



AGENDA
CITY OF NORCO
CITY COUNCIL

December 4, 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
Greg Newton, Council Member

CALL TO ORDER: 6:00 p.m.

ROLL CALL:

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

Section 54957(b)(4) – Evaluation of Performance City Attorney

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1): Mayor Azevedo

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher

PRESENTATION: South Coast Air Quality Management District
Wood Stove & Fireplace Change-Out Incentive Program

REORGANIZATION OF CITY COUNCIL:

- A. Election of Mayor
- B. Election of Mayor Pro Tem

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

1. A. SILVERLAKES EQUESTRIAN & SPORTS PARK UPDATE:
- B. CITY COUNCIL COMMUNICATIONS / REPORTS ON REGIONAL BOARDS AND COMMISSIONS:
2. CITY COUNCIL CONSENT ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.3 of the Agenda.)*
 - A. City Council Minutes:
Regular Meeting of November 20, 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 the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2013. **Recommended Action: Receive and file.** (City Manager)
3. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
4. CITY COUNCIL DISCUSSION / ACTION ITEMS:
 - A. Discussion Regarding the Corona-Norco Unified School District Consideration of Trustee Area Scenarios and Election Method Change.
 - B. Discussion Regarding Refuse Collection and Disposal Services.
5. CITY COUNCIL PUBLIC HEARING:
 - A. **Zone Code Amendment 2013-16 (City):** A request to amend Title 18 (Zoning) of the Norco Municipal Code regarding the definitions and/or regulations for second units, emergency shelters, transitional housing, and supportive housing in accordance with State Government Code requirements.

Zone Code Amendment 2013-16 and Code Change 2013-05 (Item 5.B.) are the final implementation measures of the 2008-2014 Housing Element Update that was certified by the state last year with certain conditions that needed to be met before the next update could be certified. The 2014-2021 update has been approved by the City and the City has received a pre-certification letter from the Department of Housing and Community

Development (HCD) pending finalization of the follow-up measures from the 2008-2014 document.

Recommended Action: Adopt Ordinance No. 969 for first reading.
(Planning Director)

- B. **Code Change 2013-05 (City):** Code Change 2013-05 (City of Norco): Adding Section 9.95 "Reasonable Accommodations" to the Norco Municipal Code.

Code Change 2013-05 is a requirement of state and federal fair housing laws to make reasonable accommodations for the development of housing for persons with disabilities. Reasonable accommodations are minor deviations to requirements of the Norco Municipal Code (NMC) and the intent is to reduce the procedural requirements that can be constraints to the development of housing for this group of people. All jurisdictions in the state are required to comply with the regulations.

Recommended Action: Adopt Ordinance No. 970 for first reading.
(Planning Director)

6. 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.
7. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:
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
SUCCESSOR AGENCY TO THE NORCO COMMUNITY REDEVELOPMENT AGENCY

November 20, 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

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, **Absent**
Council Member Kevin Bash, **Present**
Council Member Herb Higgins, **Present**
Council Member Harvey C. Sullivan, **Present**

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: Corona Church of the Open Doors
Pastor Fred Griffin

INTRODUCTION: Javier Rodriguez, Code Enforcement Officer

PRESENTATION: **Tony Barreto, representing Norco Horseweek, presented a check in the amount of \$2,200 for the Norco Senior Citizens and Pet Relief Fund.**

RECOGNITION: Honoring Council Member Sullivan

With this being his last Regular City Council Meeting, Council Member Sullivan was honored for his 12 years of service as a Council Member. He was recognized by the City, local, regional and state officials; as well as his family, for his service to the City of Norco. Council Member Sullivan served as Mayor in 2003 and 2007, and Mayor Pro-Tem in 2002 and 2006.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Council Member Bash:

- Invited everyone to the National Pearl Harbor Remembrance Day event to be held on December 7th on the grounds of the Navy Base.

Mayor Pro Tem Hanna:

- Stated that he missed the last Riverside County Transportation Commission (RCTC), but wanted to inform everyone that the ground breaking ceremony for the 91 Freeway Expansion Project will take place on December 11th.

Council Member Sullivan:

- Reported on the Riverside Transit Agency (RTA) meeting he attended at which time they approved \$69 million dollars for a continued Dial-a-Ride Program in Riverside County, which provides a valuable service to seniors and persons with disabilities.
- He thanked his wife for standing beside him through his years on the City Council.

Mayor Azevedo:

- Reported that she attended the RCTC meeting at which time the 91 Freeway Expansion Project was discussed, noting the eminent domain process going on.
- Reported that she attended the WRCOG Administration & Finance Committee, noting the success of the HERO program.
- Reported that the UNLOAD held an event where the bullying problem was addressed.
- Thanked the committee that put on the USO Canteen Dinner & Dance event held on November 16th.

2. CITY COUNCIL CONSENT ITEMS:

Council Member Hanna pulled item 1.F. and 1.H. and abstained on 1.A.

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

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN

NOES: NONE

ABSENT: NONE

ABSTAIN: HANNA, ON ITEM 1.A.

A. City Council Minutes:

Regular Meeting of November 6, 2013

Recommended Action: **Approve the City Council Minutes** (City Clerk)

- B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- C. Proposed Cancellation of the January 1, 2014 City Council Regular Meeting.
Recommended Action: Cancel the January 1, 2014 City Council Regular meeting. (City Clerk)
- D. First Amendment to the Water, Sewer and Recycled Utilities Service Contract Number N62473-11-C-3809 between the City of Norco and the Naval Weapons Station (NWS) Seal Beach Detachment Corona, California.
Recommended Action: Approve the First Amendment to the Water, Sewer and Recycled Utilities Service Contract between the City of Norco and the Naval Weapons Station (NWS) Seal Beach Detachment Corona, California; and, authorize the City Manager to execute the agreement. (Water & Sewer Manager)
- E. Execution of a Sanitary Sewer Discharge Agreement between the City of Norco and the California Department of Corrections and Rehabilitation.
Recommended Action: Approve the Sanitary Sewer Discharge Agreement between the City of Norco and the California Department of Corrections and Rehabilitation (CDCR); and, authorize the City Manager to execute the Agreement. (Water & Sewer Manager)
- F. Approval for a Waiver of Variance Application Fees for property located at 2398 Buckboard Lane. **Recommended Action: Approve the waiver.** (Planning Director) **PULLED FOR DISCUSSION**
- G. Approval to Declare Various City Assets as Surplus Property.
Recommended Action: Declare Various City Assets as Surplus and authorize the City Manager/Director of Finance to dispose of surplus assets through auction, donation to charitable organizations or electronic recycling (e-cycle). (City Manager)
- H. Recap of Actions Taken of the Planning Commission Meeting of November 13, 2013. **Recommended Action: Receive and File** (Planning Director) **PULLED FOR DISCUSSION**

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

- 1.F. Approval for a Waiver of Variance Application Fees for property located at 2398 Buckboard Lane.

Mayor Pro tem Hanna asked Planning Director King if there would be room for the animal-keeping portion of the property. In response, Director King noted that it will not affect the animal-keeping property because of the way the yard is designed and added that there is plenty of room to accommodate the animal keeping.

M/S Hanna/Bash to approve the waiver. The motion was carried by the following roll call vote:

November 20, 2013

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

1.H. Recap of Actions Taken at the Planning Commission Meeting of November 13, 2013.

Mayor Pro Tem Hanna inquired about Item 5.C. regarding a conditional use permit for Brothers Towing, asking about the size of the trucks. In response, Planning Director King commented on the size and class of the trucks, noting that they have other sites that they can park the extra heavy-duty trucks on.

Mayor Azevedo asked about item 5.A. regarding a request for approval to allow a detached accessory building consisting of a 1,620 square-foot storage garage. In response, Director King stated this size storage garage can be granted with a conditional use permit, noting that there was enough room left for animal-keeping.

M/S Hanna/Azevedo to receive and file the Recap of Actions taken at the Planning Commission Meeting of November 13, 2013. The motion was carried by the following roll call vote:

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

CITY MANAGER COMMUNICATION (Listed on the Agenda as Item No. 9):

City Manager Okoro presented an update on the Silverlakes Equestrian & Sports Park. He noted that it was planned that representatives of Balboa Management, LLC would be at this meeting to provide an update on their financing efforts for the Silverlakes project but due to a scheduling conflict, they could not attend. He added that they will be at the December 4th City Council Meeting to provide an update. He stated that a lot has happened with respect to their efforts to secure funding for the project since the last time they were here, noting that the loan process in this current credit environment is very challenging and for Silverlakes, the banks have to perform an extensive due diligence review including corporate and personal credit reviews; multiple layers of underwriting; appraisal reviews; project analysis, board reviews and site visits. City Manager Okoro stated that he has been told that the bank's Board of Directors completed a Silverlakes site visit yesterday and from what he has been told, they were very impressed. He also stated that it is his understanding that a final funding decision will be made in a matter of days. In response to Council Member Bash, City Manager Okoro stated that the appraisal for the Silverlakes property came in at about \$30 million. City Attorney Harper added that the number may be a result of the combination of the appraisal and the lease.

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

- A. Ordinance Replacing Title 15, Chapter 15.09 (Fire Code) of the Norco Municipal Code. **Recommended Action: Adopt Ordinance No. 966.** (City Clerk)

M/S Bash/Higgins to adopt Ordinance No. 966. The motion was carried by the following roll call vote:

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

- B. **Zone Code Amendment 2013-15 (City):** A City-initiated proposal to amend Title 18 (Zoning) Chapter 18.64 (Housing Development Overlay zone) to adjust the density allowances in accordance with General Plan Amendment 2013-01A (Housing Element Update). **Recommended Action: Adopt Ordinance No. 967.** (City Clerk)

M/S Higgins/Bash to adopt Ordinance No. 967. The motion was carried by the following roll call vote:

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

- C. **Code Change 2013-04 (S&S Ventures, CA LLC):** A request to change Chapter 9.24 (Gaming) of Title 9 of the Norco Municipal Code to allow mini-satellite off-track pari-mutuel wagering for horse races as an ancillary use to an otherwise permitted full-service restaurant in accordance with the requirements of the California Horse Racing Act as regulated by the California Horse Racing Board. **Recommended Action: Adopt Ordinance No. 968.** (City Clerk)

M/S Higgins/Sullivan to adopt Ordinance No. 968. The motion was carried by the following roll call vote:

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

5. CITY COUNCIL / SUCCESSOR AGENCY CONSENT ITEM:

- A. Resolutions Approving the Governmental Purpose Property Quitclaim Deed Transfer of APNs 126-120-033 & 034 from the Successor Agency to the Norco Community Redevelopment Agency to the City of Norco. **Recommended Action: Adopt SA Resolution No. 2013-01 and Resolution No. 2013-63, approving the governmental purpose property Quitclaim Deed transfer of APNs 126-120-033 & 034 from the Successor Agency to the City of Norco. (City Manager / Executive Director)**

City Manager Okoro presented the item as presented in the staff report.

M/S Sullivan/Higgins to adopt SA Resolution No. 2013-01 and Resolution No. 2013-63, approving the governmental purpose property Quitclaim Deed transfer of APNs 126-120-033 & 034 from the Successor Agency to the City of Norco. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL DISCUSSION / ACTION ITEM:

- A. **CONTINUED** Appointment to Fill One Unscheduled Vacancy on the Planning Commission. **Recommended Action: Staff recommends that the City Council make one appointment to the Planning Commission to fill the term through June 2015. (City Clerk)**

The City Council voted by ballot as follows:

Mayor Azevedo:	Ted Hoffman
Mayor Pro Tem Hanna:	Ted Hoffman
Council Member Bash:	Ted Hoffman
Council Member Higgins:	James M. Wilson
Council Member Sullivan:	James M. Wilson

Resulting in the appointment of Ted Hoffman to the Planning Commission to fill the term through June 2015.

7. CITY COUNCIL PUBLIC HEARING:

- A. Consideration of all Protests and Objections Concerning the Proposed Rates for Solid Waste/Manure Removal and Disposal Services through a Contract with USA Waste of California, Inc.; and, Adoption of a Resolution Approving an Amended and Restated Agreement between the City of Norco and USA Waste of California, Inc. for the Provision of Integrated Waste Management Services.

The current exclusive franchise agreement extension with USA Waste of California for waste collection, transportation and disposal services is set to expire on December 31, 2013. On March 25, 2013, staff conducted a public study session during which time presentations were made by staff and USA Waste of California regarding the existing franchise agreement and potential benefits for contract renewal. On May 15, 2013, a similar presentation was made during the City Council meeting and the City Council approved a six (6) month contract extension, and further directed staff to negotiate a long-term contract with USA Waste of California for the provision of integrated waste management services. This decision was based on the residents' positive customer service experience with USA Waste of California and USA Waste of California's industry leadership, financial strength and commitment to meeting the needs of the City, its residents and businesses while offering competitive and stable rates.

Following the completion of a tentative contract negotiation, another public workshop was held on September 25, 2013 to review the key terms and conditions of the proposed contract and to discuss USA Waste of California's proposed service rates. Following the presentation, the City Council directed staff to initiate the Proposition 218 Protest Hearing process to notify rate payers of the new proposed contract service rates. In compliance with Article XIII D of the California State Constitution and the Proposition 218 Omnibus Implementation Act, the City has notified all affected rate payers of the proposed refuse, recycling, green waste and manure collection and disposal services and rates. Staff is now recommending that the City Council conduct the Proposition 218 Hearing and that at the end of the hearing approve, a new contract with USA Waste of California for the provision of integrated waste management services. The recommended term of the new contract is 10 years with the option to renew for an additional five (5) years.

Recommended Action: Adopt Resolution No. 2013-64, approving an Amended and Restated Agreement between the City of Norco and USA Waste of California for the provision of Integrated Waste Management Services. (City Manager)

City Manager Okoro presented the public hearing item. He noted that if approved, the proposed rates will become effective January 1, 2014. He commented on the negotiations process that took place, as well as the previous public City Council study sessions that were held throughout the process. He further commented on the terms of the contract and the services that will be provided. He stated that there has been minimal customer service complaints received throughout the years; adding that this decision was also based on their industry leadership, financial strength and commitment to meeting the needs of the City, its residents and businesses while offering competitive and stable rates. He further stated that Waste Management will partner with the City for future technology regarding manure disposal, adding that the new contract will financially benefit the City with additional incentives and benefits, and the franchise fee will be increased to slightly over \$1 million annually.

Council Member Sullivan asked if the contract includes an evergreen clause. In response, City Manager Okoro noted that it does not, but includes a ten year initial contract term with the option to renew for a 5 year extension.

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

Lisa Campbell. Ms. Campbell commented in opposition of the proposed contract and rates.

Kerry Bolle. Mr. Bolle commented in opposition of the proposed contract and rates.

Bill Schwab. Mr. Schwab commented in opposition of the proposed contract and rates.

Julie Waltz. Ms. Waltz commented in opposition of the proposed contract and rates.

Ted Hoffman. Mr. Hoffman commented in opposition of the proposed contract and rates.

Kathleen Kay. Ms. Kay commented in opposition of the proposed contract and rates.

Karen Leonard. Ms. Leonard commented in opposition of the proposed contract and rates.

Don Bowker. Mr. Bowker commented in opposition of the proposed contract and rates.

Jacqui Tarpley. Ms. Tarpley commented in opposition of the proposed contract and rates.

Greg Bowen. Mr. Bowen commented in opposition of the proposed contract and rates.

Julie Reyes, representing Waste Management. Ms. Reyes thanked staff for diligently working with Waste Management through this process. She noted that they tried to incorporate the agreement with what they heard from the City Council and staff.

Marquel Bright. Mr. Bright commented as a representative of the Waste Management drivers, noting that they attempt to provide the best service as possible to the City.

Steve Bryan. Mr. Bryan commented in opposition of the proposed contract and rates.

Mayor Azevedo CLOSED the public hearing.

Council Member Higgins stated that in the early discussions, as he said at the workshops, he asked to see the best offer they have, adding that he does not see that and added that they could have done better. He noted that the reason why he said that is that if they have confidence that the rates they are presenting are good, why was there no reply to his call requesting the breakdown in the rates. He stated that it does not need to be the Monday pickup; noting that they should get off the high end days. He also stated that he does not agree with the scout service. In the discussions that were held, he stated

that he wanted a manure-to-energy resolution, noting that the disposal is the biggest issue for the City. Council Member Higgins stated that he has never spent this amount of money without getting at least three bids across the board in order to compare apples-to-apples. He stated that he also has a problem with trucks spilling oil and manure on the streets. He further stated that not going out to bid is insane; you have to be competitive. He added that his biggest issue is the franchise fee increase, noting it is a tax, adding why it is not designated in a contingency fund for road maintenance caused by the damage from the trucks. He stated that he wants to send it out to bid.

Council Member Bash stated that he is happy with Waste Management's service, adding that waste disposal in Norco is complex, but is an essential service. He noted that his goal is to get the best service for the lowest price. He commented on the following: the City's Code requirements regarding the competitive bid process; reviewing Waste Management's books; if there are additional fees to be collected; do rate payers actually pay for philanthropy; and is there a low price guarantee. He commented on the ten-year contract, suggesting five years with an option to renew. He noted concern for businesses with the increased rates, asking if it is wise to continually ask businesses to pass on fees. He further commented on the diversion process and percentages noted, asking what does the City get for staying in compliance and further noting that by January 2014, a plan needs to be in place for diversion rates. Council Member Bash noted concerns regarding the potential closing of Viramontes and the fact that manure will need to be hauled somewhere else. He further commented on the following: his concern if there is strong enough language in the contract regarding a manure-to-energy plant; concern with a breach of contract; the earmarking of the franchise fees; street sweeping; replacement of bins; and scout service, which is essential for Norco. He stated that, at this point, there are so many questions that this should go out to bid.

Council Member Hanna commented on the rates, noting that he has a problem with everyone in town paying for scout service if they do not use it. He stated that he agrees that this will need to go out to bid in order to be fair to everybody. He further commented on his concerns regarding manure disposal, noting the need for a manure-to-energy plant.

Council Member Sullivan noted that when the process started, he almost made up his mind that this should go out to bid, adding that he then decided that he wanted to see what the best offer was that Waste Management would provide. He commended staff for negotiating this contract with Waste Management, noting that he does not think the Proposition 218 process is fair. He stated that it appears to him that there are a few things in the contract that are not right and would like to see it go out to bid; but, should take a good look at this proposed contract. He noted that he labored over the scout trucks, adding that this is a benefit to the City. He further commented on the diversion rate problems that could occur. He stated that it would be the downfall to Norco if we lose a place to take the manure and also commented on the cost for a new company to purchase scout trucks. He stated that we have something that is so close to being perfect and asked for show of hands of those in favor of this going out to bid, resulting in the majority of those in attendance with raised hands.

City Manager Okoro stated that the current contract will expire on December 1, 2013 and does not know the terms for the contract to be extended through Waste Management.

City Attorney Harper stated that theoretically, Waste Management could decide to stop picking up trash on January 1, 2014.

Mayor Azevedo stated that she really did not look at her own rates, but looked at how the contract would affect Norco, Horsetown USA, noting that Norco can't be compared to other cities. She further commented on the good relationship with Waste Management, adding that she worries about the safety of this town when it goes to a lesser business than Waste Management. She commented on her concern for the increased fees and businesses that will not even want to come to Norco. She highlighted the increased franchise fees proposed. She stated that Waste Management is a huge partner with the City. Mayor Azevedo commented on the RFP process, noting that this will cost approximately \$50,000. She further commented on the cost of scout trucks, noting that she is afraid of the service from a lesser hauler and the costs involved. She asked if the City would be required to take the lowest submitted bid.

City Manager Okoro stated that we are not required to take the lowest bid as this is for a City service, adding that the proposals would be judged based on the criteria requested by the City Council, with service as a critical component. He stated that before it is sent out, the proposed RFP will come back to the City Council to discuss what rules will be used to judge the contract, as well as what the City is asking for in regards to the franchise fee, services, etc. He addressed the manure-to-energy plant, adding that staff worked diligently to secure a \$750,000 grant from the Department of Energy to fund a manure-to-energy feasibility study, noting that even though it was determined that it is technologically feasible, that project did not move forward because of the issues regarding where it would be located, including environmental issues. He cautioned everyone to not have over optimism regarding this technology, as it is not in operation anywhere in the United States. He further stated that he does not believe that any franchise waste hauler would agree to provide this operation by a date certain commitment. As far as the issue regarding rates, City Manager Okoro stated that the RFP should clearly define what will be asked for in the potential contract. He further commented on the current franchise fee, which was negotiated in 1993, noting the cost to the General Fund for the maintenance and repairs of streets and compliance with NPDES. He stated that staff will discuss with Waste Management in terms of their ability to extend the contract, noting that the Council needs to be cautious with their expectations regarding what the City can achieve through the RFP process.

M/S Higgins/Sullivan to send this out to bid.

Under Discussion:

Council Member Bash commented on the Los Alamitos lawsuit resulting from not selecting the lowest bid and asked if the City is required to take the lowest bid. In response, **City Attorney Harper** noted that the City does not need to take the lowest responsible bid, but the burden is heavy on the City to prove that the lowest bid is not responsible. Consideration for the rates and the service included in the proposal would be evaluated in accordance with what was stated in the RFP.

Mayor Azevedo noted that some of the companies do not even have scout trucks, adding that she feels torn, and further added that she believes the City should stay with Waste Management for our lifestyle and safety, but she represents the residents and they want to take that gamble. She wondered if the City should wait two weeks and form an ad hoc committee.

City Manager Okoro stated that in order to put together a professionally done request for proposals (RFP), he is recommending that the City Council authorize funds for this service. He is also recommending that the winning bidder reimburse the City for the cost of going through that process.

The motion was carried by the following roll call vote:

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

M/S Higgins/Sullivan to set aside \$50,000 to \$75,000 to hire a consultant that is familiar with trash collection RFPs. The motion was carried by the following roll call vote:

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

RECESS: Mayor Azevedo recessed the meeting at 9:50 p.m.

RECONVENE: Mayor Azevedo reconvened the meeting at 10:04 p.m. and continued Item 7.A.

M/S Azevedo/Higgins to direct staff to meet with Waste Management to discuss the extension of the current contract. The motion was carried by the following roll call vote:

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

8. PUBLIC COMMENTS OR QUESTIONS:

Karen Leonard. Ms. Leonard commented on the changes in the Norco Municipal Code regarding cash for gold stores and asked if the businesses in Norco are complying.

9. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Sullivan:

- Suggested that the Council discuss districts when they discuss the election cycle.
- Recommended that the Council look into the appearance of a conflict of interest regarding individuals that serve on the Council or on City Commissions that have contracts with the City.

Mayor Pro Tem Hanna:

- Commented on the National "Justin Footing Award" received, noting that Director Petree and Supervisor Koke should personally go to receive the award.

Mayor Azevedo:

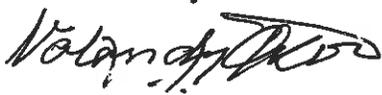
- Invited everyone to attend the Parade of Lights and Winter Festival on December 7th.

10. ADJOURNMENT: There being no further business to come before the City Council/Successor Agency, Mayor/Chairman Azevedo adjourned the meeting at 10:20 p.m.

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: Olivia Hoyt, Accounting Manager

DATE: December 4, 2013

SUBJECT: Approval of the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2013

RECOMMENDATION: Staff recommends that the City Council receive and file the Annual Reports for Community Facilities Districts 2001-1 and 2002-1 for the Fiscal Year Ended June 30, 2013.

SUMMARY: Staff is recommending that the City Council receive and file the City's annual reports for Community Facilities Districts 2001-1 and 2002-1 for fiscal year ended June 30, 2013. This report meets the requirements of the Government Code.

BACKGROUND/ ANALYSIS: Government Code Section 50075.3 requires the chief fiscal officer of a levying local agency to file a report with its governing body at least once a year on Community Facilities Districts formed on or after January 1, 2001. The report is to contain information on the amount of funds collected and expended as well as information on the status of any project required or authorized to be funded by the Community Facilities Districts (CFD).

CFD 2001-1 (Norco Ridge Ranch) was approved by the Council on February 2, 2001 and by the qualified electors, being the land owners, within the boundaries of the District on April 18, 2001. The completed public improvements financed with Bonds issued by the District included the reconstruction of sanitary facilities; construction of domestic and reclaimed water transmission and storage facilities; storm drain facilities, including storm drains, channels, detention, retention and/or cache basins; street improvements including curb, gutters, striping, lighting, signalization, signage; public walls and barriers; dry utilities; Ingalls Park, horse arena improvements; and public park, recreation and/or open space facilities. These improvements have been completed and accepted for maintenance by the City.

CFD 2002-1 (KB Norco 50) was approved by the Council on March 20, 2002 and by the qualified electors on November 6, 2002. The proceeds of the CFD Bonds issued were used to pay for public improvements consisting of sewer, water, storm drain and street improvements. The improvements also included curbs, gutters, asphalt pavement,

equestrian trail, parkway trees and irrigation. All improvements have been completed and accepted by the City for maintenance since September 21, 2005.

Attachments 1 and 2 provide summary of fiscal year 2012/2013 revenues and expenditures for CFD Districts 2001-1 and 2002-1 respectively. Revenues consist of assessment levies on property owners and interest income. Revenues derived from the assessment are used to pay for debt service on the Bonds issued to finance the improvements which benefit property owners in each District.

FINANCIAL INPACT: This report is for information only.

j:ao/council reports/staff reports/2013

Attachments: 1) Financial Report for CFD 2001-1

2) Financial Report for CFD 2002-1

City of Norco
 Statement of Sources and Uses of Funds
 Community Facilities District 2001-1
 (Norco Ridge Ranch)
 Fiscal Year Ended June 30, 2013

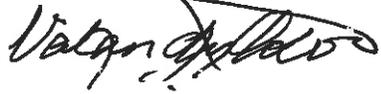
Beginning Fund Balance		\$ 3,268,956
Revenues:		
CFD 2001-1 Assessments	2,301,786	
Interest Income	13,446	
Transfer from Debt Service Reserve Fund	<u>76</u>	
Total Revenues		2,315,308
Expenditures:		
Debt Service	2,232,281	
Miscellaneous	<u>82,758</u>	
Total Expenditures		<u>2,315,039</u>
Revenues over (Under) Expenditures		269
Ending Fund Balance		<u><u>\$ 3,269,225</u></u>

City of Norco
 Statement of Sources and Uses of Funds
 Community Facilities District 2002-1
 (KB Norco 50)
 Fiscal Year Ended June 30, 2013

Beginning Fund Balance		\$ 133,153
Revenues:		
CFD 2002-1 Assessments	140,830	
Interest Income	<u>620</u>	
Total Revenues		141,450
Expenditures:		
Debt Service	127,881	
Miscellaneous	<u>19,305</u>	
Total Expenditures		<u>147,186</u>
Revenues Over (Under) Expenditures		(5,736)
Ending Fund Balance		<u><u>\$ 127,417</u></u>

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

DATE: December 4, 2013

SUBJECT: Discussion Regarding the Corona-Norco Unified School District Consideration of Trustee Area Scenarios

RECOMMENDATION: No staff recommendation

Attached are the proposed three (3) Trustee Area Scenarios as presented to the Corona-Norco Unified School District on November 12, 2013 (Scenario 1A being added as the third option following the community input meetings held – note Page 7 “Common Themes”). The attachment serves as information for City Council discussion purposes.

Attachment: Trustee Area Scenarios Presentation

Corona-Norco Unified School District

Trustee Area Scenarios
November 12, 2013

Considerations in Trustee Areas

» Each area shall contain a nearly equal number of inhabitants



» Drawn to comply with the Federal Voting Rights Act



» Ensure each area represents more than one jurisdiction/high school boundary



» Compact and contiguous, as much as possible



» Respect communities of interest, as much as possible



» Follow man-made and natural geographic features, as much as possible



» Respect incumbency as much as possible

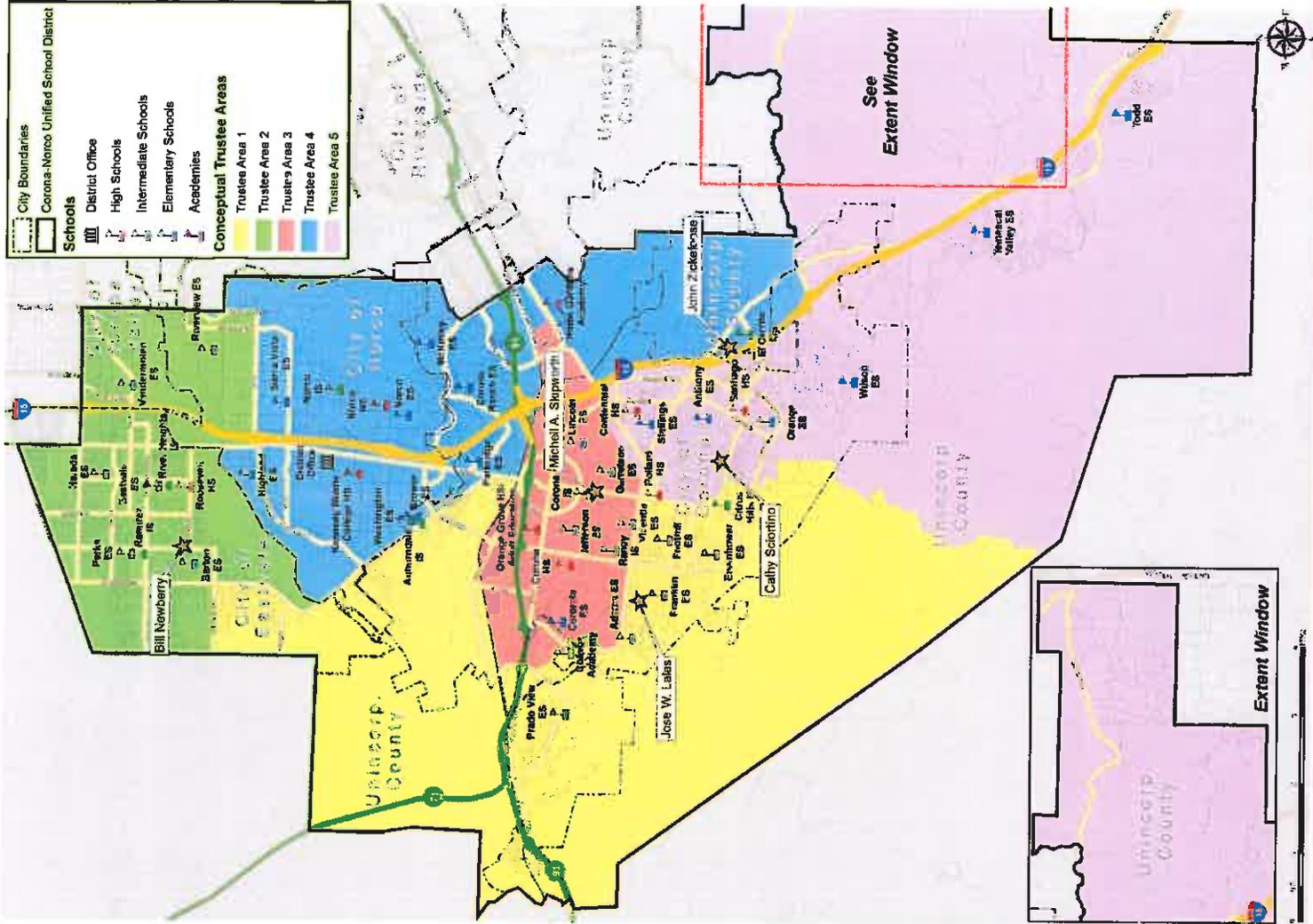


Trustee Areas – Scenario 1

Total Population	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	50,320	51,153	51,408	50,612	51,175	201
Population Variance	-654	179	434	-62	201	0.40%
Hispanic/Latino	15,577	20,288	35,300	21,748	14,666	28,666%
White	23,196	13,628	12,144	20,407	26,153	51.11%
Black/African American	2,574	4,211	1,404	3,746	3,143	6.14%
Indian/Alaska Native	147	125	190	178	128	0.28%
Asian	7,122	11,310	1,509	5,323	5,323	10.40%
Native Hawaiian/Other	178	139	132	104	161	0.31%
Other	111	113	80	72	71	0.14%
Two or More Races	1,415	1,339	649	995	1,532	2.99%
	2.81%	2.62%	1.36%	1.96%	2.99%	

Citizens by Voting Age Population Estimate (2005-2009)	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	28,352	22,715	23,938	29,854	29,893	2,943
Population Variance	1,402	-4,235	2,904	-3,012	2,904	10.92%
Hispanic/Latino	6,664	7,841	10,924	9,269	6,402	31.11%
White	15,291	8,751	10,156	15,205	18,841	21.42%
Black/African American	53,93%	38,53%	42,43%	50,93%	68,03%	6.78%
Indian/Alaska Native	2,357	1,922	1,275	2,604	1,871	5.33%
Asian	8,31%	8,46%	5,33%	6,72%	5,26%	0.29%
Native Hawaiian/Other	170	65	110	216	111	0.37%
Other	3,406	3,904	947	2,056	2,027	6.78%
Two or More Races	107%	1,02%	2,20%	1,59%	1,67%	

Citizens by Voting Age Population Estimate (2007-2011)	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	31,056	28,031	24,565	31,977	38,428	3,617
Population Variance	1,245	-1,781	-5,246	-17,60%	7,27%	12.13%
Hispanic/Latino	7,367	9,714	12,368	10,062	7,499	22.43%
White	17,057	9,852	9,748	31,47%	19,872	58.45%
Black/African American	54,98%	35,26%	39,68%	50,90%	58,45%	6.72%
Indian/Alaska Native	5,84%	9,46%	3,88%	9,50%	2,248	0.17%
Asian	74	43	97	98	59	0.18%
Native Hawaiian/Other	3,24%	1,01%	0,27%	0,31%	3,188	9.53%
Other	4,307	5,409	2,056	6,43%	3,889	1.22%
Two or More Races	105	81	65	56	108	
	0.29%	0.27%	0.27%	0.17%	0.28%	
	N/A	N/A	N/A	N/A	N/A	
	323	252	249	389	456	
	1.04%	0.90%	1.01%	1.22%	1.35%	



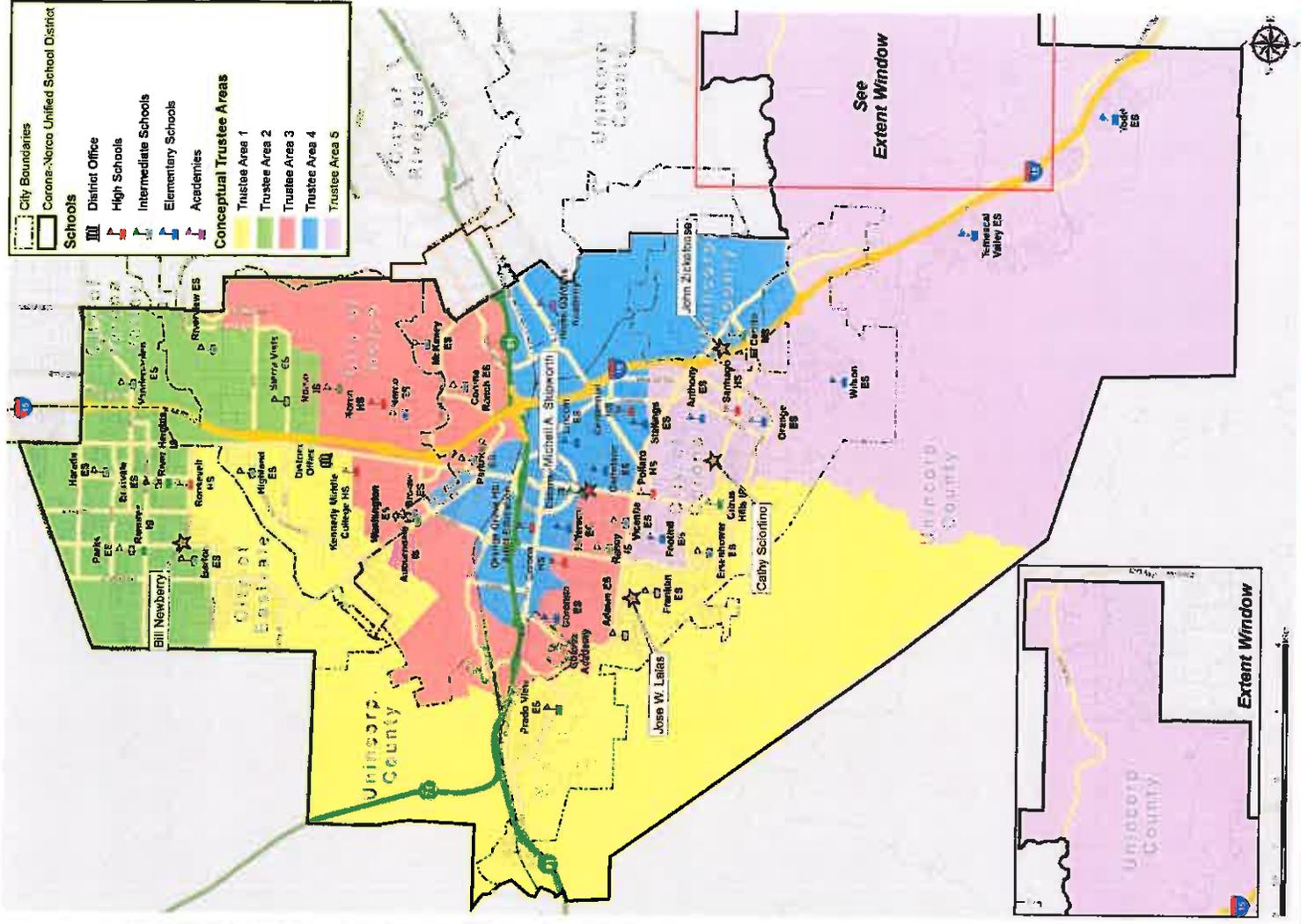
Communities and Schools Served by Trustee Area Scenario 1

Scenario 1

Population Variance: 2.13%

	Majority-Minority Latino Area by CVAP: Area 3 (50.35%)				
	Area 1	Area 2	Area 3	Area 4	Area 5
Communities	Corona	Eastvale	Corona	County - El Cerrito	Corona
	County - Coronita	Jurupa Valley	County - Coronita	County - Home Gardens	County - El Cerrito
	Eastvale	Norco	County - Home Gardens	Norco	County - Temescal Valley
	County - Green River			Corona	
	Norco				
	Adams ES	Barton ES	Coronita ES	Brower ES	Anthony ES
	Eisenhower ES	Eastvale ES	Garretson ES	Corona Ranch ES	Orange ES
	Foothill ES	Harada ES	Jefferson ES	Highland ES	Stallings ES
	Franklin ES	Parks ES	Lincoln ES	McKinley ES	Temescal Valley ES
	Prado View ES	Riverview ES	Vicenta ES	Norco ES	Todd ES
School Facilities	Citrus Hills IS	Vandermolen ES	Corona IS	Parkridge ES	Wilson ES
	Pollard HS	Ramirez IS	Raney IS	Sierra Vista ES	Centennial HS
	Chavez Academy	River Heights IS	Corona HS	Washington ES	Santiago HS
		Roosevelt HS	Orange Grove HS	Auburndale IS	
			Adult Education	El Cerrito MS	
				Norco IS	
				Kennedy Middle College HS	
				Norco HS	
				Home Gardens Academy	
	5 ES, 1 IS, 1 HS, 1 K-8	6 ES, 2 IS, 1 HS	5 ES, 2 IS, 2 HS, Adult Ed	8 ES, 3 IS, 2 HS, 1 K-8	6 ES, 2 HS

Trustee Areas – Scenario 2



Total Population	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	50,716	50,615	50,570	51,855	51,112	136
Population Variance	-268	-404	-79%	1,73%	0.27%	2.52%
Hispanic/Latino	14,570	20,238	22,387	14,390	14,390	28.15%
White	23,386	14,895	19,968	11,039	25,640	25.64%
Black/African American	48.11%	29.49%	39.49%	22.45%	50.16%	50.16%
American Indian/Alaska Native	7.42%	7.55%	5.18%	3.15%	6.32%	6.32%
Asian	173	134	160	182	117	117
Native Hawaiian/Other	0.34%	0.28%	0.32%	0.35%	0.23%	0.23%
Other	7,288	10,001	4,032	1,585	5,919	5,919
Two or More Races	1,302	1,265	1,169	601	1,593	1,593
	2,57%	2,50%	2,31%	1,16%	3,12%	3,12%

Citizens by Voting Age Population Estimate (2005-2009)	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	29,289	29,892	29,289	29,016	29,278	29,278
Population Variance	2,349	-3,056	2,319	-3,934	2,326	8.63%
Hispanic/Latino	6,628	7,981	9,343	10,795	6,373	6.37%
White	22.62%	33.40%	31.92%	21.77%	46.90%	46.90%
Black/African American	53.27%	41.76%	49.81%	43.34%	61.85%	61.85%
American Indian/Alaska Native	3,225	1,862	2,189	736	2,017	2,017
Asian	11.01%	7.79%	7.48%	3.20%	6.99%	6.99%
Native Hawaiian/Other	205	81	117	189	70	70
Other	0.70%	0.34%	0.40%	0.86%	0.24%	0.24%
Two or More Races	3,063	3,767	2,576	853	2,081	2,081
	10.46%	15.77%	8.90%	3.71%	7.14%	7.14%
	85	0	25	80	0	112
	0.29%	0.00%	0.08%	0.35%	0.38%	0.38%
	N/A	N/A	N/A	N/A	N/A	N/A
	486	224	440	378	507	507
	1.66%	0.34%	1.50%	1.64%	1.73%	1.73%

Citizens by Voting Age Population Estimate (2007-2011)	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	32,489	28,442	30,281	24,626	33,219	33,219
Population Variance	2,676	-1,969	470	-5,186	3,407	3,407
Hispanic/Latino	8,988	4,659	1,568	11,439	7,657	7,657
White	23,399	7,275	32,67%	50,25%	28,05%	28,05%
Black/African American	17,930	10,956	15,552	9,585	19,164	19,164
American Indian/Alaska Native	2,968	2,463	38,52%	38,92%	57,69%	57,69%
Asian	9.14%	8.65%	5.89%	5.05%	6.93%	6.93%
Native Hawaiian/Other	104	47	73	69	47	47
Other	0.32%	0.17%	0.24%	0.28%	0.14%	0.14%
Two or More Races	4,231	4,812	2,392	1,098	3,515	3,515
	13.02%	16.92%	7.90%	4.46%	10.58%	10.58%
	82	64	70	85	96	96
	0.25%	0.23%	0.23%	0.34%	0.39%	0.39%
	N/A	N/A	N/A	N/A	N/A	N/A
	238	271	516	172	471	471
	0.73%	0.95%	1.71%	0.70%	1.42%	1.42%

Communities and Schools Served by Trustee Area Scenario 2

Scenario 2

Population Variance: 2.52%

		Majority-Minority Latino Area by CVAP: Area 4 (50.25%)				
		Area 1	Area 2	Area 3	Area 4	Area 5
Communities	Corona		Eastvale	Corona	Corona	Corona
	Eastvale		Jurupa Valley	County - Coronita	County - El Cerrito	County - El Cerrito
	County - Green River		Norco	Norco	County - Home Gardens	County - Temescal Valley
	Norco				Norco	
	Adams ES		Barton ES	Brower ES	Garretson ES	Anthony ES
	Eisenhower ES		Eastvale ES	Corona Ranch ES	Jefferson ES	Foothill ES
	Franklin ES		Harada ES	Coronita ES	Linclon ES	Orange ES
	Highland ES		Parks ES	McKinley ES	Stallings ES	Temescal Valley ES
	Prado View ES		Riverview ES	Norco ES	Corona IS	Todd ES
	Citrus Hills IS		Sierra Vista ES	Parkridge ES	El Cerrito MS	Wilson ES
School Facilities	Kennedy Middle College HS		Vandermolen ES	Vicentia ES	Centennial HS	Pollard HS
			Ramirez IS	Washington ES	Orange Grove HS	Santiago HS
			River Heights IS	Auburndale IS	Adult Education	
			Roosevelt HS	Norco IS	Home Gardens Academy	
				Raney IS		
				Corona HS		
				Norco HS		
				Chavez Academy		
				8 ES, 3 IS, 2 HS, 1 K-8	4 ES, 2 IS, 2 HS, 1 K-8, Adult Ed	6 ES, 2 HS
				7 ES, 2 IS, 1 HS		

Community Input Meetings

Outreach and Communication Effort:

School Sites

- » Scenarios 1 and 2 posted at each school site
- » Poster announcing community input meetings posted at each school site

Electronic Communication

- » Promoted on CNUSD website and social media
- » Bbconnect messages and email to parents
- » Press release posted on City of Norco and City of Eastvale websites
- » Press release emailed to City of Corona and City of Eastvale distribution lists

Local Media

- » Press release sent to entire media distribution list
- » Published in local media and e-newsletter publications

Monday, October 21,
2013

Centennial High School
6:00 pm to 7:30 pm
3 attendees

Tuesday, October 22,
2013

Roosevelt High School
6:00 pm to 7:30 pm
14 attendees

Wednesday, October
23, 2013

Corona High School
6:00 pm to 7:30 pm
8 attendees

Thursday, October 24,
2013

Norco High School
6:00 pm to 7:30 pm
15 attendees

Public Reach Results

- » Total of 40 attendees at the community input meetings
- » 18 public comment forms submitted at community input meetings
- » 44 unique comments received via the School District's website

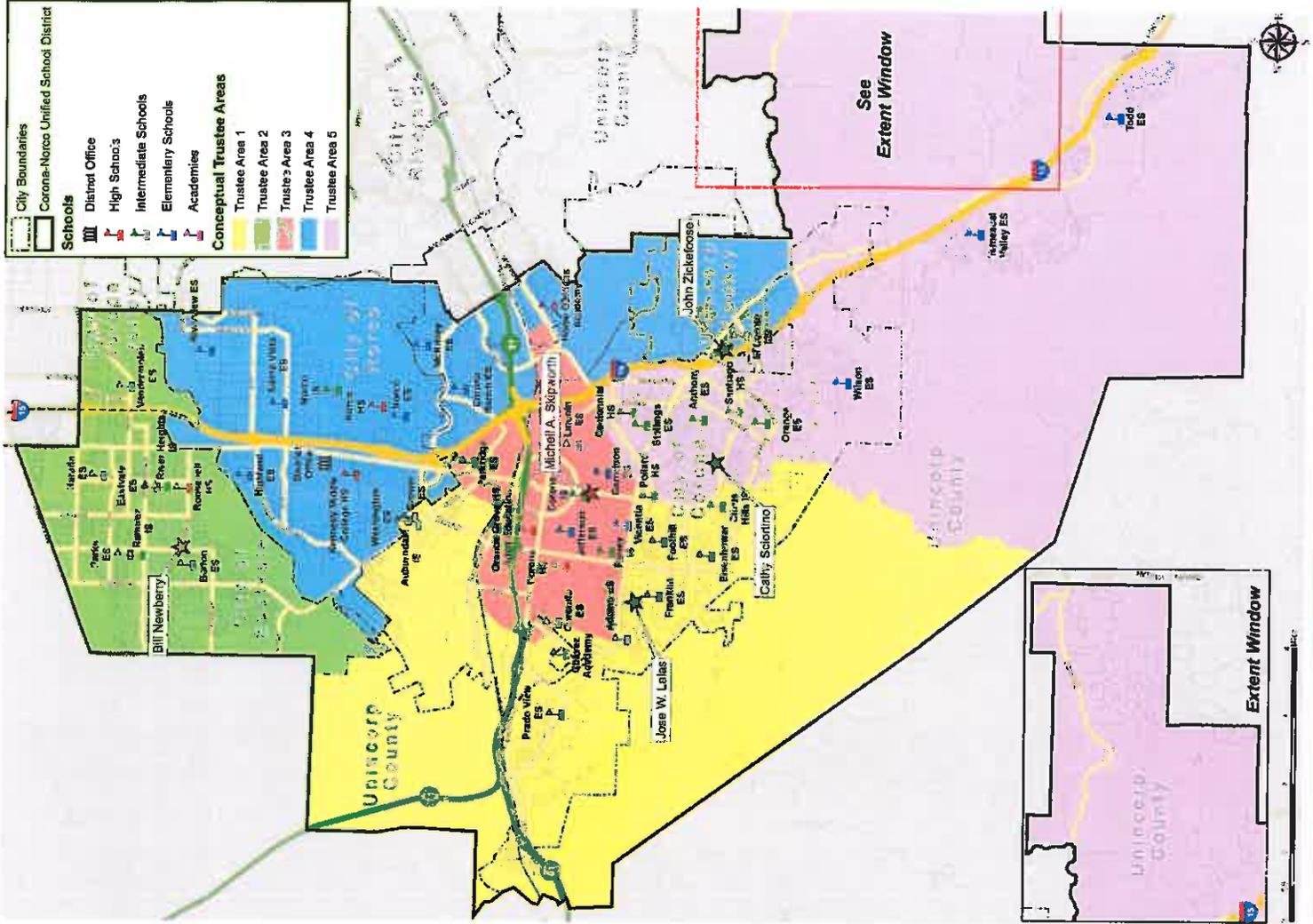
Common Themes	Comments
Norco should not be divided into more than one trustee area	22
Prefer Scenario 1	15
Residences of existing board members appears to be driving scenarios	9
Why does the School District need to switch election methods/prefer at-large method	7
Eastvale should not be divided into more than one trustee area	5
Prefer Scenario 2	3
Areas appear to be disjointed/the District should examine alternative methods	1
Dislike Scenario 1	1
Dislike Scenario 2	1
Like the switch to at-large election method	1

Trustee Areas – Scenario 1A

Total Population	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	50,016	51,517	51,073	51,087	51,175	
Population Variance	-858	543	113	201		
Hispanic/Latino	16,996	20,882	35,218	20,318	14,666	2.94%
White	33,365	40,155	38,965	39,777	28,666	
Black/African American	23,232	11,884	11,839	22,420	28,153	
Indian/Alaska Native	4,648	2,339	4,608	3,562	3,143	
Asian	151	100	175	214	126	
Native Hawaiian/Other	5,965	12,608	1,562	5,323	5,323	
Other	11,953	24,477	3,063	5,594	10,403	
Two or More Races	188	136	127	102	161	
	112	113	73	78	71	
	1,333	1,366	653	1,026	1,532	
	2,977	2,699	1,287	2,017	2,999	

Citizens by Voting Age Population Estimate (2005-2009)	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	28,880	21,546	23,640	30,781	29,883	
Population Variance	1,940	-3,310	3,631	2,943	10,923	34.26%
Hispanic/Latino	7,130	7,682	10,765	9,121	6,402	
White	24,684	35,659	45,627	29,639	21,427	
Black/African American	15,581	7,480	16,365	18,841	16,841	
Indian/Alaska Native	55,933	34,711	42,200	53,176	63,033	
Asian	2,259	2,004	1,254	2,801	1,871	
Native Hawaiian/Other	7,969	9,300	5,300	2,463	6,265	
Other	169	45	104	243	111	
Two or More Races	3,242	4,133	1,021	1,927	2,027	
	11,223	19,189	3,322	6,265	6,789	
	180	0	0	0	142	
	0.55%	0.00%	0.00%	0.00%	0.48%	
	N/A	N/A	N/A	N/A	N/A	
	309	204	499	524	499	
	1.07%	0.95%	2.11%	1.70%	1.57%	

Citizens by Voting Age Population Estimate (2007-2011)	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
Population	30,764	27,484	24,284	33,098	33,428	
Population Variance	952	-2,329	-5,629	3,287	3,617	30.67%
Hispanic/Latino	3,199	7,811	11,022	9,814	7,489	
White	23,776	35,795	50,420	29,656	22,435	
Black/African American	17,233	8,329	9,558	17,864	19,872	
Indian/Alaska Native	56,224	30,300	39,386	53,944	59,455	
Asian	1,729	2,873	988	2,850	2,248	
Native Hawaiian/Other	75	27	57	123	59	
Other	0,265	0,100	0,233	0,183	0,327	
Two or More Races	12,053	6,063	1,115	1,948	3,186	
	112	78	64	53	108	
	0.36%	0.28%	0.27%	0.16%	0.32%	
	N/A	N/A	N/A	N/A	N/A	
	269	250	256	418	456	
	0.94%	0.91%	1.06%	1.26%	1.36%	



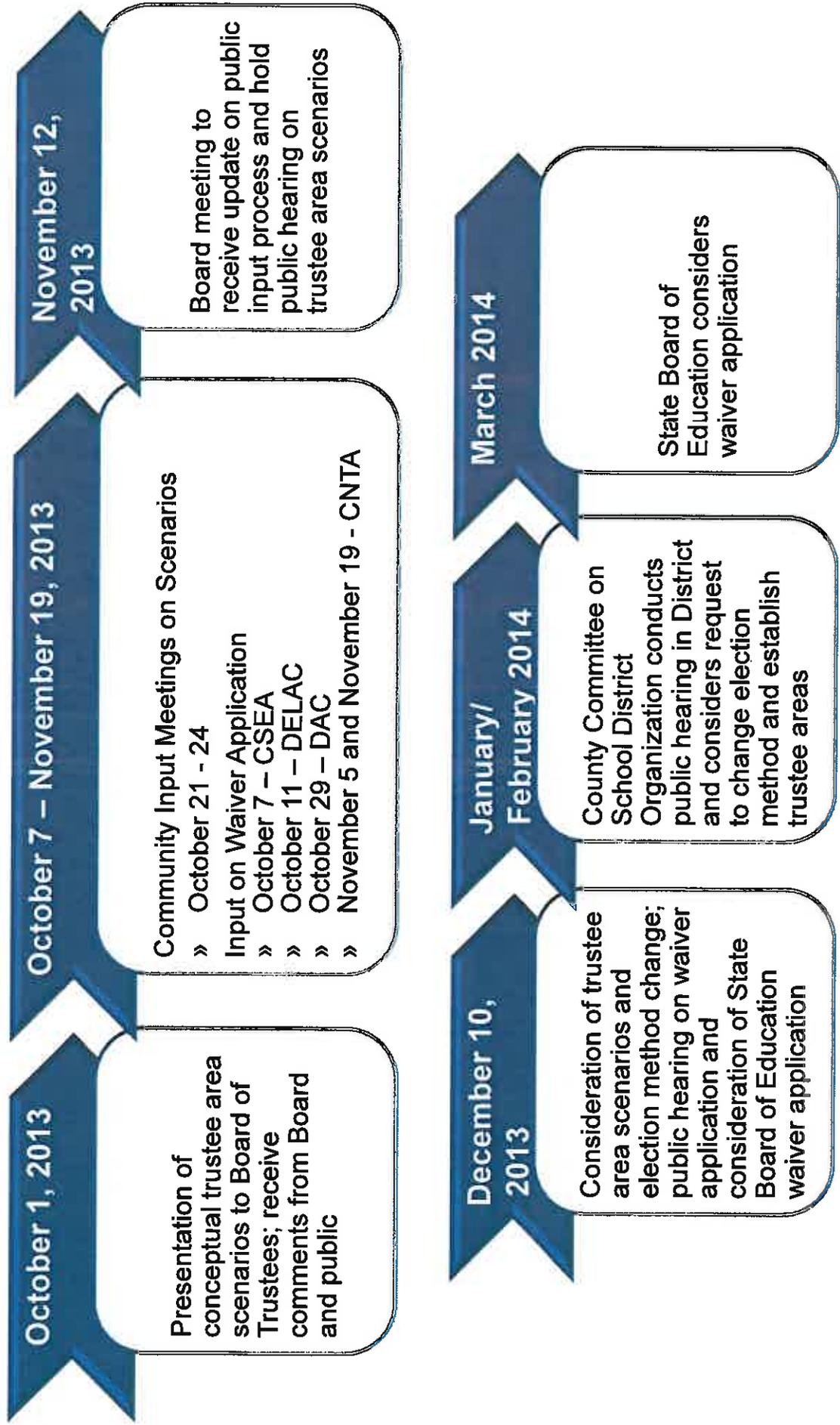
Communities and Schools Served by Trustee Area Scenario 1A

Scenario 2

Population Variance: 2.94%

	Majority-Minority Latino Area by CVAP: Area 4 (50.42%)				
	Area 1	Area 2	Area 3	Area 4	Area 5
Communities	Corona	Eastvale	Corona	County - El Cerrito	Corona
	County - Coronita	Jurupa Valley	County - Coronita	County - Home Gardens	County - El Cerrito
	County - Green River		County - Home Gardens	Norco	County - Temescal Valley
			Corona	Corona	
	Adams ES	Barton ES	Coronita ES	Corona Ranch ES	Anthony ES
	Brower ES	Eastvale ES	Garretson ES	Highland ES	Orange ES
	Eisenhower ES	Harada ES	Jefferson ES	McKinley ES	Stallings ES
	Foothill ES	Parks ES	Lincoln ES	Norco ES	Temescal Valley ES
	Franklin ES		Vicentia ES	Parkridge ES	Todd ES
	Prado View ES	Vandermolten ES	Corona IS	Riverview ES	Wilson ES
School Facilities	Washington ES	Ramirez IS	Raney IS	Sierra Vista ES	Centennial HS
	Auburndale IS	River Heights IS	Corona HS	El Cerrito MS	Santiago HS
	Citrus Hills IS	Roosevelt HS	Orange Grove HS	Norco IS	
	Pollard HS		Adult Education	Kennedy Middle College HS	
	Chavez Academy			Norco HS	
				Home Gardens Academy	
				6 ES, 2 IS, 2 HS, 1 K-8	
	7 ES, 2 IS, 1 HS, 1 K-8	6 ES, 2 IS, 1 HS	5 ES, 2 IS, 2 HS, Adult Ed	6 ES, 2 IS, 2 HS, 1 K-8	6 ES, 2 HS

Redistricting Process – Timeline

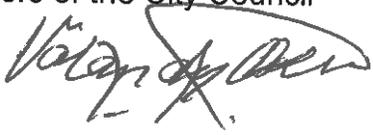




Questions

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

DATE: December 4, 2013

SUBJECT: Discussion Regarding Refuse Collection and Disposal Services

RECOMMENDATION: City Council Direction Requested

SUMMARY: On November 20, 2013, the City Council voted unanimously to reject a proposed exclusive franchise agreement with USA Waste of California aka Waste Management for refuse collection and disposal services and directed staff to solicit a competitive Request for Proposals (RFP). The extension to the existing franchise agreement is set to expire December 31, 2013. Given the short period of time left on the franchise extension and the estimated time to complete the RFP process, staff has initiated discussion with Waste Management to ensure uninterrupted service prior to a new exclusive franchise agreement.

BACKGROUND: At its meeting held on November 20, 2013, the City Council voted unanimously to reject a proposed new exclusive franchise agreement with Waste Management for refuse collection and disposal services. The City Council also voted unanimously to direct staff to prepare a Request for Proposals (RFP) to competitively solicit proposals for services. The current contract extension with Waste Management expires on December 31, 2013. The current contract rates with Waste Management will remain in effect through the term of the existing extension. Given the short period of time left on the franchise extension and the estimated time to complete the RFP process, staff has initiated discussion with Waste Management to ensure uninterrupted service prior to a new exclusive franchise agreement.

On November 25, 2013, representative from Waste Management met with the City Manager and Director of Public Works to explore options that would ensure uninterrupted service while the RFP is completed and a potential new service provider is mobilized. During the meeting, Waste Management expressed their interest in continuing the existing partnership with the City and to ensure that refuse collection and disposal services will continue uninterrupted for Norco residents. Waste Management has proposed service continuation after December 31, 2013 under the following conditions:

1. Service continuation through March 31, 2014
2. Continuation at current rates with City receiving no franchise fees

STAFF COMMENTS: Staff does not believe that a 90-day contract extension as proposed by Waste Management is practical. Staff believes that in order to complete a transparent RFP process, perform the required Proposition 218 notice and public hearing and mobilize a potential new service provider would require a minimum of six (6) months.

The anticipated process would consist of the following:

- | | |
|---|--------------|
| 1. Draft, review and release RFP | 30-60 days |
| 2. Time from release of RFP to return of proposals | 30 days |
| 3. Evaluate proposals (includes public presentation to City Council by proposers) | 30 days |
| 4. Proposition 218 notice and public hearing process | 60 days |
| 5. Mobilization | 30 days |
| Total time elapsed | 180-210 days |

In order to grant a 90-day extension, Waste Management is requesting that the City forgo the current monthly franchise fee of approximately \$39,000. Under this proposal, Waste Management will retain the franchise fee in order to maintain the current contract rates during the 90-day contract extension. Staff believes that it would not be fiscally responsible for the City to forgo its franchise fees even for a limited period of time. This amount is included in the City's General Fund budget and is intended to help offset the cost of the franchise operations on the City. Staff is not aware of any City that does not receive franchise fee for its exclusive franchise agreement.

OTHER OPTIONS AVAILABLE TO COUNCIL

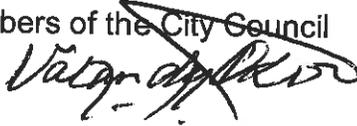
In addition to the option being offered by Waste Management which has been discussed, the City Council also has the following options to consider:

1. Staff has requested that Waste Management grant the City a six (6) month contract extension through June 30, 2014 to allow sufficient time for the City to complete the RFP process. Waste Management would adjust their rates during the extension to include the consumer price index adjustment and pass-through disposal cost adjustment which would have been implemented on July 1, 2013 but were not implemented due to the ongoing contract negotiations. Franchise fee would remain at the current rate of 10%. At the time of this staff report, Waste Management has not responded to this proposal from staff.
2. Another option available to the City Council is to appoint an Ad-Hoc Committee consisting of two (2) staff members, two (2) council members, and three (3) members from the community to negotiate a new contract agreement with Waste Management over the next 90 days.
3. If these and other options are not acceptable to both the City and Waste Management, staff requests City Council authorization to begin discussion and negotiation with a temporary franchise hauler who would provide services to the City until a new franchise agreement is completed through the competitive RFP process.

FISCAL IMPACT: This will depend on the option agreed to with Waste Management

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Steve King, Planning Director

DATE: December 4, 2013

SUBJECT: Zone Code Amendment 2013-16 (City of Norco): Amending Section 18.30.46 "Second Units"; and Section 18.24.06 (Permitted Uses M-1 Zone) to the Norco Municipal Code.

RECOMMENDATION: Adopt for First Reading Ordinance No. 969, approving Zone Code Amendment 2013-16.

SUMMARY: Zone Code Amendment 2013-16 is the final implementation measure of the 2008-2014 Housing Element Update that was certified by the state last year with certain conditions that needed to be met before the next update could be certified. The 2014-2021 update has been approved by the City and the City has received a pre-certification letter from the Department of Housing and Community Development (HCD) (ref. Exhibit "A" – Pre-Certification Letter) pending finalization of the follow-up measures from the 2008-2014 document.

BACKGROUND: In its certification of the 2008-2014 Housing Element Update to the Norco General Plan, HCD required follow-up implementation actions by the City. One action already accomplished was the placement of the Housing Development Overlay zone on properties where the policies of the Housing Element could be implemented. The rezoning of properties (five sites) in 2012 to apply the HDO zone met that requirement.

A second measure was the adoption of a density bonus ordinance, which is a state requirement, and which was approved by the City Council on October 4, 2013 upon recommendation from the Planning Commission. The final measure is a zone code amendment to accomplish two things:

- 1) Revise the second unit requirements of the City to match what is required by state law; and
- 2) Add regulations for emergency, transitional and supportive housing, all also state requirements.

SECOND UNIT REQUIREMENTS:

Section 18.30.46 of the Norco Municipal Code (NMC) regulates second units and there are two amendments needed to bring those requirements consistent with state requirements. The first is that the approval needs to occur at staff level and not require an approval from the Planning Commission. The second is the City's requirement that a second unit be attached to the main dwelling. This has been determined by HCD to be a constraint to the development of housing and therefore is not accepted by HCD as compliant with state housing laws. Currently Section 18.30.46 (2, 3) reads:

- (2) Definition: For the purposes of this section, second unit shall mean a subordinate dwelling unit with complete and independent living facilities attached to or contained within a primary single-family dwelling.
- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:
 - (a) A Minor Site Plan is approved pursuant to all requirements contained in Chapter 18.40 (Site Plan Review).

Consequently the Planning Commission and staff have proposed the following changes/additions to Section 18.30.46:

- (2) Definition: For the purposes of this section, second unit shall mean a subordinate dwelling unit with complete and independent living facilities that can either be attached to or contained within a primary single-family dwelling or detached from the primary dwelling with a maximum 10-foot separation between the two buildings.
- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:
 - (a) A Minor Site Plan is approved at staff level, after approval of the proposed architecture by the Architectural Review Subcommittee (ARC), pursuant to all requirements contained in Chapter 18.40 (Site Plan Review).
- (6) Progress Report: Upon approval of a Second Unit the Planning Commission shall be provided a housing attainment progress report.
- (7) Conflict Resolution: When an applicant for a second unit and City staff are in disagreement over consistency of the proposed structure to the intent of this Section of the Code, the matter shall be resolved on appeal to the Planning Commission.

EMERGENCY, TRANSITIONAL, AND SUPPORTIVE HOUSING REQUIREMENTS:

It is also a state requirement that cities provide for transitional and emergency shelter housing for the temporary homeless. The 2008-2014 Housing Element update states that the NMC will be amended to allow these uses as permitted uses in the M-1 zone. Emergency shelter, transitional, and supportive housing provides temporary housing services for homeless persons and families for purposes of transitioning them into a more stable situation and permanent housing solution. Again, as with affordable

housing requirements, the state does not require jurisdictions to provide this housing, but to only make provisions so that it can be provided by others with minimal constraints.

The Planning Commission and staff have proposed the following changes to the M-1 zone (Section 18.24.06):

Table 1: Permitted Uses

Permitted Use	M1 Zone
Other Uses	
<p><u>Emergency Housing for the Homeless:</u></p> <ul style="list-style-type: none"> * <u>The facilities listed below are permitted uses only in the M-1 zone on property that does not have the Housing Development Overlay Zone applied to it.</u> * <u>The facilities listed below can be single-room occupancy (SRO) or efficiency units of not less than 400 square feet each.</u> * <u>The facilities listed below cannot be located closer than 300 feet to another such facility.</u> 	
<p><u>Emergency Shelter:</u> immediate and short-term housing with minimal supportive services for homeless persons or families that is limited to occupancy of six months or less that cannot be denied based on an inability to pay.</p>	P
<p><u>Supportive Housing:</u> permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives for a targeted population (such as low-income persons with disabilities and certain other disabled persons) with no limit on length of stay. This type of housing is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.</p>	P
<p><u>Transitional Housing:</u> rental housing used to assist the movement of homeless individuals and families to independent living under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time. Allowed residency shall be not less than six months and not more than two years while receiving supportive services.</p>	P

Attached: Ordinance No. 969
 Exhibit "A" – Pre-Certification Letter

ORDINANCE NO. 969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2013-16 AMENDING SECTION 18.30.46 (SECOND UNITS) AND SECTION 18.24.06 (PERMITTED USES M-1 ZONE) WITH ANY CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED. ZONE CODE AMENDMENT 2013-16.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2013-16, an amendment to Norco Municipal Code Title 18 (Zoning Code), to amend regulations regarding second units, emergency shelters, and transitional and supportive housing; and

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

WHEREAS, the Zone Code Amendment was scheduled for public hearing on November 13, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the Planning Commission adopted Resolution 2013-49 recommending that the City Council approve Zone Code Amendment 2013-16; and

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

WHEREAS, the Zone Code Amendment was scheduled for public hearing on December 4, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is within the parameters of an adopted Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and an addendum to the Negative Declaration is adopted requiring no further environmental analysis.

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

- A. The proposed Zone Code Amendment will not be inconsistent with, or contrary to, the General Plan or the Zoning Code since the project clarifies and updates existing regulations regarding second units, emergency housing, and transitional and supportive housing, to be consistent with state housing laws and the City of Norco Housing Element 2014-2021.
- B. The project (proposed amendment) has been determined to be within the parameters of an adopted Negative Declaration pursuant to the California Environmental Quality Act and the City of Norco Environmental Guidelines and an addendum to the Negative Declaration is adopted requiring no further environmental analysis.

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

SECTION 1:

Section 18.30.46 Second Units

- (2) Definition: For the purposes of this section, second unit shall mean a subordinate dwelling unit with complete and independent living facilities that can either be attached to or contained within a primary single-family dwelling or detached from the primary dwelling with a maximum 10-foot separation between the two buildings.
- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:
 - (a) A Minor Site Plan is approved at staff level, after approval of the proposed architecture by the Architectural Review Subcommittee (ARC), pursuant to all requirements contained in Chapter 18.40 (Site Plan Review).
- (6) Progress Report: Upon approval of a **Second Unit** the Planning Commission shall be provided a housing attainment progress report.
- (7) Conflict Resolution: When an applicant for a second unit and City staff are in disagreement over consistency of the proposed structure to the intent of this Section of the Code, the matter shall be resolved on appeal to the Planning Commission.

Section 18.24.06 Permitted Uses (M-1 Zone)

Table 1: Permitted Uses

Permitted Use	M1 Zone
Other Uses	
<p>Emergency Housing for the Homeless</p> <ul style="list-style-type: none"> * The facilities listed below are permitted uses only in the M-1 zone on property that does not have the Housing Development Overlay Zone applied to it. * The facilities listed below can be single-room occupancy (SRO) or efficiency units of not less than 400 square feet each. * The facilities listed below cannot be located closer than 300 feet to another such facility. 	
<p>Emergency Shelter: immediate and short-term housing with minimal supportive services for homeless persons or families that is limited to occupancy of six months or less that cannot be denied based on an inability to pay.</p>	p
<p>Supportive Housing: permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives for a targeted population (such as low-income persons with disabilities and certain other disabled persons) with no limit on length of stay. This type of housing is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.</p>	p
<p>Transitional Housing: rental housing used to assist the movement of homeless individuals and families to independent living under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time. Allowed residency shall be not less than six months and not more than two years while receiving supportive services.</p>	p

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

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of

the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

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

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 18, 2013.

Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on December 4, 2013 and thereafter at a regular meeting of said City Council duly held on December 18, 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 December 18, 2013.

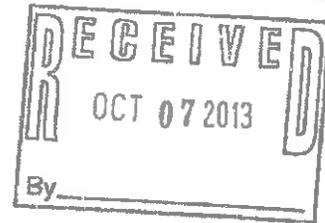
Brenda K. Jacobs, City Clerk
City of Norco, California

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



October 1, 2013



Mr. Steve King
Planning Manager
City of Norco
2870 Clark Avenue
Norco, CA 92860

Dear Mr. King:

RE: Review of the City of Norco 5th Cycle (2014-2021) Draft Housing Element Update

Thank you for submitting the City of Norco draft housing element update received for review on August 2, 2013 and revisions received September 4 and September 18, 2013. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review.

The Department conducted a streamlined review of the draft housing element based on the City meeting eligibility criteria detailed in the Department's Housing Element Update Guidance. The review was facilitated by communication on August 7 and September 5, 2013 with Ms. Alexa Washburn and Ms. Sarah Walker, the City's consultants. The draft element meets the statutory requirements of State housing element law.

We are pleased to find the draft element meets the statutory requirements of State housing element law (Article 10.6 of the Government Code). However, the Department cannot find the element in full compliance until Norco amends its zoning ordinance to permit year-round emergency shelter(s) without discretionary action pursuant to GC Section 65583(a)(4)(A), amended by Senate Bill 2 (Chapter 633, Statutes of 2007). Based on communication, the Department understands various zoning amendments are pending, including zoning for emergency shelters. The element will comply with housing element law once the City has completed these zoning amendments and submitted the adopted element to the Department pursuant to GC Section 65585(g).

Please note, the Department's finding is based on the City's commitment to amend its "Affordable Housing Overlay" to allow multifamily and mixed-use development at densities of 20 to 30 units per acre by right to accommodate the City's regional need for lower-income households.

Exhibit "A"

Mr. Steve King
Page 2

The City must monitor and report on the implementation of this action as well as other programs through the annual progress report, required pursuant to GC Section 65400. If existing incentives and programs are not effective in encouraging and facilitating the development of identified sites to provide sufficient opportunities to accommodate the City's share of the regional housing need for lower-income households throughout the planning period, the City should identify additional sites and/or additional incentives, as appropriate.

Senate Bill 375 (Chapter 728, Statutes of 2008) added Section 65588(e)(4) regarding timely adoption of the housing element. Localities on an eight-year planning period that do not adopt the housing element within 120 calendar days from the statutory due date (October 15, 2013 for SCAG localities) are required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on adoption requirements, please visit the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department is pleased to inform the City that prior 4th cycle housing element compliance makes the City eligible to meet one of the threshold requirements of the Housing Related Parks (HRP) Program that rewards local governments for approving housing affordable to lower-income households. The HRP Program, funded by Proposition 1C, provides grant funds to eligible local governments for every qualifying unit permitted since 2010. Grant awards can be used to fund park-related capital asset projects. More specific information about the Program is available on the Department's website at <http://www.hcd.ca.gov/hpd/hrpp/>.

The Department looks forward to receiving the City of Norco adopted housing element. If you have any questions or need additional technical assistance, please Janet Myles, of our staff, at (916) 263-7423.

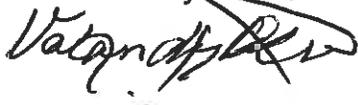
Sincerely,



Jennifer Seeger
Housing Policy Manager

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andy Okoro, City Manager 

PREPARED BY: Steve King, Planning Director

DATE: December 4, 2013

SUBJECT: Code Change 2013-05 (City of Norco): Adding Section 9.95 "Reasonable Accommodations" to the Norco Municipal Code

RECOMMENDATION: Adopt for First Reading Ordinance No. 970, approving Code Change 2013-05.

SUMMARY: Code Change 2013-05 is a requirement of state and federal fair housing laws to make reasonable accommodations for the development of housing for persons with disabilities. Reasonable accommodations are minor deviations to requirements of the Norco Municipal Code (NMC) and the intent is to reduce the procedural requirements that can be constraints to the development of housing for this group of people. All jurisdictions in the state are required to comply with the regulations.

BACKGROUND: In its certification of the 2008-2014 Housing Element Update to the Norco General Plan, HCD required follow-up implementation actions by the City. The approval of the Housing Development Overlay zone on the five properties identified in the Housing Element was the first step. A second measure was the adoption of the density bonus ordinance that occurred on October 4, 2013.

The final measures are a zone code amendment addressing second units and emergency, transitional and supportive housing addressed in Zone Code Amendment 2013-16 (Item 5.A. on this agenda); and a code change to add Chapter 9.95 to introduce procedures for requesting reasonable accommodation by persons who qualify as disabled per definitions established by the state, for the purpose of obtaining housing to meet special needs in accordance with state and federal fair housing laws.

The intent is to allow for minor deviations from Norco Municipal Code (NMC) requirements that can be approved at staff level to allow the development of housing for persons with disabilities that might not otherwise be developable with strict compliance to NMC requirements. Other deviations determined to not be minor would be referred to the City Council for approval. Staff would make the determination as to whether a proposed deviation is minor that can be approved at staff level, or needs to be presented to the City Council for approval. As with the other implementation measures of the Housing Element Certification already approved, the provision for a reasonable accommodation approval process is a state requirement for all jurisdictions. For the certification of the Housing Element to be finalized, this Code Change needs to incorporate that process into the NMC.

Attachment: Ordinance No. 970

ORDINANCE NO. 970

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING CODE CHANGE 2013-05 ADDING CHAPTER 9.95 (REASONABLE ACCOMMODATION) TO THE NORCO MUNICIPAL CODE WITH ANY CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED. CODE CHANGE 2013-05.

WHEREAS, the CITY OF NORCO initiated Code Change 2013-05, an amendment to Norco Municipal Code Title 9 (Peace, Safety, and Morals), to add regulations establishing the procedures for requesting reasonable accommodation for the development of housing for disabled persons; and

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

WHEREAS, the Code Change was scheduled for public hearing on December 4, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

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

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is within the parameters of an adopted Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines and an addendum to the Negative Declaration is adopted requiring no further environmental analysis.

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

- A. The proposed Code Change will not be inconsistent with, or contrary to, the General Plan or the Municipal Code since the project establishes regulations for processing requests for reasonable accommodations to develop housing for persons with disabilities consistent with state and federal fair housing laws and the City of Norco Housing Element 2014-2021.
- B. The project has been determined to be within the parameters of an adopted Negative Declaration pursuant to the California Environmental Quality Act and the City of Norco Environmental Guidelines and an addendum to the Negative Declaration is adopted requiring no further environmental analysis.

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

SECTION 1:

Title 9 – Peace, Safety, and Morals

Chapter 9.95

- 9.95.02 Intent and Purpose.
- 9.95.04 Applicability
- 9.95.06 Application Process
- 9.95.08 Approval Process
- 9.95.10 Findings and Decisions
- 9.95.12 Appeals Determination

9.95.02 Intent and Purpose.

This chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of laws, regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

9.95.04 Applicability

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are defined as disabled under the Acts.

9.95.06 Application Process

(1) In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in laws, regulations, policies, practices and procedures as regulated by the Norco Municipal Code.

(2) All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. Requests for reasonable accommodation shall be submitted via a form approved by the Planning Division, together with the appropriate fee, as established by resolution adopted by the City Council, and shall be filed with the Planning Division. The applicant is requested to provide the following information:

- (a) Name and address of the applicant;
- (b) Name and address of the property owner(s);
- (c) Address of the property for which accommodation is requested;
- (d) The current use of the property for which accommodation is requested;
- (e) Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;
- (f) The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;
- (g) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
- (h) How the property will be used by the applicant and individual(s) with disabilities.

(3) Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.

(4) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.

(5) If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

(6) The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

9.95.08 Approval Process

(1) Approval Authority:

- (a) Administrative Review - The Planning Director or an appointed designee has the authority to review and decide upon requests for reasonable accommodation,

including whether the applicant is a disabled person within the meaning of this chapter. The Planning Director or appointed designee may refer the matter to the City Council, as appropriate.

- (b) City Council Review - The City Council has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Planning Director or when a reasonable accommodation request includes any minor deviation from Norco Municipal Code requirements.

(2) Notice: No advance notice or public hearing is required for consideration of reasonable accommodation requests by the Planning Director. Requests for reasonable accommodation subject to review by the City Council shall require advance notice and a public hearing pursuant to the requirements of Chapter 4.04 of the Norco Municipal Code.

(3) Decision: The Planning Director or an appointed designee shall render a decision or refer the matter to the City Council within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 18.X.10. The decision shall be in writing and mailed to the applicant.

If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Planning Director or an appointed designee, unless the reasonable accommodation request has been referred by the Planning Director or an appointed designee to the City Council for consideration.

If the application for reasonable accommodation is referred to, or reviewed by, the , a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth above.

9.95.10 Findings and Decisions

- (1) Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:
 - (a) The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
 - (b) The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 - (c) The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.

- (d) The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
 - (e) The requested reasonable accommodation would not adversely impact surrounding properties or uses.
 - (f) There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
- (2) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by section (1) above.

9.95.12 Appeals Determination

Any decision on an application under this chapter shall be subject to appeal pursuant to section 18.43 of the Norco Municipal Code.

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

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

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

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on December 18, 2013.

Mayor of the City of Norco, California

ATTEST:

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

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on December 4, 2013 and thereafter at a regular meeting of said City Council duly held on December 18, 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 December 18, 2013.

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