



MINUTES
CITY OF NORCO
CITY COUNCIL

July 16, 2014

City Council Chambers
2820 Clark Avenue, Norco, CA 92860



CALL TO ORDER: 6:05 p.m.

ROLL CALL: Berwin Hanna, Mayor, **Present**
Herb Higgins, Mayor Pro Tem, **Present**
Kathy Azevedo, Council Member, **Present**
Kevin Bash, Council Member, **Present**
Greg Newton, Council Member, **Present**

City Attorney John Harper stated the need to add an item, one potential litigation case, to Closed Session.

M/S NEWTON/HIGGINS to add one potential litigation case by urgency to Closed Session. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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

§54956.9(c) – Conference with Legal Counsel – Anticipated Litigation:

Two Potential Cases

RECONVENE PUBLIC SESSION: 7:00 p.m.

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

City Attorney John Harper reported that one potential litigation case was added by urgency to Closed Session and that there is no reportable action on the items.

PLEDGE OF ALLEGIANCE: Council Member Azevedo

INVOCATION: Pastor Fred Griffin, Corona Church of the Open Doors

PRESENTATIONS:

President Eric Post, *Rotary Club of Norco*

President Post presented the City Council with a check in the amount of \$500 serving as a donation for the Veteran's Memorial.

Norco Horseweek Donation to N.A.R.T.

Tony Barretto presented the City Council with a check in the amount of \$500 serving as a donation to N.A.R.T.

RECOGNITIONS:

Kelli Newton, *United States Dressage Federation Bronze Medal Recipient*

Mayor Hanna presented a certificate of recognition to Kelli Newton for her achievement.

Sparky Panzer, *California's Veteran of the Year for District 60*

Mayor Hanna presented a certificate of recognition to Mr. Panzer for his achievement and thanked him for his service.

Harry Fish, *Norco Resident*

Mayor Hanna spoke briefly about Mr. Fish. Mayor Hanna noted that Mr. Fish graduated from Norco High School, was the first person inducted into Norco High School's Hall of Fame, coached Norco High ladies softball team, coach Norco Filly's girl's softball for many years, and devoted much of his life to sports.

Bob Allen, *Norco Resident*

Mayor Hanna noted that Mr. Allen was a resident of Norco since 1944, served in World War II, was a strong supporter of the community and volunteered countless hours for various groups and community activities.

CITY COUNCIL BUSINESS ITEMS AS FOLLOWS:

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

Council Member Azevedo:

- Attended two WRCOG meetings and commented on the HERO program.
- Commented on the traveling memorial wall, which travels throughout the country, will be in Temecula on October 9, 2014.

- Thanked all who assisted with the 4th of July event.
- Invited the public to the Sock Hop event on August 9, 2014, which is part of the City's 50th birthday celebration.

Council Member Newton:

- Attended the Chino Basin Desalter Authority meeting last week and discussed different expansion agreements on product water pipelines. Briefly discussed the microtunneling project, which will run up to Detroit Street and Old Hamner and connect to Hamner Avenue up to Belgrave Avenue in Eastvale. The completion date is scheduled for December 2015/January 2016.

Mayor Pro Tem Higgins:

- Attended the Riverside Sheriff's tactical emergency active shooter response training at Roosevelt High School on July 15th. Complimented the Sherriff staff.
- Encouraged residents to attend the Ad-Hoc Committee on Infrastructure Needs and Funding Options meeting on Monday, July 21, 2014.

Council Member Bash:

- Attended the Riverside Sheriff's tactical emergency active shooter training.
- Riverside Conservation Authority meeting was cancelled.
- Appointed to a school-naming committee for two new schools in Eastvale.

Mayor Hanna:

- Attended in the Concerts in the Park on July 4th.
- Attended the State Route 91 Advisory Committee.
- Attended Vector Control meeting and noted that a high number of cases have been reported of a fever from overseas.
- Attended a Riverside Transit Authority meeting. RTA recorded its 200 millionth rider.
- Commented on the National Day of the American Cowboy event on Saturday, July 26th and encouraged residents to attend.

2. CITY COUNCIL CONSENT ITEMS:

M/S HIGGINS/BASH to adopt the items as recommended on the Consent Calendar.

The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- A. City Council Minutes:
June 18, 2014 Regular Meeting
Action: Approved the City Council Minutes.
- B. Procedural Step to Approve Ordinance after Reading of Title Only. **Action: Approved.**

- C. Recap of Actions Taken by the Planning Commission at its Meeting held on July 9, 2014. **Action: Received and Filed.**
- D. Quarterly Investment Report for Quarter Ended June 30, 2014. **Action: Received and Filed.**
- E. Amendment No. 1 to City Manager Employment Agreement. **Action: Approved Amendment No. 1 of the Employment Agreement between the City of Norco and Valentine Andy Okoro.**
- F. Amendment No. 1 to the Waste Management Agreement. **Action: Adopted Resolution No. 2014-43, approving Amendment No. 1 to the Amended and Restated Agreement between the City of Norco and USA Waste of California, Inc. for the provisions of integrated waste management services.**
- G. Authorization for the Public Works Department to Purchase a Trailer Mounted Vacuum Excavator. **Action: Authorized the appropriation of \$34,678.18 to purchase a trailer mounted vacuum excavator.**

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

None.

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

- A. **Ordinance No. 976, Second Reading:** Amending Chapter 18.57 of the Norco Municipal Code, "Wireless Telecommunication Facility Regulations," to Change the Height Requirement for Freestanding Antenna Poles. (Zone Code Amendment 2014-02).

M/S HIGGINS/BASH to adopted Ordinance No. 976 for second reading. The motion was carried by the following roll call vote:

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

5. CITY COUNCIL DISCUSSION / ACTION ITEM:

- A. Discussion of the Letter from the Naval Weapons Station Seal Beach Detachment Norco to the State Historic Preservation Officer Regarding the National Register of Historic Places Eligibility Status of Properties at Detachment Norco.

Acting City Manager Petree noted that the City received a letter from the State Historic Preservation Officer (SHPO) on July 8, 2014 regarding the National Register of Historic Places eligibility status of properties on the Navy base in Norco. The City Manager's Office responded and Cultural Resources Consultant Bill Wilkman summarized the content of the letter. Mr. Wilkman stated that the letter reminds SHPO of several communications with them whereby the City did not receive responses and that he can provide a more objective survey.

Council Member Bash read a statement he prepared and requested to have the statement included with the minutes as part of the official record (Attachment A).

Council Member Azevedo suggested having a special workshop to learn about the scope of work of Mr. Wilkman's historical resources survey and learn more about the comments Council Member Bash made in his statement.

In response to Mayor Pro Tem Higgins, Mr. Wilkman stated that he has not completed the survey. The estimated time of completion is six months to one year. Mr. Wilkman indicated that the value of the workshop is to show City Council what is being surveyed and what is historical, as well as the range of buildings being surveyed and the criteria being applied.

M/S AZEVEDO/HIGGINS to schedule a joint workshop between the City Council and the Historic Preservation Advisory Commission on the scope of work relating to the Norconian historical resources survey, and to extend an invitation to the Lake Norconian Club Foundation. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

M/S HIGGINS/BASH to receive and file the report on the letter received from the State Historic Preservation Officer as well as the City Manager's response letter. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

6. CITY COUNCIL PUBLIC HEARINGS:

- A. Zone Code Amendment 2014-03, First Reading: City-Initiated Proposal to Amend Chapter 18.13 "A-1 Zone" of the Norco Municipal Code to Increase the Minimum Lot Size from 20,000 Square Feet to 21,780 Net Square Feet.**

Director King gave a brief summary of the Zone Code Amendment as presented in the staff report.

In response to Mayor Pro Tem Higgins' question regarding existing lots with pending work, Director King indicated that if the applicants have met the 20,000 square foot minimum lot size requirements prior to the effective date of this ordinance, those lots would still be considered conforming lots. Mayor Pro Tem Higgins also inquired about a tentative tract map submitted and whether the new requirements would apply. Mr. King confirmed that the new requirements would apply to the map because it has not gone before the Planning Commission yet.

Council Member Newton referred to the staff report and noted that the new requirements will become effective for all newly created lots including those associated with tentative tracts already on file. Mr. King stated that if the map has not been recorded prior to the effective date, then the new rules apply.

Mayor Hanna opened the Public Hearing at 8:01 p.m., indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Denise Sutherland spoke about Tentative Tract Map 36676 and wanted to be sure that it will be included in the new requirements.

Mayor Hanna closed the Public Hearing at 8:02 p.m., bringing the discussion back to the Council Members.

M/S HIGGINS/BASH to adopt Ordinance No. 977 for first reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- B. 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.**

City Engineer Milano presented a brief report regarding the five landscape maintenance districts. Mr. Milano spoke about the workshop that took place on July 2, 2014, which served as an educational workshop for residents and Council.

Mayor Hanna opened the public hearing at 8:12 p.m., indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Ted Hoffman commented on Landscape Maintenance District No. 4 and claimed inconsistencies in the report.

Diana Rich spoke about the increases in assessments. Ms. Rich stated that many lots remain vacant and that many are struggling to stay in their homes.

Angel Lopez commented on the maintenance of the district where he lives on Mount Shasta. Mr. Lopez stated that there was an incident during heavy rains when mud came through his home.

Jodie Webber stated that she concurred with Council Member Azevedo regarding agendizing the landscape maintenance district public hearings earlier in the year to allow more time for the public to be involved.

Mayor Hanna closed the public hearing at 8:23 p.m., bringing the discussion back to Council Members.

There was some discussion between Council Member Newton and Director Petree regarding Landscape Maintenance District No. 4 and the open space wetlands. Director Petree stated that the wetlands are irrigated until established and signed off by the Army Corps of Engineers. Council Member Newton also commented on the Cox lots being reduced to five. Mr. Milano indicated the reason for the reduction is because only five of them are legal lots. Council Member Newton also inquired about the parcels on Mount Shasta. Mr. Milano indicated that by his recommendation to the Council, the parcels on Mount Shasta were not assessed since 2010 because those parcels were not receiving benefits from the district.

Council Member Azevedo suggested scheduling a workshop in early Spring prior to the public hearings for the Landscape Maintenance Districts. The workshop would allow more time for public input.

M/S AZEVEDO/HIGGINS to adopt Resolution No. 2014-44 (Beazer), 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, NEWTON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

M/S AZEVEDO/HIGGINS to adopt Resolution No. 2014-45 (Western Pacific), 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, NEWTON
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

M/S AZEVEDO/HIGGINS to adopt Resolution No. 2014-46 (Centex), 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, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

M/S AZEVEDO/HIGGINS to adopt Resolution No. 2014-47 (Norco Ridge Ranch), 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

NOES: NEWTON

ABSENT: NONE

ABSTAIN: NONE

M/S AZEVEDO/HIGGINS to adopt Resolution No. 2014-48 (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, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

M/S AZEVEDO/HANNA to schedule a workshop in Spring 2015 to review the Landscape Maintenance Districts prior to the public hearings. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

C. Public Hearing Confirming Costs for Spring Weed Abatement.

Fire Chief Pemberton presented a brief report regarding the costs for Spring weed abatement as noted in the staff report.

Mayor Hanna opened the public hearing at 8:42 p.m., indicating that proper notification had been made and asked for the appearance of those wishing to speak.

With no one wishing to speak, Mayor Hanna closed the public hearing at 8:42 p.m. bringing the discussion back to Council Members.

M/S AZEVEDO/NEWTON to adopt Resolution No. 2014-49, confirming the report of costs for abatement of weeds and hazardous vegetation as a public nuisance and imposing special assessment liens on vacant parcels within the City. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

7. CITY COUNCIL APPEAL HEARINGS:

- A. Appeal Hearing: Conditional Use Permit 2013-02, Modification No. 1 (Pandemic Fitness): Appeal Planning Commission's Denial of a Request to Modify Approved Conditional Use Permit 2013-02 to Allow a Café, Additional Classes and Outdoor Training.**

Director King gave a brief summary of the Conditional Use Permit as presented in the staff report. Director King stated that Conditional Use Permit (CUP) 2013-02 was approved by the Planning Commission with conditions that require a modification to the CUP for any changes in the number of classes, class sizes, use of outdoor space, and the addition of a café that had been identified but not included in the original approval. Modification No. 1 is a request to add the café, additional classes and use of the existing truck bay for outdoor training. On June 11, 2014, the Planning Commission denied Modification 1 to CUP 2013-02 on a 3-2 vote. The City Council appealed in order to hear the item.

Council Member Azevedo stated that she is an advocate for small business. Council Member Azevedo indicated that the applicant has more than enough parking spaces to meet the needs of the business without concern and that business hours should not be limited. Ms. Azevedo also stated that the Council should move forward and not look at previous non-compliance.

In response to Council Member Newton, Director King confirmed that the findings and determinations are the same as those presented to the Planning Commission.

Mayor Hanna expressed his concerns and stated that it is the business owner's responsibility to know what is required to run a business.

Mayor Hanna opened the public hearing at 9:06p.m., indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Scott Freedland, the applicant, indicated his desire to stay in Norco. Mr. Freedland stated that he had a business license two months prior to opening his business. He indicated that as he has been going through the permit process, he has been learning about what is

required to be in compliance. He also noted that his resale license is with the State Board of Equalization.

Steve Dickerman stated that he is a local paving contractor in Norco. Mr. Dickerman stated that there are ways to change the site parking plan to accommodate more parking as an option for their business.

Dr. Bill Janashack indicated that he is a resident and he and his family go to Pandemic Fitness gym. Dr. Janashack stated that crossfit is a wonderful community of health, fitness, nutrition, and values. Dr. Janashack expressed that the owner has created an iconic gym and requested that the City Council keep the gym open.

With no one else wishing to speak, Mayor Hanna closed the public hearing at 9:29 p.m. bringing the discussion back to Council Members.

There was discussion between Council Members regarding class sizes. Mr. Freedland requested larger class sizes and Mr. King indicated the request would require a modification to the Conditional Use Permit. Council Member Azevedo expressed her concerns about the City mandating class sizes for this type of business.

Mayor Pro Tem Higgins expressed his appreciation for the applicant trying to build his business, yet concerned with the applicant leasing parking spaces from the property owner because the lease agreement could be reversed at any time. Mayor Pro Tem Higgins also commented on the applicant not adhering to the conditions set forth by the Planning Commission.

In response to Council Member Azevedo, Director King stated that the City does not have any control over lease agreements that the applicant has made with the property owners.

City Attorney Harper indicated that if the applicant has a binding lease with the property owner to use adjacent parking spaces, then the adjacent property would be limited. The difficulty from the City's perspective is that the City does not have control over the binding lease agreement. Mr. Harper stated that parking is allocated by uses.

M/S AZEVEDO/BASH to approve a modification to the approved Conditional Use Permit 2013-02 (Modification No. 1) allowing a café, additional classes, an outdoor training area, and increasing the class sizes from 20 to 25.

A substitute motion was made by Mayor Pro Tem Higgins to uphold the Planning Commission's decision to deny Modification No. 1 to Conditional Use Permit 2013-02. The substitute motion was seconded by Mayor Hanna. The substitute motion failed as a result of the following roll call vote:

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

The original motion failed as a result of the following roll call vote:

AYES: AZEVEDO, BASH

NOES: HANNA, HIGGINS, NEWTON

ABSENT: NONE

ABSTAIN: NONE

M/S NEWTON/BASH to approve the modification to the approved Conditional Use Permit 2013-02 (Modification No. 1) allowing a café, additional classes, and an outdoor training area; that the requested use will be in compliance with the conditions of approval and will be complimentary and compatible with the surrounding properties and will not have any adverse effects on adjoining properties. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, NEWTON

NOES: HANNA, HIGGINS

ABSENT: NONE

ABSTAIN: NONE

Mayor Hanna recessed the meeting at 9:41 p.m. and reconvened the meeting at 9:48p.m.

- B. Appeal Hearing: Site Plan 2014-11 (Eaton): Appeal Planning Commission's Denial of a Request to Allow a Detached Accessory Building Consisting of a 704-Square Foot Patio and Storage Building at 3413 Dales Drive Located within the A-1-20 (Agricultural Low-Density) Zone.**

Director King gave a brief summary as presented in the staff report. Director King stated that at its meeting on June 11, 2014, the Planning Commission denied Site Plan 2014-11 and the applicant has appealed that decision to the City Council. The subject property is located within the A-1-20 zone and consists of .52 acres and is developed with a single family residence. Accessory buildings of 864 square-feet or less require site plan approval by the Planning Commission, but because the accessory building was denied by the Planning Commission, it is before the Council on an appeal.

Council Member Newton requested confirmation that the denial by the Planning Commission was that the subject area was covered in concrete and not conducive to animal keeping. Director King confirmed and added that a building permit is not required to pour concrete.

Council Member Azevedo disagreed with being able to pour concrete without a building permit and suggested having this matter agendaized.

Mayor Hanna stated that the property does not provide for an animal keeping area.

Jeff Eaton, the applicant, stated that he is in compliance with what is required by the City. Mr. Eaton also stated that the accessory building is on a slope, which is not taking away from animal keeping.

Mayor Hanna opened the public hearing at 10:10 p.m., indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Mayor Hanna closed the public hearing 10:10 p.m. bringing the discussion back to Council Members.

In response to Council Member Newton, Planning Commissioner Leonard indicated that he abstained from voting on this matter because he had worked with the applicant before and had prior knowledge of the work being done on the property.

Council Member Bash stated that the applicant has done nothing illegal, yet concurs with Mayor Hanna for the need to protect animal keeping open space.

M/S HIGGINS/NEWTON to approve Site Plan 2014-11 to allow a detached accessory building consisting of a 704 square-foot patio and a storage building, with the following added conditions: fees and fines would be doubled for all existing non-permitted work fees and would have to be inspected and/or removed per the State of California Uniform Building Code; any contractors and/or subcontractors require a current City business license; the accessory building will be a storage building and must provide plans and must be inspected. The motion carried by the following roll call vote:

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

8. PUBLIC COMMENTS OR QUESTIONS

Stacey Turner shared literature with Council Members and spoke about the Norco Hall of Fame.

Geoff Kahan invited the public to attend the Sock Hop and Car Show on August 9th. Mr. Kahan also commented on the last three concerts in the Concerts in the Park series.

9. CITY COUNCIL / CITY MANAGER / STAFF COMMUNICATIONS:

Council Member Kathy Azevedo requested to agendaize having discussion at the Planning Commission level about how much cement could be poured before a permit is needed.

M/S AZEVEDO/HIGGINS to have the Planning Commission review and provide recommendations on how much concrete could be poured before a building permit is required and to review overall lot coverage to protect animal keeping lots. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, NEWTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Water and Sewer Manager Bill Thompson discussed the State Water Board conservation measure to decrease water usage. The regulations will go in effect on August 1, 2014. Staff will notify residents of the new regulations.

In response to Mayor Hanna, Lt. Briddick indicated that the proposed noise ordinance will be on the August 6, 2014 Council agenda.

Public Works Director Lori Askew introduced the newly hired Associate Engineer Sam Nelson. Director Askew stated that Mr. Nelson had worked several years for the City as a contractor for engineering services. Mr. Nelson is a registered Engineer and a true asset to the City.

ADJOURNMENT:

Mayor Hanna adjourned the meeting at 10:31 p.m. in memory of Norco residents Bob Allen and Harry Fish.

CHERYL L. LINK, CITY CLERK