.

Whenever, in this Ordinance, the following terms are used, they shall have the meaning ascribed to them in this Section unless it is apparent from the context thereof that some other meaning is intended.

- (1) "Applicant(s)" shall mean the individual applicant and/or the designated officer or managing partner acting on behalf of a corporation or partnership.

EXHIBIT "A"

- (2) "Code Enforcement Officer" means the Code Enforcement Officer of the City of Norco or his or her designated representative.
- (3) "Massage" means any method of treating the external parts of the human body for remedial, health, or hygienic purposes by means of pressure on or friction against; or stroking, kneading, rubbing, tapping, pounding; or stimulating the external parts of the human body with the hands or other parts of the human body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.
- (4) "Massage business" means any establishment having a fixed place of business where any person, firm, association, partnership, corporation engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of giving massages, baths, administration of fomentation, electric or magnetic treatments, alcohol rubs, or any other type of system for treatment or manipulation of the human body with or without any character of bath, such as Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.
- (5) "Massage technician" shall include a "Massage Technician", "Massage Trainee", "Masseur", "Masseuse" and means any person who administers to another persons, for any form of consideration, "massage" as defined, or bathes, manipulates the body, or uses electric massage procedures, or similar procedures.
- (6) "Out Call Massage Service" means any business where the primary function of such business is to engage in or carry on massage, not always at a fixed location, but also at locations designated by the customers or clients.
- (7) "Panel" means the massage examining panel of the city.
- (8) "Person" means any individual, firm, partnership, joint venture, corporation, association, club or organization.
- (9) "Practice of massage" means the performance of massage for compensation, either as the owner of or as an employee of a massage business, either at or away from the place of business.
- (10) "Recognized School of Massage" means any school or institution of learning which teaches the theory, ethics, practice, profession, or work of massage. (Ord. 783, 2001; Ord. 723, 1997)

5.48.200 MASSAGE BUSINESS

5.48.210 Massage Business--Permit Required.

- (1) It shall be unlawful for any person, firm, partnership or cooperation to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises within the City of Norco, the operation of a massage business as herein described, without first having obtained a permit issued by the City of Norco pursuant to the provisions herein set forth. Said permit shall immediately be surrendered to the City upon suspension, revocation, or expiration of said permit;
- (2) No person shall engage in or hold himself or herself out as engaged in the practice of massage in the city without a valid massage technician license. The possession of a valid

massage business license does not allow the holder thereof to engage in the practice of massage;

(3) No person who is the owner, operator, responsible managing employee or manager of a massage business, shall employ or permit any individual to engage in the practice of massage unless such individual possesses a valid technician license.

(4) A permit under this Chapter shall be valid for twelve (12) months from the date of issuance unless revoked or suspended. The permit required shall be in addition to any business license required by City ordinance or any other permit required for such use including, but not limited to, any conditional use permit or other similar entitlement for use.

5.48.215 Massage Business Exemptions.

The provisions of this Chapter shall not apply to:

(1) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California;

(2) Nurses registered under the laws of the State of California;

(3) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practice within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, and/or scalp of the customer or client;

(4) Hospitals, nursing homes, sanitariums, or other health care facilities duly licensed by the State of California;

(5) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting with the scope of their employment;

(6) Trainers of amateur, semiprofessional or professional athletes or athletic teams.

(7) Acupuncture and the practice of puncturing the body (as with needles) of specific points to relieve pain or cure disease as regulated in Chapter 12 of the Business and Professions Code. (Ord. 723, 1997)

5.48.220 Massage Business Application.

(1) Any person, firm, corporation, or partnership desiring to obtain a permit to operate a massage business shall make application to the Business License Department under penalty of perjury of the laws of the State of California, to the City. Prior to submitting such application, a non-refundable fee in an amount established by the City Council shall be paid to the City to defray, in part, the cost of the investigation and reports required by this Chapter. A copy of the receipt showing payment of the required fee shall accompany the application. These fees are non-refundable and shall defray the cost of processing each application.

(2) The applicant, if a corporation or partnership, shall designate one of its officers or general partners to act as its responsible managing employee. Such person shall complete and sign all application forms required of an individual applicant under this Chapter.

(3) The application and fee required under this Section shall be established by Resolution and presented together with an application, signed and dated by the applicant, under penalty of perjury, stating that all information contained in the application is true and correct. (Ord. 808, 2003)

- (4) The application for permit does not authorize conducting a massage business. No business shall be conducted until such permit has been granted. (Ord. 887, Sec. 2, 2008)
- (5) Each applicant for a massage business permit shall submit the following information:
- (A) The full true name under which the business will be conducted. If the name is a fictitious name, all individual owners, stockholders, partners, etc. shall be identified;
 - (B) The present or proposed address where the business is to be conducted;
 - (C) The applicant's full, true name, any other names used, date of birth, California Driver's License number or California Identification number, Social Security number, present residence address and telephone number, the sex, height, weight, color of hair, and color of eyes.
 - (D) Previous two (2) residences of the applicant and the inclusive dates at each address;
 - (E) The applicant's business, occupation, and employment history for five (5) years preceding the date of application, and the inclusive dates of same;
 - (F) The permit history of the applicant, including whether such person has ever had any permit or license issued by any agency, board, city, county, parish, territory, or state, the date of issuance of such a permit or license, whether the permit or license was revoked or suspended, or if a vocational or professional license or permit was issued, revoked, or suspended, and the reason(s) therefore;
 - (G) All convictions for any crime involving conduct which requires registration under any state, federal or territorial law similar to and including California Penal Code § 290, or of conduct which is a violation of the provisions of any state, federal or territorial law similar to and including California Penal Code § 266h, 266l, 314, 315, 316, 318, 647, any other crime involving the elements of the foregoing code Chapters, by way of plea bargain, or any crime involving dishonesty, fraud, deceit, or moral turpitude. For the purposes of this Chapter, "conviction" shall include a conviction pursuant to a plea of guilty or nolo contendere;
 - (H) A complete explanation of all services to be provided;
 - (I) The name, address, and date of birth of each massage technician, trainee, or employee who is or will be employed in said business;
 - (J) The name and address of any massage business or other like business owned or operated by any person whose name is required to be given pursuant to this Section wherein the business or profession of massage is carried on;
 - (K) Acceptable written proof that the applicant is at least eighteen (18) years of age;
 - (L) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter together with the State and date of incorporation or Charter together with the State and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding five percent (5%) or more of the stock of that corporation;

- (M) If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk;
- (N) The City may require the applicant to furnish fingerprints when needed for the purpose of establishing identification. Any required fingerprinting fee will be the responsibility of the applicant;
- (O) Two (2) current, full-face portrait photographs of the applicant, two (2) inches by two (2) inches in size shall be provided by the applicant;
- (P) A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant shall be set forth;
- (Q) The name and address of the owner and lessor of the real property upon or in which the business is to be conducted shall be identified. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage business will be located on his/her property; and
- (R) Authorization for the City of Norco, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application shall be required. (Ord. 723, 1997)

5.48.225 Massage Business--Operating Requirements.

A massage business shall meet the following minimum requirements:

- (1) Each person employed or acting as a massage technician shall have a valid permit issued by the City, which permit shall be displayed in a conspicuous area open to the public at all times. It shall be unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a massage business to employ or permit a person to act as a massage technician who is not in possession of a valid, unrevoked massage technician permit issued pursuant to this Chapter and which is worn clearly visible during working hours.
- (2) The possession of a valid Massage Business Permit does not authorize the possessor to perform work for which a Massage Technician Permit is required.
- (3) Massage operations shall be carried on or conducted, and the premises shall be open, only between the hours of 7:00 a.m. and 10:00 p.m.
- (4) A list of services available as approved pursuant to the application and the cost of such services shall be posted in an open public place within the premises, and shall be described in readily understandable language. No owner, manager, operator, responsible managing employee, or permittee shall permit, and no massage technician shall offer or perform, any service other than those posted.
- (5) The Massage Business Permit and a copy of the permit of each and every massage technician employed in the business shall be displayed in an open and conspicuous place on the premises.
- (6) Every massage business shall keep a written record of the date and hour of each treatment, the name and address of each patron, the name of the massage technician

administering the treatment, and the type of treatment administered. Such records shall be open to inspection only by officials charged with enforcement of this Chapter, shall be available during all business hours, and shall be used for no other purpose. Any unauthorized disclosure or use of such information by any officer or employee of the City or the owner or employee of the massage business, shall constitute a misdemeanor and such persons shall be subject to the penalty of the provisions of this Chapter in addition to any other penalties provided by law. Such records shall be maintained on the premises of the massage business for a period of two (2) years.

(7) Massage businesses shall at all times be equipped with an adequate supply of clean, sanitary towels, coverings, and linens. Clean towels, coverings and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) patron, unless such towel or linen has first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) patron. Soiled linens and towels shall be deposited in separate, Health Department approved receptacles.

(8) If male and female patrons are to be treated simultaneously at the same massage business, separate massage rooms, separate dressing facilities and separate toilet facilities shall be provided for male and female patrons.

(9) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the County Health Department. Bathtubs shall be thoroughly cleaned with a disinfectant, approved by the Health Department, after each use. All walls, ceilings, floors, and other physical facilities of the business must be in good repair and maintained in a clean and sanitary condition.

(10) Instruments utilized in performing massage shall not be used on more than one (1) patron unless such instruments have been sterilized, using approved sterilizing methods.

(11) All employees, including massage technicians, shall be clean, and wear clean, nontransparent outer garments. Said garments shall not expose their genitals, pubic area, buttocks, or chest. Massage technicians shall maintain the massage technician permit visibly on their person during business hours.

(12) No person shall enter, be or remain in any part of a massage business while in the possession of, consuming, under the influence of or using any alcoholic beverages or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager, or permittee shall not permit any such person to enter or remain upon such premises.

(13) No massage business shall operate as a school of massage, or use the same facilities as that of a school of massage.

(14) No service may be carried on within any cubicle, room, booth, or any area within a massage business which is fitted with a door capable of being locked. All exterior doors shall remain unlocked from the interior side during business hours.

(15) A massage shall not be given and no patron shall be in the presence of a massage technician or other employee unless the patron's genitals are fully covered by a non-transparent covering. In addition, a female patron's breasts shall be fully covered by a non-transparent covering.

(16) No massage business shall be open for business without at least one massage technician on the premises at all times who is in possession of a current, valid permit.

(17) Each massage business granted a permit under this Chapter shall have a manager on the premises at all times the massage business is open. The operator of each massage business shall file a statement with the City designating the person or persons who shall act as manager. The operator, or manager in the operator's absence, shall be responsible for ensuring compliance with this Chapter. (Ord. 723, 1997)

5.48.230 Massage Business--Facilities.

Every massage business shall maintain facilities meeting all of the following requirements:

- (1) Signs shall be in conformance with the current ordinances of the City of Norco;
- (2) Minimum lighting shall be provided in accordance with § 1201 of the Uniform Building Code or successor provision or provisions. In addition, at least one artificial light of not less than sixty (60) watts shall be provided in each room or enclosure where massage services are performed on patrons;
- (3) Minimum ventilation shall be provided in accordance with § 1201 of the Uniform Building Code or successor provision or provisions.
- (4) Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided at all times;
- (5) Hot and cold running water shall be provided at all times;
- (6) Closed cabinets shall be provided for storage of clean linens;
- (7) A minimum of one (1) separate wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin;
- (8) Pads used on massage tables shall be covered with a durable, washable plastic or other waterproof material acceptable to the Riverside County Health Department. (Ord. 723, 1997)

5.48.235 Massage Business Inspection.

All applicants for a license shall be subject to a waiting period not to exceed one hundred-twenty (120) days commencing from the date the application is received. During such time, as a condition precedent to such applicant's right to receive a business license, an inspection shall be conducted to support or reject the permit to carry on the business.

All information contained in the application shall be reviewed, and inspection shall be made of the premises within which the business is to be conducted. If all evidence is satisfactory and all criteria is met, a business license shall be issued.

The Code Enforcement Officer shall, from time to time, and at least once a year, cause an inspection to be made of the premises and facilities of each massage business located within the city. (Ord. 723, 1997)

5.48.240 Massage Business--Licenses Not Transferable.

No license issued hereunder shall be transferable from one person to another. A massage business license shall be issued for a specific location, and shall in no event be transferable from location to another. (Ord. 723, 1997)

5.48.245 Massage Business--Change of Location or Name.

- (1) A change of location may be approved by the City provided the massage business complies with all ordinances and regulations of the City of Norco.
- (2) No permittee shall operate under any name or conduct any business under any designation not specified in the permit.
- (3) Any application for an expansion of a building or other place of business shall require compliance with this Chapter. (Ord. 723, 1997)

5.48.250 Massage Business--Notification of Change.

The holder of the permit to operate or conduct a massage business shall notify the City, in writing, of the name and address of each person employed, including massage technicians, at such business within five (5) days of said person being employed.

If, during the term of a permit, the applicant has any change in information provided on or concerning the original application or permit renewal application, notification shall be made to the City in writing, within ten (10) business days of the change. (Ord. 723, 1997)

5.48.255 Massage Business--Renewal of Permit.

A massage business licensed under this Chapter shall submit an application for renewal thirty (30) days prior to the expiration thereof. The renewal application shall be submitted together with the requisite fee of one one hundred dollars (\$100.00) as established by the City Council. Approval of the renewal application shall be contingent upon satisfactory compliance with all pertinent provisions of this Chapter. (Ord. 723, 1997)

5.48.260 Massage Business--Applicability of Regulations to Existing Businesses.

The provisions of this Chapter shall be applicable to all persons and businesses described herein whether the described activities were established before or after the effective date of the Chapter, except that massage businesses legally in business prior to the effective date hereof shall have six (6) months or until the expiration of their current business license, whichever is greater, to comply with the terms hereof. (Ord. 723, 1997)

5.48.300 MASSAGE TECHNICIANS**5.48.310 Massage Technicians--Permit Required.**

- (1) It shall be unlawful for any person to engage in the business of acting or to act as a massage technician unless such person holds a valid massage technician permit issued by the City. Each massage technician permit holder shall be issued a photo identification badge which will also serve as a massage technician permit. The permit holder shall maintain the massage technician permit visibly on his or her person during business hours.
- (2) Each permit holder shall immediately surrender to the City any massage technician permit issued by the City upon the suspension, revocation, or expiration of such permit.
- (3) A permit under this Chapter shall be valid for twelve (12) months from the date of issuance unless revoked or suspended. (Ord. 723, 1997)

5.48.320 Massage Technician--Application.

- (1) Each applicant for a massage technician permit shall make application under penalty of perjury of the laws of the State of California to the Director. Prior to submitting an application, a non-refundable fee of \$125 as established by the City Council shall be paid to defray, in part, the costs of investigation and report required by this Chapter. A copy of the receipt shall accompany the application.

- (2) Permit fees required under this Chapter shall be in addition to any license, permit or fee required under any other provision of this Code.
- (3) The application for permit does not authorize the applicant to practice massage. No work is authorized until such permit has been granted.
- (4) Each applicant for a massage technician permit shall submit the following information:
 - (a) Truthful and honest answers to each and every inquiry, of Section 5.48.220(5) hereof;
 - (b) Acceptable written proof that the applicant is at least eighteen (18) years of age.
- (5) The applicant must furnish proof of passage of the independently prepared and administered national examination through the National Certification Board for Therapeutic Massage and Bodywork (NCTMB), together with current recertifications in accordance with NCTMB requirements, a diploma or certificate of graduation from either a 300-hour resident course of instruction or 300 hours of cumulative education consisting of no less than 200-hour resident course, and 100 additional hours of resident instruction from a recognized school of massage as defined in Section 5.48.100(10) hereof, or from an existing school or institution of learning outside the State of California, together with a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least the minimum requirements prescribed by Article 3 of SubChapter 3 of Chapter 212 of 1 of Title 5 of the California Code of Regulations, wherein the theory, method, profession and work of massage is taught, and a copy of the school's approval by the State Board of Education.

Alternatively, three provisions of this Subchapter may be satisfied by the applicant receiving 200 hours of resident instruction and having membership, or the ability to obtain membership, in a qualified massage association,
- (6) The massage business's full name, address and telephone number where the massage technician will be employed at a fixed place of business. In the event the applicant seeks to conduct out call massage services not listed in the original application, an additional application and fee must be submitted.
- (7) Such other identification and relevant information as the City may require in order to discover the truth of the matters herein specified as required to be set forth in the application.
- (8) Two (2) current full face, portrait photographs of the applicant, two (2) inches by two (2) inches in size.
- (9) The City may require the applicant to furnish fingerprints when needed for the purpose of establishing identification. Any required fingerprinting fees will be the responsibility of the applicant.
- (10) A certificate from a medical doctor licensed to practice in the State of California stating that the applicant has, within thirty (30) days immediately preceding the date of application, been examined and found to be free of any contagious or communicable disease.
- (11) Authorization for the City of Norco, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application shall be required.

(12) Authorization to the City for 120 days in which to investigate the application and background of the applicant. Upon termination of the investigation, the City shall approve or deny said application in writing.

(13) The City, upon completion of the investigation, shall grant the permit if it is found in accordance with all established criteria and requirements. A card will be issued by the Riverside County Sheriff's Department indicating approval, and

(a) The applicant has furnished an acceptable diploma or certificate of graduation from a recognized school, or

(b) The applicant has furnished written proof from a recognized school that the minimum number of hours of instruction have been completed.

(14) If the City, following investigation of the application, determines that the applicant does not fulfill the requirements as set forth in this Chapter, the City shall deny said application by dated, written notice forwarded to the applicant's address set forth in the application by U.S. mail, with a proof of service attached. A new application may not be filed for at least 60 days after such denial. Any applicant for a permit who is refused a permit by the City may appeal the denial. (Ord. 723, 1997)

5.48.330 Massage Technician Examining Panel.

The Massage Examining Panel is established and shall consist of three (3) members, appointed by the City Manager or designee, who are qualified by reason of education and experience concerning the methods and procedure used in the practices of massage. The City Manager in consultation with the Panel members shall develop and establish standards and procedures for the Panel governing the administration or examination for applicants for a massage technician license in order to determine whether such applicants are competent to engage in the practice of massage, and the City Manager shall exercise such supervision as may be necessary to assure compliance therewith. (Ord. 723, 1997)

5.48.340 Massage Technicians--Renewal.

A massage technician licensed under this Chapter shall file an application to renew the permit thirty (30) days prior to the date of expiration thereof. Approval shall be contingent upon satisfactory compliance with all pertinent Chapters, including a current medical clearance. A renewal fee of \$50.00 as established by the City Council shall be charged to defray, in part, the cost of the renewal investigation. (Ord. 723, 1997)

5.48.350 Massage Technicians Permit--Posting.

Every person to whom or for which a permit has been granted under this Chapter shall display said permit in a conspicuous place in a massage parlor so that the same may be readily seen by persons entering the premises where the massage, bath or treatment is given. (Ord. 723, 1997)

5.48.360 Massage Technicians--Apparel Requirements.

Massage technicians shall be fully clothed in hygienically clean apparel while engaged in the practice of massage. As used herein, "fully clothed" shall mean the wearing of clothing which is comparable to the clothing commonly worn by nurses and physical therapists while performing their respective professional duties. (Ord. 723, 1997)

5.48.400 OUT CALL MASSAGE SERVICE

5.48.410 Out Call Massage Services--Special Endorsement Required.

It shall be unlawful for any massage business or massage technician to provide, or to offer to provide, massage at any location except at the place of business approved for a massage business hereunder; provided, however, that a massage business or massage technician may obtain a special endorsement to the permit issued thereto specifically authorizing out call massage services.

5.48.420 Out Call Massage Services Application.

Any massage business or massage technician desiring to provide out call massage services shall submit to the City, together with the required non-refundable fee therefore as established by the City Council, an application to provide out call massage services within the City of Norco. In addition to the requirements set forth herein pertaining to massage business permit or massage technician permit application, as the case may be, the applicant shall submit detailed information setting forth the manner and means of transporting, to and from the premises where out call massage services are to be performed, the clean, sanitary towels, coverings, and linens, sterilized instruments to be utilized, as well as any supplementary aids, equipment or devices to be utilized and the method(s) of disposal thereof. (Ord. 723, 1997)

5.48.430 Business Out Call Massage Services--Records.

All massage technicians authorized to perform out call massage services hereunder shall keep a written record, at the massage technician's principal place of business, of out call massage services performed as required by Section 5.48.225(6) and shall include therein the location, by street address including suite or apartment number, where such services have been performed. (Ord. 723, 1997)

5.48.500 PROHIBITED CONDUCT, PROCEDURES, AND PENALTIES**5.48.510 Prohibited Conduct.**

(1) It shall be unlawful for any massage technician to touch or massage the genital area of any patron or the breasts of any female patron or for any massage business to allow or permit such massage.

(2) It shall be unlawful for a massage technician to perform any massage services at any location other than that location specified on the massage technician permit or pursuant to a valid out call endorsement. (Ord. 723, 1997)

5.48.520 Suspension Pending Revocation.

When the grounds for revocation under this Chapter are that the permittee is suspected of immoral, improper, or otherwise objectionable conduct, the permit may be suspended until the revocation hearing procedure has been completed. (Ord. 723)

5.48.530 Revocation--Massage Business Permit.

The City may revoke the massage business permit of any person, firm, partnership or corporation holding the same upon receipt of satisfactory evidence that the permittee has made a material misrepresentation on the permit application, or if the permittee, or any managing responsible employee has been convicted of or entered a plea of guilty or nolo contendere to any charge of a violation of any of the provisions of this Chapter.

The City may revoke, after notice and hearing, a massage business permit if, on the basis of satisfactory evidence, it is shown the permittee, any managing responsible employee, representative, or agent of the permittee or any massage technician employed by the permittee, has engaged in conduct constituting a violation of this Chapter. The City shall provide the permittee with written notice of the revocation or proposed revocation by U.S. mail,

with a proof of service attached, addressed to the street address of the massage business as shown on the application. (Ord. 723, 1997)

5.48.540 Revocation--Massage Technician Permit.

The City may revoke the massage technician permit of any person holding the same upon receiving satisfactory evidence that the permittee has made a material misrepresentation on the permit application or if the permittee has been convicted of or entered a plea of guilty or nolo contendere to any charge of a violation of any of the provisions of this Chapter.

The City may, after notice and hearing, revoke the massage technician permit of any permittee if, on the basis of satisfactory evidence it shows that the permittee has engages in conduct constituting a violation of this Chapter. The City shall provide the permittee with written notice of the revocation by map, with a proof of service attached, addressed to the permittee at the address of recorded shown on the massage technician permit application. (Ord. 723, 1997)

5.48.550 Permit Denial/Revocation Appeal Procedure.

(1) The applicant or permittee, as the case may be, within ten(10) business days after receipt of denial of an application for a permit, or notice or revocation, may file an appeal with the City Clerk to be taken to the City Council. In the event an appeal is filed within the ten (10) day time frame, a suspension of the permit shall be in effect until the final decision has been rendered by the City Council.

(2) If the applicant or permittee fails to file an appeal within the ten (10) day filing period provided herein, denial/revocation shall take effect immediately upon expiration of such filing period. No permit shall be revoked until after a hearing shall have been held before the City Council to determine good cause for such revocation, or the appeal filing period has lapsed. It is unlawful for any person to conduct a massage business or carry on the business of massage until the revoked permit has been reinstated by the City Council.

(3) Notice of such hearing shall be given in writing and mailed at least ten (10) days prior to the date of the hearing, by U.S. mail, with a proof of service attached, addressed to the address listed on the massage business application, or massage technician application, as the case may be. The notice shall state the grounds of the complaint and shall state the time and place where such hearing will be held.

(4) After said hearing, the City Council shall render a written decision within 10 business days from the date the matter is submitted for decision. The action of the City Council shall be final and conclusive. (Ord. 723, 1997)

5.48.560 Burden of Proof at Hearing.

Unless otherwise specifically provided by law, the burden is on the City in any hearing under this chapter to prove that the determination of the City which is being appealed is unreasonable, and not an abuse of discretion. (Ord. 723, 1997)

The Norco Municipal Code is current through Ordinance 955, passed January 16, 2013.

Disclaimer: The City Clerk's Office has the official version of the Norco Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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