

Community Redevelopment Agency/City Council
Minutes

Regular Meeting

May 21, 2003

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

1. CALL TO ORDER: Mayor Sullivan called the meeting to order at 6:01 p.m.

2. ROLL CALL: Council/Agency Members present: Carmichael, Clark, Hall, Higgins, Sullivan.

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

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

Street Address or Parcel Numbers: 200 Hidden Valley Parkway

Negotiating Parties: Brian Oulman on Behalf of the Norco Redevelopment Agency and Michael G. Dunham on Behalf of the Property Owner

Points Under Negotiation: Discussion of Price and Terms Related to the Former House2Home Building

Section 54956.9(b)(2)(A) - Potential Litigation

Number of Potential Cases: 1

RECONVENE PUBLIC SESSION: 7:03 p.m.

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

4. PLEDGE OF ALLEGIANCE: Mayor Sullivan

5. INVOCATION: Council Member Higgins

M/S Carmichael/Hall to approve the item 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**

6. FROM THE EXECUTIVE DIRECTOR:

A. CRA Minutes, Regular Meeting of May 7, 2003 - Approved the minutes of the meeting.

CRA ITEMS FOR ACTION

7. FROM THE EXECUTIVE DIRECTOR:

A. Redevelopment Funding (Executive Director)

The Executive Director reported that Marshal Lynn from Urban Futures would be making a presentation tonight. The City Attorney referenced the Governor's proposal to balance the State budget includes taking all Redevelopment Funds and noted that the cities are assuming he intends to take all unallocated funds. The City Attorney indicated that this action would shut down all Redevelopment Agencies in the State and reported that the City is in a unique position of having a substantial amount of monies available for Redevelopment projects.

Marshall Linn from Urban Futures indicated that the Agency was in great financial shape. He noted that the interest rate right now is extremely low and indicated that in response to the Governor's proposal, every City is rushing to commit their funds. He suggested that the Council consider refunding various bonds. The City Attorney indicated that staff would prepare a report for the next meeting for the Council's review.

8. OTHER MATTERS: None. ADJOURNMENT OF CRA: 7:09 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

Next Ordinance No. 808 Next Resolution No. 2003-36

PROCLAMATIONS: Corona-Norco Veterans Memorial

Maggie Little Corona-Norco Unified School District

The Mayor presented proclamations for the Corona-Norco Veterans Memorial and to Maggie Little in honor of her retirement.

PRESENTATION: Richard Lashbrook, Project Manager Multiple Species Habitat Conservation Plan

Mr. Lashbrook, Riverside County Project Manager for the County's Multiple Species Habitat Conservation Plan Integrated Project, presented information to the Council on the Multiple Species Habitat Conservation Plan. He noted that the Western Riverside County plan would address about 140 species and provide reserves on existing publicly held land and add an additional 133,000 acres. Mr. Lashbrook addressed several endangered species and their historical habitat, noting that the development in surrounding areas has put pressure on Riverside County to provide this conservation plan. Also discussed were the Nexus Study and the new development impact fee that would need to be implemented to pay for land acquisition and administration. In response, Council Member Hall commented that the next presentation should address the benefits to the City of Norco. Mr. Lashbrook agreed, noting that this plan will provide all infrastructure costs in the County and noted the need to take this approach to get the infrastructure in place.

Mayor Sullivan pulled Item 9.E.

M/S Carmichael/Hall 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, Regular Meeting of May 7, 2003 - Approved the minutes of the meeting.

B. Ordinance No. 807, Second 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) (City Clerk) - Adopted Ordinance No. 807 for second reading.

C. Resolution No. 2003-__, Authorizing Application to the Director of Industrial Relations, State Of California for a Certificate of Consent to Self Insure Workers' Compensation Liabilities (Director of Fiscal Support Services) - Adopted Resolution No. 2003-36.

D. Approval of Summer 2003 Parks and Recreation Brochure (Director of Parks, Recreation and Community Services) - Received and filed.

E. Approval of Revised Final Tract Map 29589-1 (Pacer Homes) (Director of Public Works/City Engineer) - Pulled for discussion.

F. Action Agenda for Planning Commission Meeting of May 14, 2003 (Director of Community Development) - Received and filed.

END OF CONSENT CALENDAR

10. APPEAL HEARING:

A. Resolution No. 2003-___, Conditional Use Permit 2003-07 (Ratliff): Appeal of Planning Commission's Decision to Deny the Request to Allow the Expansion of an Existing Saloon and Restaurant, Located at 343 Sixth Street in the "C-4" Zone, From 3,040 Square Feet to 4,560 Square Feet. (Director of Community Development)

11. REVOCATION HEARING:

A. Resolution No. 2003-___, Revocation Hearing. Entertainment Permit 2002-01 (Saddle Sore Saloon) Located at 343 Sixth Street, on the Grounds That the Applicant Has Not Complied With the Conditions of Approval. (Director of Community Development)

The Director of Community Development presented a letter from Mr. Ratliff indicating that he had retained Counsel and requesting a continuance of both this items in order to fully prepare for the hearings. The Director suggested continuing both of these items to June 4, 2003.

M/S Carmichael/Higgins to continue both 10.A. and 11.A. to June 4, 2003, motion was made by the following roll call vote:

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

12. FROM CITY MANAGER:

A. Year 2002 Annual Report on Sheriff's Services (Sheriff)

Lt. Cooper presented the 2002 annual report on police services and compared 2002 with prior years and with other jurisdictions. He indicated that although crime appears to be increasing, it is still significantly lower than the crime rates of the early to mid-1990s. Traffic enforcement doubled when the motor officer was added in February 2000 and doubled again when the second motor officer was added in

March 2001. Response times, are increasing and needs to be addressed. The Sheriff's mission in Norco has been accomplished while spending 25% less on Sheriff services than our neighboring jurisdictions spend.

Lt. Cooper outlined statistics reported to the US Department of Justice and published in the Uniform Crime Reports, including the crime index total, crimes per 1000 residents, adults booked for new offenses, DUI arrests, traffic collisions, traffic citations, response time and police staffing. He addressed the total police cost of \$134 per resident excluding the state prisoners.

In conclusion, Lt. Cooper addressed two areas of concern, specifically with the average response time of 5.6 minutes to life threatening situations and with the crime rate increasing in Norco. He indicated that his highest priority in FY04 is to increase deputy sheriff coverage on Watch 1 from one deputy to two deputies. The next highest priority is to increase deputy sheriff coverage during the evenings from two to three deputies. He reported that grant applications have been submitted for both of these priorities and noted that adding these deputies would reduce response time and prevent crime.

M/S Carmichael/Clark to receive and file, motion carried by the following roll call vote:

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

B. Discussion of FY04 Chamber of Commerce Agreement for Economic Development Services (Economic Development Director)

The Economic Development Director presented background information on the formal agreements approved by the City/Agency and Chamber each year to designate specific economic development tasks to be accomplished. The City of Norco General Fund provided \$13,000 in FY03 for the Agreement.

For the FY04 budget year, he reported that City and Chamber officials have been working to modify the FY03 Agreement structure based upon new circumstances facing both parties. The new circumstances relate primarily to construction of bleachers outside of Nellie Weaver Hall. The Director indicated that in February, the Chamber submitted a letter proposing to pay 50% of the overall cost of new bleachers for Nellie Weaver Hall. The estimate for bleachers and associated site work was \$160,000. The Chamber proposed that the City fund all incurred costs, with the Chamber to pay their 50% share over 20 years, less a one time immediate \$16,000 payment.

The Director indicated that on May 7, 2003, Council approved the award of contract for \$74,600 for construction of the bleachers, with staff's commitment to bring back an agreement for Chamber reimbursement. To satisfy the Council's

request for a repayment contract, the Director reported that staff met with Chamber officials to discuss a multi-year agreement to facilitate Chamber funding and reduce the General Fund subsidy to Chamber work. Staff proposed that the Chamber fund approximately 50% of the bleacher costs by forgoing annual payments from the City for economic development services.

The Director reported that on May 9, 2003, the Chamber President Carol Barreto indicated that the Executive Board voted against approval of the multi-year repayment agreement concept. The Chamber has proposed not to fold the annual contract together with their bleacher proposal. They are proposing that the City would avoid paying \$13,000, and in exchange the Chamber would not pay for facility usage.

The Director reported that the Parks and Recreation Department has indicated that the Chamber's requested waiver of fee for use of City facilities would result in a direct cost that exceeds \$30,000 annually. He recommended that the Council reject the proposal to waive the fees for Chamber sponsored events at City facilities and reject the exchange for funding the amount of \$13,000 to the Chamber of Commerce.

In response to Council Member Hall, the Director of Parks, Recreation and Community Services indicated that \$30,000 was the actual cost. The Council Member wondered what portion of the costs would be incurred regardless of whether or not the Chamber used the facility.

Carol Barreto, 1925 Alhambra, President of the Norco Chamber of Commerce, indicated that she never rescinded the Chamber's offer to pay for bleachers. She reported that she had indicated to the Parks and Recreation Director that the Board did not want to exchange the contract for the bleachers.

Ron Lander, 2918 Corydon, referenced two letters from the Director, and contended that the Chamber spends \$360 in rental fees and \$206 dollars for staff time for each use. Mr. Lander reported that the City is getting \$7,000 per year with the direct costs only being \$11,000. He requested that the Chamber be allowed to use the facility for free (\$11,000) in exchange for not being paid to provide economic development services (\$13,000).

Ms. Barreto indicated that the Appreciation dinner and the Christmas dinner are provided free of charge.

Council Member Hall indicated that this report came too soon and wanted staff to work with the Chamber to get a mutually acceptable proposal. Mayor Sullivan agreed.

Mayor Pro Tem Carmichael stressed that she would like to see a bleacher contract come to the Council. She noted that this current proposal needs more work.

Council Member Higgins wondered why the \$13,000 was coming from the General Fund and not the Redevelopment fund. He indicated that he would support a motion to table this to allow negotiations to continue.

M/S Higgins/Sullivan to table this report so that negotiations could continue.

Mayor Pro Tem Carmichael indicated that she wants a bleacher contract to the Council by the next Council meeting. In response, Council Member Hall asked the Chamber representatives if they were committed to paying for half of the cost of the bleachers. Ms. Barreto and Mr. Lander responded affirmatively.

Motion was carried by the following roll call vote:

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

**C. Discussion of City Council Denial of Zone Code Amendment 2003-01
Establishing Standards for Dog Rescue Operations in the City and Initiation of a
Zone Code Amendment Allowing Additional Animal Units in the A-1-20 Zone
(Director of Community Development)**

The Director of Community Development reported that Zone Code Amendment 2003-01, establishing standards and regulations for dog rescues was denied by the Council at the last meeting. Subsequent to this action, Mayor Sullivan directed that the rescue issue be agendaized for further discussion on May 21, 2003.

The Director noted that based upon the Council's May 7, 2003 decision, the dog rescue operation located at 4867 Pedley Avenue is illegal. He noted that in 1998, the Council directed staff to suspend all "Notices to Comply" regarding this particular dog rescue operation, referred the matter to the Animal Keeping Ad Hoc Committee for a recommendation and allowed an ordinance to be prepared addressing this operation and dog rescues in general. On November 6, 2000, he reported that the Council directed staff to initiate a zone code amendment for dog rescue operations and in the interim allowed the Pedley Avenue rescue to continue.

The Director also addressed the request of Council Member Higgins for staff to prepare and initiate an ordinance allowing additional animal units of any kind with the approval of a conditional use permit. He reported that staff was directed in April 2003 to prepare a code amendment allowing additional animal units in the A-1-20 zone with a conditional use permit. These directives are in progress, and will be brought back to the City Council in approximately one and one-half months.

Pending the discussion tonight, the Director reported that staff has delayed the required action to enforce the current residential dog limit, four dogs. The enforcement delay affects at least two properties in Norco. In conclusion, he

requested direction from the Council on the enforcement of the current residential dog limit.

Mayor Sullivan indicated that the action on November 6th was to direct staff to prepare a code amendment and allow the Pedley Avenue operation to continue. He indicated that it wasn't in 45 days as promised, but the code amendment did come back to the Council.

Council Member Clark noted that this action was taken so that a code amendment could be prepared. In the meantime, the intent was to allow the rescue to continue. Since the Council could not approve either of the proposed amendments, Mr. Ward is in violation and should be cited.

Council Member Hall disagreed with the interpretation, noting that Mr. Ward is in limbo until a code amendment is approved. In light of the difficult time the Council had in considering a dog rescue Ordinance, he suggested that this be addressed in our Conditional Use Permit process, rather than having a different regulation for each type of animal.

Council Member Higgins noted that it is not just rescues we are discussing, but people who take strays off the street or has taken in the dog of a deceased parent. He noted that the Stewarts have an extra animal and indicated that they are not breeders and can not currently get a CUP. He suggested that people with extra dogs take out a CUP so that the use can be individually analyzed.

The City Manager addressed the particular issue with Mr. Ward's rescue and noted conflicts between people with animals and the people next door.

Mayor Pro Tem Carmichael indicated that the Council was going backwards on this issue. She noted that Animal Control staff told the Council from the beginning that they did not want a gray area, they wanted concrete standards. When the Council first learned of Mr. Ward's rescue, the Council said that he would be allowed to keep his dogs while the City goes through the process. The Council told Mr. Ward that he must get down to 30 dogs. Mayor Pro Tem Carmichael was concerned that the number of dogs has not been reduced and stressed the importance of following the rules. She noted that there is a violation and Mr. Ward should bring the number of dogs down to the amount allowed.

The City Attorney indicated that staff needs direction on whether or not to proceed with enforcement action.

Mayor Sullivan indicated that the Ordinance considered at the last meeting was different than what was discussed.

Council Member Hall referenced the criticism of not bringing the Ordinance back sooner, noting that a lot of things happened in those two years. He noted that an Ad

Hoc Committee was appointed and spent a considerable amount of time compiling their recommendations, the matter went to Planning, etc. He noted that the Council told Mr. Ward that his noncompliance was fine, that we would come up with an Ordinance and help him to come into compliance. Council Member Hall did not think it was right to expect the number of dogs to go down and agreed with Council Member Higgins to use another approach. He suggested that the Council allow Mr. Ward to continue with his operation until we are able to determine how it can be addressed.

Burt Ward, 4867 Pedley Avenue, noted that they have been reducing the number of dogs since 1994. He did not hear the Council ask to reduce the number to 30, he heard Mayor Pro Tem Carmichael ask to reduce to 30. Mr. Ward indicated that he has 34 dogs right now. He wanted to cooperate with the City and noted that there has never been a verified complaint.

M/S Hall/Sullivan to direct staff to explore animal rescues through the Conditional Use Permit process and in the meantime, allow the animal rescue in the City to continue to operate until we address it through the CUP process.

In response to Council Member Clark, Council Member Higgins indicated that Mr. Ward would lose the operation if the CUP does not solve the problem.

Mayor Pro Tem Carmichael noted that the Ad Hoc Committee worked long and hard, reported that two workshops were held to discuss dog rescues and we turned this down. She suggested that the Ad Hoc Committee's recommendations should be reconsidered, noting that we need to be fair to everyone.

In response, Mayor Sullivan did not remember adopting those recommendations. Mayor Pro Tem Carmichael noted that the Council went through the recommendations and concurred with most of them.

Council Member Higgins noted that he is not voting tonight for Mr. Ward, he is voting to develop regulations to address everyone who has extra animals in the City.

In response to the motion, the City Manager inquired about the enforcement action on other cases that have excessive animal units. Mayor Pro Tem Carmichael noted that those people need to come into compliance. Council Member Hall suggested that we allow people not in compliance to get in compliance within one year.

The City Attorney indicated that Mr. Ward's circumstances are different from other excessive animal cases. He noted that there would not be any problem to allow Mr. Ward to continue without suggesting that anybody else not in compliance is allowed to continue.

In response to the Council, the City Clerk read the motion. The motion carried by the following roll call vote:

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

Mayor Pro Tem Carmichael noted that everyone needs to come into compliance and felt that they should try the best they can to do so. **13. DISCUSSION OF REMOVED CONSENT CALENDAR ITEMS**

9.E. Approval of Revised Final Tract Map 29589-1 (Pacer Homes) (Director of Public Works/City Engineer)

Mayor Sullivan presented a copy of the tract map and inquired about the private drive. In response, the Director of Public Works/City Engineer indicated that the tract map addressed Beazer's phasing plan and noted that the tract map on the agenda is 29589-1.

Council Member Clark referenced the staff report on the change in the Primary Animal Keeping-Areas (PAKAs) and wanted to see the changes. In response, the Director noted that the Council did not review the initial PAKAs. Council Member Clark concurred, but noted that he had a problem with what he did see on site.

The Director indicated that three PAKAs had to have a performance review from the Planning Commission. He noted that the proposed PAKAs are checked to make sure they are in compliance with requirements. The Director of Community Development concurred, noting that the Planning Commission looks at each project to make sure that it conforms with the PAKA requirements. He noted that none of the animal units were decreased, as PAKAs are not based on pad area.

M/S Sullivan/Hall to approve the revised tract map and authorized the City Clerk to sign the map, motion was carried by the following roll call vote:

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

14. PUBLIC COMMENTS OR QUESTIONS

There were no persons in the audience wishing to speak to the Council.

15. OTHER MATTERS - COUNCIL OR STAFF:

Mayor Pro Tem Carmichael indicated that at the Town Hall meeting today, a concern was raised that on Lampton Lane, the bushes are so overgrown that the wheelchairs have to go out in the street. Also, she referenced the Hamner Avenue Stater Bros. by the laundry, noting that the wheelchairs are forced to drive behind the cars to get into the laundry.

Council Member Higgins agendized a report on the Charter with the various options and a report on the Geotechnical testing for the June 4, 2003 meeting.

A. City Council Subcommittee Reports

Mayor Sullivan reported that he and Council Member Clark met with the Parks and Recreation Fee Study Committee and indicated that a report would be coming to Council June 4, 2003.

Mayor Pro Tem Carmichael indicated that she and Council Member Clark are on the Schools committee and noted that the CNUSD cancelled the May meeting too.

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

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

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

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

16. ADJOURNMENT - There being no further business to come before the Council, Mayor Sullivan adjourned the meeting at 8:57 p.m. in the memory of Deputy Lee.

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

/dm-46111