

Community Redevelopment Agency/City Council
Minutes

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

Regular Meeting

May 7, 2003

Next CRA Ordinance No. 2 Next CRA Resolution No. 2003-05

- 1. CALL TO ORDER: Mayor Sullivan called the meeting to order at 7:05 p.m.**
- 2. ROLL CALL: Council/Agency Members present: Carmichael, Clark, Hall, Higgins, Sullivan.**

Staff present: Hatzenbuhler, Harper, Cooper, Daniels, McNay, Okoro, Oulman, Pasarow, Petree, Power, Schenk, Skaggs and Press.

- 3. PLEDGE OF ALLEGIANCE: Mayor Pro Tem Carmichael**
- 4. INVOCATION: Pastor Louie Montieth Calvary Chapel of Norco**

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

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

CRA CONSENT CALENDAR

5. FROM THE EXECUTIVE DIRECTOR:

- A. CRA Minutes, Regular Meeting of April 16, 2003 - Approved the minutes of the meeting.**

B. Acceptance of Bid for the Valley View Infill Housing Project (Housing Program Manager) - Accepted the bid from Housing Alternatives, Inc. in the amount of \$409,777.27 plus 5% (\$20,388) for contingency for site development and construction of two infill housing houses.

6. OTHER MATTERS: None. 7. ADJOURNMENT OF CRA: 7:06 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No.807 Next Resolution No. 2003-33

8. PROCLAMATIONS: Mental Health Month

Poppy Week

Public Service Recognition Week

Shay Edwards

Mayor Sullivan presented proclamations in recognition of Mental Health Month, Poppy Week and Public Service Recognition Week. He also presented a proclamation to Shay Edwards for his accomplishments.

Mayor Sullivan pulled Items 9.D. and 9.E. M/S Carmichael/Higgins to approve the items listed on the Consent Calendar, motion was carried by the following roll call vote:

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

CONSENT CALENDAR

9. FROM CITY MANAGER:

A. City Council Minutes, Adjourned Regular Meeting of April 15, 2003 City Council Minutes, Regular Meeting of April 16, 2003 - Approved the minutes of the meetings.

B. Approval of Final Tract Map 29589-3, Lots 1 thru 59, Between South City Limits and Haflinger Road (Beazer Homes) (Director of Public Works/City Engineer) - Approved tract map and authorized Mayor to sign the subdivision agreement and the City Clerk to sign the map.

C. Approval of Parcel Map 30469 (Norco Ridge Ranch) for Financing and Conveyance Purposes (Director of Public Works/City Engineer) - Approved the parcel map.

D. Resolution No. 2003-____ Approving a Reimbursement Agreement By and Between the City of Norco and the County of Riverside for the Silverlakes Park Project (City Manager) - Pulled for discussion.

E. Community Center Pool Assessment (Director of Parks, Recreation and Community Services) - Pulled for discussion.

F. Approval of Sole Source Purchase Agreement with Gas Equipment Systems, Inc. for Compressed Natural Gas Fuel Storage Tanks (City Manager) - Approved the sole source purchase agreement.

G. Action Agenda for Planning Commission Meeting of April 30, 2003 (Director of Community Development) - Received and filed.

END OF CONSENT CALENDAR

10. CONTINUED PUBLIC HEARINGS:

A. Approval of Principles of Governance for Silverlakes Park (Continued from March 5, 2003 (City Manager)

The City Manager indicated that he received a letter from the Jurupa Community Services District on March 21, 2003 stating that the joint venture was not feasible for the District at that time. Therefore, he recommended that the Council table the Principles of Governance.

M/S Hall/Carmichael to table the principles of governance, motion was carried by the following roll call vote:

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

B. Resolution 2003-____, Tentative Parcel Map 30648; Resolution 2003-____ Variance 2002-09; Resolution 2003-____, Variance 2002-11 (Raab Engineering): A Request for Approval of the Subdivision of Land that is Approximately One Acre into Two Parcels for Residential Development for Property Located at 1372 Third Street Within the "A-1-20" Zone. The Variances are Being Requested from Norco Municipal Code Section 18.13.12 (3) "Lot Depth," to Allow the Required 200-Foot Lot Depth for the Proposed Parcels to be Reduced to a Minimum of 175 Feet; and Section 18.13.10 "Lot and Pad Area," to Allow the Creation of a Lot Without the Required 18,000 Square-Foot Pad (Continued from April 16, 2003) (Director of Community Development)

The Director of Community Development reported on Tentative Parcel Map 30648, which is located on the south side of Third Street west of Reservoir Drive. The Tentative Parcel Map proposes to subdivide 1.05 acres into two parcels. He

indicated that Variance 2002-09 is a request to reduce the required lot depth of 200 feet. Variance 2002-11 is a request to waive the requirement for a level pad area of 18,000 square-foot pad on a new parcel where there is an existing home.

The Director indicated that Parcel 1 is proposed to consist of 22,690 square feet and will remain vacant until developed for residential purposes. The property has adequate area to accommodate two residential parcels that meet the minimum lot size requirements of 20,000 square feet. The Director indicated that neither parcels could meet the minimum lot depth requirement of 200 feet, with the existing depth being less than the minimum. Variance 2002-09 was filed requesting that the minimum lot depth be reduced on both proposed parcels.

The Director indicated that Parcel 2 is proposed to consist of 20,670 square feet and would include the existing residence. Parcel 2 cannot meet the Municipal Code requirement for lot depth and for the required level pad area. An 18,000 square-foot pad area is a requirement of all new lots in the "A-1-20" zone. Variance 2002-11 has been requested from this requirement due to constraints caused by the existing improvements and the amount of grading that would be necessary to provide an 18,000 square-foot pad.

The Director reported that the Planning Commission considered the tentative parcel map at their meeting of March 12, 2003. The Planning Commission recommended that City Council deny the tentative parcel map due to extensive grading and the use of high retaining walls to create the required pad areas. The Commission felt the current parcel was adequately sized to accommodate animal keeping in the manner that is the intent of the Municipal Code and General Plan. No action was taken regarding two proposed variances to reduce the required lot depth requirement of 200 feet, or to waive the requirement for a minimum pad area of 12,000 square feet.

The Director addressed the pad area requirement and the problem with determining when a parcel is created and whether it is subject to these requirements. To solve the problem, staff has recommended a condition of the tentative map requiring a statement in the recorded title and on the final map, requiring any new development on Parcel 1 to include a minimum 18,000 square-foot pad area and PAKA. Once recorded this requirement would be recognized when building permits are requested. The Director recommended the approval for the tentative parcel map and Variance 2002-09. He recommended denial of Variance 2002-11, as the code does not make provision for existing development. A statement on the title report and on the map would be appropriate.

The Director addressed the purpose of a variance and the findings that must be made before granting a variance.

Mark Raab, Raab Engineering 310 South Maple Avenue #D Corona, represented the owner, Bob Scott and indicated that initially there were five variances requested. Due to the hard work with staff, only two variances are now requested. He indicated

that the request for a variance on the lot depth requirement is necessary due to the size of the project. The second variance for an 18,000 square-foot pad is requested due to the amount of work that would need to be done to the site.

Mayor Sullivan declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak.

Greg Newton, 1140 Man O' War, reported that the Commission took a tour of Norco hills and had a concern with the elevated Primary Animal Keeping Areas. He noted that the ramp to the PAKA is at a 25% grade and wondered how a future resident could access that area.

Mayor Sullivan closed the public hearing.

Council Member Clark believed that the Variances are being requested as a result of previous Council action to preclude how property owners could develop their property. He noted that when PAKAs and the large pad areas were adopted, the intention was to apply this requirement on large developments. He noted that there are a lot of places in Norco where there is not an 18,000 square-foot pad area. Council Member Clark reiterated that the intention was not to hinder a person to subdivide his lot and subject him to conditions that his neighbor doesn't have to do. He would like the Council to revisit the requirements and make these changes.

Mayor Sullivan concurred, noting that when the Council voted for the PAKA, it was meant to apply to newly developed areas and not to the subdivision of existing lots in the City.

M/S to Higgins/Carmichael to uphold the action of the Planning Commission and deny the tentative parcel map. Council Member Hall noted that a 25% grade is pretty steep. He referenced the 10' wide access into the PAKA and thought the requirement was 15-feet. In response, the Director of Community Development noted that the 15-foot requirement was for side yard access.

Mayor Pro Tem Carmichael concurred that a 25% grade is very steep. She indicated that this requirement should be put on every home in Norco, noting that the Council should protect our animal-keeping lifestyle in every way that we can.

In response, Council Member Clark indicated that there are many lots in Norco that do not conform to these requirements and non-compliance is not a detriment to our animal-keeping lifestyle.

In response to Mayor Sullivan, Mr. Raab indicated that the tentative parcel map contains a conceptual grading plan. There is a condition that if the map is approved, the grading has to be approved. Mr. Raab noted that the ramp could be extended to lower the grade and indicated that he could provide a plan that conforms to all requirements, except for the lot depth.

Council Member Higgins noted that if the map needs to be changed, the Planning Commission should review it and make a recommendation. He felt that this should have been discussed with the Commission.

Mayor Pro Tem Carmichael concurred with the applicant revising the map and sending it back to the Planning Commission. Mayor Sullivan concurred. Council Member Hall noted that we are voting on a lot split not lot development. If the Council has problems with the conceptual drawing, it can be corrected.

M/S Sullivan/Carmichael to send the tentative parcel map back to the Planning Commission, motion was carried by the following roll call vote:

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

11. PUBLIC HEARINGS:

A. Resolution No. 2003-____, Declaring That Weeds and Hazardous Vegetation, Upon or in Front of Property in the City of Norco, Constitute a Public Nuisance and Ordering the Abatement (Fire Chief)

The Fire Chief reported that the Council authorized staff to proceed with the 2003 Weed Abatement Program in February, and noted that Notices to Abate were mailed to property owners who were allowed until April 13, 2003 to comply with the notice. He noted that the purpose of tonight's Public Hearing is to consider objections from the property owners who were mailed notices.

Mayor Sullivan declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak.

Lois Loock, inquired if this ruling would include the weeds at Silverlakes, or does it apply to just residents. In response, the City Manager indicated that Silverlakes has not been annexed into the City. The Director of Parks, Recreation and Community Services reported that the contractor will be in next week and will be cleaning up all public spaces.

Mayor Sullivan closed the public hearing.

M/S Clark/Carmichael to adopt Resolution No. 2003-34, motion was carried by the following roll call vote:

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

B. Ordinance No. ____ First Reading. An Ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of

Norco and Amending Chapter 10.12.020 and 10.12.030 of the Norco Municipal Code (Code Change 2001-03) (Director of Public Works/City Engineer)

The Director of Public Works/City Engineer indicated that the City conducted an engineering and traffic survey of various City streets and subsequently adopted Ordinance No. 777 on May 16, 2001. After adoption, he reported that the City sought modifications to the California Vehicle Code to allow speed limits that consider the equestrian orientation of the Community. AB 2402 added Section 22353 to the California Vehicle Code and provided that Norco may consider equestrian safety in addition to the other factors required to be included in a traffic and engineering survey.

Based on passage of AB 2402, the Director reported that another engineering survey was ordered to review selected streets considering equestrian safety. The new survey included five segments along Fifth Street, three along First Street, two along Fourth Street, five along Hillside, two along Second Street, three along Seventh Street, and two along Third Street. The results of the survey were presented to the Streets and Trails Commission at their meeting of March 3, 2003. While speeds remained unchanged, the Director reported that the engineer recommended reductions in speed limits based on the equestrian traffic. He noted that Seventh Street, Fifth Street, Fourth Street and First Street east of Hamner Avenue, and Hillside between First and Sixth could be reduced to 25 mph.

The Director indicated that the Vehicle Code allows for speed limits to be extended beyond five years without new or additional engineering surveys provided findings are included that there have been no modifications to the roadways or new traffic generators that would alter speeds. He reported that such findings could be made for those streets not included in the resurvey but in the first survey. The Director recommended that the Council adopt Ordinance 807, noting that adoption of a new ordinance setting all speeds, makes it much clearer to the courts and public what the limits are and resets the time clock on the expiration of speed limits. He indicated that the Council received a copy of the speed limit study tonight.

In response to Mayor Sullivan, the Director indicated that AB 2402 allows us to reduce the speed by 10 mph.

Mayor Sullivan declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak.

Robert Egbert, 791 Garden Grove, noted that he is not able to comment on this matter as the Council has received the study and he hasn't. He stated that based upon Norco's history, he is not inclined to believe that we are abiding by the law and requested a copy of the speed limit study.

Betsy Roberts, 3690 Hillside, inquired if the new speeds would be enforced. She noted that we have a major traffic problem and that 35-mph is a problem now.

Marilyn Boutelle, 2290 Golden West Lane, noted that Hillside from Third is a speedway and spoke about the importance of enforcement. Also, she was concerned with Third to Temescal.

Pat Gesler, 1400 Fourth Street, didn't mind the proposal to reduce the speed limits but was concerned with enforcement. She was not sure that lowering the speed limit was really the answer. Mrs. Gesler indicated that the City needs a way to slow down traffic without reducing the speed limit, as we will run out of policemen trying to enforce all the speed limits. Mayor Sullivan closed the public hearing.

Council Member Hall indicated that our previous Assemblyman got this bill adopted for Norco, noting that it was not legal to lower the speed limits further before this bill was adopted. He noted that the speed limit would not be enforced 100% of the time. Council Member Hall supported the Ordinance.

Mayor Pro Tem Carmichael concurred, noting that we are now allowed to do something that other cities can't do, consider equestrian traffic before determining the appropriate speeds. She noted the difficulty right now with residents knowing what the speed limit is, as we have different speeds on different streets. This Ordinance would make residential streets 25 mph.

Council Member Higgins wondered if this wasn't a factor in setting speed limits at the 85 percentile, if we need to go back and include those streets.

Mark Miller, the consultant that prepared the study, didn't believe that this was the case. He indicated that he looked at the volume of equestrians, several times during the week, and also at the number of equestrian accidents.

In response to Mayor Sullivan, Lt. Cooper indicated that warnings would be put out so that residents have the opportunity to adjust to the new speeds. He indicated that the signs would be removed and the new signs put up and then the trailer would be put out notifying the drivers of their speed. Mayor Pro Tem Carmichael suggested putting this information in the water bills.

M/S Carmichael/Higgins to take up and adopt Ordinance No. 807 for first reading,

An Ordinance of the City Council of the City of Norco Establishing Prima Facie Speed Limits on Certain Streets in the City of Norco and Amending Chapter 10.12.020 and 10.12.030 of the Norco Municipal Code (Code Change 2001-03)

The motion was carried by the following roll call vote:

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

C. Resolution No. 2003-___, Tentative Parcel Map 30912 (Crouse/Beers and Associates): A Request for Approval of a Subdivision of Land that is Approximately .97 Acres Into Two Parcels for Residential Development for Property Located at 4619 Hillside Drive Within the "A-1-20" Zone (Director of Community Development)

The Director of Community Development reported on Tentative Parcel Map 30912, which is located on the east side of Hillside Drive, approximately 1,130 feet north of Seventh Street. He noted that the Riverside County Recorder recognizes only one address for the site (4619 Hillside Drive) although the two houses have different street addresses. The older and smaller home at 4619 Hillside Drive was built in 1926. The newer and larger home to the south has the address of 4607 Hillside Drive and was built in 1961. There is a permit on file with the county for the larger structure, but not for the smaller one.

The Director indicated that each lot would consist of 21,038 square feet and have 82.5 feet of frontage along Hillside Drive. Each lot will have a lot depth of 255 feet. He reported on the existing 1,310 square-foot house on Lot 1 that has an attached two-car garage. He noted that there is an existing 672 square-foot house on proposed Lot 2 that was built in 1926 with a detached 552 square-foot garage. Both buildings meet the setback requirements including a 10-foot setback between the house and the garage structure. The home, however, is non-conforming.

The Director reported that all newly created parcels in the "A-1" zone are required to have an 18,000 square-foot pad area and a PAKA. He noted that both proposed parcels are level and have adequate pad area to meet the requirements. He reported that the Planning Commission has recommended approval. In addition, he reported that staff had prepared an initial study and has determined that the project will not create a significant impact to the environment. He recommended that the Tentative Parcel Map be approved and a negative declaration be adopted.

Mayor Sullivan declared the public hearing open, indicated that proper notification had been made and asked for the appearance of those wishing to speak.

Doug Crouse was present representing the property owners. He concurred with the report and the maps provided. He noted that everything conforms to the Municipal Code and appreciated the hard work by staff on this project.

Mayor Sullivan closed the public hearing.

Mayor Pro Tem Carmichael indicated that she still has the same concerns as mentioned in Item 10.B., but indicated that she could not deny this tentative parcel map as it meets all of the requirements.

M/S Hall/Carmichael to adopt Resolution No. 2003-35 approving Tentative Parcel Map 30912, motion was carried by the following roll call vote:

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

C. Ordinance No. ____, First Reading. Zone Code Amendment 2003-01 (City of Norco): A City-initiated Amendment to the Norco Municipal Code to Establish Chapter 18.35.16 - "Dog Rescue Operations" to Provide Standards and Regulations for Dog Rescue Operations in the City (Director of Community Development)

The Director noted that over the years, the Council had considered development of provisions and standards for the operation of dog rescue services. One of the primary reasons for the debate regarding dog rescues has been the illegal dog rescue operating at 4867 Pedley Avenue. He reported that the operator understands that the operation is illegal per the Municipal Code, but is continuing the operation until the City Council makes a final decision regarding dog rescues.

The Director reported that in late 1998, City Council directed staff to suspend all Notices to Comply and referred this matter to the Ad Hoc Committee for recommendations regarding dog rescue operation. No further inspection of the property occurred until January 2002 when Animal Control and Code Enforcement received 13 complaints regarding the operation.

Driven by the January 2002 complaints and direction from the City Council, the Director indicated that the Planning Commission considered a code amendment based primarily on recommendations from the Animal Keeping Ad Hoc Committee. A draft ordinance was prepared, amended and recommended for approval by the Planning Commission in early 2002. The Director noted that the Council considered the Planning Commission's recommendation in April of 2002. As several concerns were expressed by the City Council, no code amendment was approved establishing standards for or allowing dog rescues. The action of the City Council was to continue consideration of the issues in a workshop with the Animal Control Department. The Director noted that at a June 2002 workshop, the City Council could not come to an agreement on a code amendment and was not willing to approve regulations for dog rescues as proposed. As a result, no code amendment was adopted.

The Director indicated that the Council reconsidered this matter in November 2002, based on continuing complaints from residents regarding the illegal dog rescue operation on Pedley Avenue. Based on input from staff and the property owner at 4867 Pedley Avenue, additional recommendations were considered by the City Council for the operation of rescue facilities on November 6, 2002. Staff was directed at that City Council meeting to reinstate the code amendment establishing standards for dog rescues.

The Director noted that the Planning Commission recommended the City Council approve a revised Ordinance for dog rescues at their April 2003 meeting. He noted that comments were received from Traci Stewart at the April 16, 2003 Council

meeting indicating that the code amendment was too narrowly focused for non-profit organizations and not for individuals who rescue dogs that cannot be placed. He indicated that Ms. Stewart's comments were not included in the Planning Commission's proposed Ordinance as the comment was made after their hearing. He recommended that the Council adopt the Ordinance for first reading.

The City Manager indicated that the comments received by Mrs. Stewart are a concern and requested direction from the Council on how to handle current rescues and whether or not they should be allowed to eventually get down to four dogs. The Director indicated a correction to the staff report that there is a maximum of 10 dogs per acre, with the entire site not having more than an average of 40 dogs.

In response to Council Member Higgins, the Director indicated that the staff report and Ordinance were written for non-profit rescues. He noted that Mrs. Stewart is concerned with individuals that rescue dogs that cannot be placed.

Mayor Sullivan did not find any provisions for Animal Control to inspect the property before the license was issued. In response, the Director noted that current practice is for staff to analyze the property before a report is prepared to the Planning Commission.

Pat Walsh, 1250 Fourth, was not opposed to animal rescue operations but felt that the adjoining property owner's rights should be considered. He indicated that the noise and smell could be very offensive to neighbors and noted that rescue operations should be encouraged to locate in larger and more remote areas. He opposed the Ordinance.

Pam Deque, 811 La Quinta, recommended that the dog rescue operation language be modified as provided by Mrs. Stewart. This way it would be applicable to everyone and contain provisions for all people who have rescued dogs off the street.

Traci Stewart commended the Council and staff for the effort they have put into this matter. She noted that there are many other people in Norco that have more than four dogs. Mrs. Stewart suggested a code amendment that would allow residents to care for their grandparent's animals or retrieve an animal off of the street. We need to be teaching our children that we are responsible for the animals on this earth.

Lois Look noted that the City is unique and that Traci and Burt were very responsible. She indicated that when she visited the Wards, no dog barked except the dog next door and indicated that Mr. Ward does not have any pollution. She has never heard of one ranch in this town that gets denied because of the number of horses.

Bill Detillion disagreed, noting that he hears dogs barking from the property while riding a horse up from the riverbed. He inquired how the Council would like to live

next door to a rescue. If Burt were on a 100-acre site out in the middle of nowhere, it would be acceptable. Mr. Detillion opposed the Ordinance.

Burt Ward, 4867 Pedley Avenue, sympathized with anyone who has a problem with his or her neighbor. He indicated that he has three neighbors who have never complained, as they don't hear anything. Mr. Ward noted that the dogs are not outside, they are inside a soundproof kennel. He supported the Ordinance and felt that all the concerns had been addressed.

T. J. Kawana, 1615 Red Rock Way, indicated that she doesn't live next to Mr. Ward and noted that she has adopted two dogs from him. Mr. Ward's dogs are not constantly barking, there is no smell and the property is very clean. She supported the Ordinance.

Kevin Bash, 3678 Pedley, was on the Animal Keeping Ad Hoc Committee and noted that they considered this extensively and really put down very strict guidelines, as they were lied to many times by people with too many animals. Mr. Bash indicated that the concerns of neighbors should be respected and noted that not all dog rescues would be able to be operated like Mr. Ward's operation. Many dogs next to Mr. Bash's property would not be appropriate.

Pat Gesler, 1400 Fourth Street, indicated that she owned the only legal dog and cat boarding facility in Bellflower. Owning the boarding facility did not hurt her neighbors and she had a lot of rules she had to follow. Mrs. Gesler was under the impression that Norco is an animal-keeping community and pointed out that dogs are animals. She indicated that there should be a place in our community for dog rescues.

Linda West indicated that she was a member of the Ad Hoc Committee and believes rescues are wonderful. She indicated that two long years were spent coming up with a product that would appease everyone. Mrs. West asked that the Council consider the Ad Hoc Committee's work before they adopt this Ordinance.

Council Member Hall noted that the whole issue is focusing on Mr. Ward's operation. The intent was not to do that, but to propose an Ordinance that would work in the community. He supported dog rescues, but indicated that there would have to be conditions. Council Member Hall indicated that he supported the proposal with the exception of two minor adjustments. He noted that the Ordinance should not be put off any longer and indicated that Mrs. Stewart's suggestions should be considered in the future. The Council Member wanted a provision that the operation would have and maintain in good standing 501(3)c status.

Council Member Clark was concerned that there was no maximum number of dogs that would be allowed in a rescue. He recognized the average of 40 dogs over a calendar month but noted that a rescue could have 600 dogs one day and not have any dogs the rest of the day and still comply with the Ordinance. He suggested

language that the rescue operation should not exceed an average of 40 dogs. Also, the Council Member didn't believe that one acre is large enough for ten dogs. He did not oppose rescues but believed that the City should be stricter. The current Ordinance does not suffice.

Mayor Pro Tem Carmichael noted that the Animal Ad Hoc Committee spent a tremendous amount of time on this. She loved animals and tries to rescue everything too. However, she mentioned that she had called Animal Control this week regarding dogs trying to get under fences to kill livestock. She noted that dogs will kill livestock and did not support the provision for 40 dogs. The Mayor Pro Tem suggested that the Council look at the Ad Hoc Committee's recommendations.

Council Member Higgins noted that we have a unique lifestyle and that we allow property owners to keep a variety of animals. This practice has gotten to the point where it is detrimental to allow people to keep animals above the amount allowed. He referenced the discussion about Conditional Use Permits and noted that it was referred back to the Planning Commission, as the rules are not fair and equitable for everyone. He did not support creating a standard for a specific operation and forcing everyone else to try to adapt to the regulations. He requested a CUP process that can be applied to all animals.

Mayor Sullivan noted that he has been opposed to any dog rescues on less than five acres. He referenced the lot split, noting that that a person could have a 12-foot wide rescue. In response the City Manager noted the proposed language is no more than ten dogs per acre, up to 40 dogs maximum.

M/S Carmichael/Clark to deny the Ordinance.

Under discussion, it was noted that this action was taken with the understanding that the Commission would look at the Conditional Use Permit process for dogs, not just horses.

Council Member Hall noted that keeping animals is different from dog rescues. He supports a flexible number, not an arbitrary maximum. He noted that the Council should not be looking at Mr. Ward's rescue and felt that the Ordinance for rescues has been studied and well written. Since he indicated that the Ordinance could be improved, he asked that the Council reconsider.

Mayor Sullivan noted that he would support dog rescues, but wanted a minimum of five acres and a maximum of 40 dogs. He noted that the Ordinance is written in such a way that he could not support the Ordinance.

The motion was carried by the following roll call vote:

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

A member of the audience inquired on how this action affects Mr. Ward. Mayor Sullivan indicated that he did not have an answer that question at this time.

Recess:

Mayor Sullivan recessed the meeting at 9:10 p.m.

Reconvene:

Mayor Sullivan reconvened the meeting at 9:35 p.m.

Public comments were taken at this time and with the discussion being listed under Item 14.

ITEMS FOR ACTION

12. FROM CITY MANAGER:

A. Appointments to Various City Commissions/Committees (City Clerk)

The City Clerk reported on the 2003 vacancies in the various Commissions and Committees. She indicated that applications for the Commissions and Beautification Committee were included with the staff report with the exception of Jeanne Guertin, whose application was in front of the Council. The City Clerk clarified that Mrs. Guertin wanted to be considered for both the Planning Commission and the Parks and Recreation Commission.

Mayor Pro Tem Carmichael suggested readvertising for the Planning Commission and the Beautification Committee.

M/S Carmichael/Sullivan to direct staff to readvertise for the Planning Commission and Beautification Committee.

Council Member Higgins indicated that if the Council wanted to readvertise, they should readvertise to acquire applications for all the Commissions and Committee.

A substitute motion was made by Council Member Higgins to advertise for all the Commissions. Mayor Sullivan seconded the substitute motion. The motion was carried by the following roll call vote:

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

B. Award of Contract for \$74,600 to Sturdisteel Company of Waco, Texas for the Construction of Amphitheater Bleachers at Nellie Weaver Hall, Ingalls Park (Director of Parks, Recreation and Community Services)

The Director of Parks and Recreation indicated that staff and the Facility Development Committee met with a bleacher committee from the Norco Chamber of Commerce in February to discuss construction of new bleachers. The Parks and Recreation Commission at the February 24, 2003 meeting, voted to approve an agreement between the City and the Norco Chamber of Commerce, proposing a 10-year term for repayment with amortized annual interest for return on the Chamber's share of cost.

The Director indicated that the Council voted to approve the bleacher construction and authorized the City Manager to solicit bids in March 2003. He noted that four companies submitted bids and recommended that the contract be awarded to the low bidder, Sturdisteel Company, in the amount of \$74,600. He also recommended that the Council authorize the City Manager approve change orders up to 10% of the contract. He indicated that this project could be funded from the Fiscal Year 2003 Capital Budget for Ingalls Parks Improvements and noted that a proposed agreement with the Chamber will be presented at a later date, for repayment of the Chamber's portion of the Amphitheater Bleacher Project at Nellie Weaver Hall.

Council Member Clark verified that this award was for the bleachers and is one-half of the cost of the project. The Director indicated that the budget is \$160,000, but noted that the actual bid was less than the amount budgeted. He indicated staff's understanding that the Chamber would pay \$80,000.00. If the work costs more than the \$160,000.00, he indicated that the City would end up paying for more than half of the project. In response, the City Manager noted that the intention was for the City to front the money and get the Chamber to reimburse us. The Chamber has committed to paying up to \$80,000.00.

In response to Council Member Hall, the Director indicated that if approved, the Notice to Proceed would be issued tomorrow. There is a guarantee in the contract that the contractor has to do the work by August 6, 2003 but the contractor has indicated that the work should be done in mid-July.

Mayor Pro Tem Carmichael was concerned with spending \$160,000.00 on bleachers that the Chamber uses once a year. Council Member Higgins noted that a reimbursement agreement has not been approved stipulating that the Chamber would pay the money. He was concerned that the City might be stuck with the entire bill for the improvements. In response, the Director indicated that the City has received a letter from the Chamber committing to pay for one-half of the costs. Mayor Pro Tem Carmichael wanted a signed contract before approving this award of bid.

In response to Council Member Clark, the Director indicated that he would do his best to ensure that the rentals at Weaver Hall are not disrupted.

Mayor Sullivan noted that thousands of children use that area each year and the City would get an amphitheater for outdoor concerts. He noted that hundreds of

thousands of dollars were spent on Ingalls Park for three users and indicated that this is an opportunity for us to put in bleachers to benefit everyone.

In response, Council Member Clark indicated that more than three users benefit from the sound system, etc.

M/S Hall/Higgins to award the contract to Sturdisteel in the amount of \$74,600 and authorize the City Manager to approve change orders up to 10% of the contract, motion was carried by the following roll call vote:

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

Mayor Pro Tem Carmichael noted that she needs the contract for repayment before she can spend the money.

In response, Council Member Hall commented that development funds have been set aside, specifically for the improvement of Ingalls Park and noted that these funds can not be used to repair potholes.

C. Consideration of Revocation of Entertainment Permit 2002-01 and Consideration of a Request by the Applicant to Allow a Full-Band to Perform at the Saddle Sore Saloon, Which is Not Currently Allowed with the Existing Permit (Director of Community Development)

The Director of Community Development indicated that Entertainment Permit 2002-01 was issued to allow live entertainment at the Saddle Sore Saloon at the Council meeting of August 7, 2002. Entertainment Permit 2002-01 was approved with a stipulation that if there is a noise or parking problem, entertainment must stop until a remedy to such problems was found. The entertainment permit that was approved allowed a country music duo act, karaoke, cowboy poets, and special occasion entertainment that could include a full-band (e.g. a mariachi band for Cinco De Mayo, carolers for the holiday season).

The Director noted that the Council reviewed the permit on March 5, 2003 to insure that the applicant was adhering to the conditions of approval. At that meeting, Council Member Clark voiced concern over seeing an advertisement for a major band to perform at the Saddle Sore Saloon. He noted that the applicant was informed that a full band did not qualify as a country duo act (as permitted with the entertainment permit) and would require either a modification to the entertainment permit, or a special event permit. Additionally, the applicant was made aware that having a full band at the Saddle Sore Saloon without the proper permits could conceivably lead to the revocation of Entertainment Permit 2002-01. The Council requested that the project be reviewed in three months.

Although only two months have passed since Council reviewed this project, the Director noted that it was important to review the entertainment permit at this time. He indicated that new information has been received regarding full-bands performing at the property. On April 19, 2003 Battalion Chief Franck observed a five-member band playing during the evening hours at the Saddle Sore Saloon. The applicant did not apply for a special event permit, which would allow a full-band on a specific date.

The Director noted that on April 21, 2003 the applicant submitted a letter requesting the Council consider expanding the entertainment permit. The applicant is requesting that the City Council expand the types of entertainment allowed to include a full-sized band without restrictions to certain holidays. Subsequent to the Entertainment Permit, the applicant submitted a request to modify Conditional Use Permit 99-04 to allow a 1,580 square-foot expansion to the existing business. The Planning Commission denied the requested CUP modification on April 30, 2003 based on staff's observations that adequate parking facilities do not exist for the project.

The Director expressed a concern that a full band may draw more patrons to the Saddle Sore Saloon and noted the customer parking currently spills over into adjacent parking areas, which negatively impacts the surrounding properties. He also indicated a concern with the applicant disregarding the restrictions outlined in the entertainment permit even after Council and staff informed him of the possible consequences. He recommended that a Public Hearing be approved to begin the revocation process.

The City Attorney noted that the discussion should be on agendaizing a revocation permit, not on whether or not revocation is appropriate.

M/S Clark/Sullivan to direct staff to schedule a Public Hearing for the revocation of Entertainment Permit 2002-01.

In response to Council Member Hall, the Director indicated that a letter was sent out to property owners requesting that they notify staff if they have any complaints. No complaints have been received.

Randy Ratliff, 343 Sixth Street, noted that there is confusion between the Conditional Use Permit and the Entertainment Permit. No where on the Entertainment Permit does it state the number of people on stage. Mr. Ratliff indicated that there was miscommunication and noted that if it was explained clearly on the Entertainment Permit, as it was on the Conditional Use Permit, this problem wouldn't have happened.

In response, Mayor Sullivan inquired if Mr. Ratliff denied that his request was for a country duo act. Mr. Ratliff indicated that was his initial intention but that he changed his mind. No where in the permit does it indicate the number of persons on

stage. Mayor Sullivan indicated that if he wanted a full band, he should have asked for it.

The motion was carried by the following roll call vote:

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

D. Renewal of Detonation Permit (Wyle Laboratories) (Director of Public Works/City Engineer)

The Director of Public Works/City Engineer noted that a request has been received from Wyle Laboratories for a renewal of their annual detonation test permit. He noted that Wyle Laboratories had previously explained the reason for obtaining the permit, which is to allow them the ability to perform detonation testing in case the need arises, or when they are contracted to perform testing to determine product integrity. The Director was aware of neighborhood residents' concerns, but based on a lack of evidence to indicate a change is in order, he plans on reissuing the annual detonation permit unless directed otherwise by the Council.

The Director noted that Wyle Laboratories is phasing out their operations in Norco and the probability of needing detonation testing, as evidenced in the previous three-year period, is minimal. The issuance of a permit allows Wyle Laboratories to provide testing expeditiously to react to client needs. He also noted that the deflagration testing (mixing of hydrogen gas and air) does not fall within the definition of blasting.

Carol Daly, 1283 Abilene Place, requested that the Council vote yes to revoke the permit and vote no on the renewal. She presented a petition containing 82 signatures supporting this request. Mrs. Daly indicated concerns with noise, spreading toxins that would travel to groundwater and the closeness of homes.

LeRae Spera, P.O. Box 448, noted that the report indicates that there is a lack of evidence supporting not issuing the permit and indicated that their last experiment left lead on the ground. Wyle's current report indicates that they are igniting something, which is detonating. She noted that Wyle indicates that Hydrogen is classified as a propellant and noted that solid and liquid propellants are identified in their detonation plans.

Jennifer Beaudet, 1254 Blacksmith Way, inquired if there was a monitor at the site to address the noise level, noting that the Noise Element addresses the appropriate noise levels in the community. She noted that the permit indicates that no one is in the line of sight and indicated that this is not the case anymore. Also, Mrs. Beaudet addressed the finding that the impact to community is considered insignificant and stated that she and her neighbors felt that it was significant. She asked the Council to revoke the permit.

Victor Kawana referred to the letter from Wyle requesting renewal. Wyle states that they have had only one detonation in 2002 and that limiting or restricting the current permit would only add to the misconception. On the contrary, he felt that it would be a good will gesture.

T.J. Kawana asked the Council to revoke the permit and not renew it. Wyle's activities scare her kids, shake her house and exceed the noise requirements. She expressed a concern with the sulfur smell and the late night activities.

Betsy Roberts, 3690 Hillside, requested that the Council revoke the permit and not renew it. She indicated that deflagration could turn into detonation. Mrs. Roberts expressed a concern with what they are putting in the air, soil and water.

Larry Jenkins, 2313 Hillside, addressed the map on the wall listing cases of cancers and other illnesses and noted that the High School did not test for any contamination. He noted that we have cancer concerns. Mayor Sullivan asked him to address the issuance of the permit and Mr. Jenkins indicated that detonation only exacerbates the problem, and requested that the Council stop issuing permits.

Jo Ellen Jenkins, 1222 Carriage, opposed the renewal of the permit. She noted that the renewal would result in further contamination of the surrounding property, including four public schools.

Toby Dee, Golden West Lane, indicated that initially Wyle had a bluff area separating them from homes and noted that they do not have this anymore. He asked that the Council revoke the permit.

Celeste Tittle, 1487 Detroit Street, indicated that Wyle knew they were a bad neighbor, which is why they built in a remote area. She expressed a concern with the Council allowing homes in that area. In response, Mayor Sullivan indicated that the current Council did not approve the placement of homes in that area. As Mayor Pro Tem Carmichael was on the Council at that time, she noted that she was in opposition to the placement of the homes.

Kevin Bash demanded that the people with issues show proof of their allegations. He indicated that they are scaring the community unnecessarily.

Janet Colmeir and her daughter Kellie addressed the Council. Mrs. Colmeir noted that Kellie was diagnosed with leukemia and wanted to know if Wyle was the cause. She requested that the blasting be stopped.

In response, Mayor Sullivan noted that the Council were concerned about this and noted that if there were some proof that the activity at Wyle causes cancer, it would be stopped. He noted the City's liability if they deny the permit based upon speculation. Mrs. Colmeir asked for testing in her area.

Council Member Higgins wondered why the City should issue the permit if they don't need it. He was concerned with Wyle's statement that irrespective of issuing the permit, they would continue with their current activities.

Mayor Pro Tem Carmichael noted that all of the Council is concerned about the well being of every resident of Norco. This concern has been shown by hosting public meetings and investigating every concern. The Mayor Pro Tem hoped that Wyle would not detonate anything else but noted that she could not withhold the permit based upon speculation.

Council Member Hall concurred, noting that he was concerned about the health of the residents of Norco. He noted that there is a lot of data and the City is not able to make the connection with Wyle and the issues that have been raised. The Council Member noted that Wyle is on a timetable to move from Norco within 14 months and indicated that he has not seen anything to support the reissuance of the permit.

In response to Council Member Hall, the City Manager noted that there was no evidence of anything migrating off the site.

M/S Hall/Clark to receive and file.

Mayor Sullivan commented that he has a lot of compassion for families that have sickness. He noted that he is more prone to listen to the experts that tell us that the levels of contaminates on Wyle provide no danger. Mayor Sullivan advised the audience to look at the information, noting that if he believed that detonation caused the problem, he would not approve the permit.

The motion was carried by the following roll call vote:

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

E. Wyle Laboratories in Norco - Citizen Concerns (City Manager)

The City Manager indicated that this report is on the Internet but due to the length of the report, takes quite a while to download. He addressed the 2002 and 2003 concerns about pollution and health problems that concerned citizens believe were caused by the Wyle Laboratory in Norco (Wyle). He noted that these issues are related to regulations administered by federal and/or state and county authorities, not by the City of Norco, and indicated that the City is again attempting to perform its role as a neutral forum between citizens, regulators, and Wyle.

In the City Council packets, the City Manager had presented details that appear to address resident concerns. At the meeting, he summarized the details and the attachments. The City Manager referenced Attachment "A", which addressed the Town Hall meeting held in February 2002. In his opinion, the regulators collectively

advised that there is pollution at Wyle; the pollution must at some point be mitigated; and pending mitigation, there did not appear to be cause for resident health concern.

The City Manager referenced Attachment "B," which is a report of the surface soil sampling, soil remediation and debris disposal at the J14 Arena. He indicated that Environ tested this detonation test site and found elevated metal concentrations, including one sample containing 12,000 milligrams per kilogram (mg/kg) of lead, a level which greatly exceeded the United States Environmental Protection Agency (USEPA) Residential Preliminary Remediation Goal of 400 mg/kg. To remediate this site, Environ excavated the impacted soil to a depth of four feet, collected and contained related Arena 2 debris, and except for one 55-gallon drum of equipment decontamination water, transferred all items to Chemical Waste Management for disposal on May 17 and 22, 2002. He noted that as of June 12, 2002 the 55-gallon drum of water was at Wyle Norco pending certified facility disposal. Wyle voluntarily sent a copy to the State Department of Toxic Substance Control.

The City Manager referenced Attachment "C," which is a sampling report of Wyle Laboratories. He reported that The Santa Ana Regional Quality Control Board (CRWQCB) is the cognizant agency for Wyle environmental issues. In response to a complaint, CRWQCB involved DTSC in a review of contamination of the site. He indicated that the DTSC final report concludes: "The Department assessed areas on the Wyle property that may demonstrate contamination within the soil as a result from testing activities or waste disposal activities. The detonation test arenas were evaluated after Wyle excavated the contaminated soil. The soil samples did not indicate the presence of contaminants that would qualify the soil as containing hazardous waste constituents. The other areas screened for contaminants did not indicate the presence of hazardous waste constituents as mentioned in the above summary."

The City Manager referenced Attachment "D," which assessed cancer of the thyroid gland in locations close to Wyle. He indicated that since 1988, the State of California has required that all cancer cases be reported to one of the regional registries that form the California Cancer Registry (CCR). The Desert Sierra Cancer Surveillance Program (DSCSP) is the registry that covers Inyo, Mono, Riverside and San Bernardino Counties. The City Manager reported that Dr. John W. Morgan, Ph.D., Cancer Epidemiologist, DSCSP, indicated that "The number of new thyroid cancer cases observed in the area of Norco where concerns were raised does not reveal significant differences from the number expected when considering the age, sex and race/ethnicity distribution and population size."

The City Manager referenced Attachment "E," which assessed all cancer in locations close to Wyle. DSCSP staff performed a review of all cancer, and added specific findings for an array of other cancer types, and reported: "None of these findings identify cancer excesses. The slight differences between observed and expected numbers of new cancer cases are consistent with variation predicted by

random sampling error inherent to assessments of this type, slight differences in population growth in various areas of Norco, and demographic changes in the Norco population that have likely occurred since the 1990 census. Given the lack of evidence of excesses in the numbers of new cancer cases for the array of assessment conducted, we will be reluctant to conduct further assessments without receiving compelling scientific justification."

The City Manager referenced Attachment "F," which assessed cancer of the thyroid gland in locations very close to Wyle. He reported that DSCSP reviewed 1988 through December 1, 2000 thyroid cancer occurrence only in 2000 Census Tract 0408.03 and reported: "The SIR [Standardized Incident Ratio], representing the ratio of observed to expected new thyroid cancer cases, for 1988 through 2000 time period for Census Tract 0408.03 alone is 0.96 if we assume no population growth since the 1990 Census. If the population growth in this tract was similar to that measured for the city of Norco (3.4% from 1990 to 2000), the SIR for thyroid cancer in Census Tract 0408.03 is diminished to 0.93."

The City Manager referenced Attachment "G," which addressed the United States Environmental Protection Agency (USEPA), Region IX, Commitment. He indicated that a USEPA representative told him that the Agency last assessed Wyle in 1988 and recommended no further EPA action. The City Manager indicated that USEPA would begin another review very soon due to calls from citizens, which he felt was appropriate as site conditions have changed since 1988. The USEPA review is estimated to be complete in six to eight months.

The City Manager referenced Attachment "H," which requested off-site groundwater characterization, additional groundwater characterization and on-site soil and groundwater remediation for Wyle. He presented a report from the California Regional Water Quality Control Board (CRWQCB) and reported that CRWQCB has reviewed a series of Wyle site tests. The City Manager indicated that CRWQCB has requested that Wyle "...submit the work plans for off-site groundwater characterizations, additional on-site groundwater characterization, and on-site soil and groundwater remediation by June 6, 2003." The City Manager that this attachment was extremely technical but appears to indicate that CRWQCB is fully involved with Wyle and intends to remain involved until site remediation is concluded.

In response to Council Member Hall, the City Manager noted that VOCs vaporize.

The City Manager presented Attachment "I," which addressed Norco water quality reports from 2000 to 2002. He indicated that the water quality reports show that neither TCE nor Perchlorate is a concern for people serviced by the Norco water system. He does not yet have the 2003 report and expects it to be the same.

The City Manager presented Attachment "J," which addresses the Preliminary Endangerment Assessment (PEA). He noted that in conjunction with a planned

Wyle property Environmental Impact Report (EIR), consultants and City staff have developed several preliminary documents. The City Manager indicated that one document not prepared was a Preliminary Endangerment Assessment (PEA). He indicated that the PEA approach will not be prepared for Wyle because the Wyle cognizant agency is the California Regional Water Quality Control Board (CRWQCB), not the DTSC. The CRWQCB has its own standard for environmental work, which Wyle has been following since 1999.

The City Manager presented Attachment "K," which contained the documents submitted to the Council by LeRae Spera. He presented Attachment "L," which is a copy of the letter he sent to Wyle to obtain answers to seven questions. The City Manager also presented Attachment "M," which is a copy of Wyle's response to the City. In conclusion, the City Manager indicated that Wyle has pollution on site, there is no evidence of any off-site contamination, the level of pollution is not sufficient for any federal, state or county regulatory agency to order immediate or crisis level intervention and there is no evidence that Wyle activity has caused Norco residents to suffer from cancer. He also noted that the all potentially concerned federal, state and county regulatory agencies have been alerted to citizen concerns and that Wyle is committed by contract to remediate the property. Due to the breadth of expertise shown thus far, the range of disciplines in action, and the professionalism demonstrated to date, the City Manager was confident that Norco will be well-served by Wyle, Environ, St. Clair, and the many independent regulatory experts whose job it is to validate that the property is safe for people and animals. He recommended that the Council receive and file the report and direct staff to continue with the EIR process.

Pat Dubiel, 2270 Golden West, presented a list of chemicals that have been stored on the property to the Council and requested that this list be included in the public record. She presented a map illustrating cancer and illness causes around Wyle. Mrs. Dubiel noted that the High School only tested for pesticides, not these chemicals. She asked that the Council take a better look at it. In response, the City Manager noted that Attachment E addresses the cancer cases in Norco.

In response to the City Attorney, Mrs. Dubiel addressed the source of the list, noting that the source is the various documents that Mrs. Spera possesses.

LaRae Spera, P.O. Box 448, indicated that she compiled the data from public records. She indicated that when the EPA did the preliminary assessment in 1988, they were not allowed to go onsite and that is why they are doing a new evaluation now. She noted that the report that was just issued says that the water has migrated off-site, they are now asking Wyle to test off-site to determine the extent that the pollution has migrated. She showed a photograph of the pond and stated for the record that when you keep saying to the community that there is not an immediate danger. She asked the Water Board what does that mean and the Water Board's response was that means we do not have to evacuate. Mrs. Spera's concern was that no one bought their homes for the immediate future, they wanted to stay here for

the long term. These illnesses generated by the contamination take a long time to develop and Mrs. Spera wanted immediate sampling on Hillside, not just where the water is flowing.

In response, Mayor Sullivan noted that Wyle would be sampling off-site, as required, and referenced the documentation in the staff report. He indicated that he would consider the opinion of experts rather than hers.

Jennifer Beaudet, 1254 Blacksmith, noted that the April 28th report indicates that the water is contaminated and is flowing off-site. She presented a photo of the pond.

Victor Kawana noted that the report does confirm contamination on-site, the question is what is going on outside the area. He noted that we need to take the same stance as the High School is, we need to test around Norco to determine if contamination is off-site. He asked that the City work with Norco to get the information.

T.J. Kawana addressed Attachment "J," noting that Wyle's activities are slipping through a lot of cracks. She felt that there should be one agency overseeing the activities and asked why wouldn't the City want a P.E.A.

In response, the City Manager noted that a P.E.A. is required when the work is done by D.T.S.C. There are different protocol used by the Water Board, who is the lead agency. In response to T.J., he indicated that both procedures are intended to achieve the same goal, but he couldn't say if the process is the same. He noted that there is one agency overseeing the activities, the Water Quality Control Board.

Betsy Roberts, 3690 Hillside, referenced Point #2 of the conclusion and Attachment "M," which states that there is no contamination off-site. She was not aware of any off-site testing other than the four soil samples done at the High School many years ago. She indicated that she was at the School Board meeting, requesting that the school conduct testing and indicated that they are taking a proactive approach by testing and interviewing school staff. She suggested that the City open a line of communication with the School Board.

In response, Mayor Pro Tem Carmichael noted that a sub committee meets regularly with the School Board and noted at the last meeting, they did not attend.

Larry Jenkins, 2313 Hillside, pointed out that VOC evaporates and when traveling along the culvert system, it will attack the people closest to the culvert system. He addressed the map, which illustrates cancer and other illnesses in homes around Wyle. He noted that the Cancer Registry only projected four thyroid cancer cases.

Jo Ellen Jenkins, 1222 Carriage, reported to the Council that she went in the City Clerk's office one day looking for a map. When she was asked what the map was for, she indicated Wyle. She noted discussion with the Senior Planner, who

eventually threw up his hands and referred her to the City Manager. She felt that she was lead around in circles. Mrs. Jenkins wondered what the problem was in providing this information and referred the map. She also read a list of list of the cancers they were finding.

In response, Mayor Sullivan did not deny that there was contamination and was thankful that St. Clair purchased the property and that remediation will be done.

Lois Loock noted that no one trusts government agencies and suggested that a Council Member camp out at Wyle for 14 months.

Kris Doty, 3666 Valley View, appreciated all the work that was done but was nervous that Council Member Higgins was not in agreement with the rest of the Council. She wants to trust that nothing was wrong but common sense was telling her that this is not the case. She requested that the Council take action.

Council Member Hall thanked staff for all the reports.

M/S Clark/Carmichael to receive and file the report and to direct staff to continue the EIR process.

Council Member Higgins stressed that it was important for the City to perform our own investigation and suggested hiring a geotechnician to survey hillside. He noted that the Council has an obligation to the residents.

The motion was carried by the following roll call vote:

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

Council Member Hall clarified that the motion directs staff to do the EIR process.

13. DISCUSSION OF REMOVED CONSENT CALENDAR ITEMS.

D. Resolution No. 2003-___ Approving a Reimbursement Agreement By and Between the City of Norco and the County of Riverside for the Silverlakes Park Project (City Manager)

Mayor Sullivan noted that the agreement does not address equestrian use and expressed a concern that the plan had to be completed to the County's specifications. In response, the City Manager indicated that all the County wants is to see the plan.

M/S Carmichael/Higgins to adopt Resolution 2003-33 approving the reimbursement agreement and authorized the Mayor to sign the agreement. The motion carried by the following roll call vote:

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

**E. Community Center Pool Assessment (Director of Parks, Recreation and
Community Services)**

Mayor Sullivan referenced the total cost to repair the pool and was concerned that the City was taking on too many projects. He was concerned that the City wouldn't have the money to finish the project.

In response, the City Manager reported that staff's recommendation is not to commit to the entire project, but to just spend \$84,000 at this time. This will give the Council time to address relocating the pool to Silverlakes.

M/S Sullivan/Hall to receive and file, motion was carried by the following roll call vote:

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

14. PUBLIC COMMENTS OR QUESTIONS

Richard Malotte addressed the recent painting of the curb red in front of Heritage Park. He noted that he has been parking on the curb for three years, because his wife is handicapped. Mr. Malotte felt that he had a right to park in the street, indicated that this was unacceptable and wanted it changed.

Dave Henderson, Planning Commissioner, 3010 Corona, reported that recently the Council took an action on the width of California Avenue. He indicated that the Council directed that the Streets and Trails Commission and the Planning Commission review the project and make a recommendation. Mr. Henderson noted that a committee was established and many hours of work was put on this issue. He indicated that by the time it went to Council, the recommendation was materially modified and the report included a suggestion of 60' width. Neither the Commissions nor the committee reviewed a 60' width. Mr. Henderson expressed a concern that direction from the Council should be as complete as possible, indicated that he was not notified by staff on the change in the recommendation and was concerned with the procedural effect.

Betsy Roberts, 3690 Hillside, inquired if the timer was used indiscriminately and noted that the last speaker spoke over the three minute rule.

Lois Loock presented a sign that was put up all over our prestigious side of town and felt that these signs were illegal. She wondered why code enforcement was not being used.

Jessica Webb indicated that she was the Event Chair for the Norco Relay for Life, which will be held at Ingalls Park on May 17 & 18, 2003. She invited everyone to attend.

15. OTHER MATTERS - COUNCIL OR STAFF:

A. City Council Subcommittee Reports

In response to Council Member Hall, Mayor Pro Tem Carmichael indicated that the City representatives were there and the School District representatives did not show up.

Mayor Sullivan agendaized the Dog Rescue report for the next Council meeting to clarify what was approved tonight.

Council Member Higgins agendaized a report on Geotechnical sampling to address the concerns with contamination.

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

Due to the lateness of the meeting, nothing was reported.

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

Due to the lateness of the meeting, nothing was reported.

16. ADJOURNMENT - There being no further business to come before the Council, Mayor Sullivan adjourned the meeting at 12:20 a.m. to the Budget Workshop on May 21, 2003 at 3:30 p.m.

_____ **DEBRA L. McNAY, CMC CITY CLERK**

/dm-45896