

**Community Redevelopment Agency/City Council**  
**Minutes**

**2820 Clark Avenue, Norco CA 91760**  
**(909) 270-5623**

**Regular Meeting**

**November 6, 2002**



**Next CRA Ordinance No. 2 Next CRA Resolution No. 2002-17**

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

**2. ROLL CALL: Council Members Present: Carmichael, Hall, Sullivan and Higgins.**

**Staff present in open session: Hatzenbuhler, Harper, Cooper, Daniels, Hoyt, McNay, Oulman, Power, Schenk, Skaggs and Press.**

**The City Attorney noted a need to add an item to Closed Session regarding discussion with real property negotiator.**

**M/S Carmichael/Clark to add this item to the agenda, as the matter is urgent and arose after the agenda was prepared, motion was carried by the following roll call vote:**

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**3. CLOSED SESSION:**

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

**Section 54956.8 - Conference with Real Property Negotiator (Added by Urgency)**

**Street Address or Parcel Number: APNs 125-170-037, 038**

**Negotiating Parties: Norco Redevelopment Agency and E.D.D. Investment Company, a California General Partnership (Polly's Inc.)**

**Points Under Negotiation: Consideration of Disposition and Development Agreement By and Between the Norco Redevelopment Agency and E.D.D. Investment Company, a California General Partnership**

**Section 54956.8 - Conference with Real Property Negotiator**

**Street Address or Parcel Number: 137-331-012**

**Negotiating Parties: Norco Redevelopment Agency and Property Owner**

**Points Under Negotiation: Consideration of Agency to Obtain an Appraisal for the Purpose of Developing Single Family Infill Housing Units**

**Section 54956.95 - Liability Claims**

**Claimant: Tony Janeen Bell Agency Claimed Against: City of Norco**

**Claimant: Wayne Keller, Jr. Agency Claimed Against: City of Norco**

**Section 54957 - Personnel**

**A. Building Division Reorganization B. Cann Grievance**

**RECONVENE PUBLIC SESSION: 7:09 p.m.**

**Mayor Higgins indicated that there was nothing to report from Closed Session.**

**4. PLEDGE OF ALLEGIANCE: Mayor Pro Tem Sullivan 5. INVOCATION: Father Fogarty St. Mel's Catholic Church**

**CRA PUBLIC HEARINGS**

**6. PUBLIC HEARINGS: A. CRA Resolution No. 2002-\_\_\_, Approval of Financial Assistance Agreement By and Between the City of Norco Redevelopment Agency and James E. Sassin to Provide Reimbursement for Tenant and Façade Improvements at a Business Located at 2678 Hamner Avenue in Norco, California (Director of Economic Development)**

**The Director of Economic Development reported that the Agency met in Closed Session on October 2nd to discuss a request from Jim Sassin for financial assistance to locate two businesses into the former Post Office building and conceptually**

**agreed to enter into an agreement with Mr. Sassin to provide a forgivable loan in the amount of \$35,000. He outlined the terms of the Financial Assistance Agreement, which indicates that the Developer would lease the building for a minimum of five years, a portion of the building would be subleased to P&2M Design, the Developer would meet all City Departmental requirements and the Agency would reimburse the Developer for all actual tenant and façade improvement costs up to a maximum of \$35,000.**

**The Director reported that the Developer would provide a personal guarantee that the City of Norco will receive at least \$35,000 in sales tax revenue within a five-year period, beginning 30 days after the date of occupancy. At the end of a five-year period, if the property has generated sales tax in the amount of \$35,000, the personal guarantee shall be forgiven. If at the end of the five-year period the sales tax performance amount has not been generated, the Agency may foreclose on the assets of AFS Printing, including AFS printing equipment. He recommended that the Agency adopt the CRA Resolution approving the Financial Assistance Agreement.**

**Chairman Higgins declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chairman Higgins closed the public hearing.**

**M/S Sullivan/Hall to adopt CRA Resolution No. 2002-17, approving the Financial Assistance Agreement.**

**Agency Member Clark was concerned with this arrangement, as normally the property owner makes the improvements and amortizes it over the term of the lease. In this case, the owner does not want to do that or is not able to do that. The Agency has no guarantee that this money will be generated other than the lessee's personal guarantee. He was not certain that in the event of a bankruptcy that the Agency would be able to obtain the equipment. The Agency is setting a precedent by approving this matter.**

**In response, Agency Member Hall noted that this is a unique building that has been causing a traffic problem for years. There are a limited number of businesses that would fit into this building without perpetuating the traffic problem. Therefore, he felt that the support is warranted and did not feel that approval of this would set a precedent.**

**In response to Agency Member Sullivan, the Director confirmed that the lessee would not have to wait five years to forgive the note if the sales tax is generated sooner.**

**Agency Member Carmichael was thrilled that this business was coming to town and felt that this business would really be an asset to the City. Her main concern was not being able to record something guaranteeing the loan. She indicated that her job**

was to protect the taxpayer's money and could not support this matter unless something was recorded. In response, Agency Member Sullivan noted that this is not a gamble and felt that some judgement decisions are necessary.

Motion was carried by the following roll call vote:

**AYES: HALL, SULLIVAN, HIGGINS NOES: CARMICHAEL, CLARK ABSENT:  
NONE ABSTAIN: NONE**

**B. CRA Resolution No. 2002-\_\_\_, Approval of Amendment No. 2 to Disposition and Development Agreement By and Between the Norco Redevelopment Agency and James E. Hundley, Trustee of the Hundley Family Trust Dated December 21, 1984, and CRA Resolution No. 2002-\_\_\_, Approval of Assignment and Transfer of Amendment No. 2 to Disposition and Development Agreement By and Between the Norco Redevelopment Agency and James E. Hundley, Trustee of the Hundley Family Trust Dated December 21, 1984 to E.D.D. Investment Company, a California General Partnership (Polly's Bakery Café) (Director of Economic Development)**

The Director of Economic Development reported that the Agency approved a Disposition and Development Agreement with Big O Development, Inc. for acquisition and development of the former "El Norco" site. He noted that on June 16, 1999, the Agency approved an Amendment to the DDA that transferred all of its rights, title and interests to James E. Hundley, Trustee of the Hundley Family Trust.

The Director reported that the Big O Tires portion of project was completed on Parcel 1 in April 2001. He noted that the Amendment required Hundley to construct the remainder of the project on Parcels 2 and 3 within 5 years from the date of the Amendment (June 2004). In the event a project has not commenced by June 2004, the Agency has the option to buy the property back for \$5.00 psf. To date, Hundley has not initiated a development project in accordance with the Amendment. The Director reported that staff received a letter on October 17, 2002, from Hundley requesting the assignment of the DDA to E.D.D. Investment Company, along with the assignment of any responsibility for the performance and liability as the developer. E.D.D. is currently in escrow to build a Polly's Bakery Café on Parcel 2. E.D.D. plans to build a Polly's Restaurant first and develop Parcel 3 at a later date. Because E.D.D. is receiving the obligation over three years into the Amendment period, the Director referenced a request to amend the existing Amendment to add an additional two years to complete the project (June 2006). A separate request is being made by Hundley to assign the Amendment (Amendment No. 2) to E.D.D. The assignment and corresponding request to add additional time only applies if escrow closes with E.D.D. The Director indicated that the remainder of the proposed assigned Amendment with E.D.D. is currently being negotiated and will be brought back to the Agency for a separate approval. He recommended that the Agency adopt the CRA Resolutions.

**Dave Wakefield, 43284 Winchester Road, Temecula, indicated that he represented the Hundley trust. He indicated that they have worked hard to develop the site but have not been able to do it. Mr. Wakefield felt that this was a very good tenant for this site and supported the Resolutions. However, if the Agency chooses not to approve E.D.D., he asked for a time extension so that the Hundley trust could develop the property.**

**Chairman Higgins declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak` Chairman Higgins closed the public hearing.**

**M/S Carmichael/Hall to adopt CRA Resolution No. 2002-18, approving Amendment No. 2 to Disposition and Development Agreement and CRA Resolution No. 2002-19, approving the assignment and transfer to E.D.D. conditioned upon proof of close of escrow for acquisition of APNs 125-170-013, 015 & 017, motion was carried by the following roll call vote:**

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**Agency Member Clark indicated that he would abstain from voting on Item 7.A.**

**M/S Hall/Carmichael to approve the items listed on the CRA Consent Calendar, motion was carried by the following roll call vote:**

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

#### **CRA CONSENT CALENDAR**

#### **7. FROM THE EXECUTIVE DIRECTOR:**

**A. CRA Minutes, Regular Meeting of October 16, 2002 - Approved the minutes of the October 2, 2002 meeting. Agency Member Clark abstained.**

**B. CRA Demands - Approved the demands for payment dated November 6, 2002 in the amount of \$15,679.92.**

**C. Discussion of Commerce Truck and Equipment Sales Delay in Completion of Project in Accordance with the Owner Participation Agreement (Director of Economic Development) - Directed staff to place this item back on the agenda if the developer does not receive a Certificate of Occupancy within 30 days.**

**8. OTHER MATTERS: None.**

**9. ADJOURNMENT OF CRA: 7:26 p.m.**

**REGULAR CITY COUNCIL AGENDA AS FOLLOWS:**

**Next Ordinance No. 798 Next Resolution No. 2002-81**

**PRESENTATION: Traffic Uniform Mitigation Fee (TUMF) Mr. Rick Bishop, Executive Director of the Western Riverside Council of Governments made a presentation on the Traffic Uniform Mitigation Fee.**

**Council Member Clark indicated that he would abstain from voting on Item 10.A.**

**Council Member Hall expressed appreciation for the donations to the Citizens on Patrol.**

**M/S Hall/Carmichael to approve the items listed on the Consent Calendar, motion was carried by the following roll call vote:**

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**CONSENT CALENDAR**

**10. FROM CITY MANAGER:**

**A. City Council Minutes, Regular Meeting of October 16, 2002 - Approved the minutes of the October 16, 2002 meeting. Council Member Clark abstained. City Council Minutes, Joint Meeting of October 23, 2002 - Approved the minutes of the October 23, 2002 meeting as amended.**

**B. Demands - Approved the demands for payment dated November 6, 2002 in the amount of \$1,417,628.66.**

**C. Acceptance of the City's Quarterly Investment Report (Accounting Supervisor) - Received and filed.**

**D. Acceptance of Donations in Support of the Norco Citizens Patrol Program (Sheriff's Department) - Accepted the donations and authorized the Mayor to sign thank you letters.**

**E. Authorization for City Manager to Execute the Norco Bluffs Stabilization Agreement with Riverside County Flood Control and Water Conservation District (Director of Public Works/City Engineer) - Authorized the City Manager to sign the Project Cooperative Agreement with the Riverside County Flood Control and Water Conservation District.**

**F. Action Agenda for Planning Commission Meeting of October 30, 2002 (Director of Community Development) - Received and filed.**

## **END OF CONSENT CALENDAR**

### **11. CONTINUED PUBLIC HEARINGS:**

**A. APPEAL HEARING: Conditional Use Permit 2002-06 (Ernst): An Appeal of Planning Commission Denial Without Prejudice to Allow a Caretaker's Dwelling on a .96-Acre Parcel Located at 1042 Frontier Road in the "A-1-20" Zone. (Continued from October 16, 2002) (Director of Community Development)**

The Director of Community Development indicated that the applicant has agreed to remove all fixtures and amenities within the dwelling that make it habitable space. The applicant will be meeting with staff within the next two weeks to review the details of deconverting the illegal dwelling to a non-habitable accessory structure. He reported that the applicant would like to continue the appeal off-calendar to allow time for staff and the applicant's legal counsel to work out the details of code compliance. The City Attorney indicated that we have reached an agreement, which may not need further consideration by Council.

M/S Carmichael/Hall to continue off-calendar at the applicant's request, motion was carried by the following roll call vote:

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**B. Ordinance No.\_\_\_\_. An Urgency Ordinance of the City of Norco Declaring a Moratorium on the Approval and/or Commencement of Operation of Any Adult Entertainment Use within the City of Norco Pending a Study to Analyze and Examine In-Depth Specific Criteria for the Development and Operational Regulations and Standards for Adult Entertainment Establishments (Continued from October 16, 2002) (Director of Community Development)**

The Director reported that the Council adopted an urgency moratorium at their September 4th meeting. This time period allows the City to assess the impacts new business might have related to criteria and conditions that may be desired for this type of use. He noted that an ordinance was not adopted at the last meeting, as the Council did not have a 4/5th quorum to pass the ordinance. He recommended that a moratorium be placed on the acceptance of any application for development and issuance of a business license, until the City has determined the adequacy of the existing ordinance.

Mayor Higgins declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Mayor Higgins closed the public hearing.

M/S Hall/Sullivan to take up for first reading urgency Ordinance No. 798, motion was carried by the following roll call vote:

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**M/S Carmichael/Hall to adopt by urgency Ordinance No. 798, motion was carried by the following roll call vote:**

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**C. Ordinance No. \_\_\_\_.** An Ordinance of Formation of the City of Norco Community Facilities District 2002-01 (Norco 50), and Authorizing the City to Levy Special Taxes within the District and Establishing an Appropriations Limit for the District (Continued from October 2, 2002) (Director of Public Works/City Engineer)

The City Attorney noted that this matter has been continued several times at the property owner's request. He indicated that we are now ready to proceed and reported that the School District had to approve the Joint Facilities District. K.B. Homes has purchased the property; they have executed the waiver and submitted a ballot.

The passage of the proposed Ordinance by the City Council will formally establish the District, and will authorize the levy of special taxes within the District. The special taxes will be used to pay the principal and interest on bonds to be issued for the purpose of financing eligible public facilities in the District, the replenishment of the reserve fund for such bonds, the payment of City administration costs related to the District, and the cost of collecting and administering the special tax. The proposed Ordinance will also establish an annual appropriation limit for the District of \$1,000,000. The maximum special tax that could be levied during the next fiscal year (2002-2003) would be \$3,699 per developed parcel and \$6,290 per acre of undeveloped property. The cost of the improvements and the debt service on the Mello-Roos bonds will be obligations of the present and future property owners in the Community Facilities District.

Mayor Higgins declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Mayor Higgins closed the public hearing.

**M/S Sullivan/Higgins to adopt Ordinance No. 799, forming Community Facilities District 2002-01 (Norco 50), motion was carried by the following roll call vote:**

**AYES: CLARK, HALL, SULLIVAN, HIGGINS NOES: CARMICHAEL ABSENT:  
NONE ABSTAIN: NONE**

**Council Member Carmichael indicated that she does not support Mello-Roos.**

**ITEMS FOR ACTION**

## **12. FROM CITY MANAGER:**

### **A. River Road Treatment Wetland Project Feasibility Report with Presentation by the Orange County Water District (City Manager)**

**Mr. Craig Miller from the Orange County Water District made a presentation on the River Road Treatment Wetland Project. OCWD is currently examining the potential of a River Road Wetland Project to improve water quality in the Santa Ana River through natural treatment. Conceptually, the report provides a wetland constructed on the south side of the current low flow channel from the vicinity of River Road, upstream for approximately two miles, encompassing 430 acres. The design will provide riparian woodlands with slow moving water, thus creating a 10-mile edge. The project will provide environmental and aesthetic enhancement and increase recreational opportunities. Mr. Miller indicated that he would like to meet with the Commissions and the stakeholders and reported that this project would take 2-3 years to complete.**

**In response to Council Member Clark, the future raising of the Prado dam was discussed. Mr. Miller indicates that when the dam is raised, the habitat will go underwater, but noted that the habitat survives well. He indicated that the dam is raised as a flood control measure.**

**In response to Council Member Clark, he indicated that the area shown as future growth is planned to be many years off, as this project will cover the next 20 years. Council Member Clark was disappointed, as there is a need for an equestrian trail at the Hamner Avenue Bridge. The City Manager recommended that staff work with OCWD to obtain public feedback on this proposal so that our needs can be addressed. He indicated that hiking and equestrian trails are needed.**

**Because this is a treatment measure, Mayor Higgins was concerned with groundwater runoff. He indicated that the City was an animal keeping community and noted that our groundwater dumps nitrates and other chemicals into the river. In response, Mr. Miller indicated that OCWD does not regulate these matters and expressed their desire to improve the water through natural treatment systems. Mr. Miller conceded that the Mayor had a point and could not assure him that this project would not change the Regional Water Quality Board's regulations.**

**In response to Council Member Carmichael's suggestion on the use of a water lily, Mr. Miller indicated that they are always open to researching the most effective plants to provide this habitat. He welcomed more information on the water lily.**

### **B. Guidelines for Use of Ingalls Park Arena (Superintendent of Animal Control and Equestrian Services)**

**The Superintendent of Animal Control and Equestrian Services reported on the request to use the arenas at Ingalls Park. She noted that on August 21, 2002, the**

**Council directed staff to work with the Parks and Recreation Commission to develop recommendations for use of the arena. On September 9th, she reported that the Parks and Recreation Commission referred this matter to the Parks and Facility Sub Committee. The Committee met with Mr. R.H. Waldt, who had initiated a petition for arena use, and developed a plan for implementation.**

**The Superintendent addressed the guidelines for the proposed use, indicating that the lower show arena would be open Monday through Sunday from 9 a.m. to 5 p.m. The Moreno Arena would be open on Tuesday nights from 5 p.m. to 9 p.m. No fee would be charged and a donation box would be placed in the Moreno Arena to cover the cost of lights (approximately \$15 per hour). Volunteers would be used to open and close the arena and monitor the use. Staff would provide a hold harmless waiver to the volunteer who will ask for signature prior to use of facility. Staff will provide 2-way radio communication between our volunteer and field maintenance worker. During inclement weather, Moreno Arena can be made available for professional trainers to train horses at a fee of \$10 per horse. This is based on requests we receive through the public input process.**

**In conclusion, the Superintendent indicated that staff and the Parks and Recreation Commission would recommend the use only with the conditions and guidelines noted. Staff is recommending that this program be evaluated at the end of six months for a possible expansion of the program.**

**Pat Gesler, 1400 4th Street, was concerned that the main arena was proposed to be open only one time per week. She indicated that the facility was donated and stated that no one could damage the facility. She felt that the hold harmless waiver is a great idea and indicated that the facility should be open all the time.**

**Greg Bower, 4530 Hillside Avenue, indicated that Ingalls Park should be open to the public, just the same as the baseball and football fields. It is more dangerous to ride on the trails than it is to ride on the dirt in the arena. He indicated that the cost of lights is not charged for baseball and football and indicated that the residents pay taxes for the use of these arenas.**

**Mychon Foley, 4530 Hillside Avenue, noted that the arena needs to be open more than one night each week as people work 8-5. This is a public park and it should be open. Ms. Foley felt that the rules are a little extreme and stated that some of the rules were good (Rules #1-6) and some should be thrown out (Rules #7,8, 10-12, 15, 17 & 20). The lights should be on a timer.**

**The City Manager read a card from Gizelle & Bill Serrano, 2685 Hidden Trails Drive, supporting the opening of the arena when it is not rented out.**

**Allan Newell, 5087 Viceroy Avenue, indicated that he was an Arena Manager and a member of Riverside Ranglers and Modjeska Mavericks. They are concerned with**

the arena size. Mr. Newell would like to see the arena open at least three nights a week.

The City Attorney read a card from Carol Chodakauskas, 3119 Corona Avenue, requesting that the arenas be opened when not in use by show events.

Jim Kirpatrick, 3015 Hillside Avenue, stated that the facility should be open to the public at all times. In response to Mr. Kirpatrick, the Superintendent referenced the rule that saddle horses and buggies could not ride in the facility at the same time. Mr. Kirpatrick noted that the problem is with the saddle horses and most buggy drivers are courteous and take the rail. He addressed charging a fee for the use and noted that it would not be fair to charge \$10 for a saddle horse and \$20 for a two-horse buggy.

Bob Snyder, 645 Silver Spur Way, did not feel that the cost for lights was an issue as the City just spent \$5 million on Silverlakes. In response, the Mayor noted that he had questioned what the arena use would cost and indicated that limited staff to open the arena is the issue.

Richard Waldt, 3104 Hillside Avenue, thanked the Council for their consideration and counseled the audience to be patient.

In response to Mayor Pro Tem Sullivan, the Superintendent indicated that the \$15 donation was for all the lights. She indicated that the inside lights could be dimmed down but that the outside lights are fixed. Mayor Pro Tem Sullivan noted that the arena should be open if it is not rented, even on the weekends. The use should be unrestricted, with minimum lighting.

In response to Mayor Pro Tem Sullivan, the Superintendent addressed the proposed \$10 per fee per horse per trainer, noting that this fee is proposed, because the trainers are making money. The Mayor Pro Tem suggested that the trainers be charged the normal arena fee and the Superintendent noted that this fee is for a 12-hour period. The Mayor Pro Tem did not feel that the arena should be opened up to trainers and stated that if they wanted to rent it, they could rent it during the day.

Mayor Pro Tem Sullivan addressed regulation #13, noting that the arena is large enough to lunge several horses at one time. He questioned regulation #11, and inquired how volunteers could make sure that slow horses stay close to the rail. He did not see any reason why these regulations should be included.

Council Member Clark suggested that a regulation be added indicating that a minor must be accompanied by a parent, noting that an adult must sign the waiver. He concurred with Mayor Pro Tem Sullivan and indicated that some of these rules were not needed. He addressed regulation #7, noting that there was nothing wrong with letting a horse loose in the arena if no one else was there. Council Member Clark addressed regulation #17 and did not feel that arena should be opened up to

stallions. In general, the Council Member concurred with opening up the arena but felt that the rules should be reviewed again. He noted that the lower arena used to have a timer on it and reported that it was broken a lot and suggested using a large steel hollow pole, similar to what is used in Hidden Valley Wildlife Area.

Council Member Hall indicated that he would like the arena opened more and wanted fewer regulations. He suggested that the matter be referred back to the Parks and Recreation Commission to address liability questions and to open it up more to the community. In the meantime, he suggested that the Council adopt these regulations until we can come up with something everyone can agree on.

M/S Hall/Clark to approve the guidelines for use as outlined in the staff report temporarily and refer the matter back to the Parks, Recreation and Community Services Commission to fine tune the regulations.

Council Member Carmichael concurred with not allowing stallions in the arena. She agreed that some of the rules were a bit much but pointed out that volunteers will be monitoring the facility. Staff had recommended that we try this for six months and she felt that this matter would resolve itself.

Council Member Clark noted that if the arena is going to be open in inclement weather, there should not be a specific time for trainers. If a trainer wants to work his horse with the rest of them, he could do so. Mayor Pro Tem Sullivan requested that this matter be brought back in thirty days.

Mayor Higgins noted that these arenas would have been opened a long time ago if the City could have staffed it. He indicated that he would love to see the arena open 7 days a week, 9 a.m. to 9 p.m. but indicated that to do that, the City must have volunteers. He encouraged the audience to volunteer.

Mayor Higgins indicated that the arena was not donated and reported that the cover was built from development impact fees. He requested that a report come back in two weeks.

The motion was carried by the following roll call vote:

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

**Recess:**

**Mayor Higgins recessed the meeting at 8:45 p.m.**

**Reconvene:**

**Mayor Higgins reconvened the meeting at 9:00 a.m.**

**C. Review of Notice of Compliance Issued for Illegal Kennel Located at 4867 Pedley Avenue and Establish Provisions and Standards Regarding Dog Rescue Operations (Superintendent of Animal Control and Equestrian Services)**

The Superintendent of Animal Control and Equestrian Services reported on an illegal kennel being operated at 4867 Pedley Avenue. She presented background information on the kennel, which is operated by Burt and Tracy Ward, starting with a complaint in April of 1997.

When Animal Control staff responded to the residence, 28 Great Danes were counted. The property owner indicated that an additional 66 dogs were housed elsewhere on the property not visible by staff (94 total). Because more than four dogs were present, staff issued an "Order to Comply to City Ordinance," requesting that the operator reduce the number of dogs on the premises to the amount permitted (four dogs) by NMC. The Supervisor reported that CUPs for dog kennels (rescues), could not be issued in the A-1-20 zone, as they are only allowed in a C-3 zone. A second "Order to Comply to City Ordinance" was issued in November 1998, requesting a continued effort to reduce the amount of dogs maintained on the premises.

On December 2, 1998, the City Council directed staff to suspend the dog rescue Notice to Comply temporarily, to refer this issue to the Animal Keeping Ad Hoc Committee, and to hold off on a reduction until the findings of the Committee could be received. The operator said he was willing to continue to reduce the number of dogs down to a target population of 30, but wanted to be allowed to accept new dogs that are faced with euthanasia.

In January 2002, Animal Control and Code Enforcement received 13 complaints. Animal Control and Public Works inspected the property, there were 52 Great Danes, the grounds were clean and there were no foul odors. Investigators found no excessive manure on the property, or standing water in the kennel areas. In February 2002, the Planning Commission considered a dog rescue code amendment developed by the Animal Keeping Ad Hoc Committee.

The City Council took up the issue of a code amendment in April of 2002 based on the Planning Commission and the Animal Keeping Ad-Hoc Committee recommendations. The item was continued to a workshop for further discussion. At the June 2002 workshop, the City Council could not agree on a code amendment and was not willing to approve regulations for dog rescues as proposed. In September 2002, staff held one meeting each with residents and others who are in favor and who are opposed the Great Dane rescue operation. These meetings were intended to find standards and conditions that would work for everyone. In staff's opinion, based on individual meeting results, there is no common ground for those who oppose and those that support a rescue at 4867 Pedley.

The Superintendent noted that staff visited the property on October 4, 2002. A 3-yard trash roll off bin holds the property trash and rescue waste and is picked up once a week. She reported on the two newly built insulated, air conditioned and heated barn units with an 8' fence and full landscaping to provide a sound barrier. The kennels are approximately 600 feet away from the operator's front gate and approximately 500 feet away from the nearest resident's home.

The Superintendent indicated that the Council could either establish a standard for dog rescue operations and allow the Pedley address rescue service to continue or direct staff to enforce the existing City ordinance and close the Pedley Avenue operation. She recommended that a standard be initiated to ensure an appropriate neighborhood environment.

The Superintendent summarized the operator's proposal, which has been modified by staff, to address the Pedley Avenue rescue. This modified proposal included vaccinating all dogs for rabies, monthly unannounced inspectors paid for by the operator, the operator making aggressive adoption efforts, revocation of the permit after three warnings, fees associated with rescue operations being determined by the amount of inspections and the staff time required, microchipping, all dogs are to be spayed or neutered before leaving the rescue and rescue operations maintaining a 501:3(c) non-profit status. In addition, the Superintendent recommended that each residence within 600 feet of rescue be allowed two call-outs regarding the rescue operation. Once two complaints are unfounded, any additional call-out costs will be charged to the complainant. Should the complaint be verified, all costs incurred will be charged to the rescue operator. She also recommended that inspections include all buildings, including the operator's home and garage, and that the rescue operation maintain an average of no more than 40 dogs per day during each calendar month. The total count of dogs includes all dogs: (i.e. security dogs and non-adoptable rescue dogs, personal, etc.) The Superintendent recommended that the Council direct staff to initiate a code amendment containing these recommendations.

The City Manager read an email from Mary Jo Masters, 445 West 7th Street, San Pedro CA 90731 requesting that the Council show compassion and good sense and allow the dog rescue. He also read an email from Betty Sanders, 4830 Pedley Avenue against allowing the kennel.

Jim Suha, 4837 Pedley Avenue, referenced a meeting regarding a staging area in his neighborhood and Mr. Ward's comments that the need for the project should be weighed against the wishes of the residents. Mr. Suha felt that serious attention should be given to see if this facility was even needed.

Pat Gesler, 1400 4th Street, found the majority of the recommendations very acceptable. She supported the rescue and suggested that Mr. Ward be allowed to buy a license for the entire facility rather than paying a license for each and every dog. In response, the Council indicated that staff is recommending that a license be

purchased for Mr. Ward's personal dogs. Also, Mrs. Gesler was concerned with allowing the officers to inspect Mr. Ward's home, as people are entitled to their privacy.

Marilyn Wiggs, 1160 4th Street, supported the dog rescue and noted that Mr. Ward has bent over backwards trying to make his facility the cleanest and best facility around.

Joyce Goodman, 3451 Corona Avenue, concurred with Mrs. Wiggs.

Kim Coxwell, 859 So. Forestdale, Glendora CA 91740, makes appointments for the Wards. She indicated that there is no noise at the facility and stressed that each person coming for an appointment is given explicit directions.

In response to Mayor Higgins, Mrs. Coxwell indicated that the last appointment is 5:00 p.m.

Jackie Martin, P.O. Box 1745 Corona CA, noted that she had volunteered for the rescue for three years and stated that the facility is clean, there is no barking or smell.

Marie Koren, 4207 Pedley Avenue, supported the rescue. She indicated that the dogs have the highest quality of care and housing.

Ron Vereas, 2577 Devonshire, Riverside CA, indicated that as a veterinarian, he has visited the facility. He indicated that the Wards run a first class operation, both in the results they achieve and in their commitment. He asked the Council to find a way to allow them to continue their operation.

Gary Ruckle, 6823 Ranch Grove, Riverside CA, supported the dog rescue. The Wards have proven beyond a doubt that they have the ability, desire and resources to care for these dogs.

Cody Harrington, 4860 Pedley Avenue, indicated that the rescue and its traffic should be located somewhere where kids are not present. Keith Harrington, 4860 Pedley Avenue, commended staff on their work and felt that this rescue should be allowed only in a commercial setting, not in a residential neighborhood. He indicated that the dog waste is placed in a dumpster that sits right in front of his home and that people have stopped by, asking for directions. He agreed that Mr. Ward is doing a good thing but felt that the wishes of the immediate neighbors should be taken into consideration. There are 8 homes around Mr. Ward and 6 residents have complained.

Deborah Harrington, 4860 Pedley Avenue, referenced the election yesterday and noted that in the City of Norco, the wishes of the majority of the residents are not taken into consideration. She requested that the illegal kennel be shut down.

Lois Loock, supported the rescue and indicated that the California Code prohibits people from telling other people how to care for their property.

Marlene Zamberlin, 1953 Sierra Avenue, supported the dog rescue operation.

Lou Oliva, 4370 California Avenue, noted that the Wards are not taking anything from anyone, they are actually relieving the City from taking care of these animals.

Bonnie Koch, 4242 Valley View Avenue, supported the rescue and indicated that if it wasn't for rescues, thousands of pets would be destroyed. She noted that if Mr. Ward subdivided his property into ten 1/2 acre lots, each home would be allowed to have four dogs.

Lisa Smith, 367 North Drive, reported that her home is behind Mr. Ward's property. She indicated that the dog kennel is to the rear of their property and the people who ride horses in the front of the property would not hear the dogs. Mrs. Smith indicated that the noise was very loud and that it pierces through the house. She requested that if this was allowed that we check to make sure that it is quieter.

Elmer Fish, 1709 Mountain and 421 ? Drive in Corona, supported the rescue and suggested that the City consider purchasing the surrounding homes.

Randy Fogle, 4816 Pedley Avenue, supported this rescue if it was in a commercial zone. He indicated that he had a 13-year daughter and noted that it is dangerous on that street with all the cars coming in and out. He requested that the Council put in speed bumps to slow the cars down if this is approved.

Barbara Tannelli, Orange County, indicated that she has adopted Great Danes at this facility and showed pictures of her family and the dogs. She supported the rescue, noting that it is quiet and clean. The only dog barking is the neighbor's dog.

Bonnie Fogle, 4816 Pedley Avenue, reported that the dog waste is placed in a dumpster next to the gate. She inquired about flies and also wondered about the runoff. Mrs. Fogle wondered how a different standard could be set for one person than everyone else. She felt that this kennel would devalue property and urged the Council to close the kennel.

Betsy Legire, 1041 Frontier Road, has only heard one dog bark and has never seen traffic. She felt that the neighbors had better take care of their property as Mr. Ward's property upgrades all of theirs.

Ed Weltler, 4521 Pedley Avenue, indicated that he worked for Mr. Ward topping his trees. He noted that Mr. Ward is very passive and the neighbor is very hostile. He supported the rescue.

Nancy Casper, 2646 Corydon Avenue, noted that the people knew what Norco was like when they came here. Mr. Ward should be applauded, not chastised.

Mark Schemmer, 510 Sixth Street, noted that Mr. Ward is doing a good thing and that he supports it.

Celeste Tittle, 1487 Detroit Avenue, indicated that if the people were buying these homes as an investment, they should have bought their homes somewhere else. She supported Norco's lifestyle and urged the Council to not allow the homeowners to make a quick buck and ruin our rural lifestyle.

Burt Ward, 4867 Pedley Avenue, indicated that he rescues Great Danes, horses, sheep and pigs. He disagreed with Mr. Harrington's comment, noting that Mr. Landry has never complained, Mr. Lusk has never complained and Tito was pressured to sign a complaint. Mr. Ward stated that the only person who owns adjoining property that has a problem is the person with the tree. Mr. Ward provided the Council with a letter from a local broker, indicated that the Wards have improved the property value of homes in the neighborhood.

In response to Council Member Carmichael, Mr. Ward indicated that he had spoken with Mr. Lusk about buying his commercial property and noted that he would consider it if given the opportunity.

In response to Council Member Hall, Mr. Ward concurred with most of staff's recommendations and wanted some of the conditions clarified. He indicated that he would be happy to bring any dogs out of the house but requested that the officers not inspect the inside of his home. He also noted that the buildings are 12' x 20' with individual porches. In response, the City Manager indicated that there was no need to inspect the house and stated that staff could handle the matter through an inventory process.

Mayor Pro Tem Sullivan noted that most of the testimony tonight was in favor of the dog rescue. He indicated that this matter should have been handled in 1997 and reported that he had inspected the Wards property and found it clean. He has not heard dogs barking. He supported the use.

Council Member Carmichael outlined the history of the illegal kennel, noting that Animal Control did not know it was there until they responded to a complaint. The Council referred the matter to the Ad Hoc Committee, as they did not want to deny the number of dogs. In the meantime, the Council asked Mr. Ward to bring the number of dogs down to 30. The Council Member was disappointed that he currently has 54 dogs and noted that the City has made other people come into compliance before granting them a Conditional Use Permit. This is an illegal use and she could not support something that is not allowed to everyone. The Council Member commended Mr. Ward and encouraged him to purchase Mr. Lusk's property if it becomes available but could not support the kennel.

In response to Council Member Clark, the Superintendent affirmed that the zone code amendment would address dog rescues in Norco. The Superintendent indicated that staff is recommending that Mr. Ward be allowed an average of 40 dogs, as that is all Animal Control can handle in one hour.

The City Attorney indicated that the Council can not adopt the regulations tonight and that the regulations would be brought back in Ordinance form. In that case, Council Member Clark addressed the proposed language and indicated that whenever "should" is listed, it should be changed to read "shall."

In response to Council Member Clark, the Superintendent indicated that staff would not inspect dogs before they were placed in the rescue. In that event, the Council Member noted that the language should be changed. Also, the Council Member noted a previous discussion regarding limiting the number of dogs allowed outside at any one time. The Superintendent noted that the way the dogs are currently situated, they are always out but noted that landscaping surrounds the area. The Council Member commented that this regulation is needed for other rescues.

In response, the City Manager noted that this was an oversight and that a regulation should be included stating that no more than 4 dogs should be allowed to come to the fence.

The City Manager indicated the two choices in the staff report, either to direct staff to initiate a zone code amendment or direct staff to enforce the code. If the first option is chosen, Mr. Ward would be allowed to continue and then would have to come into compliance with the new code. If new rescues come into town, they would fall under these regulations. There was some discussion.

Council Member Hall indicated that Mr. Ward is operating a dog rescue, not a kennel, which is only allowed in a commercial zone. He concurred with the regulations as outlined in the staff report and supported initiating a zone code amendment.

M/S Hall/Clark to direct staff to initiate an amendment to the Zoning Code establishing provisions and standards regarding dog rescue operations as recommended in the staff report and allow the Pedley Avenue rescue to continue.

In response to Mayor Pro Tem Sullivan's comment about allowing no more than 10 dogs per acre, Mayor Higgins indicated that he believed the recommendation was for 4 dogs per 1/2 acre. In response, the City Manager indicated that staff is recommending the number of dogs which can be inspected in an hour (40). Council Member Hall noted that the motion was to initiate an amendment. When the Ordinance comes back to Council, it will be very specific and the Council can fine-tune it at that time.

Council Member Carmichael was concerned with the number of dogs proposed, noting that Mr. Ward had agreed to reduce the number of dogs to 30. She indicated that 40 Great Danes were a lot different than 40 pit bulls and noted that some owners like to turn their dogs loose at night.

Mayor Higgins indicated that this use should have been shut down three years ago, noting that we have asked people to move their trailers and horses before issuing a Conditional Use Permit. However, because there was not an existing Ordinance, the Council chose not to shut down this operation. Because the Council postponed this matter, this gave the property owner the opportunity to try to resolve some of the neighbor's concerns. Mr. Ward has spent thousands of dollars trying to resolve the complaints and the only issue is the number of dogs. Mayor Higgins indicated that he would support this reluctantly as a smooth operation runs totally in compliance from start to finish. He indicated that we need to review our rules and regulations and make sure that we are enforcing them in the future.

The motion was carried by the following roll call vote:

**AYES: CLARK, HALL, SULLIVAN, HIGGINS NOES: CARMICHAEL ABSENT: NONE ABSTAIN: NONE**

**D. Consideration of Beer and Wine License Request to ABC for a Restaurant Proposed at 3370 Hamner Avenue (Formerly Trina's) (Director of Community Development)**

The Director of Community Development reported that earlier this year, the Council sent a letter to the Department of Alcoholic Beverage Control stating their opposition to the issuance of a beer and wine license for a restaurant that was located in the now vacant building located at 3370 Hamner Avenue.

He indicated that the Council opposed the beer and wine license because of the questionable background check and an existing safety hazard. The hazard was caused by perpendicular parking adjacent to Hamner Avenue requiring patrons to back into oncoming Hamner Avenue traffic. That license was not issued and the restaurant has since gone out of business.

The Director reported that a new restaurant is being proposed at the same location, with no physical building expansion. As the building is roughly 3,600 square feet, 36 parking spaces are required. The site as it is currently configured and striped has 39 spaces available. This includes 15 spaces that are located on the adjacent lot behind Tune-up Masters. If the Council concurs with the parking arrangement, he recommended that a written joint access and parking agreement between the two properties be provided, signed by the two tenants before City staff signs off on the ABC license.

To avoid the back-up hazard that occurred with the previous uses, the applicant has proposed replacing the perpendicular parking adjacent to Hamner Avenue with two parallel handicapped parking stalls. This would eliminate four spaces overall, leaving 35 which is one short of the required number of parking spaces. The Director recommended that the Council not oppose the proposed beer and wine license, as the parking layout improves the parking hazard.

In response to Council Member Clark, the Director indicated that the handicapped parking stalls would be to the side of the building. The front two stalls will not be handicapped but will be parallel to the building. There was some discussion regarding the use, which will be a Mexican restaurant.

M/S Hall/Carmichael to authorize staff not to oppose a proposed beer and wine license, motion was carried by the following roll call vote:

**AYES: CARMICHAEL, CLARK, HALL, SULLIVAN, HIGGINS NOES: NONE  
ABSENT: NONE ABSTAIN: NONE**

### **13. DISCUSSION OF REMOVED CONSENT CALENDAR ITEMS.**

### **14. PUBLIC COMMENTS OR QUESTIONS**

Mychon Foley, 4530 Hillside Avenue, addressed the size of the arena. She stated the footing is terrible, as it is hard on the bottom and slippery on top. The arena is smaller than the original arena. She indicated that the old tractor was easy to operate and could be used by everyone while someone knowledgeable in arena preparation must use the new tractor. Mayor Higgins directed her to the Parks, Recreation and Community Services Department.

Pat Gesler, 1400 4th Street, addressed the Newcastle disease, noting that this disease is in Norco and two flocks have been quarantined. Mrs. Gesler indicated that 20% bleach is recommended and reported that other animals can get the disease if they come in contact with it. She also reported that the USDA was concerned with loose chickens on the street, as can help spread the disease. Mayor Higgins requested her to provide information to City Hall.

Lou Oliva, 4370 California, reported that in the 1971 Chino Newcastle outbreak, they found that the inspector's shoes were spreading the disease. She recommended that bird breeders require the inspectors to put on booties or change shoes.

John Casper, 2646 Corydon, indicated that we have a local celebrity and suggested that the City award Mr. Glaus with a proclamation.

Lois Loock, indicated that she had helped a woman last year and reported that one of the cats was allowed to stay in the vacant house and has since then died. She indicated that the person responsible should be disciplined. Also, Mrs. Loock

presented the Council with a newspaper article of a City that charges \$25 for people to speak at zoning and planning meetings.

**15. OTHER MATTERS - COUNCIL OR STAFF:**

**A. Verbal Status Report on Water System (Director of Public Works/City Engineer)**

The Public Works Director/City Engineer indicated that there was nothing to report.

**B. Verbal Status Report on Trail System (Director of Public Works/City Engineer)**

The Public Works Director/City Engineer reported that 104 tons of d.g., posts and rails were placed on the equestrian trails in the Hillside Avenue/Pedley area.

In response to Council Member Clark, the Director addressed the equestrian trail at Pedley Avenue/Fifth Street. He noted that he met today with representatives of the Norco Horsemen's Association and indicated that the concept being considered is to move the trail to the south of the pond, on the slope side. There was some discussion.

Mayor Pro Tem Sullivan indicated that a resident on Pedley Avenue was cited for excessive manure and pointed out that a second resident has now been cited. Since we do not have an Ordinance that addresses this matter, he requested that it be agendized.

Mayor Higgins reported that he has marked several dead trees on Reservoir Avenue that need to be removed.

**16. ADJOURNMENT - There being no further business to come before the Council, Mayor Higgins adjourned the meeting at 11:21 p.m.**

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**DEBRA L. MCNAY, CMC CITY CLERK**

**/dm-42921**