



AGENDA  
CITY OF NORCO  
CITY COUNCIL

August 7, 2013

City Council Chambers  
2820 Clark Avenue, Norco, CA 92860

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

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CALL TO ORDER:	7:00 p.m.
ROLL CALL:	
PLEDGE OF ALLEGIANCE:	Council Member Sullivan
INVOCATION:	Grace Fellowship Church Pastor Vernie Fletcher
INTRODUCTION:	Melvin Sparks III, Sr. Animal Control Officer
ANNOUNCEMENT:	Proclamation of August 10, 2013 as "Fast Jack" Beckman Day
INTRODUCTIONS:	2013 Miss Norco Contestants

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.2 of the Agenda.)*
  - A. City Council Minutes:  
Regular Meeting of July 17, 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. Approval of a Contract to Purchase a ShorTel Telephone System Using the State of California Department of General Services California Multiple Award Schedule (CMAS). **Recommended Action: Award a contract to purchase a ShorTel telephone system from IntelesysOne, using the State of California DGS CMAS in the amount of \$86,569.64; and, authorize the City Manager to sign the contract.** (IT Manager)
  - D. Acceptance of the Traffic Signal at Hamner Avenue and Detroit Street project as Complete. **Recommended Action: Accept the Traffic Signal at Hamner Avenue and Detroit Street Project as complete and authorize the City Clerk to file the Notice of completion with the County Recorder's Office.** (Public Works Director)
  - E. Execution of a Cooperative Agreement with the City of Corona for Traffic Signal Improvements at the Intersection of Parkridge Avenue and Lincoln Avenue/First Street. **Recommended Actions: Approve the Agreement, subject to non-substantive changes, and authorize the City Manager to execute the Agreement.** (Public Works Director)
  - F. Acceptance of the Dedication of a Public Utility Easement over a Portion of Cota Street (Gilani). **Recommended Action: Accept the Dedication of Easement for Public Utility Purposes.** (Public Works Director)
  - G. Acceptance of the Dedication of a Public Utility Easement over a Portion of Cota Street (OMNI Norco, LLC). **Recommended Action: Accept the Dedication of Easement for Public Utility Purposes.** (Public Works Director)
  - H. Acceptance of the Dedication of a Public Utility Easement over a Portion of Cota Street (ASTA Properties, LLC and STRATA Realty, LLC). **Recommended Action: Accept the Dedication of Easement for Public Utility Purposes.** (Public Works Director)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. CITY COUNCIL DISCUSSION / ACTION ITEM:
- A. Consideration of Appointments to the Historic Preservation Commission. **Recommended Actions: Staff recommends that the City Council appoint two individuals to serve on the Historic Preservation Commission effective August 8, 2013.** (City Clerk)
  - B. Approval of a City of Norco Towing Company Rotation Administrative Policy. **Recommended Action: Approve the Sheriff's Department/City of Norco Towing Company Rotation Administrative Policy.** (Lt. Hedge)

- C. Execution of an Interagency Agreement between the City of Norco, the Chino Desalter Authority, and Western Municipal Water District Regarding the Construction of Potable Water and Wastewater System Facilities Located Within or Connected to Facilities in the Detroit Street Bridge. **Recommended Actions: Approve the Agreement, subject to non-substantive changes, and authorize the City Manager to execute the Agreement.** (Water/Sewer Manager)

4. CITY COUNCIL PUBLIC HEARINGS:

- A. **Zone Code Amendment 2013-01 and Code Amendment 2013-01 (City of Norco):** Chapters 18.32 and 10.16 of the Norco Municipal Code Regarding the Travel, Use, and Parking of Commercial Vehicles and Trailers in Residential Zones, and Along City Streets. **Recommended Action: That the Public Hearing be canceled due to the publishing of the aforementioned title, which was incorrect.** (Planning Director)
- B. **Code Change 2013-03 (City of Norco):** An ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco, and Amending Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code.

*As required by State law, a "Engineering and Traffic Survey" report dated July 2013, was prepared by Albert Grover and Associates of the City's primary arterial, collector and local street network for the purpose of establishing prima facie speed limits. Based on the survey report, all existing speed limits throughout the City previously surveyed will remain unchanged. Five additional new street segments were surveyed and speed limits established.*

**Recommended Action: Adopt Ordinance No. 963 for first reading.**  
(City Engineer)

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 ANNOUNCEMENTS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS / FUTURE AGENDA ITEM(S) RECOMMENDATIONS:

7. CITY MANAGER / STAFF COMMUNICATIONS AND ANNOUNCEMENTS:

- A. Report on the Group Home Located at the Residence on Broken Arrow Street. (City Manager)

8. ADJOURNMENT:

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

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

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*Please note that this meeting is being recorded. In accordance with Roberts Rules of Order, Norco City Council meeting minutes are a record of the actions taken, not what was said. The names of persons who spoke during the public comments section and their topics will be listed on the Minutes. Recordings of meetings may be purchased for a minimal cost by contacting the office of the City Clerk.*



MINUTES  
CITY OF NORCO  
CITY COUNCIL

July 17, 2013

City Council Chambers  
2820 Clark Avenue, Norco, CA 92860

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

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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 Higgins

INVOCATION: Council Member Higgins

PRESENTATIONS: **Kylie Reed** -- Recipient of the 2013 Ms. Softball from CalHi Sports – ***Ms. Reed was unable to attend the meeting.***

2011 California Law Enforcement Challenge Award to the Norco Sheriff's Department – Second Place State Wide.

***Presented by Chief Bill Siegl with the California Highway Patrol***

INTRODUCTION: Director Petree commented on Sr. Animal Control Officer Melvin Sparks III, who was unable to attend the meeting and will be formally introduced at the August 7<sup>th</sup> meeting.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

A member of the public pulled item 1.A. for discussion.

**M/S Higgins/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**

- A. City Council Minutes:  
Regular Meeting of June 19, 2013  
Recommended Action: **Approve the City Council Minutes** (City Clerk)  
**PULLED FOR DISCUSSION**
- B. Recap of Actions Taken of the Planning Commission meeting of July 10, 2013. **Recommended Action: Receive and File** (Planning Director)
- C. Procedural Step to Approve Ordinance after Reading of Title Only.  
**Recommended Action: Approval** (City Clerk)
- D. Quarterly Investment Report for Quarter Ended June 30, 2013.  
**Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)
- E. Approval of the City Manager Employment Agreement. **Recommended Action: Approve the City Manager Employment Agreement appointing Andy Okoro as City Manager effective July 18, 2013.** (City Attorney)
- F. Acceptance of the LMD No. 4 Equestrian Trail Drainage Improvements Phase II Project as Complete. **Recommended Action: That the City Council accept the LMD No. Equestrian Trail Drainage Improvements Phase II Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's office.** (City Engineer)
- G. Acceptance of Bids and Award of Contract for the 2013/2014 Equestrian Trail Fencing Project at Various Locations. **Recommended Action: Accept bids submitted for the installation of equestrian trail fencing and award a contract to Valley Cities/Gonzales Fence, Inc. in the amount of \$54,762.40, and authorize the City Manager to approve contract change orders up to 10 percent of the bid contract amounts.** (Public Works Director)

- H. Amendment to the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Norco. **Recommended Action: Approval** (Fire Chief)
  - I. Acceptance of the Street Dedication at 1964 Corona Avenue. **Recommended Action: That the City Council accept the street dedication on the north side of Second Street, west of Corona Avenue, and located at 1964 Corona Avenue.** (Public Works Director)
  - J. Approval of the Quit Claim of Parcel G of Parcel Map 30469 to Norco Ridge Ranch, LLC (Suncal); Acceptance of Conservation Easement over a portion of Parcel G of Parcel Map 30469; and Acceptance of Dedication of Parcel G of Parcel Map 30469 and Parcel M of Parcel Map 30196. **Recommended Action: Adopt Resolution No. 2013-46, quitclaiming Parcel G of Parcel Map 30469 to Norco Ridge Ranch, LLC (Suncal); accept the offer of dedication from Norco Ridge Ranch, LLC (SunCal) of a conservation easement placed over portions of Parcel G of Parcel Map 30469; accept the offer of dedication of Parcel G of Parcel Map 30469 and Parcel M of Parcel Map 30196, and authorize the City Clerk to record the Deeds with the County Recorder's Office.** (Public Works Director)
  - K. Approval to Quitclaim a 15 Foot Wide Sewer Easement over a Portion of Lot 2, Block 6 of Riverside Orange Heights Tract – 2195 Hamner Avenue. **Recommended Action: Adopt Resolution No. 2013-47, quitclaiming a portion of the subject sanitary sewer pipeline easement.** (Public Works Director)
  - L. Acceptance of Bids and Award of Contract for the Corydon Staging Area Project. **Recommended Action: Accept bids submitted for the Corydon Staging Area Project and award a contract to Crown Contracting, Inc. in the amount of \$85,517; and authorize the City Manager to approve contract change orders up to 10 percent of the original contract amount.** (Director of Parks, Recreation & Community Services)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
- 1.A. City Council Minutes:  
Regular Meeting of June 19, 2013  
Recommended Action: **Approve the City Council Minutes** (City Clerk)

**Jodie Webber.** Ms. Webber requested that the minutes accurately reflect her statement as follows: "She stated that the surplus could not be used for other purposes."

**M/S Bash/Hanna to approve the City Council Minutes as amended. The motion was carried by the following roll call vote:**

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

**3. CITY COUNCIL DISCUSSION / ACTION ITEMS:**

- A. Resolution Authorizing the Issuance of Special Tax Refunding Bonds for CFD No. 93-1, for Debt Service Savings. **Recommended Action: Adopt Resolution No. 2013-48 authorizing the issuance of Special Tax Refunding Bonds of the City of Norco Community Facilities District No. 93-1, approving and directing the execution of the Fiscal Agent Agreement, and approving other related documents and actions (City Attorney)**

City Attorney Harper presented the item for discussion.

**M/S Bash/Sullivan to adopt Resolution No. 2013-48 authorizing the issuance of Special Tax Refunding Bonds of the City of Norco Community Facilities District No. 93-1, approving and directing the execution of the Fiscal Agent Agreement, and approving other related documents and actions. The motion was carried by the following roll call vote:**

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

- B. Resolution Authorizing the Issuance of Special Tax Refunding Bonds for CFD No. 2002-1, for Debt Service Savings. **Recommended Action: Adopt Resolution No. 2013-49, authorizing the issuance of Special Tax Refunding Bonds of the City of Norco Community Facilities District No. 2002-1, approving and directing the execution of the Fiscal Agent Agreement, and approving other related documents and actions (City Attorney)**

City Attorney Harper presented the item for discussion.

**Ted Hoffman.** Mr. Hoffman asked for clarification on the number of homes affected by this item. In response, City Attorney Harper noted that the name of the district is Norco 50, which is the number of homes affected.

**M/S Hanna/Higgins to adopt Resolution No. 2013-49, authorizing the issuance of Special Tax Refunding Bonds of the City of Norco Community Facilities District No. 2002-1, approving and directing the execution of the Fiscal Agent Agreement, and approving other related documents and actions. The motion was carried by the following roll call vote:**

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

- C. Update on the Silverlakes Equestrian & Sports Park Project. (Deputy City Manager/Director of Finance)

**Deputy City Manager/Director of Finance Okoro** presented the update as stated in the staff report.

**R.J. Brandes**, representing Balboa Management Group, LLC, presented updated information on the Silverlakes Equestrian & Sports Park Project. He noted that since the last update, the settlement agreement he referred to has been settled and should be finalized in the next week or so. Mr. Brandes stated that this opens up the possibility to finalize the funding agreement with his lender. He further stated that the first thing to do is to immediately start finishing up the sewer and infrastructure work, which should begin two (2) weeks after the funding is in place. Mr. Brandes noted that the project should take approximately nine (9) months to finish and open, adding that he believes that the problems are all solved that were keeping them from moving forward.

**Barry Scott.** Mr. Scott commented on his concern regarding this project moving forward.

**David Bradley.** Mr. Bradley submitted a letter to the City Council for its review regarding the Silverlakes Project.

**Mayor Azevedo** received confirmation from Mr. Brandes that he would come each month to provide updates on the project.

- D. Power Outage Discussion. **Recommended Action: Receive and file.**  
(Deputy City Manager/Director of Finance)

**Louis Davis, representing Southern California Edison**, commented on Edison's response to the power outage that occurred on June 14 in the City of Norco. He explained that the pole line had 2 types of electrical infrastructure (transmission and distribution). He commented on the concerns regarding the length of time of the outage and thanked the Fire Department and Sheriff Department for assistance, noting that safety is the number one concern for customers and employees. He stated that Public Works Director Lori Askew is the contact for the City, who will then contact the City Council and City Manager. He further commented on the procedures that will be followed. Mr. Davis stated that SCE does not contact the press unless it is a major catastrophic situation. He further commented on his commitment to the City of Norco.

**Council Member Bash** asked if there was any damage to appliances that was reported. Mr. Davis replied that he received one specific complaint, noting that Edison is dealing with it through the appropriate channels. Council Member Bash stated that one of the things he was not prepared for was how dark it was, noting his concerns for the invalids and seniors in the community.

**Council Member Sullivan** thanked Mr. Davis his explanation of the event. He noted that there are lights that can be purchased that stay charged and light up when the lights go off.

4. CITY COUNCIL PUBLIC HEARINGS:

- A. Public Hearing Ordering the Continuation of Landscape Maintenance Districts and Confirming a Diagram and Assessment and Providing for an Annual Assessment Levy for Districts No. 1 - Beazer, Tract 28765; No. 2 – Western Pacific, Tract 25779; No. 3 – Centex, Tract 28626; No. 4 – Norco Ridge Ranch, Tracts 29588 and 29589; and No. 5 – Hawk’s Crest, Tract 30230.

The “Landscaping and Lighting Act of 1972 requires that an Engineer’s Report for existing landscape maintenance districts (LMDs) must be reviewed and approved annually to continue assessments for the districts. The formation of the five districts allow for an annual increase not to exceed the Consumer Price Index (CPI). The CPI ending March 31, 2013 adjustment per parcel assessment in all districts is 1.3%. The Engineer’s Reports this year have been slightly modified to add to Part B (Estimate of Cost) the estimated fund balance for Fiscal Year ending June 30, 2013 and the cash flow funding needs. Each district requires a 6 month cash flow reserve to sustain the District from the beginning of the fiscal year (July 1) until the City receives from the County of Riverside, its first assessment payment, 6 months later. If the City does not have this reserve, the general fund reserves must “carry” the District. In addition the “needs” includes those Districts that have trail fencing (Districts 2 thru 5) a line item establishing a dollar amount to reconstruct the majority of the trail fencing in each District. The “estimated unfunded needs” is the difference between the “fund balance” and the “needs”.

**Recommended Actions:** That the City Council open the Public Hearing and if no more than 50 percent of the property owners within the District protest, it would be appropriate to adopt Resolution No. 2013-50, (Beazer); Resolution No. 2013-51, (Western Pacific); Resolution No. 2013-52, (Centex); Resolution No. 2013-53, (Norco Ridge Ranch); Resolution No. 2013-54, (Hawk’s Crest), ordering the continuation of a Landscaping Maintenance District and confirming a Diagram and Assessment and providing for Annual Assessment Levy. (City Engineer)

**City Engineer Milano** presented the public hearing item. He noted that if approved tonight, the planning for the LMD No. 4 trail fence project will begin.

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

**Stephanie Gwinn.** Ms. Gwinn stated that the maintenance in the hills is fine, but spoke against any increase in the assessments. City Engineer Milano responded that the CPI increase does not even cover the utility increases.

**Ted Hoffman.** Mr. Hoffman stated that he lives in LMD No. 4, noting the increase to his assessment and his frustrations with the maintenance (pictures submitted regarding a fire hydrant that cannot be seen). In response, City Engineer Milano noted that the increase will cover about the first 6 months in expenditures and if the assessment is not raised, the trail fence project will not be able to be completed.

**Jodie Webber.** Ms. Webber commented on the LMDs and how and when they were formed. She further commented on the money taxed and used for the drain project and the current reserve. She stated that it is improper to identify funds originally for the drain project. Ms. Webber noted that there is no plan for the trail fence project, adding that she would like assurance from Council to direct staff to provide notice to the home owners in the District regarding that plan. She further noted her concerns that the home owners were not noticed regarding the public hearing.

**Don Bowker.** Mr. Bowker commented on the trail conditions, noting that he has come yearly to ask for help on the trails. He added that he is in favor of fund balance in the case of an emergency.

**Lance Gregory.** Mr. Gregory commented on LMD No. 4, noting he has been working with staff to resolve some trail fence issues. He noted that funds are not available in the other LMDs for maintenance, which will need to be addressed at some time. He further noted that he would like to see maintenance completed in a timelier manner.

**Mayor Azevedo CLOSED the public hearing.**

**Mayor Pro Tem Hanna** noted his concerns that the people were not notified. In response, City Attorney Harper noted that there are not requirements for notification. Mayor Pro Tem Hanna stated that public hearing notifications should be sent to the residents.

**Deputy City Manager/Director of Finance Okoro** clarified the LMD No. 4 budget, noting that the amount on hand is necessary to fund the next six (6) months of expenditures for the District. He further noted that the costs have been reduced and the only disputed amount is the amount for trail fencing. He stated that the money needs to be collected prior to coming up with the plan regarding how to spend the funds. He added that staff will come back to the Council with specifically what trail fence will be replaced and the award of bid for the project.

**Council Member Bash** noted that he is upset that there is not a plan included with the budgets. He further commented on the split in the City and if there is not a plan, it is hard to vote for this.

**Mayor Azevedo** stated that there are 7,000 rooftops in the City, noting the low property tax received. She further commented on how the property tax is spent.

**City Engineer Milano** clarified that all increases bring each LMD to its cap, adding that all but LMD No. 4 have paid the maximum every year.

**Mayor Azevedo** addressed the need to hold a study session prior to the consideration of the LMD assessments in order to prepare for the public hearing.

**M/S Sullivan/Azevedo to adopt Resolution No. 2013-50, (Beazer); Resolution No. 2013-51, (Western Pacific); Resolution No. 2013-52, (Centex); Resolution No. 2013-53, (Norco Ridge Ranch); Resolution No. 2013-54, (Hawk's Crest), ordering the continuation of a Landscaping Maintenance District and confirming a Diagram and Assessment and providing for Annual Assessment Levy.**

**Under Discussion:**

**Council Member Higgins** commented on the public hearing notification discussed in 2002 or 2004 as a request by the Council to send notices. He further commented on the word "surplus" used, noting that it was discussed previously by the Council to use a different term.

**Council Member Bash** noted his concerns regarding the lack of notification.

**Mayor Azevedo rescinded her second to the previous motion.**

**Council Member Sullivan** commented in support of the proposed LMD budgets.

**M/S Azevedo/ to approve a CPI increase for all of the LMDs. The motion died with the lack of a second to that motion.**

**M/S Sullivan/Bash to adopt Resolution No. 2013-50, (Beazer); Resolution No. 2013-51, (Western Pacific); Resolution No. 2013-52, (Centex); Resolution No. 2013-53, (Norco Ridge Ranch); Resolution No. 2013-54, (Hawk's Crest), ordering the continuation of a Landscaping Maintenance District and confirming a Diagram and Assessment and providing for Annual Assessment Levy. The motion was carried by the following roll call vote:**

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

**PUBLIC COMMENTS WERE HEARD AT THIS TIME (see comments below)**

**RECESS:** Mayor Azevedo recessed the meeting at 9:15 p.m.

**RECONVENE:** Mayor Azevedo reconvened the meeting at 9:24 p.m.

- B. **Appeal Hearing: Conditional Use Permit 2013-04 (Knopf):** A request for approval to allow an ambulance service office and staging area, a used RV sales and rentals dealership and other vehicle sales at 2000 Hamner Avenue in the Norco Auto Mall Specific Plan.

*This is an appeal hearing regarding the Planning Commission's approval of a conditional use permit, approved for one year, to allow accessory auto-related uses to operate in existing buildings at a new vehicle dealership site in the Auto Mall Specific Plan (former Mazda dealer), without a new vehicle dealership being present on-site. The action of the Planning Commission was appealed by the City Council.*

**Recommended Actions: That the City Council hear the item and make its final determination.** (Planning Director)

**Planning Director King** presented the public hearing item. He noted the change since the Planning Commission decision with the receipt of a tentative plan from a new recreational dealership to locate on the site, adding that there is no guarantee yet. He further stated the requirements for a conditional use permit. He noted one change in Condition No. 16, which should read "front 45 feet". He stated that the Planning Commission was very thorough in reviewing this application, noting its concern for loss of revenue if it is left vacant and the potential for a future dealership.

**Mayor Azevedo** stated that she recommended that this item be appealed by the Council because the City is dependent on car sales in the City, noting over 1,000 acres in the City that are unable to be used to generate sales tax. She commented that she is not certain that the Auto Mall is the right place for this and the possibility of the business finding another location.

**Mayor Pro Tem Hanna** commented about the one-year CUP expiring in October and asked what would happen if another dealership came in and wanted to locate on this site. In response, Director King noted that this would need to be negotiated between the potential dealership and the property owner.

**Council Member Sullivan** commented on the Planning Commission's decision for only a one-year CUP with the option to renew, noting that at that time it could be reviewed for renewal. He further noted that Tractor Supply would help to make this site more valuable and at this time, this purpose would help to keep the site cleaned up.

**Director King** noted that the site will continue to be marketed for a dealership.

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

**Kent Knoff.** Mr. Knoff commented as the applicant (not the owner), noting that they are on the same page to increase sales tax, noting that they will invest in the site and bring it up to code to make it viable and attractive. He noted that if a CUP is not granted, the property will remain vacant.

**Ben Louk.** Mr. Louk commented as the owner of 2100 Hamner, the former Mitsubishi dealership, noting the timeframe for the Planning Commission's review of this item. He commented on code violations on the referenced site that hurt the surrounding businesses. He spoke in opposition of approving this item.

**Annette Louk.** Ms. Louk spoke in opposition of approving this item.

**Debbie Ruiz.** Ms. Ruiz commented on the applicant's desire to clean up the site. She noted that the sale of RVs will bring tax revenue to the City.

**Council Member Sullivan** received confirmation that there were restrictions to the parking on the site.

**Mayor Azevedo** asked the applicant about conditioning the site with no RVs. In response, the applicant stated that they have a CUP through October and they would like to clean up the property and generate some retail sales. The applicant further stated that they are looking into selling new vehicles, noting that if they purchase the site, they will have control over them and the lease will be assigned to the applicant.

**Council Member Bash** commented on his concerns regarding the adjacent business that filed complaints and how the code violations are enforced. He noted other concerns about the business use.

**Vern Showalter.** Mr. Showalter commented on the statement by the applicant regarding the agreement, noting the sales tax received from RVs.

**City Attorney Harper** commented on his concerns regarding who the current owner is.

**Mayor Azevedo CLOSED the public hearing.**

**M/S Higgins/Hanna to overturn the recommendation of the Planning Commission.**

**Amended M/S Sullivan/ to uphold the Planning Commission decision. The motion died with the lack of a second to that motion.**

**M/S Higgins/Hanna to overturn the recommendation by the Planning Commission. The motion was carried by the following roll call vote:**

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

- C. **Appeal Hearing: Site Plan 2013-10 (Sanders):** A request for approval to allow an accessory building consisting of a 553 square-foot detached workshop at 318 Silver Springs Lane located within the Norco Hills Specific Plan (NHSP, Amendment No.1.)

*On June 17, 2013, the Planning Commission approved Site Plan 2013-10 as meeting the minimum standards for an accessory building on a 3-1 vote. The dissenting vote was based on the concern that the approved location of the accessory building was in the one location that still could keep this lot an animal-keeping lot and that with the accessory building as approved the lot would no longer be conducive to animal-keeping. The action of the Planning Commission to approve the project was appealed by the City Council.*

**Recommended Actions: That the City Council hear the item and make its final determination.** (Planning Director)

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

**Mayor Pro Tem Hanna** asked how the swimming pool was approved in this area. In response, Director King noted that this is in the Norco Hills Specific Plan, which did not have the same requirements for animal keeping at the time of approval.

**Council Member Bash** noted that this is very similar to a prior situation that was brought before the Council. He added that he is trying to protect animal keeping in the City.

**Council Member Higgins** commented on his concerns because of the configuration of the pool and the concrete.

**Mayor Azevedo** noted that she is familiar with the street, noting that these are the original ones that were not required to have a PAKA.

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

The owners of the property spoke in support of the project and commented that they will never have horses, as they are not horse people, adding that they made it the way they wanted it, noting the concern with the coyotes that presented the need to build a workshop.

**Mayor Azevedo CLOSED the public hearing.**

**M/S Azevedo/Sullivan to uphold the Planning Commission recommendation.**

**Under Discussion:**

**Council Member Higgins** commented on the prior decision made by the Council.

**The motion was carried by the following roll call vote:**

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

**5. PUBLIC COMMENTS OR QUESTIONS:**

**Greg Newton.** Mr. Newton noted that it was a pleasure to work with City Manager Beth Groves.

**Mark Fernandes.** Mr. Fernandes, from Norco Towing, commented that the City should only use towing companies that are located within the City of Norco.

**Jimmy Monugian.** Mr. Monugian, from J & M Towing, commented on an additional company added to the towing company rotation in the City.

**Ramin Arabshaw.** Mr. Arabshaw, from Advanced Towing, Inc., commented on his support of only using towing companies that are located within the City of Norco.

**Brandon Morales.** Mr. Morales, from Brother's Towing, commented on his support of only City towing companies used in the City.

**Julie Waltz.** Ms. Waltz commented on her attendance at the June 19<sup>th</sup> meeting, noting the Sheriff incidents regarding the occurrences at the group home on Broken Arrow, adding that she did not receive a response and asked that this issue be addressed by the Council. She also commented on the tree she requested to be removed.

**Doris Higgins.** Ms. Higgins commented that the RURAL barbeque and election July meeting has been cancelled.

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

**Mayor Pro Tem Hanna:**

**M/S Hanna/Sullivan to agendize a future discussion regarding towing companies. The motion was carried by the following roll call vote:**

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

**Mayor Azevedo:**

**M/S Azevedo/Higgins to agendaize an update regarding the incidents/issues at the group home located on Broken Arrow, as stated by Ms. Waltz. The motion was carried by the following roll call vote:**

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

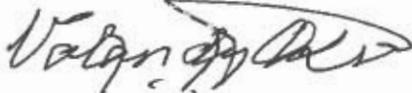
7. **CITY MANAGER / STAFF COMMUNICATIONS: None**
8. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 11:05 p.m.

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**BRENDA K. JACOBS, CMC**  
**CITY CLERK**

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Michael Daly, Information Technology Manager

DATE: August 7, 2013

SUBJECT: Approval of a Contract to Purchase a ShorTel Telephone System Using the State of California Department of General Services California Multiple Award Schedule (CMAS)

RECOMMENDATION: Award a contract to purchase a ShorTel telephone system from IntelesysOne, using the State of California DGS CMAS in the amount of \$86,569.64, and authorize the City Manager to sign the contract.

**SUMMARY:** Staff is recommending that the City Council approve the purchase of a ShorTel telephone system from IntelesysOne in the amount of \$86,569.94 using the State of California Multiple Award Schedule (CMAS). One of the goals of the City-wide Fiber Optics Network System, which was completed last year, included the replacement of the existing fifteen year old City-wide telephone with current technology Voice-Over-Internet-Protocol (VIOP) cost savings telephone system. CMAS is a listing of State approved sellers of information technology and non-information technology equipment. Vendors on CMAS are selected by the State through a competitive bid process. Staff is recommending the execution of a contract for the purchase and installation of the telephone system in the amount of \$86,569.64.

**BACKGROUND/ANALYSIS:** The City Council approved the installation of a City-wide Fiber Optics Network in Fiscal Year 2011-2012, which was satisfactorily completed in Fiscal Year 2012-2013. One of the identified benefits of this network was the capability for the City to use the fiber to provide unified communications to all City buildings by replacing the existing non-centralized aging phone systems with a centralized cost saving telephone system.

Staff is recommending that the City Council approve a contract for the purchase of a ShorTel telephone system from IntelesysOne using the CMAS. The Norco Municipal Code (Sec.3.24.140) gives authority to make purchases using the State of California, Department of General Services Multiple Award Schedule. The recommended telephone system is on the CMAS approved list. This system is currently in use at the newly completed Animal Control building and will be installed in the other remaining City facilities: City Hall, Fire Stations, Community Center, Scout House, Riley Gym, Senior Center, Public Works, Park's Trailer and Nellie Weaver Hall.

## Purchase of a City-Wide Telephone System

Page 2

August 7, 2013

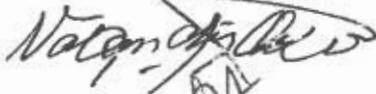
Installation of the telephone system will include consolidation of the multiple telephone systems and telephone lines currently in use at the City. The new telephone system will reduce the City's monthly telephone bills by an estimated amount \$1,500-\$2,000 over the current system. Additional savings of \$1,000 per month is estimated to be realized from maintenance costs over the existing system.

**FINANCIAL IMPACT:** The current Five Year Capital Improvement Program Budget includes \$145,000 in the General Government Capital Improvement Fund to pay for the cost of this telephone system replacement.

/md

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: August 7, 2013

SUBJECT: Acceptance of the Traffic Signal at Hamner Avenue and Detroit Street Project as Complete

RECOMMENDATION: That the City Council Accept the Traffic Signal at Hamner Avenue and Detroit Street Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.

**SUMMARY:** The Traffic Signal at Hamner Avenue and Detroit Street Project consisted of installation of a new traffic signal at the intersection of Hamner Avenue and Detroit Street along with traffic loops and striping of pavement.

**BACKGROUND/ANALYSIS:** On November 7, 2012, the City Council awarded a public works contract to New West Signal, Inc. for the Traffic Signal at Hamner Avenue and Detroit Street Project in the amount of \$139,624.00 with an additional 10% contingency for change orders. The project scope consisted of installation of a traffic signal at Hamner Avenue and Detroit Street in addition to some pavement repairs, sidewalk and handicap ramps, traffic loops and pavement striping.

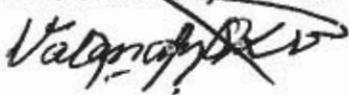
No change orders were submitted. New West Signal, Inc. has completed all work, within the required working days for a total cost of \$139,624. Work on the project has been completed to the satisfaction of the City Engineer and a Notice of Completion has been prepared. Staff is requesting that the City Council accept the work performed by New West Signal, Inc., and authorize the City Clerk to record the Notice of Completion with the County Recorder's Office.

**FINANCIAL IMPACT:** None.

/lja

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works

DATE: August 7, 2013

SUBJECT: Execution of a Cooperative Agreement with the City of Corona for Traffic Signal Improvements at the Intersection of Parkridge Avenue and Lincoln Avenue/First Street

RECOMMENDATION: Approve the Agreement, subject to non-substantive changes, and authorize the City Manager to execute the Agreement.

**SUMMARY:** The City of Corona filed a joint Safe Routes to School (SR2S) Grant application to construct a traffic signal at the intersection of First Street/Lincoln Avenue and Parkridge Avenue. The City of Corona has prepared plans and specifications for bidding and the construction of signalized intersection. The grant will fund 90% of the design and construction cost with the remaining 10% (\$32,063) shared evenly between each agency. The City of Norco share is estimated to be \$16,031.

**BACKGROUND/ANALYSIS:** The City of Corona completed and filed a joint Safe Routes to School (SR2S) Grant application to construct a traffic signal at the intersection of First Street/Lincoln Avenue and Parkridge Avenue (project). The intersection is currently configured as a four-way stop condition.

The purpose of the funding agreement is to memorialize the mutual understandings between both parties with respect to design, environmental clearances, project administration, construction, inspection, ownership, operation and maintenance, and the funding contribution.

If the funding agreement is approved, the City of Norco has agreed to pay upon invoice to the City of Corona \$16,031 and issue a no-fee encroachment permit to the contractor in order to perform work within the public right-of-way in conjunction with the project.

**FISCAL IMPACT:** Funds are available in the approved 2014-18 Capital Improvement Fund (137) Measure "A".

Attachment: Funding Agreement

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**AGREEMENT BY AND BETWEEN**  
**CITY OF CORONA AND CITY OF NORCO**  
**FOR TRAFFIC SIGNAL IMPROVEMENT AT THE INTERSECTION OF**  
**PARKRIDGE AVENUE AND LINCOLN AVENUE/FIRST STREET**  
**(SAFE ROUTES TO SCHOOL CYCLE 7 GRANT)**

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Corona, (hereinafter "CORONA") and the City of Norco, (hereinafter "NORCO"), for the provision of various improvements at the intersection of Parkridge Avenue and Lincoln Avenue/First Street located within the jurisdictional boundaries of both NORCO and CORONA.

**RECITALS**

- A. CORONA and NORCO have determined that there is great need for a traffic signal system and road improvements at the intersection of Parkridge Avenue and Lincoln Avenue/First Street (hereinafter "PROJECT") as shown on Exhibit A (Vicinity Map).
- B. CORONA and NORCO have applied for and received a State of California Safe Routes to School (SR2S) Grant in the amount of \$288,565 which will fund 90% of the estimated PROJECT construction costs and have agreed to evenly share the remaining 10% PROJECT construction costs estimated to be \$32,063.
- C. CORONA and NORCO desire to designate CORONA as the lead agency for the PROJECT and CORONA will therefore provide the administrative, technical, management and support services necessary to develop and implement PROJECT.
- D. CORONA and NORCO desire to define herein the terms and conditions under which said PROJECT is to be administered, environmentally cleared, engineered, coordinated, constructed, managed, maintained and financed.

**AGREEMENT**

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

**SECTION 1 • CORONA AGREES:**

1. To fund one hundred (100) percent of the cost of the preparation of plans, specifications and estimates (PS&E), preparation of an environmental document (ED) and obtaining environmental clearance, providing utility coordination and relocation of impacted utilities, and advertising, awarding and administering a public works construction contract.
2. To prepare, or cause to be prepared, detailed PS&E documents for the PROJECT and submit the plans to NORCO for review and approval.
3. To identify and locate all utility facilities within the PROJECT area as part of its PROJECT design responsibility. If any existing public and/or private utility facilities conflict with PROJECT construction, CORONA shall make all necessary arrangements with the owners of such facilities for their protection, relocation, or removal. All utility facilities shall be identified on the PROJECT plans and specifications, and conflicting utilities shall be denoted. CORONA shall require the utility owner and/or its contractors performing the relocation work within PROJECT right of way to obtain an encroachment permit from each jurisdiction prior to the performance of said relocation work. CORONA and NORCO shall coordinate and cooperate in the effort to establish prior rights related to utility encroachments into each jurisdictions right-of-way. In the case that any utility companies are determined to have prior rights, the cost of relocating utilities shall be borne by the jurisdiction in which the conflicting utility resides.
4. To prepare an environmental document and to obtain necessary environmental clearances in accordance with the California Environmental Quality ACT (CEQA).
5. To make written application to NORCO for a no-fee encroachment permit authorizing entry into NORCO right of way for the purposes of constructing PROJECT.
6. To advertise, award and administer a public works contract for the construction of PROJECT in accordance with all applicable laws, including but not limited to the local Agency Public Construction Code, and the California Labor Code.
7. To furnish a representative to perform the function of Resident Engineer during construction of PROJECT. The Resident Engineer shall be a Licensed Civil Engineer. The Resident Engineer shall also be independent of the construction contractor.

- 1 8. To furnish qualified support staff to assist the Resident Engineer in, but not limited to, construction surveys,  
2 soils and foundation tests, measurement and computation of quantities, testing of construction materials,  
3 checking shop drawings, preparation of estimates and reports, preparation of as-built drawings, and other  
4 inspection and staff services necessary to assure that the construction is performed in accordance with the  
5 PS&E documents.
- 6 9. To construct PROJECT in accordance with approved PS&E documents.
- 7 10. To make all payments to the contractor for 100% of the construction costs, including any approved change  
8 orders.
- 9 11. To provide material testing and quality control conforming to the Caltrans Standard Testing Methods as  
10 provided in Chapter 16 of the Local Assistance Procedures Manual, and to have this testing performed by a  
11 certified material tester.
- 12 12. To submit any contract change order that causes the construction contract to exceed 10% of the contract bid  
13 amount to NORCO for review and approval prior to final authorization by CORONA.
- 14 13. To furnish NORCO a complete set of full-sized film positive reproducible as-built plans and all contract  
15 records, including survey documents, within sixty (60) days following the completion and acceptance of the  
16 PROJECT construction contract.
- 17 14. To furnish NORCO a final reconciliation of project expenses within ninety (90) days following the completion  
18 and acceptance of the PROJECT construction contract and to invoice NORCO for NORCO's share of the final  
19 10% matching fund requirement.

20  
21 **SECTION 2 • NORCO AGREES:**

- 22 1. To pay half of the 10% matching fund amount estimated to be \$16,032.
- 23 2. To provide, at no cost to CORONA, oversight of PROJECT and to provide prompt reviews and approvals, as  
24 appropriate, of submittals by CORONA, and to cooperate in timely processing of PROJECT.
- 25 3. To issue, at no cost to CORONA or its contractors, upon proper application, an encroachment permit  
26 authorizing entry onto NORCO's right of way to perform survey and other investigative activities required for  
27 Construction of PROJECT.

- 1 4. To provide a representative to coordinate through CORONA's Resident Engineer during the construction of  
2 PROJECT and to verify facilities are constructed in accordance with the approved PS&E documents as  
3 required by this agreement. It is mutually understood that NORCO personnel may observe and inspect all  
4 work being done on PROJECT, but shall provide any comments to CORONA personnel who shall be solely  
5 responsible for all communications with CORONA contractor.
- 6 5. To pay within 45 days of receipt all invoices submitted by CORONA for matching fund requirement in  
7 accordance with this agreement.

8  
9 **SECTION 3 - IT IS MUTUALLY AGREED AS FOLLOWS:**

- 10 1. The total construction cost of PROJECT is estimated to be \$ 320,628.
- 11 2. Construction by CORONA of improvements referred to herein which lie within NORCO rights of way shall not  
12 commence until an Encroachment Permit to CORONA, or CORONA's contractor, authorizing such work has  
13 been issued by NORCO.
- 14 3. CORONA shall cause CORONA's contractor to maintain in force, until completion and acceptance of the  
15 PROJECT construction contract, a policy of Contractual Liability Insurance, including coverage of Bodily  
16 Injury Liability and Property Damage Liability, in the amount of \$2,000,000 minimum single limit coverage,  
17 and a policy of Automobile Liability Insurance in the amount of \$1,000,000 minimum. Endorsements to each  
18 policy shall be required which name NORCO, its officers, officials, agents and employees as additionally  
19 insured. CORONA shall also require CORONA's contractor to maintain Worker's Compensation Insurance.  
20 CORONA shall provide Certificates of Insurance and Additional Insured Endorsements which meet the  
21 requirements of this section to NORCO prior to the start of construction.
- 22 4. Ownership and title to all materials, equipment, and appurtenances installed as part of this agreement will  
23 automatically be vested with the jurisdiction for which the improvements reside and no further agreement will  
24 be necessary to transfer ownership.
- 25 5. Neither CORONA or NORCO shall be responsible for any maintenance of the improvements provided by  
26 PROJECT that are located outside of their respective right of way boundaries, except that CORONA and  
27 NORCO shall enter into a separate agreement on the maintenance of the new traffic signal constructed as  
28

1 part of PROJECT.

- 2
- 3 6. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by
- 4 both parties and no oral understanding or agreement not incorporated herein shall be binding on either party
- 5 hereto.
- 6 7. CORONA and NORCO shall retain or cause to be retained for audit for a period of three (3) years from the
- 7 date of final payment, all records and accounts relating to PROJECT.
- 8 8. Neither CORONA nor any officer or employee thereof shall be responsible for any damage or liability
- 9 occurring by reason of anything done or omitted to be done by NORCO under or in connection with any work,
- 10 authority or jurisdiction delegated to NORCO under this Agreement. It is further agreed that pursuant to
- 11 Government Code Section 895.4, NORCO shall fully indemnify and hold CORONA harmless from any liability
- 12 imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or
- 13 omitted to be done by NORCO under or in connection with any work, authority or jurisdiction delegated to
- 14 NORCO under this Agreement.
- 15 9. Neither NORCO nor any officer or employee thereof shall be responsible for any damage or liability occurring
- 16 by reason of anything done or omitted to be done by CORONA under or in connection with any work,
- 17 authority or jurisdiction delegated to CORONA under this Agreement. It is further agreed that pursuant to
- 18 Government Code Section 895.4, CORONA shall fully indemnify and hold NORCO harmless from any liability
- 19 imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or
- 20 omitted to be done by CORONA under or in connection with any work, authority or jurisdiction delegated to
- 21 CORONA under this Agreement.
- 22 10. This agreement and the exhibit herein contain the entire agreement between the parties, and are intended by
- 23 the parties to completely state the agreement in full. Any agreement or representation respecting the matters
- 24 dealt with herein or the duties of any party in relation thereto, not expressly set forth in this agreement, is null
- 25 and void.
- 26 11. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third
- 27 parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing
- 28 any standard of care with respect to the maintenance of roads different from the standard of care imposed by
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law.

12. This agreement may be executed in one or more counterparts and when a counterpart shall have been signed by each party hereto, each shall be deemed an original, but all of which constitute one and the same instrument.

13. This Agreement shall terminate upon completion of the PROJECT or upon mutual agreements of the parties.

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**APPROVALS**

**CITY OF NORCO Approvals**

APPROVED BY:

\_\_\_\_\_ Dated: \_\_\_\_\_

Andy Okoro, City Manager

\_\_\_\_\_ Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_ Dated: \_\_\_\_\_

Brenda K. Jacobs, City Clerk

**CITY OF CORONA Approvals**

APPROVED BY:

\_\_\_\_\_ Dated: \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

TITLE \_\_\_\_\_

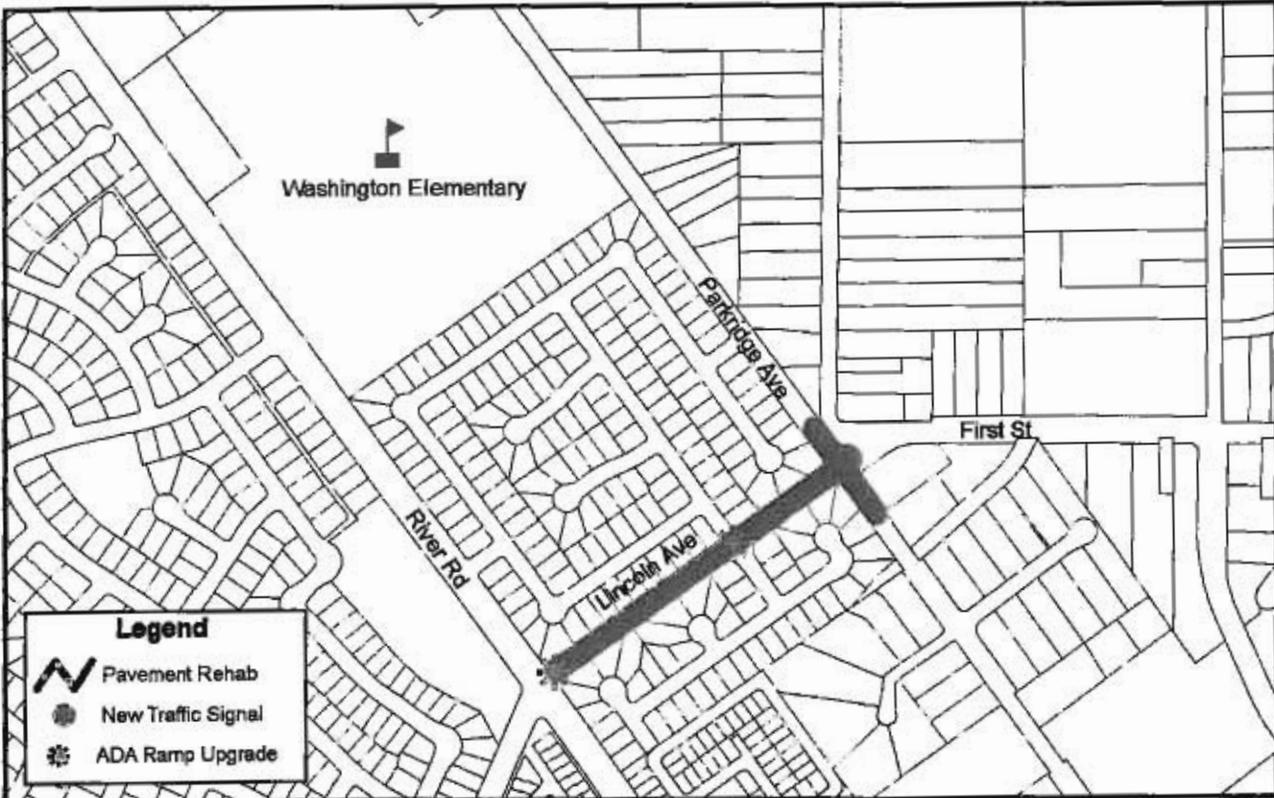
APPROVED BY:

\_\_\_\_\_ Dated: \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

TITLE \_\_\_\_\_

EXHIBIT A • VICINITY MAP



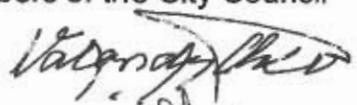
**CITY OF CORONA**  
 Safe Routes to School Parkridge Avenue and Lincoln Avenue  
 Project No. 08-0512  
 Exhibit A



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## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: August 7, 2013

SUBJECT: Acceptance of the Dedication of a Public Utility Easement (Gilani)

RECOMMENDATION: That the City Council accept the offer of dedication of an easement for public utility purposes over a portion of Cota Street and authorize the City Clerk to record the easement dedication.

**SUMMARY:** As a condition of the Cota Street vacation, a public utility easement is required to be dedicated to the City of Norco by the underlying property owners.

**BACKGROUND/ANALYSIS:** On February 6, 2013, City Council approved the potential vacation of Cota Street, subject to certain required conditions precedent. One of the conditions was that the underlying property owners would need to dedicate a public utility easement to the City of Norco. Other conditions precedent were that the Riverside County Local Agency Formation Commission (LAFCO) approve the detachment from the City of Norco with concurrent annexation to the City of Corona for the vacated southeasterly half (30 feet) of the right-of-way. This item went before LAFCO on July 25, 2013 and was unanimously approved. Finally, these actions had to occur within two years from the effective date of the vacation resolution.

There are three underlying property owners involved with the vacation. Mr. Gilani owns the most northwesterly property underlying Cota Street. Staff is recommending that City Council accept the offer of dedication of a public utility easement over a portion of Cota Street and authorize the City Clerk to record the easement dedication.

**FISCAL IMPACT:** NA

/lja

Attachment: Easement Dedication for Public Utility Purposes

WHEN RECORDED, MAIL TO:  
City of Norco

CITY CLERK  
2870 Clark Avenue  
Norco, CA 92860

This document is filed at the request of  
The City of Norco pursuant to Section 6103 of the  
Government Code. No fee shall be charged therefor.

DOCUMENTARY TRANSFER TAX 0  
Computed on the consideration or value of property conveyed, OR  
Computed on the consideration or value less liens or encumbrances,  
whichever is less.

Signature of Clerk or City Clerk's Representative

City Tax Statements in  
City of Norco  
2870 Clark Avenue  
Norco, CA 92860

**EASEMENT DEDICATION  
FOR  
PUBLIC UTILITY PURPOSES**

FOR VALUABLE CONSIDERATION, receipt whereof is hereby acknowledged.

**SYED TALAT GILANI, TRUSTEE OF THE "GILANI FAMILY TRUST" UNDER DECLARATION OF TRUST  
DATED OCTOBER 8, 1997**

DOES HEREBY DEDICATE TO THE CITY OF NORCO, CALIFORNIA, a Municipal Corporation, its  
successors and assigns, the permanent easement to construct, maintain, operate, repair, alter, replace and remove  
pipelines, conductors, cables, and appurtenances under, along and across the following described parcel of real  
property situated in the City of Norco, County of Riverside, State of California:

As described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof

together with all necessary and convenient means of ingress and egress to and from said easement or strip or  
parcel of land for the purpose of constructing, reconstructing, maintaining, operating, repairing, renewing, or  
entering in any manner the public utilities together with any and all of the purposes hereinbefore mentioned.

TO HAVE AND TO HOLD the above granted and described premises unto the CITY OF NORCO, CALIFORNIA, its  
successors and assigns forever.

IN WITNESS HERETO, the grantor(s) have hereunto set their hands and seals this 3rd day of July, 2013.

By: S. Gilani

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Orange }

On July 3, 2013

Date

before me, Leslie Marie Dey, Notary Public

Here Insert Name and Title of the Officer

personally appeared Syed Talat Gilani

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Leslie Marie Dey  
Signature of Notary Public



Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Easement Dedication for Public Utility Purposes

Document Date: July 3, 2013

Number of Pages: 3

Signer(s) Other Than Named Above: Kip Dubbs

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Syed Talat Gilani

- Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer Is Representing:  
Gilani Family Trust

Signer's Name: \_\_\_\_\_

- Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL "A"**

THAT PORTION OF THE NORTHWESTERLY HALF OF COTA STREET, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON A MAP OF CORONA CITRUS TRACT, FILED IN BOOK 8, PAGE 24, OF MAPS, RECORDS OF RIVERSIDE COUNTY, LYING WITHIN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AND WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, S.B.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE CENTERLINE INTERSECTION OF SAID COTA STREET AND THE CENTERLINE OF HAMNER AVENUE, BEING COMMON WITH THE CENTERLINE OF MAIN STREET AND HAVING A HALF WIDTH OF 55.00 FEET, AS DESCRIBED ON A DEED RECORDED JUNE 23, 1995, AS INSTRUMENT 202264, OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE OF COTA STREET, SOUTH 54° 16' 46" WEST A DISTANCE OF 76.17 FEET TO THE PROLONGATION OF THE WESTERLY RIGHT OF WAY OF SAID HAMNER AVENUE. ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID CENTERLINE OF COTA STREET, SOUTH 54° 16' 46" WEST A DISTANCE OF 112.53 FEET TO THE PROLONGATION OF THE SOUTHWESTERLY PROPERTY LINE OF THAT PROPERTY DESCRIBED IN INSTRUMENT 222137 OF OFFICIAL RECORDS RECORDED JULY 11, 1995 RECORDS OF SAID COUNTY;

THENCE LEAVING SAID CENTERLINE OF COTA STREET ALONG SAID SOUTHWESTERLY PROLONGATION, NORTH 35° 36' 37" WEST A DISTANCE OF 30.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID COTA STREET;

THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, NORTH 54° 16' 46" WEST A DISTANCE OF 141.21 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID HAMNER AVENUE;

THENCE LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE ALONG SAID WESTERLY PROLONGATION, SOUTH 08° 03' 08" WEST A DISTANCE OF 41.55 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 3,806 SQ. FT., MORE OR LESS

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:



*W. R. Knight*      06/20/13  
WILLIAM R. KNIGHT, L.S. 6810      DATE

PREPARED ON	MAY 15, 2013
 <b>ENGINEERING</b>	357 N. SHERIDAN STREET
<b>LAND PLANNING</b>	SUITE 117
<b>SURVEYING</b>	CORONA, CALIFORNIA 92880
Engineering, Inc.	TEL (951) 279-1800
	FAX (951) 279-4380

### EXHIBIT "B"

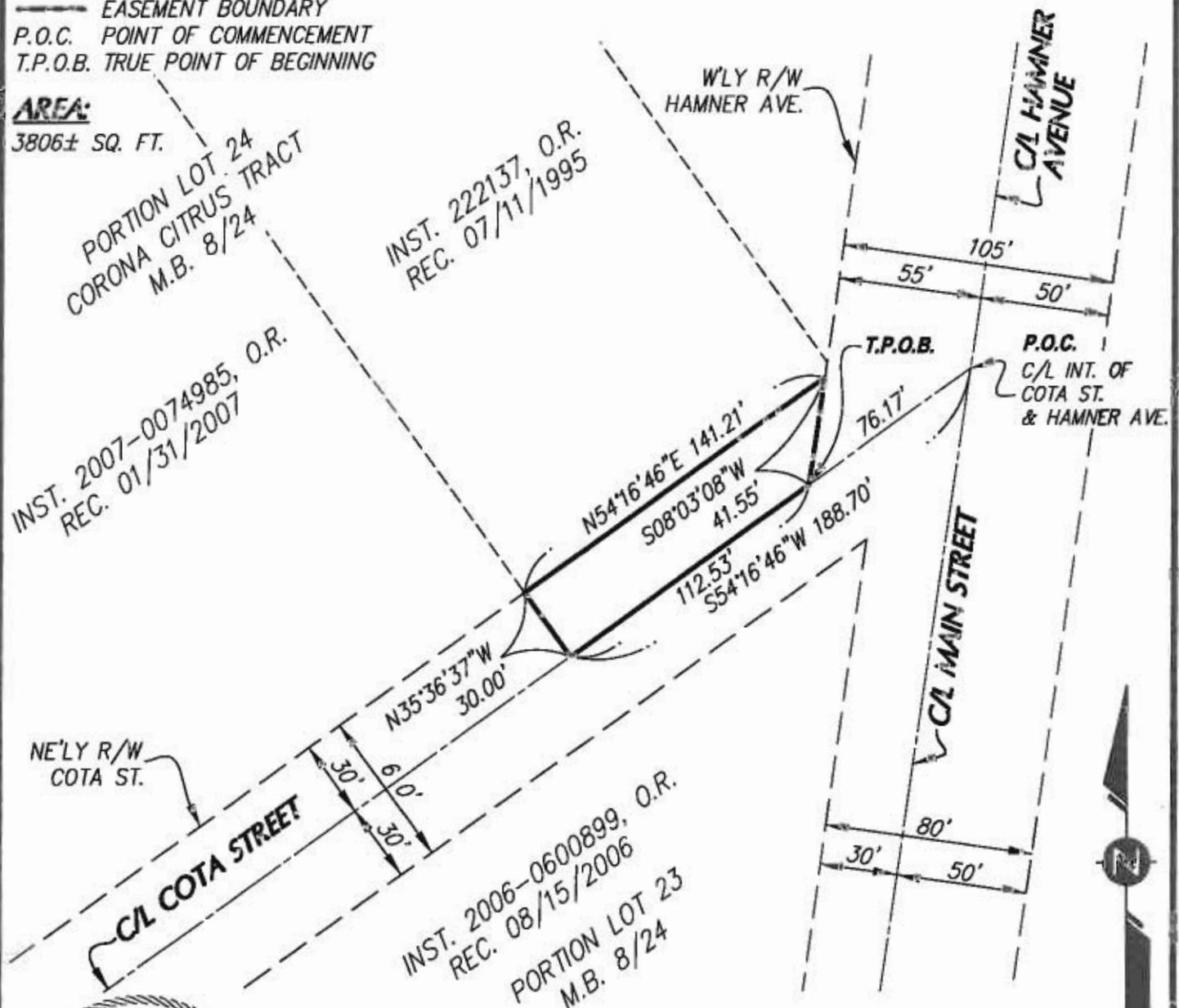
THAT PORTION OF THE NORTHWESTERLY HALF OF COTA STREET, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON A MAP OF CORONA CITRUS TRACT, FILED IN BOOK 8, PAGE 24, OF MAPS, RECORDS OF RIVERSIDE COUNTY, LYING WITHIN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AND WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, S.B.M.

#### LEGEND:

- EASEMENT BOUNDARY
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

#### AREA:

3806± SQ. FT.

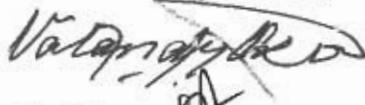


PREPARED ON	MAY 15, 2013
 <b>OSBORN K&amp;A FALLAHI</b> Engineering, Inc.	<b>ENGINEERING</b> <b>LAND PLANNING</b> <b>SURVEYING</b>
	357 N. SHERIDAN STREET SUITE 117 CORONA, CALIFORNIA 92880 TEL. (951) 279-1800 FAX (951) 279-4380

GILANI

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: August 7, 2013

SUBJECT: Acceptance of the Dedication of a Public Utility Easement (OMNI, Norco, LLC)

RECOMMENDATION: That the City Council accept the offer of dedication of an easement for public utility purposes over a portion of Cota Street and authorize the City Clerk to record the easement dedication.

**SUMMARY:** As a condition of the Cota Street vacation, a public utility easement is required to be dedicated to the City of Norco by the underlying property owners.

**BACKGROUND/ANALYSIS:** On February 6, 2013, City Council approved the potential vacation of Cota Street, subject to certain required conditions precedent. One of the conditions was that the underlying property owners would need to dedicate a public utility easement to the City of Norco. Other conditions precedent were that the Riverside County Local Agency Formation Commission (LAFCO) approve the detachment from the City of Norco with concurrent annexation to the City of Corona for the vacated southeasterly half (30 feet) of the right-of-way. This item went before LAFCO on July 25, 2013 and was unanimously approved. Finally, these actions had to occur within two years from the effective date of the vacation resolution.

There are three underlying property owners involved with the vacation. OMNI Norco, LLC owns the southwesterly property underlying Cota Street. Staff is recommending that City Council accept the offer of dedication of a public utility easement over a portion of Cota Street and authorize the City Clerk to record the easement dedication.

**FISCAL IMPACT:** NA

/lja

Attachment: Easement Dedication for Public Utility Purposes

WHEN RECORDED, MAIL TO:  
City of Norco

CITY CLERK  
2870 Clark Avenue  
Norco, CA 92860

This document is filed at the request of  
The City of Norco pursuant to Section 6103 of the  
Government Code. No fee shall be charged therefor.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ 0

...Computed on the consideration or value of property conveyed; OR  
...Computed on the consideration or value less liens or encumbrances  
remaining at time of sale.

Signature of Declarant or Agent determining tax - Firm Name

Mail Tax Statements to:  
City of Norco  
2870 Clark Avenue  
Norco, CA 92860

**EASEMENT DEDICATION  
FOR  
PUBLIC UTILITY PURPOSES**

FOR VALUABLE CONSIDERATION, receipt whereof is hereby acknowledged.

**OMNI NORCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY**

DOES HEREBY DEDICATE TO THE **CITY OF NORCO, CALIFORNIA**, a Municipal Corporation, its successors and assigns, the permanent easement to construct, maintain, operate repair, alter, replace, and remove pipelines, conductors, cables, and appurtenances under, along and across the following described parcel of real property situated in the City of Norco, County of Riverside, State of California:

As described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof.

together with all necessary and convenient means of ingress and egress to and from said easement or strip or parcel of land, for the purpose of constructing, reconstructing, maintaining, operating, repairing, renewing, or enlarging in any manner the public utilities together with any and all of the purposes hereinbefore mentioned.

TO HAVE AND TO HOLD the above granted and described premises unto the **CITY OF NORCO, CALIFORNIA**, its successors and assigns forever.

IN WITNESS HERETO, to grantor(s) have hereunto set their hands and Seals this 9<sup>th</sup> day of July 2013.

By: \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Orange

On July 9, 2013

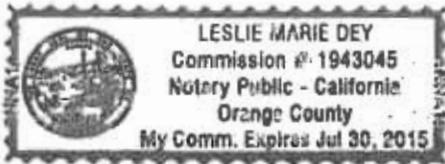
Date

before me, Leslie Marie Dey, Notary Public

Here insert Name and Title of the Officer

personally appeared Kip Dubbs

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Easement Dedication for Public Utility Purposes

Document Date: July 9, 2013

Number of Pages: 3

Signer(s) Other Than Named Above: Syed Talat Gilani

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Kip Dubbs

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: Manager

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer Is Representing:

Omni Norco, LLC

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer Is Representing:

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL "A"**

THAT PORTION OF THE NORTHWESTERLY HALF OF COTA STREET, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON A MAP OF THE CORONA CITRUS TRACT, FILED IN BOOK 8, PAGE 24, OF MAPS, RECORDS OF RIVERSIDE COUNTY, LYING WITHIN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AND WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, S.B.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE CENTERLINE INTERSECTION OF SAID COTA STREET AND THE CENTERLINE OF MAIN STREET, BEING COMMON WITH THE CENTERLINE OF HAMNER AVENUE AND HAVING A WESTERLY HALF WIDTH OF 30.00 FEET, AS SHOWN ON SAID MAP;

THENCE ALONG SAID CENTERLINE OF COTA STREET, SOUTH 54° 16' 46" WEST A DISTANCE OF 188.70 FEET TO THE PROLONGATION OF THE SOUTHWESTERLY LINE OF THAT PROPERTY DESCRIBED IN INSTRUMENT 222137 OF OFFICIAL RECORDS, RECORDED JULY 11, 1995 RECORDS OF SAID COUNTY. SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID CENTERLINE, SOUTH 54° 16' 46" WEST A DISTANCE OF 454.82 FEET TO THE SOUTHEASTERLY PROLONGATION OF THE THE NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON SAID MAP;

THENCE LEAVING SAID CENTERLINE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE, NORTH 35° 41' 37" WEST A DISTANCE OF 30.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID COTA STREET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE NORTH 54° 16' 46" EAST A DISTANCE OF 454.87 FEET TO THE MOST SOUTHERLY CORNER OF SAID INSTRUMENT 222137;

THENCE ALONG SAID SOUTHWESTERLY PROLONGATION SOUTH 35° 36' 37" EAST A DISTANCE OF 30.00 FEET TO AFOREMENTIONED CENTERLINE OF COTA STREET, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**.

CONTAINS 0.31 ACRES, MORE OR LESS

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:



*William R. Knight* 06/20/13  
WILLIAM R. KNIGHT, L.S. 6810      DATE

PREPARED ON	MAY 15, 2013
 Engineering, Inc.	<b>ENGINEERING</b> <b>LAND PLANNING</b> <b>SURVEYING</b>
357 N. SHERIDAN STREET SUITE 117 CORONA, CALIFORNIA 92880 TEL. (951) 279-1800 FAX (951) 279-4380	

**EXHIBIT "B"**

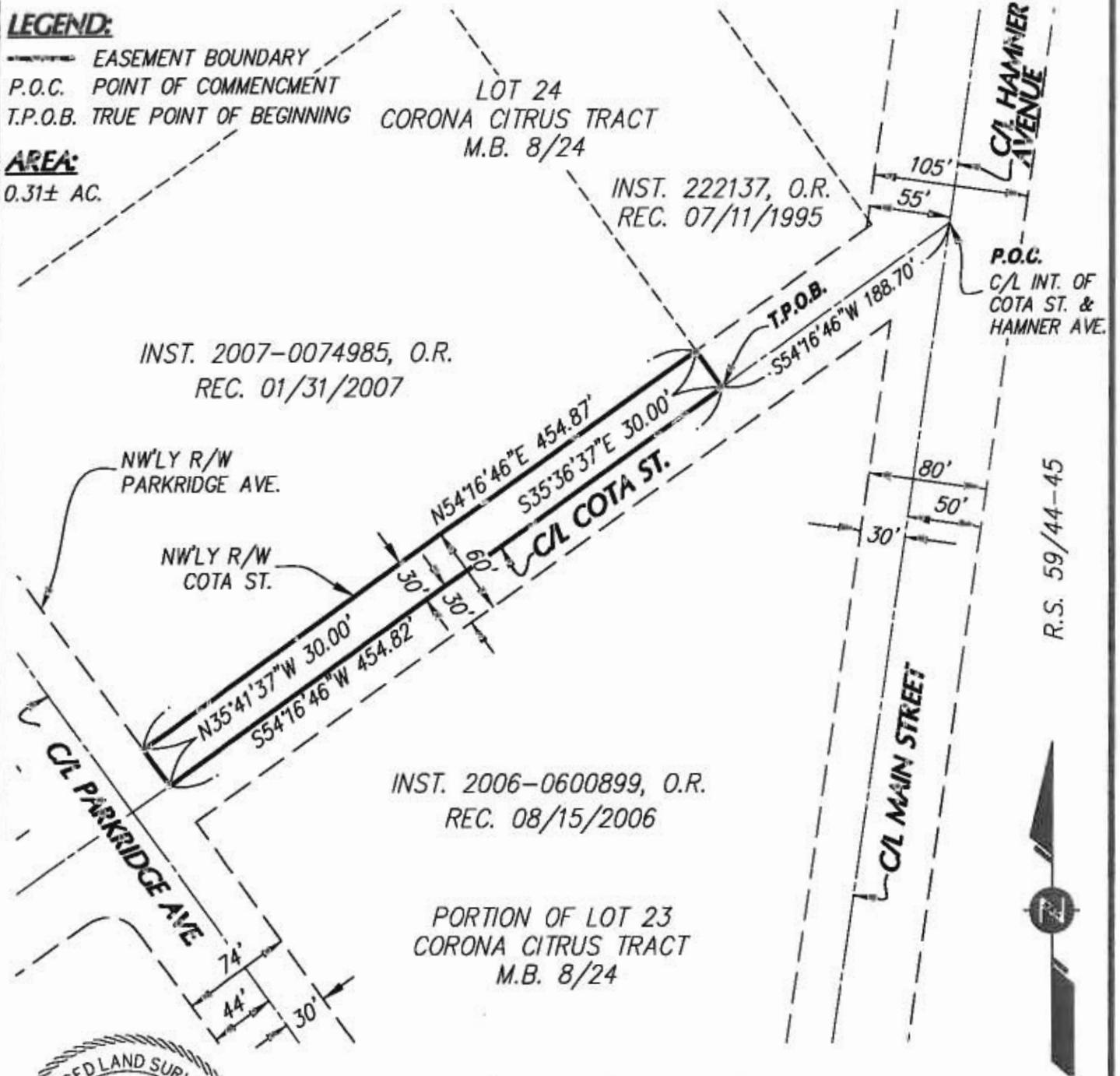
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**LEGEND:**

- EASEMENT BOUNDARY
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

**AREA:**

0.31± AC.

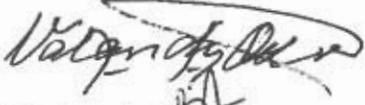


PREPARED ON	MAY 15, 2013
<b>OSBORN K&amp;A TALLAHASSEE</b> ENGINEERING LAND PLANNING SURVEYING Engineering, Inc.	357 N. SHERIDAN STREET SUITE 117 CORONA, CALIFORNIA 92880 TEL. (951) 279-1800 FAX (951) 279-4380

0101

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Lori J. Askew, Director of Public Works 

DATE: August 7, 2013

SUBJECT: Acceptance of the Dedication of a Public Utility Easement (ASTA Properties, LLC and STRATA Realty, LLC)

RECOMMENDATION: That the City Council accept the offer of dedication of an easement for public utility purposes over a portion of Cota Street and authorize the City Clerk to record the easement dedication.

**SUMMARY:** As a condition of the Cota Street vacation, a public utility easement is required to be dedicated to the City of Norco by the underlying property owners.

**BACKGROUND/ANALYSIS:** On February 6, 2013, City Council approved the potential vacation of Cota Street, subject to certain required conditions precedent. One of the conditions was that the underlying property owners would need to dedicate a public utility easement to the City of Norco. Other conditions precedent were that the Riverside County Local Agency Formation Commission (LAFCO) approve the detachment from the City of Norco with concurrent annexation to the City of Corona for the vacated southeasterly half (30 feet) of the right-of-way. This item went before LAFCO on July 25, 2013 and was unanimously approved. Finally, these actions had to occur within two years from the effective date of the vacation resolution.

There are three underlying property owners involved with the vacation. ASTA Properties, LLC and STRATA Realty, LLC owns the southeasterly property underlying Cota Street. Staff is recommending that City Council accept the offer of dedication of a public utility easement over a portion of Cota Street and authorize the City Clerk to record the easement dedication.

**FISCAL IMPACT:** NA

/lja

Attachment: Easement Dedication for Public Utility Purposes

**WHEN RECORDED, MAIL TO:**

City of Norco

CITY CLERK  
2870 Clark Avenue  
Norco, CA 92860

This document is filed at the request of  
The City of Norco pursuant to Section 6103 of the  
Government Code. No fee shall be charged therefor.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ 0

...Computed on the consideration or value of property conveyed; OR  
...Computed on the consideration or value less liens or encumbrances  
remaining at time of sale.

Signature of Declarant or Agent determining tax - Firm Name

**Mail Tax Statements to:**

City of Norco  
2870 Clark Avenue  
Norco, CA 92860

**EASEMENT DEDICATION  
FOR  
PUBLIC UTILITY PURPOSES**

FOR VALUABLE CONSIDERATION, receipt whereof is hereby acknowledged.

**ASTA PROPERTIES, LLC, A NEVADA LIMITED LIABILITY COMPANY, AND STRATA REALTY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, EACH AS TO AN UNDIVIDED 50% INTEREST, AS TENANTS IN COMMON**

DOES HEREBY DEDICATE TO THE CITY OF NORCO, CALIFORNIA, a Municipal Corporation, its successors and assigns, the permanent easement to construct, maintain, operate repair, alter, replace, and remove pipelines, conductors, cables, and appurtenances under, along and across the following described parcel of real property situated in the City of Norco, County of Riverside, State of California:

As described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof.

together with all necessary and convenient means of ingress and egress to and from said easement or strip or parcel of land, for the purpose of constructing, reconstructing, maintaining, operating, repairing, renewing, or enlarging in any manner the public utilities together with any and all of the purposes hereinbefore mentioned.

TO HAVE AND TO HOLD the above granted and described premises unto the CITY OF NORCO, CALIFORNIA, its successors and assigns forever.

IN WITNESS HERETO, to grantor(s) have hereunto set their hands and Seals this 11<sup>th</sup> day of JULY, 2013.

By: Tim Hawke (Tim Hawke)  
Managing Member (STRATA REALTY, LLC)

By: Keith G. Osborn (Keith G. Osborn)  
Member ~~of~~ ASTA PROPERTIES, LLC

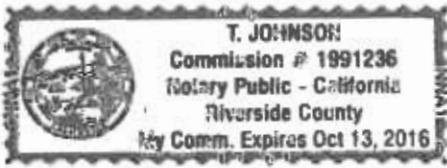
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Riverside }

On June 21, 2013 before me, T. JOHNSON, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Tim Hawke  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Easement Dedication for Public Utility Purposes

Document Date: \_\_\_\_\_ Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Tim Hawke

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: Managing member



Signer Is Representing: Strata Realty LLC

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Riverside

On July 11, 2013 before me, Jolene I Green, Notary Public

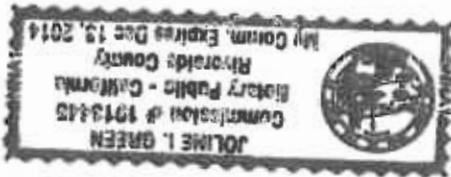
personally appeared Keith G Osborn

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jolene I Green  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Basement Dedication for Public Utility Purposes

Document Date: July 11, 2013 Number of Pages: 3

Signer(s) Other Than Named Above: Tim Hawke

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Keith G Osborn

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: Member



Signer Is Representing: Asta Properties, LLC

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

SHEET 1 OF 1

**PARCEL "A"**

BEING THE SOUTHEASTERLY HALF OF COTA STREET, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON A MAP OF CORONA CITRUS TRACT, RECORDED IN BOOK 8, PAGE 24, OF MAPS, RECORDS OF THE COUNTY OF RIVERSIDE, LYING BETWEEN THE NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON SAID CORONA CITRUS TRACT, AND THE WESTERLY RIGHT OF WAY LINE OF MAIN STREET, BEING COMMON WITH HAMNER AVENUE AND HAVING A WESTERLY HALF WIDTH OF 30.00 FEET, AS SHOWN ON SAID CORONA CITRUS TRACT, WITHIN LOT 23 OF SAID CORONA CITRUS TRACT, LYING WITHIN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ALSO LYING WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, S.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE PROLONGATION OF SAID WESTERLY RIGHT OF WAY OF SAID MAIN STREET AND THE CENTERLINE OF SAID COTA STREET;

THENCE ALONG SAID CENTERLINE OF COTA STREET, SOUTH 54° 16' 46" WEST A DISTANCE OF 601.98 FEET TO THE PROLONGATION OF SAID NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE;

THENCE LEAVING SAID CENTERLINE ALONG SAID PROLONGATION OF SAID NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE, SOUTH 35° 44' 53" EAST A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID COTA STREET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF SAID COTA STREET, NORTH 54° 16' 46" EAST A DISTANCE OF 573.22 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF MAIN STREET;

THENCE LEAVING SAID SOUTHEASTERLY RIGHT OF WAY LINE ALONG THE PROLONGATION OF SAID WESTERLY RIGHT OF WAY LINE OF MAIN STREET, NORTH 08° 03' 08" EAST A DISTANCE OF 41.55 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.40 ACRES, MORE OR LESS.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART THEREOF.

PREPARED UNDER THE SUPERVISION OF:



*W. R. Knight* 06/20/13  
WILLIAM R. KNIGHT, L.S. 6810 DATE

PREPARED ON	MAY 15, 2013
 <b>ENGINEERING</b>	357 N. SHERIDAN STREET
<b>LAND PLANNING</b>	SUITE 117
<b>SURVEYING</b>	CORONA, CALIFORNIA 92880
Engineering, Inc.	TEL. (951) 279-1800
	FAX (951) 279-4380

A-5TA

**EXHIBIT "B"**

BEING THE SOUTHEASTERLY HALF OF COTA STREET, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON A MAP OF CORONA CITRUS TRACT, RECORDED IN BOOK 8, PAGE 24, OF MAPS, RECORDS OF THE COUNTY OF RIVERSIDE, LYING BETWEEN THE NORTHEASTERLY RIGHT OF WAY LINE OF PARKRIDGE AVENUE, HAVING A HALF WIDTH OF 30.00 FEET, AS SHOWN ON SAID CORONA CITRUS TRACT, AND THE WESTERLY RIGHT OF WAY LINE OF MAIN STREET, BEING COMMON WITH HAMNER AVENUE AND HAVING A NORTHWESTERLY HALF WIDTH OF 30.00 FEET, AS SHOWN ON SAID CORONA CITRUS TRACT, WITHIN LOT 23 OF SAID CORONA CITRUS TRACT, LYING WITHIN THE CITY OF NORCO, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ALSO LYING WITHIN SECTION 24, TOWNSHIP 3 SOUTH, RANGE 7 WEST, S.B.M

**LEGEND:**

— EASEMENT BOUNDARY  
P.O.B. POINT OF BEGINNING

**AREA:**

0.40 AC.±

LOT 23  
CORONA CITRUS TRACT  
M.B. 8/24

INST. 222137, O.R.  
REC. 07/11/1995

INST. NO. 2007-0074985, O.R.  
REC. 01/31/07

INST. NO. 2006-0600899, O.R.  
REC. 08/15/06

PORTION LOT 23  
CORONA CITRUS TRACT  
M.B. 8/24

W'LY R/W  
MAIN ST.

NE'LY R/W  
PARKRIDGE AVE.

SE'LY R/W  
COTA ST.

C/L HAMNER AVENUE

C/L PARKRIDGE AVENUE

C/L MAIN STREET

R.S. 59/44-45

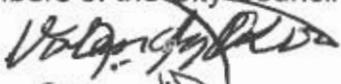
R.S. 58/5



PREPARED ON	MAY 15, 2013
<b>OSBORN ENGINEERING</b>	357 N. SHERIDAN STREET
<b>K&amp;A LAND PLANNING</b>	SUITE 117
<b>TALLAHAI SURVEYING</b>	CORONA, CALIFORNIA 92880
Engineering, Inc.	TEL. (951) 279-1800
	FAX (951) 279-4380

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: August 7, 2013

SUBJECT: Appointments to the Historic Preservation Commission

RECOMMENDATION: Staff recommends that the City Council appoint two individuals to serve on the Historic Preservation Commission effective August 8, 2013.

**SUMMARY:** At its meeting held on June 19, 2013, the City Council voted to re-advertise two (2) positions on the Historic Preservation Commission for 30 days because of applications that were submitted late and therefore were not considered for appointments. A public notice was advertised for the two positions and applications were received until 6:00 p.m. on July 18, 2013. Four (4) applications were received by the stated deadline for the City Council's consideration for the two expired seats on the Historic Preservation Commission.

**BACKGROUND/ANALYSIS:** On June 19, 2013, the City Council considered applications received for three (3) vacancies on the Historic Preservation Commission. At that meeting, discussion was held regarding two (2) of the applications that were received by the City Clerk following the cut-off date for receipt of the applications. The City Council voted to appoint one member to the Commission and have the City Clerk re-advertise the remaining two (2) positions for 30 days. A public notice was advertised with the cut-off date and time for receipt of applications of July 18, 2013 at 6:00 p.m.

**Requirements to Serve on the Historic Preservation Commission:**

Any resident of the City of Norco may serve on a City commission. No member is selected on the basis of representing a specific business, district, organization, or cause. Requirements to serve on a commission are as follows:

**Service on City Commissions is a 4-year term; you must be a permanent resident of Norco, 21 years of age, a citizen of the U.S., take the oath of office, and never convicted of a felony.**

**Historic Preservation Commission members shall be persons who, as a result of their education, training, knowledge, and experience are qualified to analyze and interpret architectural and site planning information, including but not limited to, licensed landscape architects and architects, urban planners, engineers, and licensed general contractors. At least two of the members shall have professional experience in urban planning,**

**architectural history or historic preservation, archeology, American studies, cultural geography, cultural anthropology and shall have general knowledge of architectural styles prevalent in the Historic Old Town of Norco.**

**Applications Received for the Historic Preservation Commission:**

The following Applications were received for the Historic Preservation Commission from which the Council is recommended to appoint two (2) to serve four-year terms:

**Historic Preservation Commission (2 Vacancies)**

Received by the July 18<sup>th</sup> Deadline (in alphabetical order):

Susan Bacon (meets all qualifications)

Terri Jacquemain (meets all qualifications)

Patricia A. Overstreet

Cynthia Redfield

There is currently one (1) member (Diane Stiller) of the Historic Preservation Commission that meets the professional experience and general knowledge requirements for at least two of the members. Therefore, one (1) of the new appointees shall meet the required qualifications in order for the City to retain its CLG status it currently holds.

*Applications are on file in the Office of the City Clerk*

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Daniel Hedge, Lieutenant

DATE: August 7, 2013

SUBJECT: Approval of a City of Norco Towing Company Rotation Administrative Policy

RECOMMENDATION: Approve the Sheriff's Department / City of Norco Towing Company Rotation Administrative Policy.

**BACKGROUND/ANALYSIS:** Staff has been asked to re-examine the issue surrounding which companies are used by City and Sheriff staff who initiate a request for towing services in the City.

In March 2003, when towing and storage services were last evaluated by City Council, the primary issue was whether or not a towing company should be required to maintain a storage yard in the City. At that time there were two tow companies used by City staff, Norco Auto Towing and J&M Towing, and three towing companies used by the Sheriff's Department for towing services, Norco Auto Towing, J&M Towing and Hamner Tow. Norco Auto Towing and J&M Towing both had storage facilities located within the City. Hamner Towing had provided towing services for the City since 1968 and was initially located in the City. However, after the adoption of a specific plan and a change in the alignment of Hamner Avenue, Hamner Towing moved their storage yard and office to the City of Corona.

The Sheriff's Department had a Vehicle Tow/Storage Memorandum of Understanding with Norco Auto Towing, J&M Towing and Hamner Towing. The Department rotated requests for towing services within the City between these companies. The City Council did not change the department's towing practices or the City's past practice of requiring that, as a condition of being added to the towing rotation list, a towing operator must have an approved storage facility in the City. Given the long-term relationship with the City of Norco, Hamner Towing was "grand-fathered in" and has remained on the rotation list.

Since then, Advanced Towing and Brothers Towing were added to the Tow Rotation List and used by the Sheriff's Department. Brothers Towing was added on April 11, 2003 after they met all of the requirements set forth by the California Highway Patrol and the Riverside County Sheriff's Department/Jurupa Valley Station. Brothers Towing also had a storage facility located within the City of Norco at 1674 Elm Street, Norco, which satisfied the City's long standing practice of requiring a tow company to have a storage facility within the City.

Advanced Towing was added on August 1, 2006 after they met all of the requirements set forth by the California Highway Patrol and the Riverside County Sheriff's Department/Jurupa Valley Station. Advanced Towing also had a storage facility located within the City of Norco at 566 Sixth Street, Norco which satisfied the City's long standing practice of requiring a tow company to have a storage facility within the City.

In June 2013, Circle City Towing made a request through the Riverside County Sheriff's Department/Jurupa Valley Station to be added to the Tow Rotation List for the city of Norco. Circle City Towing was allowed to be added onto the list in July 2013, after they had met the requirements set forth by the California Highway Patrol and the Riverside County Sheriff's Department/Jurupa Valley Station. Due to significant staff changes that occurred in 2012, the current staff was unaware of the unwritten long standing practice of the City regarding their requirements for adding a tow company to the Tow Rotation List. The only requirement Circle City Towing did not meet was the long standing practice of the City, requiring Circle City Towing to have a storage facility within the City.

Even though Circle City Towing is not within the City, their current storage facility is closer to the City limits of Norco than the storage facility used by Hamner Towing. Hamner Towing is approximately 2.3 aerial miles from the City limits and Circle City Towing is approximately 1.6 aerial miles from the City limits. The distance of both Hamner and Circle City Towing do not place a burden on the citizens of Norco based on distance. The distances of both towing companies fall within eight (8) miles of Norco's City limits, which is a requirement set by the California Highway Patrol and Jurupa Valley Station.

However, the City Council has expressed their concerns about outsourcing resources to businesses located outside of the city of Norco. If Council elects to make the requirement that tow companies have a storage facility within the City, we recommend the following:

1. The requirement should apply to all of the towing companies, regardless of past practices.
2. The City Council should give Hamner Towing and Circle City Towing a one (1) year grace period to meet this requirement. If these companies fail to meet this requirement within the one (1) year grace period, they would be removed from the City's Tow Rotation List.
3. The City Council should adopt an Administrative Policy outlining the requirements the City wants added to the Jurupa Valley Station's Tow Service Agreement. An addendum outlining the Administrative Policy requirements can be written and added to the existing Jurupa Valley Station Tow Service Agreement.
4. Follow the current procedures used by Sheriff's staff for the initial Tow Service Agreements, which in part, requires the California Highway Patrol and the Jurupa Valley Station to oversee portions of the Tow Service Agreements.

City staff will be requesting towing services through an Abandon Vehicle Abatement Program. City staff will rotate the requests for towing services utilizing the Tow Rotation List established by Sheriff's staff. The tow companies on the Tow Rotation List will have already been approved by the California Highway Patrol, the Riverside County Sheriff's Department/Jurupa Valley Station and the City of Norco; therefore, by utilizing this list the City will not incur unnecessary costs to develop its own Tow Rotation List for the Abandon Vehicle Abatement Program.

FISCAL IMPACT: None

/klv

Attachments: Administrative Policy  
City of Norco Tow Service Agreement  
Jurupa Valley Station Tow Service Agreement  
California Highway Patrol Tow Service Agreement



## CITY OF NORCO ADMINISTRATIVE POLICY STATEMENT

**SUBJECT:** SHERIFF'S DEPARTMENT / CITY TOWING COMPANY TOW  
ROTATION POLICY

**POLICY NUMBER:** 609

**DATE ISSUED:** August 7, 2013

**PURPOSE:** The purpose is to establish a policy for the City of Norco's Tow Rotation List.

**GENERAL POLICY:** The City of Norco has established an Administrative Policy for the City's Tow Rotation List. This policy will outline how City staff and Sheriff's staff utilize the Tow Rotation List. This policy will also include provisions that the City of Norco requires for a tow company to be added to the Tow Rotation List.

In order for a tow company to be added onto the City's Tow Rotation List, tow companies must adhere to and accept the terms outlined in this Administrative Policy.

The overall processes for a tow company to be selected for the Tow Rotation List, is the sole responsibility of the Riverside County Sheriff's Department's Jurupa Valley Station. Any tow company requesting to be added to the City of Norco's Tow Rotation List, must first meet all of the requirements set forth by the Jurupa Valley Station's Commander or his/her designee. If at any time during the contract period, any tow company fails to meet all provisions of all applicable Tow Service Agreements (TSA), the Commander of the Jurupa Valley Station or his/her designee, reserves the right to remove or suspend the tow company or storage facility from the Tow Rotation List.

The tow company and all employees are bound by the provisions set forth in the Tow Service Agreements. The tow company understands that to be placed on and remain on the Tow Rotation List, the tow company accepts the conditions of the Tow Service Agreements, and the tow company accepts responsibility for the actions of its owner(s), agent(s), employees, and tow truck passengers as they relate to the Tow Service Agreements and do so with the full understanding that inclusion on the Tow Rotation List is voluntary and a discretionary privilege extended by the Commander of the Jurupa Valley Station or his/her designee and is not a legal right. Failure of the tow company, the owner(s), employees or staff members to comply with all provisions of the Tow Service Agreements with the California Highway Patrol, the Riverside County Sheriff's Department / Jurupa Valley Station and the City of Norco are cause for the tow company to be removed from the Tow Rotation List. Being placed on the Tow Rotation List is a privilege and not a right.

The provisions listed in this Administrative Policy are to be added as an addendum Tow Service Agreement to the Riverside County Sheriff's Department/Jurupa Valley Station's Tow Service Agreement. The provisions are as follows:

- a. Tow companies must have a signed and approved Tow Service Agreement with the California Highway Patrol and must be in good standing.
- b. Tow companies must have a signed and approved Tow Service Agreement with the Riverside County Sheriff's Department / Jurupa Valley Station and must be in good standing.

- c. Tow companies added to the rotation will maintain, within the City limits of Norco, an office open to the public and a storage yard where, unless otherwise directed by the owner or person in charge of the vehicle, they will store vehicles which were towed from within the City.
- d. Tow companies must be in compliance with local ordinances, regulations, conditions of applicable Conditional Use Permits, and possess a valid City of Norco business license to remain on the Tow Rotation List.
- e. When any vehicle has been ordered towed or impounded by a City or Sheriff's employee during the course and scope of their duties and it is later learned that the vehicle should not have been towed or stored, the tow company will be entitled to reimbursement from the City or Sheriff's Department for 50% of the tow rate as listed in the California Highway Patrol Tow Service Agreement. The tow company will not be entitled to reimbursement of storage or any other costs.
- f. Tow companies are subject to all fines, penalties, suspensions, and revocations as set forth in the California Highway Patrol's Tow Service Agreement, the Riverside County Sheriff's Department / Jurupa Valley Station's Tow Service Agreement and the City of Norco's Tow Service Agreement.
- g. If at any time the tow company fails to meet all the requirements of all applicable Tow Service Agreements, the Commander of the Jurupa Valley Station or his/her designee reserve the right, to remove or suspend the tow company or storage facility from the Tow Rotation List.
- h. The City of Norco will be notified when a tow company submits an application requesting to be added onto the City of Norco's Tow Rotation List. No action shall be taken until the City Manager has reviewed the proposed action by the Commander of the Jurupa Valley Station.
- i. The City of Norco will be notified if a tow company is going to be suspended or removed from the City of Norco's Tow Rotation List. No action shall be taken until the City Manager has reviewed the proposed action by the Commander of the Jurupa Valley Station.

In addition; the City has an Abandon Vehicle Abatement Program and will be requesting towing and storage services. City staff will utilize the Tow Rotation List established by Sheriff's staff. The Tow Rotation List will be completed annually by Sheriff's staff and will be provided for City use. The Tow Rotation list will be effective from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.

At the discretion of the Commander of the Jurupa Valley Station, or his/her designee, there will be times when the Tow Rotation List will not be used in the order stated on the Tow Rotation List. For example, such as special events or programs that may require the towing of numerous vehicles in a specific time allotment.

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

Date \_\_\_\_\_

# **RIVERSIDE COUNTY SHERIFF'S DEPARTMENT**

## ***JURUPA VALLEY STATION, NORCO OFFICE***

### **TOW SERVICE AGREEMENT**

In addition to the nine items listed in the Riverside County Sheriff's Department, Jurupa Valley Station Tow Service Agreement (copy attached) tow companies who are on the rotation for service within the City of Norco agree to the following:

- \_\_\_\_\_ 10. Tow companies must have a signed and approved Tow Service Agreement with the California Highway Patrol and must be in good standing.
- \_\_\_\_\_ 11. Tow companies must have a signed and approved Tow Service Agreement with the Riverside County Sheriff's Department / Jurupa Valley Station and must be in good standing.
- \_\_\_\_\_ 12. Tow companies added to the rotation will maintain, within the city limits of Norco, an office open to the public as set forth in the Jurupa Valley Station's Tow Service Agreement and a storage yard where, unless otherwise directed by the owner or person in charge of the vehicle, they will store vehicles which were towed from within the city.
- \_\_\_\_\_ 13. Tow companies must be in compliance with local ordinances, regulations, conditions of applicable Conditional Use Permits, and possess a valid City of Norco business license to remain on the Tow Rotation list.
- \_\_\_\_\_ 14. When any vehicle has been ordered towed or impounded by a city or Sheriff's employee during the course and scope of their duties and it is later learned that the vehicle should not have been towed or stored, the tow company will be entitled to reimbursement from the city or Sheriff's Department for 50% of the tow rate as listed in the California Highway Patrol Tow Service Agreement. The tow company will not be entitled to reimbursement of storage or any other costs.
- \_\_\_\_\_ 15. Tow company are subject to all fines, penalties, suspensions, and revocations as set forth in the California Highway Patrol's Tow Service Agreement, the Riverside County Sheriff's Department / Jurupa Valley Station's Tow Service Agreement and the city of Norco's Tow Service Agreement.
- \_\_\_\_\_ 16. If at any time the tow company fails to meet all the requirements of all applicable Tow Service Agreements, the Commander of the Jurupa Valley Station or his/her designee reserve the right, to remove or suspend the tow company or storage facility from the Tow Rotation list.
- \_\_\_\_\_ 17. At the discretion of the Commander of the Jurupa Valley Station or his/her designee there will be times when the Tow Rotation list will not be used in the order stated on the Tow Rotation list. For example, such as special events or programs that may require the towing of numerous vehicles in a specific time allotment.

**I / We agree to the above terms and will tow/store vehicles for the Riverside County Sheriff's Department, Jurupa Valley Station, Norco Office. Initial each section.**

Business Name:

Phone:

Business Address:

Business Representative: \_\_\_\_\_  
*Printed Name* *Title*

Business Representative: \_\_\_\_\_  
*Signature* *Date*

Sheriff Representative: \_\_\_\_\_

# RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

## JURUPA VALLEY STATION

### TOW SERVICE AGREEMENT

- \_\_\_\_\_ 1. Tow companies for the Riverside County Sheriffs, Jurupa Valley Station will adhere to the State of California, Department of California Highway Patrol, Tow Service Agreement (CHP 234 OPI 062) and must remain on the authorized tow service list for the California Highway Patrol, Riverside Office.
- \_\_\_\_\_ 2. The tow service will be available 24 hours a day, 7 days a week and be able to respond to the designated area of responsibility within 20 minutes, per Sheriff's Dispatch clocks. Failure of a service provider to arrive within 20 minutes a total of three (3) times will result in a mandatory thirty (30) day suspension from rotation services. If the provider believes they cannot arrive within 20 minutes, they must notify Sheriff's Dispatch within five (5) minutes of the time they are called. Passing on service within the allotted five (5) minutes will not constitute a "late". Tow agents agree to all approved terms when signing this agreement.
- \_\_\_\_\_ 3. The tow service will furnish satisfactory evidence of liability insurance.
- \_\_\_\_\_ 4. Disputes, disagreements, or grievances heard or reviewed by the Jurupa Valley Station Commander or designee are final. The Commander reserves the right to remove or suspend any tow company or storage facility **without cause**.
- \_\_\_\_\_ 5. Any costs applied to the Riverside County Sheriff's Department must be pre-approved by a Department representative holding the rank of sergeant or above. In the event financial responsibility for a vehicle tow or storage falls upon the Riverside County Sheriff's Department (e.g. towing for evidence purposes or due to unforeseen legal or clerical errors associated with the tow), the operator agrees to limit the total cost to no more than one hundred (\$100.00) dollars. The \$100.00 fee includes any and all costs associated with tow, storage, impound and hook-up.
- \_\_\_\_\_ 6. Tow companies shall not store a vehicle for longer than six (6) months without justification.
- \_\_\_\_\_ 7. The policy of the Riverside Sheriff's Department excludes the acceptance of third party checks being submitted as payment for VICR fees. Therefore, operators / tow companies will collect the fees payable to the operator or company. When the company submits these payments to the Jurupa Valley Station, the payments will be in the form of cash or one business check made out to the specific contract city or county area in which the fees are to be applied.
- \_\_\_\_\_ 8. All Vehicle Impound Cost Recovery (VICR) fees collected by any tow company or storage facility will be forwarded to the Jurupa Valley Station within ten (10) days of collection. **Failure to forward these fees will be deemed as cause to remove or suspend the tow company or storage yard.**
- \_\_\_\_\_ 9. All companies on the Jurupa Valley Station rotation list shall have their primary yard and accompanying business office within Riverside County and within the boundaries outlined on the accompanying map.

**I / We agree to the above terms and will tow/store vehicles for the Riverside County Sheriff's Department, Jurupa Valley Station. Initial each section.**

Business Name:

Phone:

Business Address:

Business Representative: \_\_\_\_\_

*Printed Name*

*Title*

Business Representative: \_\_\_\_\_

*Signature*

*Date*

Sheriff Representative: \_\_\_\_\_

**2013 — 2014**

**TOW SERVICE  
AGREEMENT**

**MARCH 2013**

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**STATE OF CALIFORNIA  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
TOW SERVICE AGREEMENT  
CHP 234 (01-2013) OPI 061**

This Tow Service Agreement (TSA) contains terms and conditions that a company agrees to comply with in order to receive and maintain a rotation tow listing with the California Highway Patrol (CHP). Participation in the CHP Rotation Tow Program is voluntary. An operator, by agreeing to participate in the program, does not establish a contractual relationship with the CHP and is not acting as an agent for the CHP or the State of California when performing services under the TSA. Exceptions to compliance with the TSA shall not be authorized by verbal agreement. Any exceptions shall be documented as a written addendum by the Area commander and shall have the Division chief's approval.

**1. TOW DISTRICTS**

- A. The CHP Area commander shall establish tow districts for each class of tow truck to facilitate the distribution of calls and meet the needs of the CHP with regards to response time and availability of tow services.
- B. Within each tow district, the Area commander shall determine the maximum response time, reasonable rates, minimum number of trucks, and any applicable addendum.
  - 1) The Area commander may require more than one tow truck in each class in tow districts where rapid response for congestion relief is required.
- C. An operator shall have a business office and storage yard located within the district they serve, unless this requirement is waived by an addendum from the Area commander.
- D. An operator shall provide service in only one Area command unless waived by an addendum from both adjacent Area commanders and with the Division commander's concurrence.
- E. A secondary storage yard does not qualify an operator for an additional tow district.
- F. Within each tow district, the CHP should maintain separate rotation tow lists for each class of tow truck to ensure an equitable distribution of calls.

## 2. ROTATION LISTS

- A. A call to an operator shall constitute one turn on the list and the operator shall be moved to the bottom of the list.
  - 1) This includes when the operator fails to answer the phone, is unable to respond, is unable to perform the required service, refuses to respond or provide service, or is canceled due to excessive response time.
- B. If it is determined the operator is not needed and is canceled by the CHP, up to and including arrival on scene and standby time which does not result in a tow, there shall be no charges and the operator shall be placed back at the top of the list.
- C. If the operator responds to a CHP call and is canceled by the vehicle's registered owner or agent, prior to the operator taking possession of the vehicle, there shall be no charge and the operator shall be placed back at the top of the list.
  - 1) Possession is deemed to arise when the vehicle is removed and is in transit, or when vehicle recovery operations or load salvage operations have begun (Section 3068.1[a] of the Civil Code [CC] and 22851[a][1] of the California Vehicle Code [CVC]).
  - 2) Whenever a vehicle owner returns to a vehicle that is in possession of a towing company prior to the removal of the vehicle, the owner may regain possession of the vehicle from the towing company if the owner pays the tow company the towing charges (Section 22851[a][2] CVC).
- D. Nothing in the TSA shall prohibit an Area commander, supervisor, or scene manager, from requesting a specific tow company when, in their opinion, the necessary resources to clear a hazard are not available from the tow company currently at the top of the rotation tow list.
  - 1) In such an instance, the selected company would then go to the bottom of the list and those tow companies which were by-passed, would remain in the same list order.
- E. Nothing shall prohibit a Class B, C, or D operator from maintaining a position on a lighter class rotation list, provided the tow truck meets the equipment specifications for that class of operation.
  - 1) Regardless of the class of tow truck utilized or responding to the call, charges shall not be more than for the class of vehicle towed or serviced, except when vehicle recovery operations require a larger class tow truck.

- F. A Salvage and Recovery Rotation Tow List shall be established for each Area office when there are tow operators who meet the Salvage and Recovery Rotation Tow List qualifications established in Item G.
- 1) This list shall be utilized whenever a large commercial vehicle is overturned and/or down an embankment.
  - 2) This list **shall not** be utilized for a large commercial vehicle which is upright and on all wheels.
    - a) The Salvage and Recovery Tow List may be for each tow district or for the entire Area.
- G. Those operators on the Salvage and Recovery Rotation Tow List shall respond with the following:
- 1) At least one (1) driver shall have five (5) verifiable years for-hire salvage and recovery experience.
    - a) The five (5) verifiable years for-hire salvage and recovery experience shall be determined by the CHP.
    - b) The driver with five (5) verifiable years for-hire salvage and recovery experience shall not be shared between tow operators.
  - 2) Two (2) tow trucks which shall be one (1) Class D tow truck and one (1) Class C tow truck.
    - a) Depending on an Area's needs and a tow operator's equipment availability, the Area commander may allow an operator to respond one of the following to meet the two (2) tow truck response criteria:
      - (1) Two (2) Class C tow trucks.
      - (2) The operator assigned the initial call may, subject to a prior written addendum, request a specific operator for assistance to meet the one (1) Class D tow truck and one (1) Class C tow truck, or two (2) Class C tow trucks.
      - (3) One (1) Class C tow truck and one (1) Class B tow truck (e.g., remote Areas in the state where traffic congestion is not an issue).

NOTE: A QuickSwap unit would not qualify for the Salvage and Recovery List.

### 3. TOW OPERATORS

- A. Operators applying for the rotation tow program shall have a minimum of three (3) verifiable years for-hire towing experience, as an owner or principal, prior to the final filing date of an enrollment period in order to qualify for a rotation tow listing.
  - 1) The three (3) verifiable years for-hire experience shall be decided by the CHP.
- B. Operators and owners who do not meet the three (3) verifiable years for-hire towing experience, may be considered if a full-time manager is employed who possesses three (3) verifiable years for-hire tow experience, as an owner, principal, or full-time manager.
  - 1) The three (3) verifiable years for-hire experience, as an owner, principal, or full-time manager shall be decided by the CHP.
- C. Management experience shall be decided and qualified by the CHP as follows:
  - 1) The designation of "manager" implies general power and permits reasonable inferences that the employee so designated is invested with the general conduct and control of his employer's business.
  - 2) An individual who has charge and control of a business and is vested with a certain amount of discretion and independent judgment.
- D. If the manager ceases to be employed by the company, the TSA shall be suspended until a new manager is approved by the CHP.
- E. Operators and owners applying for an additional identified business/terminal(s) located in a different tow district(s) or Area(s), shall utilize a full-time manager pursuant to Elements 3. B. and C.
- F. New operators and tow truck drivers, involved with the CHP Rotation Tow Program, shall be fingerprinted for the purpose of conducting criminal history inquiries.
  - 1) Any operator or tow truck driver who separates from the rotation tow program, in excess of one year, shall be fingerprinted for the purpose of

conducting a criminal history regardless of prior criminal history clearances (e.g., CHP Evidence Tow Contract, Freeway Service Patrol).

- 2) The CHP will receive subsequent arrest/conviction notifications for all operators and tow truck drivers.
  - 3) An operator shall notify the CHP of any arrest and/or conviction of a tow truck driver, or the operator, prior to the beginning of the next work shift.
    - a) Failure to make notification should be cause for disciplinary action.
  - 4) The Area tow officer shall be notified immediately by an operator upon a tow truck driver's separation from the rotation tow program.
- G. Operators shall have all tow truck drivers involved with CHP rotation tow operations participate in a controlled substance and alcohol testing (CSAT) program.
- 1) Drivers requiring a Class A, Class B, or commercial Class C license (endorsed for hazardous materials transportation) shall participate in a CSAT program as defined in the Code of Federal Regulations, Title 49, Parts 40 and 382.
  - 2) Drivers not required to possess a Class A, Class B, or commercial Class C license shall be enrolled in a CSAT program substantially similar to the requirements as outlined in Section 1) above.
  - 3) The operator shall ensure selection pools for commercial and non-commercial licensed drivers are maintained separately.
  - 4) A driver possessing a non-commercial driver's license who returns with a positive test result shall meet the same reinstatement requirements as a driver required to possess a commercial driver's license.
- H. The operator shall provide proof of enrollment in a CSAT and/or similar CSAT program to the Area office during the enrollment period.
- I. The operator and all tow truck drivers shall be enrolled in the Employer Pull Notice (EPN) program.
- 1) The operator shall provide a current list of drivers and a copy of the current EPN report, or in the case of a newly hired tow truck driver, proof of enrollment in the EPN program, for all drivers to the Area office during enrollment.

- a) The operator's signed and dated EPN report shall be kept on file in the Area office.
- 2) Upon the addition of new drivers, an operator shall be granted a maximum of 30 days to enroll drivers in the EPN.
- J. The operator shall maintain a current list of drivers.
- K. Operators shall have a Carrier Identification (CA) number and a valid Motor Carrier Property (MCP) permit. The MCP documentation shall be provided to the Area office during the enrollment period.
  - 1) The expiration of an operator's MCP and/or suspension of the MCP, pursuant to Section 34623 CVC, shall result in the immediate suspension of the tow operator, as well as additional disciplinary action which may be imposed by the Area commander.
- L. Operators shall ensure all drivers comply with intrastate and/or interstate hours of service pursuant to Title 13, Sections 1212 and 1212.5 of the California Code of Regulations (CCR).
  - 1) Operators shall ensure their drivers' record of duty status complies with Title 13, Section 1213 CCR.

#### 4. TOW OPERATOR'S BUSINESS

- A. An operator's place of business shall have a sign which clearly identifies it to the public as a tow service.
  - 1) The sign shall have letters which are clearly visible to the public from the street and shall be visible at night.
- B. Business hours shall be posted in plain view to the public.
- C. An operator's place of business shall have posted in plain view to the public the "Towing Fees and Access Notice" and copies of notice readily available to the public pursuant to Section 22651.07(a)(1)(A) CVC.
  - 1) The "Towing Fees and Access Notice" shall be a standardized document plainly printed in no less than 10-point type and shall contain the required language pursuant to Section 22651.07(d) CVC.

- D. An operator's place of business shall be sufficiently staffed to allow customers to talk face-to-face with a tow company's owner, manager, or employee during normal business hours.
- 1) Normal business hours shall not be less than 8 a.m. to 5 p.m., Monday through Friday, except for the following state recognized holidays: New Year's Day, Martin Luther King Day, President's Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, day after Thanksgiving Day, and Christmas Day.
- E. If an operator's place of business is staffed with only one employee, the business office may be closed for one hour at lunch.
- 1) A sign shall be posted which reflects a lunch closure and a phone number where a request by a vehicle's owner/agent shall result in an immediate response to release property or a vehicle.
  - 2) Response to the office shall be within the time frame required for a normal CHP Class A tow.
- F. The operator shall maintain records of all tow services furnished at the operator's primary business office (Note: printable electronic records are acceptable).
- 1) Invoices shall contain the required itemized information pursuant to Section 22651.07(e) CVC.
  - 2) Itemized invoices shall contain a distinct notice upon the invoice stating "Upon request, you are entitled to receive a copy of the 'Towing Fees and Access Notice.'" This notice shall be contained within a bordered text box, printed in no less than 10-point type pursuant to Section 22651.07(a)(1)(B)(3) CVC.
- G. The operator's primary business office shall also maintain business records relating to personnel, insurance, personnel taxes, payroll, applicable operating authorities, local operating authorities, lien sale actions, driver's record of duty status (intrastate and/or interstate), and Federal Communication Commission licensing (if applicable), and non-CHP tows.
- H. The CHP may inspect all operator records without notice during normal business hours.
- I. Operators shall permit the CHP to make copies of business records at their place of business, or to remove business records for the purpose of reproduction.

- 1) The CHP shall provide a receipt for any record removed from the place of business.
- J. An operator shall maintain business records for a period of two (2) years (effective July 1, 2012), plus the current term of this TSA, and shall make them available for inspection.
  - 1) Failure of the operator to comply with the aforementioned inspection requirements shall be cause for disciplinary action.

#### 5. FINANCIAL INTEREST

- A. No operator or applicant shall be directly involved in the towing-related business of any other operator or applicant within the same rotation tow district.
- B. No operator or applicant shall share equipment with any other operator or applicant involved with the CHP rotation tow list (excluding equipment which may be unavailable due to repairs, equipment replacement, or the operator is involved in the Salvage and Recovery List).
- C. The sale or transfer of the controlling interest in a company shall immediately terminate the TSA:
  - 1) A new owner may apply for the rotation tow program at any time during the remainder of the current TSA term, regardless of the Area's enrollment period.

#### 6. RESPONSE TO CALLS

- A. The operator shall respond to calls 24 hours a day, seven (7) days a week, within the maximum response time limits established by the Area commander.
- B. An operator or tow truck driver shall respond with a properly equipped tow truck of the class required to tow the vehicle, perform vehicle recovery (e.g., rollover, down embankment, etc.), provide service (e.g., fuel, flat tire change, etc.), and be in possession of the appropriate class of driver license, applicable endorsements, and permits.
  - 1) Any applicable permits (e.g., load variance, oversize) shall be valid and maintained in the tow truck.
- C. The operator shall advise CHP dispatch, at the time of notification, if they are either unable to respond or unable to meet the maximum response time.

- 1) If, after accepting the call, the operator is unable to respond or will be delayed in responding, the operator shall immediately notify the appropriate CHP communications center.
- D. A failure to respond to towing or service calls, and/or repeated failures to meet maximum response time requirements, shall result in disciplinary action.
- E. If service, other than towing, recovery, and load salvage, is canceled by the vehicle's registered owner or agent, no lien shall arise for the service unless the operator has presented a written statement to the vehicle's registered owner or agent for the signed authorization of services to be performed pursuant to Section 3068(a) CC.
- 1) The operator shall not attempt to take possession of a vehicle in order to establish a lien for any non-towing services performed, or initiated and subsequently canceled.
- F. Nothing shall prohibit a Class B, C, or D tow truck from maintaining a place on a lighter class rotation tow list, provided the tow truck meets the equipment specifications for that class of operation.
- 1) Regardless of the class of tow truck utilized or responding to the call, charges shall not be more than for the class of vehicle towed or serviced, except when vehicle recovery operations require a larger class tow truck.
- G. Area commanders may establish local policy which allows an operator to dispatch more than one tow truck to a multiple vehicle collision scene in response to a rotation tow call.
- H. If two or more operators are called to the same incident, distribution of the vehicles shall be at the discretion of the CHP incident commander.
- I. When an operator will be temporarily unavailable to provide services due to a pre-planned or scheduled activity, the operator shall notify the Area command at least 24 hours prior to the date that services will be unavailable, noting the times and dates of the unavailability.
- J. Only tow truck personnel and equipment requested shall respond to a CHP call (e.g., tow truck driver bringing girlfriend, children, or their dog, is not allowed).
- 1) Exception would be responding a tow truck driver trainee with an approved rotation tow truck driver and only if a CHP 234F, Tow Operator/Driver Information, has already been submitted for the trainee to the Area office.

- K. An operator/tow truck driver shall not respond to a CHP call assigned to another operator or re-assign a call to another tow operator, unless requested to do so by the CHP.
  - 1) Nothing would preclude the assigned operator/tow truck driver from responding to an incident to ascertain if additional assistance or equipment is required.
- L. There shall be no additional charge for any personnel or equipment which is not necessary to perform the required service.
- M. There may be times when the operator/tow truck driver assigned the initial call, may require assistance from an additional operator/tow truck driver.
  - 1) The assigned operator/tow truck driver may, with the concurrence of the scene manager, request a specific operator/tow truck driver for additional assistance.
  - 2) The operator/tow truck driver's approved request shall be routed through the CHP.
- N. There may be times when an operator/tow truck driver, who was not called to the scene, comes upon a collision scene where a vehicle or vehicles are blocking a roadway and the on-scene officer requests assistance in clearing the roadway.
  - 1) In such a case, the operator/tow truck driver may be requested by the officer to move the vehicle to a safe location and leave it.
  - 2) There shall be no charge for this assistance and the assistance provided shall not change the operator's place in the rotation.

7. **STORAGE YARD**

- A. The operator shall be responsible for the safekeeping and prevention of vandalism of all vehicles and contents which are stored/impounded by the CHP.
  - 1) At a minimum, a permanent securely fenced or an enclosed storage area of an adequate size shall be provided for the proper storage of vehicles.
- B. The primary storage yard shall be at the same location as the business address.
  - 1) Stored/impounded vehicles shall be at the primary storage yard.

- 2) This requirement may be waived by a written addendum from the Area commander.
- C. A secondary storage yard shall be located reasonably close to the main business office.
- 1) There shall be no charge to the vehicle's owner/agent for towing a vehicle from a secondary storage yard to the primary storage yard.
- D. Tow operators shall maintain sufficient storage spaces.
- 1) A secondary storage yard shall only be utilized if the primary storage yard is full.
    - a) This requirement may be only waived by a written addendum from the Area commander.
- E. A storage yard owned by an operator and shared with another operator shall only be approved if the operator/owner charges for the space exclusively on a flat monthly rate rather than a vehicle-by-vehicle basis, or combination thereof.
- F. A storage yard shared by operators, or any other business establishment(s) regardless if owned by the operator or not, shall be physically separated and secured from each other.
- G. Prior to the utilization of a new storage yard, which was not listed on the CHP 234A, Rotation Tow Listing Application, the operator shall obtain the Area commander's approval.
- H. An operator's employee shall be properly trained to conduct business transactions related to towing, storage, and release of vehicles/property.
- I. The operator or their employee shall release personal property from a vehicle which has been stored/impounded by the CHP at the request of the vehicle's registered owner or agent pursuant to Sections 22851(b) and 22651.07 CVC.
- 1) California Highway Patrol approval shall be obtained prior to the release of personal property from a vehicle that has been impounded for evidence or investigation.
  - 2) A receipt shall be provided for the removed personal property, with a copy placed inside the stored/impounded vehicle.

- a) This procedure shall also apply to the removal of property by the tow operator and/or their employee to a secured area within the business.
- J. Personal property and/or the vehicle shall be released at the primary storage yard.
- 1) Personal property or a vehicle release from a secondary storage yard shall only be granted if it's acceptable to the vehicle's registered owner or agent.
    - a) Personal property is considered to be items which are not affixed to the vehicle. Personal property includes: papers, cell phones, pull-out radios, clothes, luggage, tools, etc.
- K. No fee shall be charged for the release of a vehicle or personal property during normal business hours pursuant to Sections 22851(b) and 22651.07(c)(1) CVC.
- 1) The maximum charge for a non-business hours release shall be one-half the hourly tow rate charged, or less, for initially towing the vehicle pursuant to Section 22851(b) CVC.
  - 2) No lien shall attach to any personal property in or on the vehicle pursuant to Section 22851(b) CVC.
- L. The operator shall keep a written record of every vehicle stored/impounded for a period longer than 12 hours pursuant to Section 10650(a) CVC.
- 1) The record shall contain the name and address of the person storing or requesting the tow, the names of the owner and driver of the vehicle (if ascertainable), and a brief vehicle description (make, model, license plate number, and any vehicle damage) pursuant to Section 10650(b) CVC.

## 8. TOW TRUCK DRIVERS

- A. The operator shall ensure tow truck drivers responding to calls initiated by the CHP are competent and have completed a Tow Service Agreement Advisory Committee (TSAAC) approved tow truck driver training program,
- 1) The TSAAC approved tow truck driver training course list is contained in Attachment A of this TSA.
    - a) Acceptable hands-on tow truck driver training programs shall be approved by the TSAAC. (On-line testing/certification will not be accepted.)

- 2) Documentation of completion of an approved tow truck driver training program within the past five (5) years shall be submitted along with the CHP 234F.
  - a) A CHP 234F shall include all convictions of felonies and misdemeanors.
  - b) Tow truck driver training documentation should be for the appropriate class of tow truck (e.g., a Class D driver should have heavy duty tow truck driver's training documentation).
  - c) An operator shall be provided with written notification regarding the reason(s) for denial of an operator/driver's CHP 234F within 30 days.
  - d) A failure to disclose any felony and/or misdemeanor convictions shall be cause for denial of a CHP 234F.
- B. Completion and/or documentation of a tow truck driver's training does not indicate a sufficient level of competence.
- C. Tow truck drivers shall perform all towing and recovery operations in the safest and most expedient manner possible.
- D. Tow truck drivers shall be at least 18 years of age and shall possess the proper class of license and endorsements for the towed and towing vehicle.
- E. Uniforms: CHP rotation tow truck drivers shall wear an identifiable uniform (either shirt and pants, or coveralls) displaying the company and the driver's name while engaged in CHP rotation tow operations.
- F. Personal Appearance: CHP rotation tow truck drivers shall represent a professional image. An unacceptable representation would include: unbathed, excessively dirty/torn uniform, body art, visible body piercing, etc.
- G. Safety Garments: CHP rotation tow truck drivers shall wear appropriate warning garments (e.g., vests, jackets, shirts, retroreflective clothing) during daylight and hours of darkness in accordance with California Code of Regulations, Title 8, Section 1598. If the tow truck driver is working on a Federal-aid highway, the operator shall comply with the guidelines contained in the Federal Code of Regulations, Title 23, Highways, Chapter 1, Federal Highway Administration, Department of Transportation, Part 634, Worker Visibility, which requires high-visibility personal protective safety clothing to be worn that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004.

## 9. TOW TRUCK CLASSIFICATIONS

- A. An operator shall equip and maintain tow trucks covered under the TSA in accordance with the provisions set forth in the California Vehicle Code (CVC), Title 13 of the California Code of Regulations (CCR), the specifications contained in this TSA, and in a manner consistent with industry standards and practices.
- B. All recovery vehicles shall have recovery, wheel lift, and an extendable/retractable boom meeting the specifications contained in this TSA and the most recent electronic version of the CHP 234B, Tow Truck Inspection Guide.
- 1) Class D tow trucks used exclusively for salvage and recovery operations are not required to possess wheel lift capabilities.
  - 2) A Class B tow truck with a 14-ton boom rating, which has been previously inspected and approved by the CHP and owned by the same operator for the 2009-2010, 2011, 2011-2012, and 2012-2013 TSA, may remain on rotation.
  - 3) An operator who has a car carrier is exempted from the recovery, wheel lift, and boom capability requirements. However, the car carrier must be an additional unit and **shall not be used for recovery.**
- C. A violation of the gross vehicle weight rating (GVWR) and/or safe loading requirements of a tow truck should be cause for immediate suspension. This includes exceeding the tow truck's GVWR, front axle weight rating, rear axle weight rating, maximum tire weight ratings, or not maintaining 50 percent of the tow truck's unladen front axle weight on the front axle when towing.

There are four (4) classes of tow trucks covered under this TSA.

- 1) **Class A - Light Duty**
  - a) An operator should maintain a minimum of one tow truck which has a manufacturer's GVWR of at least 14,000 pounds.
    - (1) After June 30, 2006, Class A 4-wheel drive tow trucks with a GVWR of less than 14,000 pounds may be listed as special equipment on the CHP 234A, Rotation Tow Listing Application. These tow trucks shall be used only for recoveries requiring the use of 4-wheel drive.

- 2) **Class B - Medium Duty**
  - a) An operator should maintain a minimum of one tow truck with a GVWR of at least 33,000 pounds. The truck shall be equipped with air brakes and a tractor protection valve or device, and be capable of providing and maintaining continuous air to the towed vehicle.
    - (1) All Class B tow trucks with a GVWR of less than 33,000 pounds currently approved for the CHP Class B rotation tow list will be allowed to remain on the Class B rotation tow list until June 30, 2014.
- 3) **Class C - Heavy Duty**
  - a) An operator should maintain at least one three-axle tow truck with a GVWR of at least 48,000 pounds. The truck shall be equipped with air brakes and must be capable of providing and maintaining continuous air to the towed vehicle.
- 4) **Class D - Super Heavy Duty**
  - a) An operator should maintain at least one three-axle tow truck with a GVWR of at least 52,000 pounds. The truck shall be equipped with air brakes and must be capable of providing and maintaining continuous air to the towed vehicle.
    - (1) All Class D tow trucks with a GVWR of less than 52,000 pounds currently approved for the CHP Class D rotation tow list will be allowed to remain on the Class D rotation tow list until June 30, 2014.
    - (2) If this class of tow truck is used exclusively for salvage and recovery operations, there is no requirement for providing and maintaining continuous air to the towed vehicle.

## 10. GENERAL EQUIPMENT SPECIFICATIONS

- A. **Tow Truck and Car Carrier Classifications:** Tow truck and car carrier classifications are based on the truck chassis GVWR and the classification system used by the American Trucking Association (ATA) and truck manufacturers. Tow truck and car carrier classifications shall meet all applicable state and/or federal standards.

- B. Identification Labels: Each piece of towing equipment shall have a manufacturer's label or identification tag permanently affixed to the equipment in a prominent location to identify the manufacturer, serial number, model, and rated capacity.
- C. Recovery Equipment Rating: The basic performance rating of the recovery equipment is the weight the equipment can lift in a winching mode, when the boom is static at a 30 degree elevation with the load lines vertical and the lifting cables sharing the load equally, measured with a live load (weight or load cell).
  - 1) The structural design of the recovery equipment must have a higher load capacity than the performance ratings.
  - 2) Winches shall conform to or exceed the specifications set forth by the Recovery Equipment Rating, Society of Automotive Engineers (SAE) Handbook, SAE J706.
  - 3) All ratings for wire rope and chain assemblies are for the undamaged assembly condition. All wire rope and chain assemblies should be the same type, construction, and rating as specified by the original equipment manufacturer (OEM) for the equipment.
- D. Control/Safety Labels: All controls shall be clearly marked to indicate proper operation, as well as any special warnings or cautions.

## 11: INSPECTIONS

- A. The CHP shall provide one (1) annual inspection of all tow trucks utilized on CHP rotation calls, at no charge to the operator, in order to qualify for participation in the term of the TSA.
  - 1) The CHP may conduct additional inspections without notice during normal business hours.
- B. The operator shall not dispatch any tow truck which has not been inspected and approved by the CHP.
  - 1) The CHP shall inspect a tow truck within thirty (30) days of a request from an operator.
- C. The annual inspection shall consist of the following:
  - 1) A Level One inspection (CHP 407F, Safetynet Driver/Vehicle Inspection Report) conducted by a commercial enforcement officer or Area tow

officer with the assistance of a motor carrier specialist or commercial vehicle inspection specialist.

- 2) A tow truck inspection (CHP 234B, Tow Truck Inspection Guide) conducted by a commercial enforcement officer or Area tow officer.
  - 3) Tow trucks arriving for inspection shall be properly equipped as outlined on the CHP 234B, and ready for immediate response for service.
- D. Upon the successful completion of a Level One inspection, a Commercial Vehicle Safety Alliance (CVSA) decal shall be issued, regardless of the tow truck inspection (CHP 234B) results.
- E. If two (2) or more requirements on the CHP 234B are not met, the inspected truck has not passed the initial annual inspection and shall count against the 50 percent failure rate. An "Out of Service" violation on a CHP 407F, Driver/Vehicle Examination Report, shall count as a failure of the initial annual inspection.
- F. If 50 percent or more of the operator's tow trucks fail the initial annual inspection, the operator's application shall be denied and the operator may reapply during the next open enrollment period.
- 1) The operator whose trucks have successfully passed the initial annual inspection but still have some tow trucks which failed, shall be allowed one re-inspection for those failed tow trucks.
- G. The intent of these inspections is to ensure operators are involved in an ongoing safety maintenance program for their tow trucks. The annual inspection is not intended to find out what needs to be repaired/replaced on an operator's tow truck. A tow truck responding to a CHP call should be properly equipped and operating in a safe condition.
- H. Tow trucks shall be inspected by the Area for which they are designated. If a tow truck fails its initial inspection for its designated Area, it **shall not** be re-designated to another Area and re-inspected for use in another Area.
- I. The operator shall be provided with written notification of the failure/denial of any tow truck or equipment and allowed a hearing upon request to the Area office pursuant to Section 2424(d) CVC and Element 22. Hearing/Appeal.
- J. All of the equipment listed on an operator's CHP 234A shall be accounted for during the annual inspection.

K. Special Equipment

- 1) To properly and safely tow, service, or recover the wide variety of vehicles being operated on the highway, a towing procedure may require the use of special equipment specifically designed for the purpose. This special equipment shall be listed on the operator's CHP 234A and should be used when appropriate.
- 2) All special equipment listed on the CHP 234A shall be accounted for during the annual inspection or when additional equipment is added.
- 3) Any special equipment which requires certification/inspection of the equipment and/or operator (e.g., cranes, forklifts), the applicable and current certification/inspection document(s) shall be provided to the Area office at the time of enrollment or as equipment is added by an operator.

12. **RATES**

- A. Fees charged for calls originating from the CHP shall be reasonable, valid, and not in excess of those rates charged for similar services provided in response to requests initiated by a public agency or private person.
- 1) Reasonableness shall be determined as compared to other similar service rates.
  - 2) Validity shall be based upon the following: telephone quotes, invoices, posted rates, charges to retail customers, etc.

NOTE: Element 12.A, shall not apply if the operator responds to a CHP call in a location where towing rates for all tow companies are established by an Official Police Garage (OPG) or city/county ordinance pursuant to Section 21100(g) CVC.

- B. Based upon the average of the proposed fees submitted, the Area commander shall determine the reasonableness and validity of all submitted rates (i.e., storage, non-skilled labor, special equipment).
- C. An operator who submits a rate, which is determined by the Area commander to be unreasonable and/or invalid, shall be allowed to re-submit rates only once.
- 1) If the re-submitted rate is unreasonable and/or invalid, the operator shall be disqualified until the next enrollment period.
  - 2) An operator shall be provided with written notification regarding the disqualification within 30 days.

- D. Rate requirements represent the maximum an operator may charge on a CHP call.
- 1) An operator is not precluded from charging less when deemed appropriate by the operator.
  - 2) These requirements shall not be construed as requiring a charge if an operator would not normally charge for such service.
- E. Any operator who charges rates above the submitted rates for a CHP call shall be subject to disciplinary action.
- F. In an effort to remain competitive in the open market, the operator may lower retail rates at any time by notifying the CHP.
- 1) When an operator lowers the retail rate, that retail rate becomes the operator's new approved rate.
- G. A valid bank credit card or cash payment shall be accepted for payment of towing and/or storage pursuant to Sections 22651.1 and 22651.07(c)(4) CVC.
- 1) A surcharge shall not be imposed upon a cardholder who elects to use a credit card for payment pursuant to Section 1748.1 CC and Section 22651.07(c)(4) CVC.
- H. The approved schedule of rates charged by the operator shall be available in the tow truck, and shall be presented upon demand to the vehicle owner/agent for whom the tow service was provided or any CHP officer at the scene.
- I. There shall be no additional charge for moving (i.e., driving, towing, pushing, utilizing a forklift) a stored/impounded vehicle from inside an operator's storage yard to the front of the business establishment.
- J. Operators may only raise rates during the enrollment period or upon approval after a midterm review.
- K. Tow Rates
- 1) The rate for towing should be computed from portal to portal when a vehicle is towed to the operator's storage yard.
    - a) Portal to portal is defined as follows: Time shall start from either the point of dispatch or upon departure from the place of business, whichever is closer to the location of the call, and shall end at the

estimated time of return to the place of business or completion of the call, if another call is pending, whichever is shorter.

- 2) The time expended, for towing a vehicle back to the operator's storage yard, should be charged at a rate not to exceed the hourly rate.
  - a) Time expended in excess of the hourly rate shall be calculated in no more than one-minute increments.
  - b) There shall be no additional charges for mileage, etc.
- 3) A clear, itemized, and detailed explanation of any additional service that caused the time to exceed one hour shall be documented on the invoice pursuant to Section 22651.07(e)(7) CVC.
- 4) The operator may submit two retail hourly tow rates to the Area: One rate for calls originating during normal business hours and one rate for calls originating after business hours.
- 5) The operator shall base charges for the class of vehicle being towed or serviced regardless of the class of tow truck used, except when vehicle recovery operations require a larger class tow truck.

L. Service Calls

- 1) The operator may charge up to a 30-minute minimum per call for any service which is performed when the vehicle operator or agent is present and the vehicle is not stored at the direction of an officer or returned to the operator's storage yard.
- 2) Rates for a service call (out-of-gas, lockouts, tire changes, etc.) should be from portal to end of service.
- 3) Charges, in excess of a 30-minute service call, may be charged in no more than one-minute increments.
  - a) A clear, itemized, and detailed explanation of any additional service that caused the time to exceed one hour shall be documented on the invoice pursuant to Section 22651.07(e)(7) CVC.
- 4) Fuel charges for gasoline dispensed on out-of-gas service calls shall be at the prevailing market rate.

M. Fees for Special Operations

- 1) Fees shall be reasonable and consistent with industry standards for similar operations.
- 2) Operators involved in the two (2) tow truck Salvage and Recovery List may charge a minimum two-hour rate.
  - a) Time expended in excess of the two-hour minimum shall be at the hourly rate in no more than one-minute increments.
  - b) If a second hour is charged, the second hour shall meet the invoicing requirements pursuant to Section 22651.07(e)(7) CVC.
  - c) If it is determined that only one truck is required, the second truck may claim portal to portal and time expended on scene until determination was made that it was not required.
- 3) Hourly rates shall be established for the following:
  - a) Auxiliary and contracted equipment, e.g., airbags, converter gear/dolly, additional trailers, fork lift, front loaders, etc.
- 4) Operators shall submit a mark-up rate (percentage of the cost to the operator) for rental equipment and labor not otherwise listed on the CHP 234A.
- 5) If an operator performs a service for which a required rate was not submitted and approved by the Area, the operator shall only be entitled to charge for the actual cost of that service plus a markup rate not to exceed ten (10) percent.

N. Storage Fees

- 1) A vehicle stored/impounded 24 hours or less shall be charged no more than one day storage pursuant to Section 3068.1(a) CC.
  - a) If the vehicle is released from storage after 24 hours has lapsed, charges may be allowed on a full, calendar-day basis for each day of storage, or part thereof pursuant to Section 3068.1(a) CC.
- 2) Storage of vehicles in combination should be charged a per vehicle rate except for dollies, con-gear, vehicle on a car carrier/trailer, etc.
  - a) Dollies and con-gear, not in combination, may be charged a storage rate not to exceed Class A storage fees.

- 3) Inside storage fees shall only be charged when inside storage is requested by the CHP, registered owner, legal owner, insurance company, or when the inside storage can be justified by the tow operator.
- 4) The operator shall display in plain view at all cashiers stations, a sign as described in Section 3070(d)(2)(E) CC, disclosing all storage fees and charges in force, including the maximum storage rate.

O. Lien Fees

- 1) If a vehicle has been determined to have a value exceeding four thousand (\$4,000), pursuant to Section 22670 CVC, the lien shall be satisfied pursuant to Section 3071 CC (Section 3074 CC).
- 2) The lienholder may charge a fee for lien sale preparations not to exceed seventy dollars (\$70), for a vehicle valued at four thousand dollars (\$4,000) or less and not to exceed one hundred dollars (\$100) for a vehicle valued at greater than four thousand dollars (\$4,000) (Section 3074 CC).
  - a) These charges may commence when the lienholder requests the names and addresses of all persons who have an interest in the vehicle from the Department of Motor Vehicles (Section 3074 CC).
  - b) Not more than 50 percent of the allowable fee may be charged until the lien sale notifications are mailed to all interested parties and the lienholder or registration service agent has possession of the required lien processing documents (Section 3074 CC).
  - c) This charge shall not be made in the case of any vehicle redeemed prior to 72 hours from the initial storage (Section 3074 CC).

13. **COLLUSION**

- A. An operator and/or applicant shall not conspire, attempt to conspire, or commit any other act of collusion with any other operator or applicant for the purpose of secretly, or otherwise, establishing an understanding regarding rates or conditions to the TSA that would bring about any unfair condition which could be prejudicial to the CHP, the motoring public, or other operators.
- B. A finding by the CHP that any operator or applicant has been involved in collusion shall be cause for denial of an application or shall nullify the TSA. Any operator or applicant found to be involved in any act, or attempted act of collusion, shall be

disqualified from participation on all CHP rotation tow lists for the current term, plus three years.

#### 14. INSURANCE

- A. The operator shall maintain the following minimum levels of insurance from an insurance carrier admitted in California, or admitted in the state in which the operator's business is located, and is authorized to do business in California:
- 1) Minimum Level of Financial Responsibility (as required by Section 34631.5 CVC) - Bodily injury and property damage with a combined single limit of not less than \$750,000 for Class A tow trucks. The combined limits for Classes B, C, and D shall not be less than \$1,000,000. These minimum standards are to include non-owned and hired auto coverage.
  - 2) Uninsured Motorist - Legal minimum, combined single limit.
  - 3) On-Hook Coverage/Cargo - Insuring the vehicle in tow with limits based on the size of the tow truck.
    - a) Class A tow truck.....\$50,000.
    - b) Class B tow truck.....\$100,000.
    - c) Class C tow truck.....\$200,000.
    - d) Class D tow truck.....\$250,000.
  - 4) Garage Liability - Includes premises and operations. Coverage for bodily injury and property damage with a combined single limit of not less than \$500,000.
  - 5) Garage Keeper's Liability - Shall be the same minimum as on-hook coverage for vehicles in the care, custody, and control of the operator in the storage yard.
- B. An operator shall provide proof of insurance for all storage facilities listed on the CHP 234A.
- C. Proof of insurance shall be in the form of a certificate of insurance. The operator's insurance policy shall provide for not less than 30 days written notice to the CHP: in the event the insurance policy is canceled or is due to expire.

- D. Failure of the operator to maintain the minimum insurance requirements set forth in the TSA shall immediately nullify the TSA, remove the operator from the rotation tow list, and subject to disciplinary action by the Area commander.

**15. ANNUAL OPEN ENROLLMENT MEETINGS**

- A. The Area commander shall conduct one (1) annual open enrollment meeting to discuss the forthcoming TSA term and issues concerning the rotation tow program.
  - 1) The CHP shall provide a 30-day written notice of the meeting to operators currently approved for the rotation tow program and to those new operators expressing interest.
  - 2) If an operator or operator's designee fails to attend the annual open enrollment meeting, the operator's application for the forthcoming TSA term shall be denied.
    - a) The operator shall be provided with written notification of the denial and may reapply during the next open enrollment.
- B. Any subsequent meetings, outside of the open enrollment meeting, shall be mandatory for the operator or operator's designee.
  - 1) The CHP shall give a 30-day written notice, if practical, of the meeting.
  - 2) Failure to attend a meeting shall result in disciplinary action.

**16. DEMEANOR AND CONDUCT**

- A. While involved in CHP rotation tow operations or related business, the tow operator and/or employee(s) shall refrain from any acts of misconduct including, but not limited to, any of the following:
  - 1) Rude or discourteous behavior.
  - 2) Lack of service, selective service, or refusal to provide service which the operator is capable of performing.
  - 3) Any act of sexual harassment or sexual impropriety.
  - 4) Unsafe driving practices.
  - 5) Exhibiting any objective symptoms of alcohol or drug use.

- a) The operator/tow truck driver shall submit to a preliminary alcohol screening test upon demand of the CHP if an odor of an alcoholic beverage is detected upon their person.

#### 17. TOW COMPLAINTS

- A. All CHP related tow service complaints received or initiated by the CHP against a tow operator or tow operator's employees, shall be accepted and investigated in a fair and impartial manner.
  - 1) The tow operator and their employees shall cooperate with CHP investigators during the course of an investigation.
- B. Alleged violations of the TSA shall be investigated by the CHP Area covered by the TSA.
- C. Should the filing of criminal charges be a possibility, the CHP shall conduct the investigation to conclusion or assist the lead investigating agency and request prosecution if warranted.
- D. Complaints for violations of the law not normally investigated by CHP shall be referred to the agency with investigation jurisdiction.
- E. The operator shall be notified in writing of the findings within 30 days of the conclusion of any investigation.

#### 18. COMPLIANCE WITH LAW

- A. The tow operator and employees shall, at all times, comply with federal, state, and local laws and ordinances.
- B. Any conviction of the operator or employee involving a stolen or embezzled vehicle, fraud related to the towing business, stolen or embezzled property, a crime of violence, a drug-related offense, felony driving while under the influence of alcohol or drugs, misdemeanor driving while under the influence of alcohol or drugs, or moral turpitude should be cause for suspension or removal of an operator/employee, or denial of an operator/employee's application, or termination of the TSA.
- C. California Highway Patrol personnel, as well as tow operators and their employees, shall not be offered nor accept gratuities pursuant to Section 12110(a) CVC.

- D. No tow operator or their employees shall accept any gratuities from a repair shop for the delivery of a vehicle, not owned by the repair shop or tow company, for the purpose of storage or repair pursuant to Section 12110(c) CVC.
- E. An operator shall satisfy a court order mandating reimbursement to the vehicle or property owner for the damage or loss which occurred while the vehicle was in the operator's custody.
- F. An operator or employee arrested/charged for a violation involving any of the above crimes should be suspended until the case is adjudicated.

**19. COMPLIANCE WITH TSA**

- A. The operator agrees, as a condition of inclusion in the rotation tow program, to comply with the terms and conditions of the TSA. Furthermore, the operator or operator's agent agrees that failure to comply with these terms and conditions shall be cause for disciplinary action (i.e., written reprimand, suspension, termination, or denial of an application).
- B. A violation of the equipment requirements, related to safety, shall be cause for immediate suspension.
  - 1) The suspension shall remain in effect until the suspension period is completed and the CHP has inspected the equipment and concluded the operator is in compliance.
- C. A violation of the GVWR and/or safe loading requirements of a tow truck may be cause for disciplinary action.
  - 1) This includes exceeding the tow truck's GVWR, front axle weight rating (FAWR), rear axle weight rating (RAWR), maximum tire weight ratings, or not maintaining 50 percent of the tow truck's laden front axle weight on the front axle when in tow.
- D. A violation of intentionally overcharging or a pattern of overcharging shall be cause for suspension.
  - 1) The suspension shall remain in effect until the suspension period is completed and proof of reimbursement to the aggrieved customer has been provided to the CHP.
- E. Any unsatisfactory terminal evaluation rating issued by the Motor Carrier Safety Unit (MCSU) shall be cause for suspension.

- 1) The suspension shall remain in effect until proof of a satisfactory compliance rating from the MCSU has been provided to the Area commander.
- F. Allowing an incompetent tow truck driver to respond to a CHP call shall be cause for disciplinary action of the operator.
- G. An operator responding a tow truck driver to a CHP call (i.e., those drivers dispatched by the tow operator's business) who have not been approved by the Area office, shall be cause for disciplinary action of the operator.
- H. Tow operators shall not record (i.e., videotape or photograph) a scene unless it is for official use by the tow company for business related reasons.
  - 1) The on-scene investigating officer or incident commander shall make the determination when a tow operator may record a scene for tow related business reasons.
  - 2) In the event a tow operator is determined to be in violation of this provision, they will immediately surrender any such recording device to an officer of the CHP.

## 20. DISCIPLINARY ACTION

- A. The Area commander shall take disciplinary action against an operator for violations investigated and sustained. Furthermore, the operator agrees that failure by the operator, or their agent, to comply with these terms and conditions shall be cause for disciplinary action (i.e., written reprimand, suspension, denial of an application, or termination from the CHP Rotation Tow Program – Section 2424[d] CVC).
  - 1) The Area commander shall retain discretion regarding the length of any suspension imposed pursuant to the terms and conditions of this TSA.
- B. Nothing shall preclude the CHP from taking the appropriate enforcement or administrative action for any violations of law.
- C. Nothing herein shall be deemed to prohibit the CHP from immediately suspending, terminating, or denying an application of any operator or employee for any of the following:
  - 1) Whose conduct, in the opinion of the Area commander, is deemed to be a danger to the motoring public (e.g., registered sex offender).

- 2) A violation of equipment requirements, related to safety.
  - 3) Who has engaged in conduct constituting a flagrant violation of the TSA.
- D. Records of violations shall be retained by the CHP for 36 months.
- E. Disciplinary action taken against an operator by an Area commander should be honored by all CHP Areas being serviced by the operator in question.

## 21. TERMS OF DISCIPLINARY ACTION

- A. Violations of the terms and conditions of the TSA may be cause for disciplinary action in the following manner:
- 1) First violation within a 12-month period – letter of written reprimand.
  - 2) Second violation within a 12-month period – one to 30-day suspension.
  - 3) Third violation within a 12-month period – 60 to 90-day suspension.
  - 4) Fourth violation within a 12-month period – termination of the TSA.

NOTE: Nothing may preclude an Area commander from imposing a suspension for a first violation pursuant to Element 20, Disciplinary Action, Item C.

- B. Violations of the terms and conditions of the TSA which warrant suspension for the first violation are categorized as major violations. Any subsequent or continuing major violation may be cause for termination.
- 1) In lieu of termination, the CHP may impose additional suspensions for longer periods, if deemed appropriate.
  - 2) When considering disciplinary action for a major violation of the TSA, an Area commander should take into consideration all violations which have occurred within 36 months prior to the date of the current violation.
- C. A suspended or terminated operator, and/or the tow business owner at the time of the suspension or termination, shall not be eligible for a rotation listing for the duration of the suspension or termination.
- 1) This provision applies to the operator working in any capacity within any tow business or operating any tow business, even if operated under new ownership.

- D. If the operator is serving a suspension, the operator shall be required to have complied with all terms and conditions of the current TSA at the time of reinstatement.
- E. An operator shall comply with all the terms of the suspension (i.e., restitution to victims, court orders) prior to reinstatement or reapplication.

## 22. HEARING/APPEAL

- A. A hearing shall be granted, upon an operator's request, within ten (10) calendar days, for any of the following circumstances:
  - 1) Operator is served with disciplinary action.
  - 2) Denial of an operator's rotation tow application (CHP 234A) or an operator/driver application (CHP 234F).
- B. The Area commander shall provide written notification to the operator requesting a hearing indicating acknowledgement of the hearing request and a hearing date assigned.
- C. A hearing shall be held as soon as practicable.
- D. The hearing shall be conducted by the Area commander or designee, and the operator shall be entitled to present all relevant facts and circumstances in support of the operator's position.
  - 1) The operator shall be entitled to present testimony of at least one qualified person. (i.e., representation by counsel or attorney.)
- E. The operator shall be notified in writing of the Area commander's decision(s) within ten (10) business days of the date of completion of the hearing.
- F. Upon receipt of the Area commander's written hearing decision, if the operator is dissatisfied with the decision(s), the operator may appeal by submitting a written request to the CHP Division commander within ten (10) business days.
- G. The appeal shall be conducted by the Division commander or designee and shall be held as soon as practicable.
- H. The Division commander shall provide written notification to the operator requesting an appeal indicating acknowledgement of the appeal request and an appeal date assigned.

- 1) The operator shall have the same rights as afforded at the Area level.
  - 2) The operator shall be notified in writing of the Division commander's decision(s) within ten (10) business days of the appeal.
  - 3) The Division commander's decision(s) shall be subject to no further administrative appeal.
- I. Disciplinary action shall not take effect until the hearing and appeal process has been exhausted, with the exception of operators whose conduct is deemed to be a danger to the motoring public or who continue to violate the terms and conditions of this TSA.
  - J. If an operator fails to request a hearing or appeal within the specified time or fails to appear at a scheduled hearing or appeal, the action taken by the CHP Area commander shall be final and the disciplinary action shall take effect upon written notification to the operator by the Area commander.

### **23. MIDTERM REVIEW**

- A. The purpose of this section is to provide a process for a midterm review of the terms and conditions of the TSA in the event there is a legitimate and substantial change in conditions or law affecting the majority of the operators within an Area or the CHP.
- B. A midterm review, when granted by the Commissioner or designee, will not automatically authorize a change in the terms and conditions of the TSA.
  - 1) If a midterm review is announced by the Commissioner or designee, it is the responsibility of the affected Area commander to conduct a review of the conditions which initially caused the request to be communicated and to determine if the change is justified.

### **24. ADVERTISING**

The operator shall not display any sign or engage in any advertisement indicating an official or unofficial connection with the CHP or the Department of Motor Vehicles.

### **25. CANCELLATION**

This TSA may be canceled by an operator by providing written notice to the Department.

**26. OPERATOR APPROVAL**

I certify that all drivers operating under this Tow Service Agreement (TSA) are qualified and competent. I further certify that I have read and understand this TSA and agree to abide by all the provisions. I further agree to indemnify, defend, and save harmless the state, its officers, agents, and employees from any and all claims and losses accruing or resulting to the operator in connection with the performance of the TSA, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by the operator in the performance of this TSA. The operator, and the agents and employees of the operator, in the performance of this TSA, shall act in an independent capacity and not as officers or employees or agents of the State of California. The terms of this TSA (2013-2014 TSA) will become effective:

\_\_\_\_\_ and end \_\_\_\_\_  
Date Date

Operator Approval		
Signature	Typed Name	
Company	Title	Date
Business Address	Phone Number	
Motor Carrier Permit Number		

**ATTACHMENT A**  
**TOW SERVICE AGREEMENT ADVISORY COMMITTEE**  
**APPROVED TOW TRUCK DRIVER TRAINING COURSES**

Automobile Club of Southern California  
3333 Fairview Road  
Costa Mesa, CA 92626  
Contact: Rob Wade at (714) 885-1333  
E-mail: [wade.robert@casa-calif.com](mailto:wade.robert@casa-calif.com)

California Tow Truck Association  
3050 Beacon Blvd.  
West Sacramento, CA 95691  
Contact: Larry Muzamel at (800) 874-2860  
E-mail: [lmuzamel@ctta.com](mailto:lmuzamel@ctta.com)

California State Automobile Association  
Automotive Services  
3055 Oak Road  
Walnut Creek, CA 94597  
Contact: (415) 308-5442

International Institute of Towing & Recovery (Instructor Led / Self Study Course)  
c/o CSAA ERS Communications  
3055 Oak Road  
Walnut Creek, CA 94597  
Contact: Peter Fuerst at (415) 859-1889  
E-mail: [pfuerst1@comcast.net](mailto:pfuerst1@comcast.net)

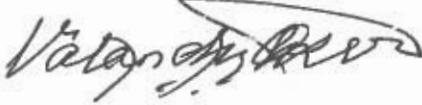
Randy Resch  
21020 Fog Ridge  
Alpine, CA 91901  
Telephone: (619) 807-3173  
E-mail: [rreschran@aol.com](mailto:rreschran@aol.com)

Tow Pros, LLC  
4615 East Brundage Lane  
Bakersfield, CA 93307  
Contact: Ken Kay at (661) 979-0747  
E-mail: [kktowman@towpros.com](mailto:kktowman@towpros.com)

WreckMaster Incorporated  
P.O. Box 473  
Lewiston, NY 14092  
Telephone: (800) 267-2266  
E-mail: [www.WreckMaster.com](http://www.WreckMaster.com)

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: William R. Thompson, Water/Sewer Manager

DATE: August 7, 2013

SUBJECT: Execution of an Interagency Agreement between the City of Norco, the Chino Desalter Authority and Western Municipal Water District for the Detroit Bridge Crossing Facilities

RECOMMENDATION: Approve the Interagency Agreement between the City of Norco, the Chino Desalter Authority and Western Municipal Water District for the Detroit Bridge Crossing Facilities, subject to non-substantive changes and authorize the City Manager to execute the Agreement.

**SUMMARY:** The City of Norco owns and operates water and sanitary sewer facilities located within the Detroit Bridge crossing the Interstate 15 Freeway. In order to facilitate the connection of a regional water delivery system between the Chino Desalter system located north of the Santa Ana River ("SAR") and the Arlington Desalter located south of the SAR, it is necessary to construct infrastructure improvements to allow the delivery of potable water. The proposed improvements will be constructed at no cost to the City of Norco.

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

The purpose of the Interagency Agreement is to memorialize the mutual understandings and responsibilities of the parties with respect to design, environmental clearances, project administration, construction, inspection, ownership, operation and maintenance, and the funding contribution.

The proposed agreement will provide the City of Norco with the ability to receive potable water deliveries from the Chino II Desalter Phase III Expansion Project, and will allow the blending of water from the City of Norco, Chino Basin wells, increasing water production up to 3,000 gallons per minute or 4.0 million gallons per day.

When the City of Norco accepts water production from the CDA facilities, WMWD will receive a proportional amount (bucket for bucket) from the Arlington Desalter facility. The proposed project will not reduce the City of Norco current production quantities. A Water Exchange Agreement will be forthcoming memorializing the provisions of understanding regarding the exchange of CDA and Arlington Desalter water between agencies.

The completed project will provide for a new metering facility located at the intersection of Detroit Street and Old Hamner to serve reverse osmosis treated water to the City of Norco from the CDA facilities located north of the Santa Ana River.

Currently the Detroit Bridge (overpass) over Interstate 15 (I-15) contains a City of Norco 24" potable water distribution pipeline and an 8" sanitary sewer pipeline that serves four properties. The City of Norco has 12" water connections on the east and west side of the I-15 Freeway, the proposed project will remove the sanitary sewer pipeline and install a new 14' water pipeline that would be connected to the City's existing 12" water pipelines on each side of the I-15. The existing 24" would then be connected to the new Chino Desalter metering facility on the west side of the I-15 and to the 30" Arlington Desalter pipeline on the east side of the I-15. The proposed modifications will provide a permanent connection of the Chino Desalters and the Arlington Desalter reverse osmosis treatment facilities, creating a true regional potable water network.

FISCAL IMPACT: None

Attachment: Interagency Agreement

**INTERAGENCY AGREEMENT  
BY AND BETWEEN  
CHINO BASIN DESALTER AUTHORITY  
WESTERN MUNICIPAL WATER DISTRICT  
CITY OF NORCO**

**CHINO DESALTER PHASE 3 EXPANSION  
DETROIT STREET BRIDGE CROSSING FACILITIES**

This Interagency Agreement (Agreement), which shall be effective on the date of the last party hereto to execute, is entered into by and between the Chino Basin Desalter Authority (CDA), Western Municipal Water District (WMWD) and the City of Norco (Norco), collectively, the "Parties".

**RECITALS**

WHEREAS, CDA is a Joint Exercise of Powers Agency formed for purpose of operation and administration of the Chino Desalters in coordination with other regional water facilities including the Arlington Desalter, and,

WHEREAS, the purpose of this Agreement is to set forth the background and understandings of the Parties to this Agreement concerning the construction of potable water and wastewater system facilities located within or connected to facilities in the Detroit Street Bridge as contained and described in detail in CDA Specification CDA EXP3-12-08 ("Detroit Street Bridge Work"). CDA has already authorized or will in the near future authorize the construction and relocation of water and wastewater facilities, respectively, as part of the Detroit Street Bridge Work. This Agreement addresses the ultimate ownership of existing facilities located within the Detroit Street Bridge Work facilities in connection with the Chino Desalter Phase 3 Expansion; and,

WHEREAS, the overarching purpose of the Detroit Street Bridge Work is to facilitate the connection of the regional water delivery system between the Chino Desalters system located north of the Santa Ana River ("SAR") and Arlington Desalter located south of the SAR to enable coordinated operation for the delivery of potable water from north to south of the SAR and vice-versa.

**NOW, THEREFORE**, in consideration of the foregoing Recitals and following provisions, the Parties agree as follows:

Section 1. Norco shall quitclaim to CDA that portion of the 24-inch diameter potable water pipeline and casing located in the Detroit Street Bridge depicted in Exhibit "A" as "Existing 24"

Interagency Agreement  
Detroit Street Bridge Work

Pipeline Within Casing" ("Existing 24" Pipeline"). Prior to or contemporaneously with CDA acquiring the Existing 24" Pipeline, CDA will inspect the same for the purpose of determining its condition and to effect any necessary repairs or rehabilitation as part of the future construction of a water pipeline to be located in Hamner Avenue to enable the delivery of potable water. From and after the transfer of title to the Existing 24" Pipeline to CDA, CDA will be responsible for the operation and maintenance of the Existing 24" Pipeline. CDA will, at cost borne by WMWD pursuant to certain cost sharing agreements among CDA, WMWD, the City of Ontario and Jurupa Community Services District, connect the Existing 24" Pipeline to the Existing 30" Arlington Desalter Pipeline shown in Exhibit "A" to facilitate the delivery of potable water through the Detroit Street Bridge. CDA shall further install a metering facility capable of recording/measuring potable water deliveries from both the Chino Desalter and the Arlington Desalter in Detroit Street as depicted in Exhibit "A".

Section 2. WMWD shall quitclaim to CDA the Existing 30-inch Diameter Pipeline in Old Hamner Avenue, west of I-15 depicted in Exhibit "A" ("Existing 30" Pipeline"). Prior to or contemporaneously with CDA acquiring the Existing 30" Pipeline, CDA will inspect the same for the purpose of determining its condition and to effect any necessary repairs or rehabilitation as part of the future construction of a water pipeline to be located in Hamner Avenue to enable the delivery of potable water.

Section 3. CDA shall construct the New CDA 30" Pipeline to be located in Hamner Avenue and Norco Turnouts "A" and "B", all as depicted in Exhibit "A".

Section 4. Upon CDA's completion of wastewater system improvements and the 14-inch diameter potable water pipeline improvements to be constructed by CDA as part of the Detroit Street Bridge Work depicted as "New 14" Norco Pipeline Within Casing" in Exhibit A" (collectively, "14" Pipeline/Wastewater Improvements"), CDA shall quitclaim the 14" Pipeline/Wastewater Improvements to Norco and Norco shall accept the 14" Pipeline/Wastewater Improvements from CDA. From and after the date CDA quitclaims the 14" Pipeline/Wastewater Improvements to Norco, Norco shall be responsible for the operation and maintenance of the 14" Pipeline/Wastewater Improvements. All construction components of the Detroit Street Bridge Work related to the 14" Pipeline/Wastewater Improvements will be completed simultaneously with the Chino Desalter Phase 3 Expansion.

Section 5. Western and Norco commit to enter into good-faith negotiations with respect to revising the agreement or agreements addressing budgeting, the water rate, and capital facilities repair and replacement costs for the Arlington Desalter and provide reporting in compliance with existing water purchase agreement.

Section 6. WMWD and CDA commit to entering into good-faith negotiations with respect to executing an operating agreement that accommodates coordinated operations for the delivery of potable water from north to south of the SAR and vice-versa. All parties will develop standard operating procedure (SOP) to provide efficient water deliveries from the Arlington Desalter and Chino Desalter facilities.

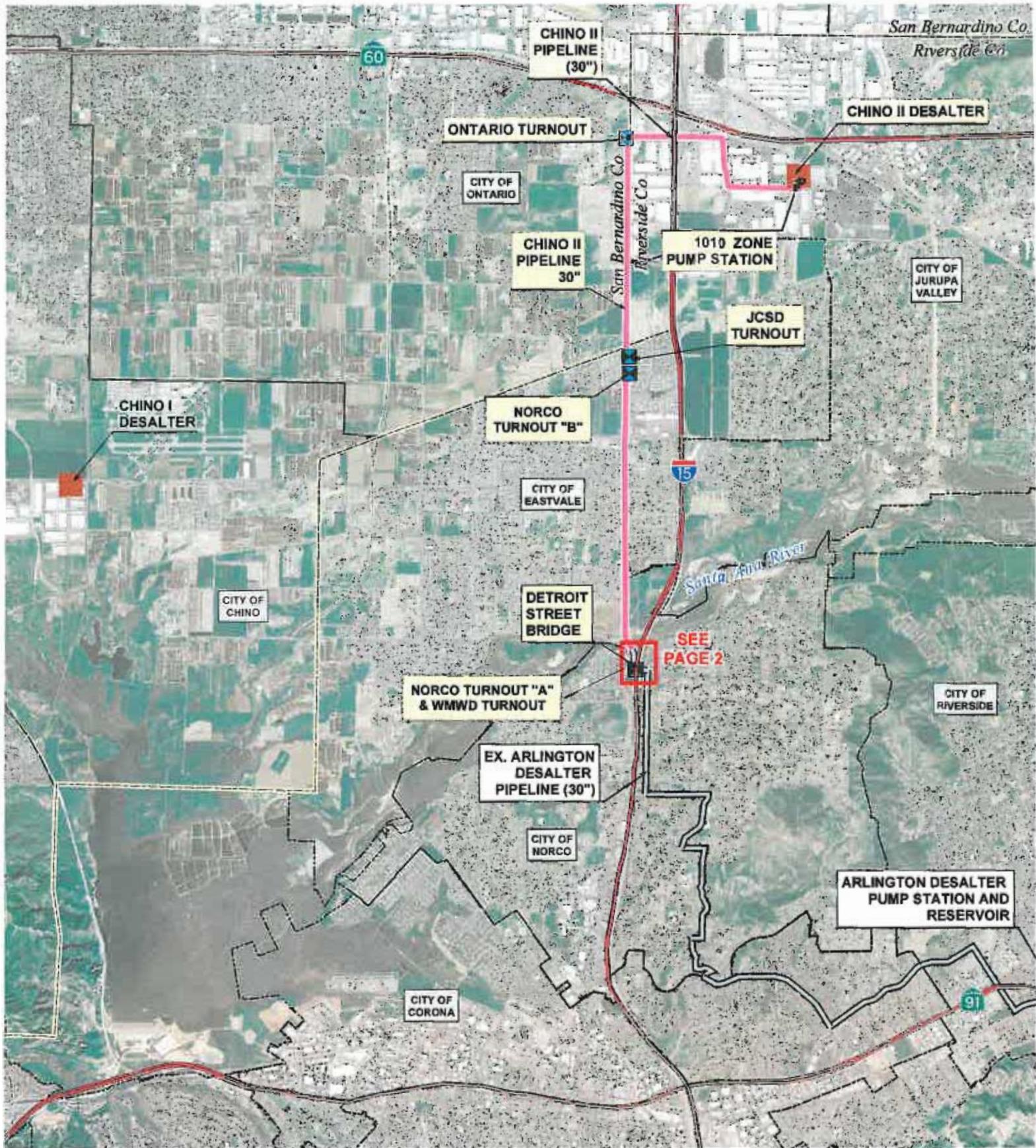
**SIGNATURES APPEAR ON FOLLOWING PAGE**

**SIGNATURE PAGE**

\_\_\_\_\_ Date: \_\_\_\_\_  
Curtis Paxton,  
General Manager/CEO  
Chino Basin Desalter Authority

\_\_\_\_\_ Date: \_\_\_\_\_  
Andy Akoro  
City Manager  
City of Norco

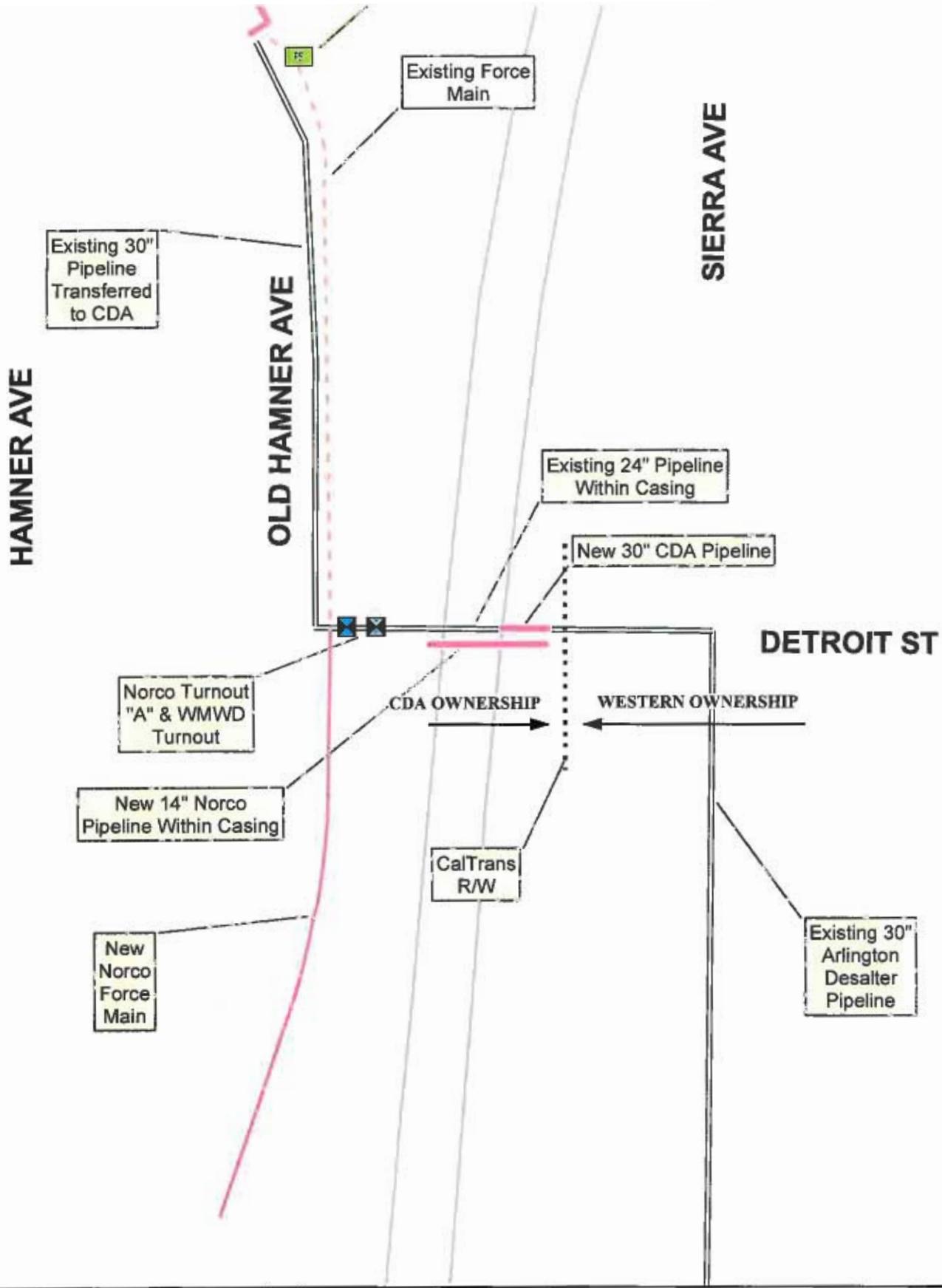
\_\_\_\_\_ Date: \_\_\_\_\_  
John Rossi  
General Manager  
Western Municipal Water District



## Chino II Desalter Phase 3 Expansion

### LEGEND

- PROPOSED IMPROVEMENTS
- JCSO BOUNDARY
- ARLINGTON DESALTER LINE
- CITY BOUNDARIES

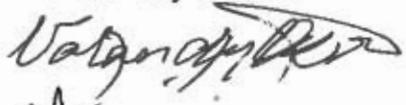


**LEGEND**

- PROPOSED IMPROVEMENTS
- == ARLINGTON DESALTER LINE
- DESALTER

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Dominic Milano, City Engineer 

DATE: August 7, 2013

SUBJECT: Ordinance Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco and Amending Chapter 10.12.010 through 10.12.030 of the Norco Municipal Code.

RECOMMENDATION: Adopt **Ordinance No. 963**, for first reading.

**SUMMARY:** As required by State law, a "Engineering and Traffic Survey" report dated July 2013, was prepared by Albert Grover and Associates of the City's primary arterial, collector and local street network for the purpose of establishing prima facie speed limits. Based on the survey report, all existing speed limits throughout the City previously surveyed will remain unchanged. Five additional new street segments were surveyed and speed limits established.

**BACKGROUND/ANALYSIS:** The attached survey report contains sufficient information to document that the conditions of the California Vehicle Code (CVC) Section 627 have been satisfied and that other conditions not readily apparent to a motorist are properly identified. To legally use radar for speed enforcement, Section 40802 (b) of the CVC requires that where limits are changed per Sections 22357 and 22358 of the CVC, the changes must be justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation. However, a change in State law allows cities to extend the survey period up to 7 or 10 years depending on certain criteria. To extend the survey period to 7 years, the arresting officer must have successfully completed a radar operator course of not less than 24 hours approved and certified by the Commission on Peace Office Standards and Training. To extend the survey period to 10 years a registered engineer must evaluate the section of highway and determine that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volumes.

The City's last speed zone survey was conducted in 2006 and approved by the City Council on July 19, 2006.

At 78 locations on the City's arterial, collector and local street network, spot speed surveys were taken in conformance with the State law for conducting engineering and traffic surveys for the purpose of establishing prima facie speed limits. The actual speed and volume surveys were conducted by Albert Grover & Associates (AGA).

The streets were driven by a California registered traffic engineer from AGA to conduct street surveillance and observe conditions not readily apparent to the casual driver. This data was used to calculate statistical information such as the 85<sup>th</sup> percentile speed, 10 mile per hour pace speed, percent of vehicles within the 10 mile per hour pace, median speed and other pertinent data for analysis.

Accident data was tabulated for the period from 2010 through 2011 (two years) for each roadway segment. The accident data from the Statewide Integrated Traffic Records System (SWITRS) was taken from January 1, 2010 through December 31, 2011.

"Speed Limit Signs," Section 2B.13 of the 2010 California Manual on Uniform Traffic Control Devices states that the speed limit should be established at the nearest five mile per hour increment to the 85<sup>th</sup> percentile speed recorded during the spot speed survey. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction in speed. Whenever such factors are considered to establish the speed limit, they should be documented on the speed survey or in the accompanying engineering report.

The survey streets were driven by Mr. Mark Miller, P.E., Principal-in-Charge, who is a registered Civil and Traffic Engineer in the State of California. The roadway characteristics, location of speed limit signs, conditions not readily apparent to the driver, type of area adjoining the street (commercial, residential, school zone, equestrian crossings, livestock crossings, parks, etc.) and type of roadway (divided, undivided, number of lanes, etc.) were recorded as part of the study. The roadway characteristics recorded (see Table 1 of the Engineering Report) were used to determine if any physical conditions warranted consideration of an *additional* five mile per hour reduction of the recommended speed in accordance with the CVC Section 627.

The speed survey segment roadway characteristics for each segment are indicated on the Engineering and Speed Survey Summary sheets in Appendix D (binder of the Engineering Report).

The information collected and data calculated for the speed survey are as follows:

- Posted speed limit (If Posted)
- Direction of survey
- Date and time of speed survey
- 15<sup>th</sup> Percentile speed
- 50<sup>th</sup> Percentile speed
- 85<sup>th</sup> Percentile speed
- 10 mph pace speed
- Percent over pace speed
- Range of speeds
- Number of vehicles observed
- Average speed

The spot speed survey summary is listed in Table 3 of the Engineering Report. The speed survey data for each roadway segment surveyed are given in Appendix D.

The City of Norco has many unique aspects that are controlled by the equestrian orientation of the community. In a community with a total population of 27,200, current estimates on the equine population are in the range of 17,000 to 18,000 animals. The City has established a minimum ½ acre lot size and all residential lots are zoned and allow for animal keeping. In view of the equine population, the City has and maintains an extensive trail system. With approximately 110 miles of streets, it also has a trail system exceeding 110 miles. The vast majority of equestrian trails are along the roadways. In keeping with a rural atmosphere, streets generally do not have curb and gutter or sidewalks. Where curb exist, they are predominately rolled curbs allowing access to the adjacent property. The trail system is composed of compacted decomposed granite and provides for the equestrian, pedestrian and bicycle travel in the community. The majority of roadways are 24-26 feet of paved width.

While the minimum lot size is ½ acre, many lots exceed 1 acre with a few exceeding 5 acres. With the adjacent Norco Hills and Santa Ana River Bluffs, the topography of the City dictates narrow winding roads, large lots and an overall low density of residential development. There are a few "through" streets and the few streets that do cross the community are neither straight nor direct in their linkage to adjacent roadway sections.

In the past, there have been questions about establishment of residential districts in the community. By function, design, and usage, the majority of streets are residential even when they do not meet the specific language of the CVC with respect to the number of dwelling units within a specific distance. However, these streets are only accessible from other residential streets; are residential in development; and only fail to meet the CVC language due to large lot requirements and topography considerations.

Overall, the unique aspects of the community, its rural design, equestrian orientation, number and location of trails, lack of sidewalks and curbs, lack of street lighting all affect the determination of appropriate speeds on the roadway system.

Due to the equestrian orientation of the community and concern of vehicle/equestrian conflicts, the City of Norco pursued special legislation to allow equestrian ridership to be considered in the overall engineering speed survey. This activity culminated in the adoption of Section 22353 into the CVC (AB 2402) that allows consideration of equestrian ridership as one of the factors considered in the speed survey.

**CONCLUSION:** Per the engineering survey it is recommended that the existing speeds on segments in the City of Norco remain unchanged and the speed limits on the following previously unsurvey streets be established:

- Norconian Drive from Fifth Street to Norco Drive – It is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.

- Pedley Avenue from Seventh Street to Fifth Street – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
- Sierra Avenue from Fifth Street to Sixth Street – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
- Third Street from Valley View Avenue to Hamner Avenue – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
- Vine Street from Corydon Avenue (N) to Bluff Street – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.

An Ordinance has been prepared showing these additions for the Council's consideration.

FISCAL IMPACT: Installation of 10 signs at \$150 per sign for a total of \$1,500. (Measure A)

Attachments: Ordinance No. 963

Traffic Speed Survey Report – Pages 1 – 17 *(a full copy of the Report is on file in the Office of the City Clerk)*

## ORDINANCE NO. 963

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO ESTABLISHING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF NORCO AND AMENDING CHAPTER 10.12.010 THROUGH 10.12.030 OF THE NORCO MUNICIPAL CODE.

WHEREAS, in accordance with the California Vehicle Code, to use radar as an enforcement tool, Section 40802 (b) requires that where speed limits are to be changed, provisions of Sections 22357 and 22358 must be satisfied; and

WHEREAS, in accordance with the California Vehicle Code and provisions of the State of California Department of Transportation, traffic surveys are performed when the use of radar or other electronic devices are utilized for enforcement; and

WHEREAS, the City conducted and completed traffic engineering speed zone surveys in June of 2013 on the streets delineated in the proposed revised Chapter 10.12.030 attached hereto; and

WHEREAS, the traffic engineering surveys considered the equestrian/rural nature of several streets, as well as the large lot requirements of the City, and recommended residential status on certain streets that may not meet the strict definition of a residential district; and

WHEREAS, in January 2003 Section 22353 was added to the California Vehicle Code allowing for equestrian safety, in addition to other factors required when conducting traffic and engineering surveys; and

WHEREAS, the City Council, in the exercise of their legislative powers, does concur with recommendations set forth in the proposed revised Chapter 10.12.030 as to the speed limits to be established.

NOW, THEREFORE, the City Council of the City of Norco does hereby find, determine, order, and resolve as follows:

**SECTION 1:** Chapter 10.12 of the Norco Municipal Code entitled "Speed Limits" is hereby amended in its entirety and replaced with the following:

10.12.010 Intent and Purpose. The intent and purpose of this Chapter is to establish prima facie speed limits on certain specified streets within the City in order to allow radar or other electronic speed measuring devices to be used for enforcement and citation purposes. It is also intended to establish by use and function some streets as residential in the event they do not meet the specific definition of a residential district within the California Vehicle Code. These clarifications are necessary in consideration of the rural type development, large lot design, lack of sidewalks, and equestrian orientation of the Community.

10.12.020. Justification. In accordance with the appropriate sections within the California Vehicle Code, engineering and traffic surveys are performed as necessary on streets shown on the functional classification map and not subject to prima facie speed limits contained within the California Vehicle Code as well as those not shown on the map and not meeting the definition of a residential area. The speeds on those street segments surveyed are safe and reasonable and are considered appropriate to facilitate the safe and orderly movement of traffic and the safety and protection of the pedestrian/equestrian segment of the Community.

10.12.30 Prima Facie Speed Limits

<u>STREET</u>	<u>SEGMENT</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Alhambra Street	Norco Drive to Acacia Avenue	25	25
Bluff Street	River Road to Corydon Avenue	25	25
Branding Iron Lane	Dapplegray Lane to Wild Horse	25	25
California Avenue	Fifth to Sixth Streets	25	25
California Avenue	Sixth Street to North Drive	35	35
Corydon Avenue	Fifth Street to River Road	35	35
Crestview Drive	Arlington Avenue to Valley Drive	25	25
Detroit Street	Hamner to Valley View Avenue	25	25
El Paso Drive	Hillside Ave to Hidden Valley Pkwy	25	25
Fifth Street	Corydon Avenue to Norconian Drive	40	40
Fifth Street	Norconian Drive to Hamner Avenue	35	35
Fifth Street	Hamner Ave to California Avenue	25	25
First Street	Parkridge to Hamner Avenue	35	35
First Street	Valley View to Hillside Avenue	25	25
Fourth Street	Clark Avenue to Hillside Avenue	25	25
Hamner Avenue	North City Limit to Sixth Street	45	45

Hamner Avenue	Sixth Street to South City Limit	40	40
Hidden Valley Parkway	Hamner Avenue to 4000' E/O I-15	45	45
Hidden Valley Parkway	4000' E/O I-15 to Norco Hills Road	45	45
Hillside Avenue	First to Sixth Street	25	25
Mountain Avenue	Hamner Avenue to Second Street	40	40
Norco Drive	Hamner Avenue to Fifth Street	35	35
Norco Hills Road	Hidden Valley Pkwy to Valley Drive	50	50
<b>Norconian Drive</b>	<b>Fifth Street to Norco Drive</b>	<b>New</b>	<b>25</b>
North Drive	East City Limit to California Avenue	40	40
Parkridge Avenue	Second Street to South City Limit	40	40
<b>Pedley Road</b>	<b>Seventh Street to Fifth Street</b>	<b>New</b>	<b>25</b>
River Road	North City Limit to South City Limit	45	45
Rock Springs Avenue	Thoroughbred Lane to First Street	25	25
Second Street	River Road to Hamner Avenue	35	35
Second Street	Hamner to Hillside Avenue	25	25
Seventh Street	Valley View to California Avenue	25	25
<b>Sierra Avenue</b>	<b>Fifth Street to Sixth Street</b>	<b>New</b>	<b>25</b>
Sixth Street	Hamner Avenue to Crestview Drive	35	35
<b>Third Street</b>	<b>Valley View Ave to Hamner Avenue</b>	<b>New</b>	<b>25</b>
Third Street	Hamner to 2700 West of Campus	35	35
Thoroughbred Lane	Sedona Lane to El Paso Drive	25	25
Valley Drive	Country Club Drive to Fresian Street	35	35
Valley View Avenue	Detroit Street to 2 <sup>nd</sup> Street	25	25

<b>Vine Street</b>	<b>Corydon Ave (N) to Corydon Ave (S) New</b>	<b>25</b>	<b>25</b>
Wild Horse Lane	Branding Iron to Crestview Drive	25	25

SECTION 2: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

SECTION 3: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on August 21, 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 Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on August 7, 2013 and thereafter at a regular meeting of said City Council held on August 21, 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 August 21, 2013.

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



# ENGINEERING AND TRAFFIC SURVEYS

IN THE

## CITY OF NORCO 2013

PREPARED FOR

**CITY OF NORCO  
PUBLIC WORKS DEPARTMENT**



JULY 2013

SUBMITTED BY



Approved by:

\_\_\_\_\_

Public Works Director

Traffic No. 1575

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## APPENDICES

### APPENDIX

- A Speed Zoning Regulations from Caltrans MUTCD 2003 California Supplement “Traffic Manual” and Definitions of Terms
- B Regulations Governing Speed Limits (Excerpts from California Vehicle Code)
- C Color Speed Zone Map
- D Speed Zone Spot Speed Survey Data Forms
- E Assembly Bill 2402 – Equestrian Safety

## SECTION 1.0

### INTRODUCTION

The purpose of this report is to document the results of an engineering and traffic survey conducted to update the speed limits on the City of Norco arterial and collector street network. The overall study was conducted to comply with existing State regulations concerning the increasing or decreasing of speed limits within City boundaries.

It is a common belief that posting of speed limit traffic signs will influence drivers to drive at that speed. However, the facts indicate otherwise.

Driver behavioral research conducted in many parts of this country over a span of several decades shows that the average driver is influenced by the appearance of the highway itself and the prevailing traffic conditions in choosing the speed at which he or she drives. Recognizing this, the California Vehicle Code (CVC) requires that speed limits be established in accordance with appropriate engineering practice and methods.

This report contains sufficient information to document that the conditions of the latest edition of the California Vehicle Code Section 627 have been satisfied and that other conditions not readily apparent to a motorist are properly identified. To legally use radar for speed enforcement, Section 40802(b) of the CVC requires that limits be established per Sections 22357 and 22358 of the CVC, the limits must be justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation. However, a change in State law allows cities to extend the survey period up to seven or ten years depending on specific criteria. This change is expanded on in **Appendix B**. The latest edition of the CVC has highlighted bicycle, pedestrian, and equestrian safety as part of the traffic and engineering survey, and this aspect was considered.

According to City records, the last speed zone survey was prepared in 2006. The current study will verify, increase, or decrease existing speed limits within the City of Norco based on the data and results of this survey.

At 78 locations on the City's network, spot speed surveys were taken in conformance with the State law for conducting engineering and traffic surveys for the purpose of establishing prima facie speed limits. The data was collected per the California Manual of Uniform Traffic Control Devices (CA MUTCD) January 2012. Sections of the CA MUTCD detailing regulations for conducting the required "Engineering and Traffic Survey" are presented in **Appendix A**. Also in Appendix A are definitions of terms used in speed zone surveys. Excerpts from the CVC regarding regulations governing speed limits are presented in Appendix B.

The actual speed zone surveys were conducted by Albert Grover & Associates (AGA) and a California registered traffic engineer from AGA drove the streets.

## **SECTION 2.0**

### **STUDY METHODOLOGY**

The study involved three major categories of data collection and analysis. The three major components are: (1) geometric and characteristic street surveillance; (2) spot speed survey; and (3) accident rate analysis.

The arterial and collector streets were surveyed by field observation to determine the existing roadway characteristics, condition and placement of signs and markings, adjacent land uses, pedestrian and bicycle activity, and to identify roadway characteristics that are not readily apparent to vehicle drivers.

Spot speed surveys, utilizing a calibrated radar gun, were conducted at 78 locations to determine existing vehicular travel speeds. A minimum of 100 observations (when possible) were recorded, 50 for each direction of travel, on all the arterial and collector streets. This data was used to calculate statistical information such as the 85th percentile speed, 10 mile per hour pace speed, percent of vehicles within the 10 mile per hour pace, median speed and other pertinent data for analysis.

Accident data was tabulated from the Statewide Integrated Traffic Records System (SWITRS) for the period from January 1, 2010 through December 31, 2011 (two years) for all roadway segments. The accident rate was calculated and considered in recommending the speed limit.

## SECTION 3.0

### SURVEY RESULTS

#### 3.1 Street Surveillance

“Speed Limit Signs,” Section 2B.13 of the CA MUTCD 2010, states that the speed limit should be established at the nearest five mile per hour increment to the 85th percentile speed recorded during the spot speed survey. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction in speed. Whenever such factors are considered to establish the speed limit, they should be documented on the speed survey or in the accompanying engineering report.

The survey streets were driven by Mr. Mark Miller, P.E. Principal-in-Charge, who is a registered Civil and Traffic Engineer in the State of California. The roadway characteristics, location of speed limit signs, conditions not readily apparent to the driver, type of area adjoining the street (commercial, residential, school zone, equestrian crossings, livestock crossings, parks, etc.) and type of roadway (divided, undivided, number of lanes, etc.) were recorded as part of the study. The roadway characteristics recorded (see **Table 1**) were used to determine if any physical conditions warranted consideration of an *additional* five mile per hour reduction of the recommended speed in accordance with CVC Section 627.

The speed survey segment roadway characteristics for each segment are indicated on the Engineering and Speed Survey Summary sheets in **Appendix D** (binder).

**Table 1: 2013 Survey Segment Roadway Characteristics**

Street Location	Street Designation		No. of Travel Lanes (Divided/Undivided)	Roadway Conditions
	City Gen'l Plan	FAU Map		
Alhambra Street Norco Dr to Acacia Ave	Local	Local	2 Undivided	Rural, residential, school
Bluff Street River Rd to Corydon Ave	Local	Local	2 Undivided	Rural, residential, dairy
Branding Iron Lane Dapplegray Ln to Wild Horse Ln	Local	Local	2 Undivided	Rural, equestrian properties
California Avenue Fifth St to North Dr	Major Arterial	Minor Arterial	2 Undivided	Rural, residential, equestrian crossings & trails, multiple stop signs, no curb or gutter
Corydon Avenue Fifth St to River Rd	Collector	Collector	2 Undivided	Recreational area, equestrian Xing/trails, skip dash yellow centerline, parking, fire station
Crestview Drive Arlington Ave to Valley Dr	Local	Local	2 Undivided	Residential, narrow roadway, curves, hilly, poor sight distance, multiple driveways
Detroit Street Valley View Ave to Hamner Ave	Local	Collector	2 Undivided	Rural, skip dash yellow centerline, vacant
El Paso Drive Hillside Av to Hidden Valley Pkwy	Local	Local	2 Undivided	Rural, residential, retail
Fifth Street Corydon Ave to California Ave	Collector	Collector	2/4 Divided	Rural, prison facility, naval station, church, equestrian crossings & trails, double yellow centerline, parking, parks
First Street Parkridge Ave to Hillside Ave	Collector	Collector	2/4 Undivided	Equestrian trails, skip dash yellow centerline, no curb or gutter
Fourth Street Clark Ave to Hillside Ave	Local	Collector	2 Undivided	Commercial, residential, rural, parking, skip dash yellow centerline, equestrian Xings/trails
Hamner Avenue North City Limit - South City Limit	Major Arterial	Minor Arterial	4 Divided/ Undivided	Retail, commercial, raised median, two-way left turn
Hidden Valley Parkway Hamner Ave to Norco Hills Rd	Major Arterial	Minor Arterial	4 Divided	Residential, bike lane, raised median, curves, equestrian trails

Street Location	Street Designation		No. of Travel Lanes (Divided/Undivided)	Roadway Conditions
	City Gen'l Plan	FAU Map		
Hillside Avenue First St to Sixth St	Local	Collector/ Local	2 Undivided	Rural, equestrian trails, dip, sharp curves, skip dash/double yellow centerline, vacant, high school, local street from 6 <sup>th</sup> St to 8 <sup>th</sup> St
Mountain Avenue Second St to Hammer Ave	Collector	Local	2/4 Undivided	Rural, vacant, two-way left turn pocket, local street from First St to Second St
Norco Drive Hammer Ave to Fifth St	Collector	Collector	2 Undivided	Residential, vacant, equestrian trails, school crossing, multiple stop signs, parking
Norco Hills Road Hidden Valley Pkwy to Valley Dr	Collector	Minor Arterial	4 Undivided	Residential, vacant, equestrian trail
Norconian Drive Fifth St to Norco Dr		Local	2 Undivided	Rural, churches, baseball field
North Drive California Ave to East City Limit	Major Arterial	Minor Arterial	2 Undivided	Residential, commercial, rural, equestrian trail, skip dash yellow centerline
Parkridge Avenue Second St to South City Limit	Collector	Minor Arterial	2 Undivided	Residential, rural, equestrian trail, vacant, schools, parking, skip dash/double yellow centerline, narrow roadway, local street from Kips Corner Rd to 2 <sup>nd</sup> St
Pedley Avenue Seventh St to Fifth St	Local	Local	2 Undivided	Rural, residential
River Road North City Limit to Second St	Major Arterial	Minor Arterial	2/3 Undivided, 4 Divided	Double yellow centerline, equestrian trail, no stopping, raised median
Rock Springs Avenue First St to Thoroughbred Ln	Local	Local	2 Undivided	Residential, rural, equestrian trail
Second Street River Rd to Hillside Ave	Collector	Minor Arterial	2 Undivided	Residential, commercial rural, skip dash yellow centerline, equestrian trail
Seventh Street Valley View Ave to California Ave	Local	Collector	2 Undivided	Residential, rural, equestrian trail, skip dash yellow centerline

Street Location	Street Designation		No. of Travel Lanes (Divided/Undivided)	Roadway Conditions
	City Gen'l Plan	FAU Map		
Sierra Avenue Fifth St to Sixth St	Local	Local	2 Undivided	Rural, residential, retail
Sixth Street Hammer Ave to Crestview Dr	Major Arterial	Minor Arterial	2/4 Undivided	Commercial, residential, rural, school, two-way left turn pocket, equestrian crossings & trails, churches, painted median, two-way left turn pocket
Third Street Valley View to 2700' w/o Campus	Collector	Local	4 Divided	College, equestrian trail, no parking, raised median
Thoroughbred Lane El Paso Dr to Sedona Ln	Local	Local	2 Undivided	Residential, equestrian trail, rolled curb, steep grade, curves, skip dash yellow centerline
Valley Drive Country Club Dr to Fresian St	Local	Local	2 Undivided	Golf course & crossing, narrow roadway, double yellow centerline, vacant, curvilinear
Valley View Avenue Detroit St to Seventh St Fifth St to Sixth St Third St to Second St	Local	Local	2 Undivided	Rural, equestrian trail, narrow roadway, curves, skip dash yellow centerline, local street from 1 <sup>st</sup> St to Detroit St
Vine Street Corydon Ave (N) to Bluff St Bluff St to Corydon Ave (S)	Local	Local	2 Undivided	Residential
Wild Horse Lane Branding Iron Ln to Crestview Dr	Local	Local	2 Undivided	Rural, equestrian trail, local street

### 3.2 Accident Rate Analysis

The accident rate for each speed survey segment was determined by using the most recent accident records as required by CVC Section 627. Based on a review of the SWITRS report for City of Norco from January 1, 2010 to December 31, 2011, mid-block accident rates were calculated for each street surveyed.

The results of the accident rate calculations, including the Average Expected Accident Rates for each type of roadway facility are shown in **Table 2** and in the Engineering and Speed Survey Summary sheets (Appendix D). The Statewide Average Expected Accident Rates for the year 2009 for each type of roadway in the City of Norco are shown below.

- ◆ Arterial Streets
  - 3 lanes – 1.65
  - 4 lane undivided < 45 mph – 3.80
  - 4 lane undivided ≥ 45 mph – 2.35
  - 5-6 lane undivided < 45 mph – 5.15
  - 5-6 lane undivided ≥ 45 mph – 1.15
  - 4 lane divided < 45 mph – 2.45
  - 4 lane divided ≥ 45 mph – 1.75
  - 5-6 lane divided < 45 mph – 1.30
  - 5-6 lane divided ≥ 45 mph – 1.85
  
- ◆ Collector Streets
  - 2 lanes < 45 mph – 2.80
  - 2 lanes ≥ 45 mph – 1.50

The mid-block accident rate in terms of “accidents per 1,000,000 vehicle miles of travel” for each street surveyed was calculated and is shown on the Engineering and Traffic Survey summary sheets. The following shows a sample calculation.

*Accident Rate Calculation:*

The rate was calculated using the following equation:

$$\text{Accident Rate} = \frac{\text{Number of Midblock accidents} \times 10^6}{24\text{-hour volume} \times 365 \times \text{segment length} \times \text{number of years}}$$

Where: Number of mid-block accidents based on two years (January 1, 2010 to December 1, 2011), 24-hour volume (both directions) in the survey segment and segment length in miles.

*Example:*

Accident rate on: Hamner Avenue between Fourth Street and Second Street:

$$\text{Accident Rate} = \frac{18 \times 10^6}{\dots}$$

$$= \frac{23,019 \times 365 \times 1.0 \times 2}{1.071 \text{ accidents per million vehicle miles (A/MVM)}}$$

The Average Expected Accident Rate for the segment is 2.45. The calculated accident rate of 1.071 is well below the expected rate for this segment.

### 3.3 Spot Speed Survey

Spot speed surveys were conducted at each street segment to establish a reasonable and effective speed limit based on the premise that the speed limit thus established conforms to the actual behavior of the majority of motorists. The speed limit should normally be established at the first five mile per hour increment nearest the 85th percentile speed recorded for the surveyed segment. However, engineering judgment and other factors such as Street Surveillance (Section 3.1) and accident rates (Section 3.2) may indicate the need for further reduction in establishing reasonable and effective speed limits.

The criteria used in conducting the radar survey are listed in **Appendix A**.

**Appendix D** contains the Engineering and Speed Survey Summary sheets for each of the 78 sections surveyed. The information collected and data calculated for the radar speed survey are as follows:

- ◆ Posted speed limit
- ◆ Direction of survey
- ◆ Date and time of speed survey
- ◆ 50th Percentile speed
- ◆ 85th Percentile speed
- ◆ 10 mph pace speed
- ◆ Percent over pace speed
- ◆ Range of speeds
- ◆ Number of vehicles observed
- ◆ Average speed
- ◆ Accident History
- ◆ Accident Rate
- ◆ Average Daily Traffic
- ◆ Road Description
- ◆ Pedestrian, bicycle, and equestrian activity

The summary contains information about vehicular speed data observed, accident data, street classification, and any unusual conditions at the location.

**City of Norco**  
**Table 2. 2013 Speed Zone Survey - Accident Analysis**

Street	No.	Location	Distance (mile)	Distance (feet)	ADT	Accidents <sup>1</sup> 2 yrs Total	Accident Rate	Expected <sup>2</sup> Acc. Rate
Alhambra Street	1	Norco Drive to River Ridge Drive	0.65	3,432	727	0	0.00	2.80
	2	River Ridge Drive to Acacia Avenue	0.27	1,426	727	0	0.00	2.80
Bluff Street	3	River Road to Vine Street	0.43	2,270	1,181	0	0.00	2.80
	4	Vine Street to Corydon Avenue	0.33	1,742	594	0	0.00	2.80
Branding Iron Lane	5	Dapplegray Lane to Wild Horse Lane	0.22	1,162	1,588	0	0.00	2.80
California Avenue	6	Fifth Street to Sixth Street	0.50	2,640	1,936	2	2.76	2.80
	7	Sixth Street to Seventh Street	0.50	2,640	9,594	3	0.86	2.80
	8	Seventh Street to North Drive	0.50	2,640	10,344	2	0.53	2.80
Corydon Avenue	9	Fifth Street to Bluff Street	1.30	6,864	6,382	0	0.00	2.80
	10	Bluff Street to River Road	0.60	3,168	5,071	1	0.45	2.80
Crestview Drive	11	Arlington Avenue to Seventh Street	0.61	3,221	1,126	1	1.99	2.80
	12	Seventh Street to Sixth Street	0.30	1,584	1,567	0	0.00	2.80
	13	Sixth Street to East Street	0.30	1,584	653	0	0.00	2.80
	14	East Street to Wild Horse Lane	0.75	3,960	469	0	0.00	2.80
	15	Wild Horse Lane to Valley Drive	0.60	3,168	873	1	2.62	2.80
Detroit Street	16	Valley View Avenue to Hamner Avenue	0.50	2,640	3,796	0	0.00	2.80
El Paso Drive	17	Hillside Avenue to Dogwood Way	0.56	2,957	2,334	1	1.03	2.80
	18	Dogwood Way to Hidden Valley Parkway	0.45	2,376	1,146	2	5.31	2.50
Fifth Street	19	Corydon Avenue to Norconian Drive	0.70	3,696	6,456	0	0.00	2.45
	20	Norconian Drive to Hamner Avenue	0.50	2,640	7,252	1	0.38	2.80
	21	Hamner Avenue to Corona Avenue	0.70	3,696	4,283	0	0.00	2.80
	22	Corona Avenue to Hillside Avenue	0.50	2,640	2,807	1	0.98	2.80
	23	Hillside Avenue to California Avenue	0.40	2,112	2,361	1	1.45	2.80
First Street	24	Parkridge Avenue to Hamner Avenue	0.50	2,640	7,884	5	1.14	2.80
	25	Valley View Avenue to Corona Avenue	0.40	2,112	1,150	1	11.57	2.80
	26	Corona Avenue to Hillside Avenue	0.50	2,640	296	0	0.00	2.80
Fourth Street	27	Clark Avenue to Valley View Avenue	0.60	3,168	3,823	0	0.00	2.80
	28	Valley View Avenue to Hillside Avenue	0.70	3,696	3,664	2	1.07	2.80
Hamner Avenue	29	North City Limit to Sixth Street	0.64	3,379	18,042	11	1.30	2.80
	30	Sixth Street to Fifth Street	0.45	2,376	22,473	7	0.95	2.45
	31	Fifth Street to Fourth Street	0.45	2,376	24,468	4	0.50	2.45
	32	Fourth Street to Second Street	1.00	5,280	23,019	18	1.07	2.45
	33	Second Street to First Street	0.60	3,168	25,033	10	0.91	2.45
	34	First Street to South City Limit	0.50	2,640	24,752	8	0.89	2.45
Hidden Valley Parkway	35	Hamner Avenue to 4000' east of I-15	0.50	2,640	23,647	0	0.00	1.75
	36	4000' east of I-15 to El Paso Drive	0.50	2,640	18,316	0	0.00	1.75
	37	El Paso Drive to Norco Hills Road	0.50	2,640	18,357	3	0.45	1.75
Hillside Avenue	38	First Street to Second Street	0.40	2,112	497	0	0.00	2.80
	39	Second Street to Third Street	0.40	2,112	1,555	0	0.00	2.80
	40	Third Street to Fourth Street	0.50	2,640	1,592	0	0.00	2.80
	41	Fourth Street to Fifth Street	0.40	2,112	2,001	0	0.00	2.80
	42	Fifth Street to Sixth Street	0.50	2,640	1,627	0	0.00	2.80
Mountain Avenue	43	Hamner Avenue to First Street	0.27	1,426	7,154	2	1.42	2.45
	44	First Street to Second Street	0.50	2,640	2,239	0	0.00	2.80
Norco Drive	45	Hamner Avenue to Alhambra Street	0.72	3,802	3,168	4	2.40	2.80
	46	Alhambra Street to Fifth Street	0.50	2,640	2,223	4	4.93	2.80
Norco Hills Road	47	Hidden Valley Parkway to Valley Drive	1.00	5,280	3,612	1	0.38	1.75
Norconian Drive	48	Fifth Street to Norco Drive	0.48	2,534	871	0	0.00	2.80
North Drive	49	California Avenue to East City Limit	0.30	1,584	9,965	2	0.92	2.80
Parkridge Avenue	50	Second Street to South City Limit	0.30	1,584	3,175	1	1.44	2.80

1. Accident Data from January 1, 2010 to December 31, 2011

2. Statewide Average Accident Rate for 2009

**City of Norco**  
**Table 2. 2013 Speed Zone Survey - Accident Analysis**

Street	No.	Location	Distance (mile)	Distance (feet)	ADT	Accident <sup>1</sup> 2 yrs Total	Accident Rate	Expected <sup>2</sup> Acc. Rate
Pedley Avenue	51	Seventh Street to Sixth Street	0.50	2,640	1,289	0	0.00	2.80
	52	Sixth Street to Fifth Street	0.50	2,640	1,532	1	1.79	2.80
River Road	53	North City Limit to Corydon Avenue	0.77	4065.6	16,120	3	0.33	1.65
	54	Corydon Avenue to Second Street (SCL)	0.60	3,168	19,238	1	0.12	2.45
Rock Springs Avenue	55	First Street to Thoroughbred Lane	0.20	1,056	2,186	0	0.00	2.80
Second Street	56	River Road to Mountain Avenue	0.82	4,330	10,097	7	1.16	2.80
	57	Mountain Avenue to Hamner Avenue	0.27	1,426	13,840	1	0.37	2.45
	58	Hamner Avenue to Corona Avenue	0.50	2,640	12,376	6	1.33	2.45
	59	Corona Avenue to Hillside Avenue	0.50	2,640	2,514	3	3.27	2.45
Seventh Street	60	Valley View Avenue to Corona Avenue	0.25	1,320	2,427	0	0.00	2.80
	61	Corona Avenue to Hillside Avenue	0.50	2,640	2,251	1	1.22	2.80
	62	Hillside Avenue to California Avenue	0.80	4,224	2,357	1	0.73	2.80
Sierra Avenue	63	Fifth Street to Sixth Street	0.50	2,640	3,556	0	0.00	2.80
Sixth Street	64	Hamner Avenue to Valley View Avenue	0.41	2,165	22,029	12	1.87	2.45
	65	Valley View Avenue to Hillside Avenue	0.70	3,696	19,751	7	0.69	2.45
	66	Hillside Avenue to California Avenue	0.41	2,165	15,105	2	0.45	2.45
	67	California Avenue to Crestview Drive	0.25	1,320	3,138	2	3.49	2.80
Third Street	68	Valley View Avenue to Hamner Avenue	0.27	1,426	4,160	0	0.00	2.80
	69	Hamner Avenue to Campus Avenue	0.23	1,214	14,363	0	0.00	2.45
	70	Campus Avenue to 2700 <sup>th</sup> West	0.51	2,693	13,624	0	0.00	2.80
Thoroughbred Lane	71	El Paso Drive to Sedona Lane	0.80	4,224	1,064	1	1.61	2.80
Valley Drive	72	Country Club Drive to Frisian Street	0.29	1,531	1,451	2	6.29	2.80
Valley View Avenue	73	Detroit Street to Seventh Street	0.25	1,320	3,471	1	1.58	2.80
	74	Fifth Street to Detroit Street	0.50	2,640	3,471	0	0.00	2.80
	74	Third Street to Second Street	0.60	3,168	5,263	2	0.87	2.80
Vine Street	75	Corydon Avenue (N) to Bluff Street	0.60	3,168	1,209	0	0.00	2.80
	76	Bluff Street to Corydon Avenue (S)	0.60	3,168	404	0	0.00	2.80
Wild Horse Lane	77	Branding Iron Lane to Cavaletti Lane	0.21	1,109	1,230	0	0.00	2.80
	78	Cavaletti Lane to Crestview Drive	0.28	1,478	1,117	0	0.00	2.80

1. Accident Data from January 1, 2010 to December 31, 2011

2. Statewide Average Accident Rate for 2009

### 3.4 Equestrian Community Orientation

The City of Norco has many unique aspects that are controlled by the equestrian orientation of the community. In a community with a total population of over 27,200, current estimates on the equine population are in the range of 17,000 to 18,000 animals. The City has established a minimum half acre lot size, and all residential lots are zoned for and allow animal keeping. In view of the equine population, the City has and maintains an extensive trail system. With approximately 110 miles of streets, it also has a trail system exceeding 120 miles. The vast majority of equestrian trails are along the roadways. In keeping with a rural atmosphere, streets generally do not have curb and gutter or sidewalks. Where curbs exist, they are predominately rolled curbs allowing access to the adjacent property. The trail system is composed of compacted decomposed granite and provides for the equestrian, pedestrian and bicycle travel in the community. The majority of roadways are 24-26 feet of paved width.

While the minimum lot size is half an acre, many lots exceed one acre, with a few exceeding five acres. With the adjacent Norco Hills and Santa Ana River Bluffs, the topography of the City dictates narrow winding roads, large lots and an overall low density of residential development. There are few "through" streets and the few streets that do cross the community are neither straight nor direct in their linkage to adjacent roadway sections.

In the past, there have been questions about establishment of residential districts in the community. By function, design, and usage, the majority of streets are residential even when they do not meet the specific language of the CVC with respect to the number of dwelling units within a specific distance. However, these streets are only accessible from other residential streets; are residential in development; and only fail to meet the CVC language due to large lot requirements and topography considerations.

Overall, the unique aspects of the community, its rural design, equestrian orientation, number and location of trails, lack of sidewalks and curbs, and lack of street lighting all affect the determination of appropriate speeds on the roadway system.

Due to the equestrian orientation of the community and the concern of vehicle/equestrian conflicts, the City of Norco pursued special legislation to allow equestrian ridership to be considered in the overall engineering speed survey. This activity culminated in the adoption of Section 22353 into the CVC (AB 2402) that allows consideration of equestrian ridership as one of the factors considered in the speed survey.

## SECTION 4.0

### SURVEY FINDINGS AND RECOMMENDATIONS

In accordance with the State-imposed speed limit establishment regulation, as defined by CVC Section 627 described in **Appendix B**, there are several factors that may be considered to justify setting the prima facie speed limits more than five miles per hour below the observed 85th percentile speed.

It should be noted that the regulations in **Appendix A** also state that the *maximum* permissible lowering of the proposed speed limit from the 85th percentile is 10 miles per hour.

The factors to be considered are:

- ◆ Most recent accident record (mid-block)
- ◆ Roadway design speed
- ◆ Safe stopping sight distance
- ◆ Superelevation
- ◆ Grades
- ◆ Shoulder condition
- ◆ Profile condition
- ◆ Intersection spacing offsets
- ◆ Commercial driveway characteristics (land use)
- ◆ Pedestrian traffic with and without sidewalks
- ◆ Pedestrian and Bicycle safety
- ◆ Equestrian Safety (City of Norco, only)

The above factors for each roadway segment surveyed are listed in the Engineering and Speed Survey Summary sheets in **Appendix D**. The 85th percentile speed and the above factors were considered in verifying existing speed limits and recommending speed limit changes (increase or decrease). Additionally, discussions were held with City staff in making decisions with respect to changing existing speed limits. This allowed for consideration of any special knowledge of the segment. The Speed Zone Survey – Accident Survey Analysis in **Table 2** lists the total number of accidents, calculated accident rate, and the expected accident rate. **Table 3** shows the surveyed road segments with posted and recommended speed limits.



Table 3: 2013 City of Norco Segment Spot Speed Survey

Street	No	No	Direction	Date	10-Mile Pace (mph)	% in 10-Mile Pace	15th %tile (mph)	50th %tile (mph)	85th %tile (mph)	Posted Speed Limit (mph)	Recommended Speed Limit (mph)	Comment:
Hillside Avenue	38	First Street to Second Street	N/S	3/12/13	22-31	77	22	26	31	25	25	No change, equestrians
	39	Second Street to Third Street	N/S	3/12/13	25-38	63	25	32	37	25	25	No change, equestrians
	40	Third Street to Fourth Street	N/S	3/12/13	22-31	79	23	26	32	25	25	No change, equestrians, school area
	41	Fourth Street to Fifth Street	N/S	3/12/13	25-34	77	26	31	35	25	25	No change, equestrians, school area
	42	Fifth Street to Sixth Street	N/S	3/12/13	25-34	90	25	29	32	25	25	No change, equestrians
Mountain Avenue	43	Hammer Avenue to First Street	N/S	3/22/13	34-43	53	34	41	48	40	40	No change, continuity of speed
	44	First Street to Second Street	N/S	3/5/13	23-32	71	22	26	32	40	40	No change, low accident rate
Norco Drive	45	Hammer Avenue to Alhambra Street	E/W	3/26/13	28-37	79	27	30	36	35	35	No change, 85th percentile
	46	Alhambra Street to Fifth Street	E/W	3/26/13	30-39	85	29	33	36	35	35	No change, 85th percentile, high accident rate
Norco Hills Road	47	Hidden Valley Parkway to Valley Drive	E/W	3/22/13	38-47	60	37	43	51	50	50	No change, 85th percentile, 50 mph Corona
Norconian Drive	48	Fifth Street to Norco Drive	N/S	3/26/13	32-41	89	33	35	38	NP	25	Establish, curvilinear, equestrians
North Drive	49	California Avenue to East City Limit	E/W	3/29/13	33-42	70	33	38	43	45	40	Decrease, 85th percentile, 40 mph Riverside County
Parkridge Avenue	50	Second Street to South City Limit	E/W	4/3/13	34-43	80	34	39	43	40	40	No change, 85th percentile, 40 mph Corona
Pedley Avenue	51	Seventh Street to Sixth Street	N/S	3/29/13	23-32	67	22	27	32	25	25	Establish, equestrians
	52	Sixth Street to Fifth Street	N/S	3/29/13	28-37	71	26	31	35	25	25	Establish, equestrian
River Road	53	North City Limit to Corydon Avenue	E/W	3/25/13	43-52	67	43	47	55	45	45	No change, continuity of speed, equestrians
	54	Corydon Avenue to Second Street (SCL)	E/W	3/25/13	44-53	66	42	47	53	45	45	No change, bike lane, 45 mph Corona
Rock Springs Avenue	55	First Street to Thoroughbred Lane	N/S	4/2/13	24-33	83	23	27	31	25	25	No change, equestrians
Second Street	56	River Road to Mountain Avenue	E/W	3/6/13	28-37	90	28	32	35	35	35	No change, equestrians
	57	Mountain Avenue to Hammer Avenue	E/W	2/6/13	30-39	72	29	34	39	35	35	No change, equestrians
	58	Hammer Avenue to Corona Avenue	E/W	3/6/13	28-37	65	26	33	38	25	25	No change, equestrians
	59	Corona Avenue to Hillside Avenue	E/W	3/6/13	27-36	66	24	31	35	25	25	No change, equestrians, high accident rate
Seventh Street	60	Valley View Avenue to Corona Avenue	E/W	3/19/13	23-32	80	23	27	31	25	25	No change, equestrians
	61	Corona Avenue to Hillside Avenue	E/W	3/19/13	22-31	98	22	25	27	25	25	No change, equestrians
	62	Hillside Avenue to California Avenue	E/W	3/19/13	23-34	76	24	28	33	25	25	No change, equestrians
Sierra Avenue	63	Fifth Street to Sixth Street	N/S	3/26/13	31-40	78	30	34	39	25	25	Establish, equestrians
Sixth Street	64	Hammer Avenue to Valley View Avenue	E/W	3/11/13	32-41	94	32	34	38	35	35	No change, 85th percentile
	65	Valley View Avenue to Hillside Avenue	E/W	3/11/13	36-45	90	35	39	43	35	35	No change, continuity of speed
	66	Hillside Avenue to California Avenue	E/W	3/11/13	34-43	68	32	36	42	35	35	No change, continuity of speed
	67	California Avenue to Crestview Drive	E/W	3/11/13	33-42	68	31	35	41	35	35	No change, continuity of speed
Third Street	68	Valley View Avenue to Hammer Avenue	E/W	3/20/13	30-39	82	29	33	37	25	25	Establish, equestrians
	69	Hammer Avenue to Campus Avenue	E/W	3/22/13	32-41	65	32	37	47	35	35	No Change, continuity of speed
	70	Campus Avenue to 2700' West	E/W	3/20/13	30-39	87	30	33	37	35	35	No Change, 85th percentile
Thoroughbred Lane	71	El Paso Drive to Selona Lane	E/W	4/2/13	24-33	79	23	26	32	25	25	No change, equestrians

NP = Not Paved

**Table 3: 2013 City of Norco Segment Spot Speed Survey**

Street	No.	No.	Direction	Date	10-Mile Pave (mph)	% in 10-Mile Pave	15th %tile (mph)	50th %tile (mph)	85th %tile (mph)	Posted Speed Limit (mph)	Recommended Speed Limit (mph)	Comments
Valley Drive	72	Country Club Drive to Preston Street	N/S	4/3/13	36-45	64	31	38	44	NP	35	No change, curvilinear, high accident rate
Valley View Avenue	73	Detroit Street to Seventh Street	N/S	3/10/13	29-38	63	26	31	37	25	25	No change, narrow road, equestrians
	74	Fifth Street to Detroit Street	N/S	3/20/13	26-35	92	27	30	33	25	25	No change, narrow road, equestrians
	74	Third Street to Second Street	N/S	3/20/13	29-38	54	27	34	41	25	25	No change, narrow road, equestrians
Vine Street	75	Corydon Avenue (N) to Bluff Street	E/W	3/25/13	22-31	69	21	25	31	25	25	Establish, equestrians, curves
	76	Bluff Street to Corydon Avenue (S)	E/W	3/25/13	24-33	81	23	27	32	25	25	Establish, equestrians, curves
Wild Horse Lane	77	Bending Iron Lane to Cavalletti Lane	E/W	4/3/13	28-37	62	22	29	35	25	25	No change, equestrians
	78	Cavalletti Lane to Crestview Drive	E/W	4/3/13	28-37	81	27	31	35	25	25	No change, equestrians

#### **4.1 Speed Limit Signing**

All California motorists are required to know the basic 15, 25, and 65 MPH speed laws and are tested on the subject when applying for a driver's license. The maximum speed limit on most California highways is 65 mph. You may drive 70 mph where posted. Unless otherwise posted, the maximum speed limit is 55 mph on two-lane undivided highways and for vehicles towing trailers. Consequently, speed limit signs covering these conditions need not be posted on City streets. However, although not required by law, speed limit signs for these situations may be posted on streets that have significant daily vehicular traffic volumes, a by-pass traffic situation, the continued violation of a residential 25 MPH speed zone, or with other applicable warrants.

It is normal policy to recommend the posting of speed limit signs only of streets that have been covered by the City speed limit ordinance or by warranted situations covered above.

Speed limit signs should be installed at about one-half mile intervals on the City streets which have been speed zoned. Signs are normally installed on the exit side of traffic signal controlled intersections and the more important intersections where there is high side street vehicle entry. It is important that motorists be given adequate information while not oversigning, which tends to confuse the motorist.

Enforcement problems can occur when, (a) the highway is posted with inappropriate speed limit signs, (b) the highway is improperly or inadequately posted; or, (c) the highway is not posted nor covered by ordinance and therefore falls under the basic speed law. In any of these events, the result is a debatable validity that may be questioned in court cases where citations are issued and contested.

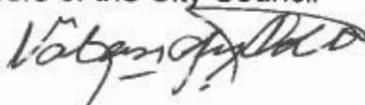
## SECTION 5.0

### SUMMARY AND CONCLUSIONS

1. The radar survey and the raw data collection was conducted per CVC Section 627.
2. A total of 78 sections on the City's arterial, collector, and feeder roadway network were surveyed.
3. The accident rate (Table 2) is low for the majority of the street segments for various types of roadway facilities.
4. It is recommended that the City review each road segment for proper location of posted speed limit signs.
5. A number of local residential streets were not surveyed per CVC Section 40802. A prima facie speed of 25 mph is justified for these streets. Local streets are defined by the latest functional usage and Federal-Aid System Maps as submitted to the Federal Highway Administration.
6. It was concluded that the existing speeds on survey segments in the City of Norco can remain unchanged, except on the following streets:
  - Norconian Drive from Fifth Street to Norco Drive – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
  - Pedley Avenue from Seventh Street to Fifth Street – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
  - Sierra Avenue from Fifth Street to Sixth Street – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
  - Third Street from Valley View Avenue to Hamner Avenue – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.
  - Vine Street from Corydon Avenue (N) to Bluff Street – it is recommended that the speed limit be established for 25 mph based on roadway characteristics and equestrian safety.

## CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

DATE: August 7, 2013

SUBJECT: Report on the Group Home Located at the Residence on Broken Arrow Street.

RECOMMENDATION: Receive and file.

**SUMMARY:** Public comments were heard at numerous City Council meetings regarding Sheriff Department responses to a "group home" located at a residence on Broken Arrow Street. This update provides informational facts for the City Council's review.

### BACKGROUND/ANALYSIS:

#### History:

The California Health and Safety Code provides that a residential care facility for six or fewer persons shall be considered as a single-family residence. As such, the City does not have any recourse for review or conditioning of the project. The State of California declared that this type of project, with the number of persons receiving care, was exempt from any City regulation. A business license application was received by the City in 2004. The information provided for the business license revealed that the care facility is a group home for four developmentally disabled adults, with two live-in employees and two daily employees. The operators of the care facility are licensed with the State of California.

The State determined that residential care facilities (residences used for the purpose of providing care for the physically or mentally handicapped) are a viable alternative to traditional public or commercial facilities. Studies have shown that this type of residential care facility does not have adverse impacts on neighborhoods or property values. In addition, it has been determined that legally cities cannot discriminate against residential care facilities by treating them differently than a residence occupied by a family related by blood.

The only recourse available to a jurisdiction (to deny the location of a facility) would be if there is an over concentration of this type of land use in the community, meaning that this type of facility cannot be located closer than 300 feet from a similar use. Neighboring property owners have indicated that the care facility is in violation of the Municipal Code. However, as indicated above, with the care facility limited to six or less residents (receiving care), the City has no jurisdiction. In the past, the City has advised residents to make the State Department of Health and Social Services (Community Care Licensing) aware of their concerns and any specific problems.

There were numerous community meetings held to allow the public to discuss the group home, at which time individuals in attendance were both in support of and against the group home. City staff, assisted by representatives from the state and the county, made a great effort to address all of the concerns, as well as provide factual information.

At the City Council Meeting held on July 17, 2013, the City Council received a complaint during public comments and recommended that a report be presented to the Council regarding the status of the group home. The following is information received from Code Compliance, the Fire Department and the Sheriff's Department, followed by staff's conclusion.

**Public Safety Responses to Incidents at the Group Home from 2010 - 2013:**

**Code Compliance:**

During the last three years, there were no code compliance complaints received or reported.

**Fire Department:**

There were 5 calls for service, all medical calls, reported.

**Sheriff's Department:**

Sheriff's staff responded to fifty-one (51) calls for service. Thirty-four (34) of the fifty-one (51) calls for service were generated by the same reporting party. Seventeen (17) calls for service were generated by other reporting parties.

Since October of 2005, the residence has operated as a licensed group home (Supporting Unlimited Possibilities Inc.) to serve developmentally disabled adults. Supporting Unlimited Possibilities Inc. has continuously operated within the guidelines set by the State of California, the County of Riverside and the City of Norco.

**Staff's Conclusion:**

Concerns regarding public safety were heard during public comments at recent City Council meetings. Based on the analysis of calls received by both the Fire and Sheriff's Departments, staff believes that there are no overriding public safety concerns to warrant any action by the City. There has been no threat to the safety of the community. The Sheriff's Department believes that Unlimited Possibilities Inc., has continuously operated within the guidelines set by the State of California, County of Riverside and the City of Norco. As public safety is the City's first concern, the Sheriff's Department, Fire Department and Code Compliance will continue to respond to any and all calls and concerns regarding reported violations at the location of the group home facility.