

10/26/2000

2.

MINUTES

September 28, 2000

Present Commissioners: John Tavaglione, Chair

Robert E.

Hird, Vice Chair

Bob Buster

Terry Henderson

Robin Lowe

Jack McFadden

Absent:

Marion V. Ashley

Present Staff:

George J. Spiliotis, Executive Officer
Wayne Fowler, Illustrator/Analyst

Elena G. Medina, Staff Assistant

Joe S. Rank, Legal Counsel

1. CALL TO ORDER AND SALUTE TO THE FLAG.

The meeting was called to order at 9:00 a.m.

2a. APPROVAL OF MINUTES OF August 24, 2000.

The minutes were approved as presented.

3. HEARINGS:

The Commission decided to take Item no. 5 at this time.

5. REQUEST FOR FEE WAIVER/REDUCTION FOR LAFCO 2000-21-3-ANNEXATION TO BEAUMONT-CHERRY VALLEY WATER DISTRICT-HOVCHILD

Moved (Henderson), seconded (Hird) to approve a fee reduction of 75% for LAFCO 2000-21-3-Annexation to Beaumont-Cherry Valley Water District-Hovchild.

6/0 (Ashley absent)

Continued:

a. LAFCO 2000-09-2 Reorganization to Include Dissolution of County Service Areas 2, 12, 17, 20, 23, & 24.

Moved (Lowe) seconded (Henderson) to approve LAFCO 2000-09-2-Reorganization to Include Dissolution of County Service Areas 2, 12, 17, 20, 23, & 24.

6/0 (Ashley absent)

b. LAFCO 2000-10-1-Reorganization to Include Concurrent Annexations to the City of Temecula and the Temecula Community Services District, and Concurrent Detachments from the Riverside County Waste Resources Management District and County Service Areas 143 and 152.

Moved (Buster), seconded (Lowe) to continue LAFCO 2000-10-1-Reorganization to Include Concurrent Annexations to the City of Temecula and the Temecula Community Services District, and Concurrent Detachments from the Riverside County Waste Resources Management District and County Service Areas 143 and 152 to October 26, 2000.

6/0 (Ashley absent)

c. LAFCO 2000-17-2-Reorganization to Include Annexation 94 to the City of Corona and Concurrent Detachment from the Riverside Waste Resources Management District.

Mr. Fowler presented the proposal.

Chair Tavaglione opened the public hearing.

Andrea Puga, Mayor Pro Tem, City of Corona, 815 W. 6th Street, Corona, CA 92882. Ms. Puga stated that the City had been working with the property owners for approximately four years and they were all in favor of the annexation. She said that the City Council was very supportive of the proposed annexation. She said that there had been some problems concerning fire safety, but they had now worked out those concerns. She said that the specific plan and the redevelopment plan had now been adopted by the City and were ready to move forward with the annexation.

Commissioner Buster commented that annexing large areas of agricultural land to the cities usually indicated that they will be committed to development at some point. He asked if the city had a particular interest in annexing the green parcels at this a time?

Mayor Pro Tem, Andrea Puga responded that they were not interested in annexing the green parcels at this time.

George Guayante, Director of Community Economic Development, City of Corona, 815 W. 6th Street, Corona, CA 92882. Mr. Guayante stated that the City agreed with staff's recommendation. However, he wanted to elaborate on the issue of fire safety. He said that they were working with the County on building a co-located facility. He said that they did not have at this time all the particulars of the location of the facility. He said that the conditions for approval were acceptable to the City. He said that regarding condition d, they hoped that the agreement will be a general type of agreement because the particulars of the new co-located facility will not be available by the time the certificate of completion will be ready for recording. He said that he was available for questions.

Chair Tavaglione asked if the Commission prolonged the time to 120 days to give the interested parties enough time to reach an agreement if that time was sufficient.

Mr. Guayante responded that they were trying to move forward with the schedule with respect to the annexation and if they had a condition prior to the completion of the annexation, it will just delay the project.

Commissioner Buster asked if the City knew why the two parcels near Weirick Road and Temescal Canyon Road were part of the Dos Lagos Specific Plan and why they were included in the annexation.

Mr. Spiliotis responded that the landowners wanted to be included in the annexation.

Commissioner Buster commented that the reason for the proposal was because there was a specific plan. He said that if that became the rationale for other landowners to glue on to other annexations without a specific plan at all, then there needed to be a greater reason to approve the inclusion of the parcels to the annexation. He said that he would like to see how those additions will affect other property owners in the area in terms of provision of services in the future and compatibility issues.

Mr. Spiliotis stated that the parcels were included in the city's pre-zoning.

Mr. Guayante stated that the City had pre-zoned those parcels, as industrial at the request of the landowners, which also requested to be included in the annexation.

Commissioner Buster stated that there were residential uses in close proximity. He said that his question still remained how this will be compatible with what was existing in the area. He asked if there had been a specific review of those issues.

Peggy Temple, Planner, City of Corona. She stated that the zoning for those parcels were consistent with the County's zoning.

Commissioner Buster asked how this related to the surrounding properties that were in the County. He asked if the surrounding property owners had been advised of this new zoning. Ms. Temple stated that the analysis of that area was within the EIR. She said that the EIR went through the public hearing process prior to its adoption.

Commissioner Lowe asked if the City was asking the Commission to approve a general consensus on the fire plan.

Mr. Guayante responded that condition "d" called for an agreement, which he was not asking to be changed. He said he was suggesting that the agreement be a general agreement in terms what was going to apply.

Commissioner Lowe asked Chair Tavaglione to elaborate on this issue.

Chair Tavaglione stated that there had been ongoing discussions with all the affected agencies regarding this matter with the hope of being able to develop a joint facility. He said that the Cities of Moreno Valley and Riverside had accomplished this very successfully. He said that he had no doubt that this matter can be worked out.

Commissioner Henderson stated that in reviewing the EIR and looking at the proposed specific plan of the City of Corona, and comparing the general plan designation, there were two designations. She asked for clarification regarding what a GI and LI, and M1 and M2 meant in terms of zoning. Mr. Guayante responded that M1 was light industrial and M2 was also light industrial with heavier uses.

Commissioner Buster asked if the City had notified the homeowners of the adjoining properties to the southeast of the annexation. Mr. Brad Robbins, Planning Director, City of Corona responded that they had notified the property owners within 500-ft. radius within the boundaries of the annexation. He also stated that they had also advertised it in the paper. Commissioner Buster asked if they had received any comments and Mr. Robbins responded that they had not received any comments.

Mr. Spiliotis stated that the County zoning was currently, manufacturing service/commercial. He said that there was similar zoning in that area at this time.

Commissioner Lowe asked how long the discussions had been going on about the Dos Lagos Specific Plan. Mr. Guayante responded that discussions about the specific plan had been going on for approximately three years. Commissioner Lowe asked when did the fire discussions start. Mr. Guayante responded that those discussions had been going on for approximately a year.

John Cleghorn, Corona Chamber of Commerce, 904 E. 6th Street, Corona, CA 92879. Mr. Cleghorn stated that he was representing the Corona Chamber of Commerce. He said that the Chamber Board of Directors had reviewed the Sahabi project and had taken a unanimous vote to recommend approval of the project. He urged the Commission to approve the annexation as soon as possible to be able to move forward with the project.

Larry Flynn, 19520 Carmelita, Corona, CA 91719. Mr. Flynn stated that he was in favor of the project but was concern with the Bedford Wash that created problems every year. He said that if the fire station was built south of the Dos Lagos project, it would put the community on the north side in jeopardy. He said that every year there were problems with the Bedford Wash and no one wanted to address this problem. He asked that this matter be addressed prior to approving the annexation.

Louise Mazochi, El Cerrito COI, Chairwoman, 7740 Liberty Avenue, Corona, CA 92881-4612. Ms. Mazochi stated that she was in favor of the proposed annexation. She said that the project would help the residents of Corona so they won't have to travel to Los Angeles or Orange County to shop, go to restaurants or leisure activities. She asked the Commission to approve the project.

Michelle M. Watts, 19135 Grovewood, Corona, CA 902881. Ms. Watts stated that she was also in favor of the project. She said that Mr. Sahabi had listened to the people in the community and accommodated their needs into the project. Therefore, she asked the Commission to approve the annexation.

Denise Taylor, 5700 Serendipity Road, Riverside, CA 92509. Ms. Taylor stated that she would appreciate the support of the Commission in making the project a reality. She said that the project will be a benefit to the City and the entire community. She thanked the Commission for their time.

Cynthia Taylor, 1756 Pinyon Circle, Corona, CA 92882. She stated that she was in favor of the project and urged the Commission to approve the project.

Karen Buford, 3711 Windsong, Corona, CA 92879. Ms. Buford stated that she was also in favor of the project. She stated that she had written a poem for Mr. Sahabi's project and proceeded to read it. She finalized by asking the Commission for their approval of the annexation.

Mark Dye, 19115 Grovewood, Corona, CA 92881. Mr. Dye stated that he was impressed with Mr. Sahabi's concern for the community. He said that he took the time to talk to the community about their concerns. He said that this project was going to be an outstanding opportunity to make this project the gateway to western Riverside County. He urged the Commission to approve the annexation.

Irma M. Flores, 6964 Capistrano, Riverside, CA 92504. She said that she was impressed with Mr. Sahabi and his project because he was interested in how the community felt and what they thought as well. She thought that it was a very worthwhile project and encouraged the Commission to expedite the process.

Joshua Gottheim, Attorney for Mr. Ali Sahabi, 300 S. Grand Avenue, #1500, Los Angeles, CA 90071. Mr. Gottheim stated that their negotiations with the City were almost finalized and hoped to have an agreement in final form in the next couple of weeks prior to the landowner protest hearing. Mr. Gottheim proceeded to discuss the fire services issue. He stated they will be unable to start the project while there was a condition outstanding preventing the annexation from moving forward. He stated that condition 4d was unacceptable as stated in the report. Mr. Gottheim recommended that condition 4d be amended to state that there will not be duplicative fire safety services in that area. Mr. Gottheim stated that there were adequate fire services in the area at this time. He stated that the issue was not an immediate life and safety issue at this point in time. He said that the City had made a condition of the specific plan that Mr. Sahabi will be providing a significant financial contribution for the cost of a new facility when the need for a new facility arise. He stated that they were ready to cooperate in any way possible to resolve this matter. He also discussed the agricultural land that was restricted under the Williamson Act. He said that the land was owned by a single landowner. He said the it was not logical for the landowner or the Commission to break it up and have part of in the City and part of it in the County. He said that the they would like to be dealing with one jurisdiction.

Commissioner Buster stated that agriculture, at this time, was very compatible and desirable for the adjacent parcels in the County. He said that by annexing into the City, at some point, there will be a cancellation contract or the contract will run out and not be renewed. He suggested that perhaps, at this time, it will be better to leave the green parcels out and in the future when the landowner was ready to develop his land then he can apply for a separate annexation.

Mr. Gottheim stated that there were already standing developmental pressures on agricultural land. He said that this was an issue across the State. He said that before the agricultural property could be annexed to a city, the city had to have in place specific policies for the preservation and protection of the agricultural land. He said that whether the property remained in the County or the City, no one could say whether the County will permit development. He said that no one could protect it more than what was already protected. He said that the issues were whether to divide development or to have orderly continuous boundaries.

Commissioner Buster stated that there was no need to annex all the green parcels at this time to accommodate the Dos Lagos project.

Mr. Gottheim stated that he could not say that it was imperative to their development, all he could say that the landowner had requested to be part of the annexation. He also said that the City had policies with regards to dividing jurisdictions under one ownership.

Chair Tavaglione asked if all the green parcels were under one owner. Mr. Spiliotis responded that Agricultural preserve no. 1 was under separate ownership.

Mr. Gottheim also stated that regarding the two industrial parcels previously discussed the inclusion of those parcels were not an absolute necessity for their development. He said that it would be beneficial to have the city standards imposed on those properties and it will also help the City plan for public improvements with landscaping and buffering.

Ali Sahabi, 8560 Weirick Road, Corona, CA. Mr. Sahabi thanked everyone involved in making the project a reality. He stated that he was available for questions.

Chair Tavaglione closed the public hearing.

Chairman Tavaglione thanked Mr. Sahabi for a job well done and his persistence. He said that he still had some challenges ahead, but he had done a remarkable job in trying to come up with the plan for this very difficult piece of property. He also thanked the City of Corona. He said that with regard to Commissioner Buster's concerns with the agricultural land and the properties adjacent to his district and the potential conflict of its uses, he hoped that those concerns could be addressed today, so that approval of the annexation can be done today.

He said that with regards to the issue of fire, he hoped to come up with an amicable joint agreement to build a joint co-located facility that will work for all parties involved. He asked for a 120-day period to allow the City and the County to reach an agreement. He said that if the agreement was reached within the 120-days then Mr. Sahabi will be able to proceed with the annexation, but if the agreement was not reached, then the completion of the annexation can not be made. He

asked Mr. Rank, Counsel for LAFCO, if the 120 days were not sufficient, if they could come back and ask for an extension.

Mr. Rank stated that depending on how the condition was worded. He said it could include that the Certificate of Completion could not be filed, until such time the agreement was reached. He said that it meant that if the time period passed, it would be deemed to be disapproved for failure to satisfy the condition and there was nothing the Commission or anyone can do beyond the filing of the certificate of completion.

Chair Tavaglione recommended a 120-day period in which to reach an agreement with the City of Corona whether it be through a joint contract or service. He said that if an agreement could not be reached within the 120-day period, then they will go on with an agreement for automatic aid.

Commissioner Lowe stated that she did not think that an automatic aid agreement was the answer. She said it was not just. She said that there were cities suffering because the County had moved the station so far away from its own territory, that the City was the one that was answering every fire and medical aid call. She said it was not proper for the citizens they were trying to serve. She said she agreed with Chair Tavaglione that there had to be a limited time. However, she did not want that to be the only option. She said she objected to this option.

Andrea Puga, Mayor Pro Tem, City of Corona. Ms. Puga discussed the possibility of working with the County on a memorandum of understanding to provide the services.

Mr. Sahabi reviewed the three conditions stated in Mr. McMillan's letter dated January 27, 2000.

Chair Tavaglione stated that Mr. McMillan's property was not a serious issue at this point.

Mr. Sahabi stated that he wanted to make sure that Mr. Millan's property was addressed to make sure that his conditions were met prior to the approval of the annexation.

Chair Tavaglione asked Commissioner Buster for his opinion if Mr. McMillan's property was included in the annexation prior to its approval.

Commissioner Buster stated that there was a lot of rugged and distinct territory in the area, therefore, there was a lot of potential for future conflict as well. He said that if Chair Tavaglione was satisfied with bringing those areas into the city, then he would be in agreement as well.

Mr. Sahabi discussed the issue regarding the fire station. Mr. Sahabi stated that what the condition was going to do was give a contingency on the project. Therefore, he suggested that all the parties involved develop an agreement with specific verbiage as to certain specifics to allow them to move forward with their project.

Chair Tavaglione recommended that they approve the project as recommended. He said that the recommendations were listed on the revised specific recommendations included in the Commissioners folders. He said that regarding Item d.5, he recommended 120 days or prior to the recordation of the certificate of completion, whichever occurs first.

Mr. Spiliotis suggested wording to the amendment. He stated the following. "Prior to the recordation of a certificate of completion and within 120 days of this approval, the City of Corona shall execute an agreement with the County of Riverside...".

Commissioner Henderson asked for clarification regarding the motion. She asked if the agreement was not reached within the 120-days then the application will fail? Chair Tavaglione responded in the affirmative. She stated that she could not support the recommendation. She also stated that part of the problem was political. She suggested that a meeting be scheduled in November especially for this proposal and to change the time frame to 45 days and use the political election to make this happen.

Commissioner Lowe withdrew her motion and offered a substitute that they continue the proposal for 30 days.

Moved (Tavaglione) seconded (Lowe) to continue LAFCO 2000-17-2-Reorganization to Include Annexation 94 to the City of Corona and

Concurrent Detachment from the Riverside County Waste Resources Management District to October 26, 2000.

d. LAFCO 2000-11-4-Sphere of Influence Amendment to the City of La Quinta (addition) and Reorganization to Include Concurrent Annexation 10 to the City of La Quinta and Concurrent Detachment from County Service Area 121 and the Riverside County Waste Resources Management District; and

e. LAFCO 2000-18-4-Sphere of Influence Amendment (addition) to the City of Palm Desert.

Mr. Spiliotis presented both proposals.

Chair Tavaglione asked Mr. Spiliotis how the portion north of the pink area was currently developed.

Mr. Spiliotis responded that it was vacant at this time. Chair Tavaglione asked if he knew the zoning for that area. Mr. Spiliotis stated that he believed it was commercial.

Chair Tavaglione opened the public hearing.

John P. Carroll, 42-621 Stardust Place, Bermuda Dunes, CA. Mr. Carroll stated he was in favor of the annexation to the City of La Quinta because it will be helpful to the entire area.

Jerry Lugo, 79-860 Boqueronay, Bermuda Dunes, CA 92201.

He said that he was the Chairman of the Bermuda Dunes Community Council and that they had approved the proposal. He said, however, that they saw a problem with the area on Darby Road because they knew that there was an area that had some commercial value. He said that the area was being utilized as nurseries. He said that the current map was for residential, however, they did not know if in the future they might do something with the commercial area.

Chair Tavaglione stated for clarification that Mr. Lugo represented the Bermuda Dunes Community Council. He stated that the Commission had

received a letter from Supervisor Wilson indicating that the council supported the sphere of influence amendment into the City of Palm Desert including the pink portion that the City of La Quinta would like. He asked Mr. Lugo if it was correct.

Mr. Lugo responded that what the Chairman had said was correct.

Jerry Herman, P. O. Box 1504, La Quinta, CA 92253. Mr. Herman stated that he was the Community Development Director for the City of La Quinta. He stated that the city concurred with staff's recommendation and hoped that the Commission would approve their request.

Mike Smith, Warner Engineering, 78-441 42nd Avenue, Bermuda Dunes, CA 92207. Mr. Smith stated that he was the applicant's representative. He stated that they concur with staff's recommendations. He said that they were in full support of their neighbors going to Palm Desert and they were also supportive of the applicant going to the City of La Quinta.

Jerry Sims, 41-805 St. Anns Bay, Bermuda Dunes, CA 92201. He said he was a member of the Bermuda Dunes Community Council. He said that he had no opposition to the Wade Ellis project being annexed to the City of La Quinta. He said that this annexation, in his opinion, will not affect Bermuda Dunes. He stated that it was not made clear in the annexation that the small section on Darby Road was not going to be part of Bermuda Dunes and it was not going to be part of the sphere of influence of the City of La Quinta. He asked how did they classify the maintenance requirements on the project?

Mr. Spiliotis stated that this street was dedicated for public use, but it was not in the County maintained system.

Mr. Sims stated that there was lot of confusion about this area. He said that Chairman Lugo pointed out that this area was for commercial use. He said that the original map that Supervisor Wilson showed him included the area, which was going to be voted into the sphere of influence of the City of La Quinta.

Mr. Spiliotis stated that the section was included in the proposal. He assumed that the advisory election included that area as well within the City of La Quinta's sphere of influence.

Chair Tavaglione asked Mr. Spiliotis if the beige section was included in the City of La Quinta's sphere of influence and what proposal was he talking about.

Mr. Spiliotis stated that it was included in the City of Palm Desert's sphere of influence proposal, LAFCO 2000-18-4.

Chair Tavaglione asked Mr. Spiliotis if the City of La Quinta sections north of Fred Waring Drive were part of one annexation. Mr. Spiliotis responded that a 40-acre section was annexed before he came on board in the late 1980's and the remainder was annexed in the early 1990's.

Chair Tavaglione asked about the city portion. He asked if that portion was being developed residential.

Mr. Herman stated that the north-south land going down Fred Waring Drive to the east was being developed residential.

Wayne Guralnick, 74-399 Highway 111, Palm Desert, CA 92260. Mr. Guralnick stated that he was the attorney for the Bermuda Dunes Community Association. He stated that they concur with staff's recommendation and the modified boundaries of the proposal, such as Darby Road that would still remain within the sphere of influence of the City of La Quinta. He said that Darby Road was not an integral issue for the approval of the annexation.

Chair Tavaglione clarified that Mr. Guralnick was the attorney for the Bermuda Dunes Community Association. Mr. Guralnick stated that there was a council put together by the County that represented the unincorporated area. He said he represented the homeowners within the Bermuda Dunes Country Club.

Chair Tavaglione stated that the reason for this clarification was that he had a letter from Supervisor Wilson stating that the Bermuda Dunes Community Council supported the sphere of influence amendment but were not in support of the Wade Ellis project.

Mr. Spiliotis stated for clarification that the Bermuda Dunes Community Association was the applicant for the Sphere of Influence Amendment to

the City of Palm Desert, but it did include an area larger than the Bermuda Dunes Community Association territory.

Mr. Guralnick stated that as the applicant, they were supportive of staff's modifications to the boundary lines.

Mr. Steve Smith, Planning Director for the City of Palm Desert, 73-510 Fred Waring Drive, Palm Desert, CA 92260. Mr. Smith stated that the City supported the sphere of influence application as it was originally submitted. He said that the City Council had taken a specific position on the Wade-Ellis annexation. He said that they supported maintaining the existing integrity of the Bermuda Dunes Community boundaries. He said that at this point, they did not include the general area within the city's plan. He said, however, that it will be included in the update that will take approximately 12 to 18 months.

Commissioner Lowe stated that she understood that the City of Palm Desert did accept the portion of Darby Road into the their sphere of influence.

Mr. Smith stated that this was the original proposal that had been evaluated by the city.

Chair Tavaglione asked if there was a Bermuda Dunes Community boundary.

Mr. Smith responded that there was.

Jay Steele, Secretary for the Bermuda Dunes Community Council, 79-745 Kingston, Bermuda Dunes, CA 92202. He stated that there were three members that lived outside the Bermuda Dunes Country Club and there were two members that resided inside the Community. He said that they supported the application made by the Bermuda Dunes Association. He said that the Council opposed the inclusion of the Wade-Ellis property into the City of La Quinta. He said that the proposed project consisted of very small lots and were not compatible with the surrounding area of Bermuda Dunes. He said that the housing was going to be low income. He said that the area on Darby Road should be included in the sphere of influence of the City of Palm Desert.

Curt Ealy, 777 Tahquitz, Palm Springs, CA 92262. He said he represented the Wade Ellis property, but had nothing to add.

Mr. Smith stated that there were ten thousand square foot lots backing up the ten thousand square foot lots in Bermuda Dunes. He said that there were a lot of high quality lots that were not intended for low income, but were intended for families that did not want to deal with yard work. He said that there were approximately 316 approved lots or approximately 3.1 units per acre.

Chair Tavaglione closed the public hearing.

Commissioner Jack McFadden stated that he was concerned with the water issue. He recommended that Coachella Valley Water District provide the water and sanitation services for the annexation. He said that the district was perfectly capable of providing the needed services. He said that there needed to be more discussion as to who will serve the area prior to a final decision. He said that he objected to Myoma Dunes Mutual Water Company being the lone water company that will serve the area without further discussion as to costs etc. He also stated that there needed to be a thorough evaluation by not only the County Fire Department, but by others to see which system will be most adequate to serve the area.

Chair Tavaglione stated that it was the applicant's preference, Wade Ellis to be served by the Myoma Dunes Mutual Water Company.

Commissioner McFadden commented that the Myoma's system was built originally 40 or 50 years ago and the system might not be adequate to serve the area according to current standards.

Commissioner Lowe stated that the opinions stated today indicated the reasons why Bermuda Dunes should be in some city or other. She said that she did not understand why they were creating a magical island out there and leaving it that way. She said that she felt it was not her responsibility to work out the water war. She said if in fact it affected the delivery of water on a fire level of service, then the developer will have to explain to his insurance people. She hoped that the City of La Quinta will take this into consideration prior to allowing new development to go forward.

Mr. Curt Ealy, attorney for the applicant, Wade Ellis stated that there was a letter in the package by the City of La Quinta. He proceeded to read paragraph two of the letter and stated that they met the fire standards for the City regarding the water issue. He stated that this

issue will be worked out at the time of negotiations. He said that Myoma Dunes Mutual Water Company had provided water to the Country Club facilities and as far as he was concerned they had good water facilities.

Commissioner Henderson asked if the ballot that was mail out was mailed to every resident or to every registered voter.

Mr. Spiliotis stated that an election was conducted by the Registrar of Voters. He said that only registered voters had participated in the advisory election.

Commissioner Henderson asked if the mail out went out to the resident of that particular address or only to the registered voters. Mr. Spiliotis stated that it was done by mail ballot, so this would have been sent to residents that were registered.

Commissioner Henderson complemented staff for a job well done. She said that even though it was a complicated matter, all the issues were addressed very adequately. However, she felt that Darby Road should remain the same and regarding Jefferson, she concurred with it being in the City of La Quinta.

Chair Tavaglione stated that by adding the pink area (LAFCO 2000-11-4) into the City of La Quinta, they were creating a tighter island. He stated that he supported excluding the City of La Quinta portion and including that portion into the City of Palm Desert Sphere of Influence.

Ms. Henderson reminded everyone that the application before them was at the direction of Supervisor Wilson. She said that Mr. Ellis did everything in his power to try to process the project in the proper place, including working very close with the Bermuda Dunes area. He also tried to process it in the City of La Quinta at the direction of all the various entities. She said that he was here because he was directed to apply to LAFCO. She said that after telling him to go down this road and to now tell him that this was the wrong road was not appropriate.

Commissioner McFadden stated it would make more sense to make the Darby Road area part of the sphere of influence of the City of La Quinta along with this new annexation. He also stated that the remainder of the property will also be more logical to include it within the same

sphere. He commented that the City of Palm Desert did not favor annexation of that area to their City.

Commissioner Henderson agreed with Commissioner McFadden. However, she said, that there was a strong desire by the City Council to not force the issue. She commented that this was a difficult matter for the City of Palm Desert and the City of La Quinta.

Commissioner Lowe commented that she was told by several Council members of the City of Palm Desert that they had no interest in Bermuda Dunes.

Moved (Lowe) seconded (Hird) to approve LAFCO 2000-11-4-Sphere of Influence Amendment to the City of La Quinta (addition) and Reorganization to Include Concurrent Annexation 10 to the City of La Quinta and concurrent Detachment from County Service Area 121 and the Riverside County Waste Resources Management District as recommended by staff, excluding the northernmost parcel along Jefferson Street, but including the westerly right-of-way of Jefferson to the City limits of the City of Indio.

6/0 (Ashley absent)

Moved (Lowe) seconded (Hird) to approve LAFCO 2000-18-4-Amendment to the Sphere of Influence of the City of Palm Desert (addition) to include all of Bermuda Dunes outside La Quinta's SOI and the approved LAFCO 2000-11-4

5/0 (McFadden abstained) (Ashley absent)

4. EXECUTIVE SESSION:

LITIGATION:

With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

Subdivision (a) of Section 54956.9

a. City of Lake Elsinore v. LAFCO et al.
(Cleveland Ridge UC/SOI Amendment-Riverside Superior Court Case No.
RIC-311942)

b. City of Lake Elsinore v. LAFCO et al.
(Meadowbrook UC/SOI Amendment-Riverside Superior
Court Case No. 317305)

There was no executive session.

6. AMENDING COMMISSION ACTION (RESOLUTION 03-99 AND 04-99) TAKEN ON LAFCO 98-12-1&2-SPHERE OF INFLUENCE AMENDMENTS AND REORGANIZATION TO INCLUDE ANNEXATION 18 TO THE CITY OF NORCO AND CONCURRENT DETACHMENT FROM THE CITY OF RIVERSIDE AND ANNEXATION 83 TO THE CITY OF RIVERSIDE AND CONCURRENT DETACHMENT FROM THE CITY OF NORCO.

Moved (Lowe) seconded (Tavaglione) to approve Amending Commission Action (Resolution 03-99 and 04-99) Taken on LAFCO 98-12-1&2-Sphere of Influence Amendments and Reorganization to Include Annexation 18 to the City of Norco and Concurrent Detachment from the City of Riverside and Annexation 83 to the City of Riverside and Concurrent Detachment from the City of Norco.

7. AUTHORIZATION FOR EXECUTIVE OFFICER TO EXECUTE AGREEMENTS FOR LIMITED LEGAL SERVICES.

Mr. Spiliotis stated that he was looking for approval from the Commission to allow the Executive Officer or the Chair to execute agreements for limited legal services when there is a conflict of interest on the part of County Counsel.

Chair Tavaglione moved to authorize the Executive Officer to execute agreements for limited legal services without the need to bring it before the Commission for approval

Moved (Tavaglione) seconded (Henderson) to authorize the Executive Officer to execute agreements for limited legal services.

8. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis stated that it appeared that AB 2838 was signed by the Governor. He said that massive changes will be taking place in the way proposals were processed. He said that he was involved in putting together a staff workshop that will take place at the end of November. He said that CALAFCO was also putting together a workshop for Commissioners that will probably take place in December or January.

Regarding the Commissions meeting schedule typically the November/December meeting was combined and was asking for an agreeable date for everyone. It was agreed by the Commission to hold the meeting on Thursday, December 14th.

Mr. Spiliotis discussed the CALAFCO Conference and stated that Commissioner Lowe had been appointed to the Executive Board. He said that the position will become vacant in December.

Commissioner Lowe thanked Commissioner Henderson for her support and also thanked staff. She said she was looking forward to working with the CALAFCO Board.

Mr. Spiliotis also stated that the Conference was well attended and well received. He said that the main focus was on AB 2838. He said he had included in their folders a quick summary of AB 2838.

9. PUBLIC COMMENTS.

Mr. Garry Grant, 27068 Jarvis Stree, Perris, CA 92570. Mr. Grant addressed Item 4 on the agenda which was Executive Session. Mr. Grant discussed the Cleveland Ridge UC/SOI and urged the Commission to appeal Judge Dallas Holmes' decision.

Verlin Baumgarth, 28127 Sun City Blvd. Sun City, CA 92586.

Mr. Baumgarth asked for an update regarding the litigation involving the City of Lake Elsinore and Cleveland Ridge.

Mr. Rank responded that the Judge had not issued a final order.

Commissioner Buster asked if there had been any decisions made regarding the COIs and Mr. Rank responded that there had not been any final order yet.

Mr. Baumgarth asked when the time came to make a decision that the Commission appeal the decision if necessary.

9. ADJOURNMENT.

The Commission adjourned at 11:50 a.m.

Respectfully,

George J. Spiliotis

Executive Officer