

3/22/2001

## MINUTES

February 22, 2001

Present Commissioners: Robert E. Hird, Chair  
Bob Buster, Vice Chair  
Don Galleano  
Terry Henderson  
Robin Lowe  
Jack McFadden  
John Tavaglione

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 9:02 a.m.

2. **APPROVAL OF MINUTES OF January 25, 2001**

The minutes were approved as presented.

**Consent :**

- a. LAFCO 2000-36-3-Annexation 43 to County Service Area 103.

Moved, (Lowe) seconded (Galleano) to approve LAFCO 2000-36-3-Annexation 43 to County Service Area 103.  
7/0

**Continued:**

- b. LAFCO 2000-28-2-Reorganization to Include Annexation 96 to the City of Corona and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal and stated that a few of the landowners were requesting a continuance to allow them more time to work with the City of Corona on a pre-annexation agreement.

Chair Hird opened the public hearing.

Brad Robbins, Planning Director, 815 W. Sixth Street, City of Corona. Mr. Robbins stated that the City of Corona was in support of the annexation and was available to answer any questions.

**OPPOSITION:**

Rene Jacober, SB Universal Self Storage, 2050 Compton Avenue, Suite B, Corona, CA 92881. Mr. Jacober presented the Commission with a letter of objection to the annexation. He reiterated that there were several property owners that were attempting to work out agreements with the city of Corona regarding the land uses on Compton Avenue in the City of Corona. He felt that it was very essential that the property owners on Compton Avenue be given the opportunity to fully work out their concerns.

Commissioner Tavaglione asked Mr. Jacober if the inability to get to his location was because of the construction going on in that area.

Mr. Jacober responded that the street can only be accessed from the freeway and it will be the case permanently.

Mr. Fritz Howser, 6086 St. James Place, New Port Beach, CA. He said he was representing Mr. Benson who was in support of the annexation. Mr. Howser stated that he was not in support of the request for continuance.

Commissioner Buster stated that he would like to summarize what he understood the situation to be. He stated that Mr. Howser needed services to develop his property and the City had those services. Commissioner Buster stated that the City looked at a major freeway interchange and saw tax revenue. Commissioner Buster stated that some other property owners were being dragged along into this because they were being pinned to the corner. He said that the property owners were concerned with being able to continue to use their properties in beneficial ways.

Mr. Howser stated that there were other property owners that were included in the annexation at the city's request. He said that the access issue was dictated by CALTRANS.

Commissioner Buster stated that he had heard two concerns over this issue. He said that one concern was getting access, maintaining access, and better access. He said that the other concern was the uses for the property. He said that it was not LAFCOs role to use extensions as a leverage to create unsafe conditions out there to maximize access. He said that the existing property owners should have objected when the City completed the development plan that may limit their access. He also said that CALTRANS usually tried to get along with City, the County and the property owners. He said that they usually try to work things out among all the interested parties.

Commissioner Tavaglione asked if the reason they were discussing the access issue was because of the prior speakers concern? He also asked if the access concern was affecting Mr. Howser's site?

Mr. Howser responded in the negative.

Commissioner Tavaglione stated that Commissioner Buster was correct in that both the Cities and the County worked on a daily basis with CALTRANS. He said that the access issue can be worked out if the distance between the on and off ramps was sufficient to allow it. He understood that Mr. Howser was interested in annexing into the city because of the sewer and water services that the City would provide. He stated that as long as there was a cooperative effort between the county, the city and the property owners to allow the annexation to go forward, the Commission was willing to take a positive stand. He said that while Mr. Howser was ready to move forward, it will make better sense to allow the other property owners who were going to be affected to sit down with City representatives to try and work out some pre-annexation agreement. He said that he had worked with the City and they had been very good to work with in the past on these issues. He said that they could probably get it done within 30 to 60 days.

Mr. Howser stated that all of the landowners had been notified of the annexation back in May of 2000, and at that time, they had asked them to express their concerns. He

also stated that they were notified by the City, prior to the planning commission meeting and prior to the City Council meeting.

Commissioner Tavaglione stated that Mr. Howser knew how to go through the process of dealing with the City. He said that there were property owners that did not necessarily know how to do that. He said that often times, they won't even take that first step if they were not given direction by a governing body.

Mr. Howser said that there were no other issues other than the access issue that was beyond his control. He urged the Commission to approve the application for annexation so that he can continue the process.

Jim Fletcher, 2230 E. Orangethorpe Avenue, Fullerton, CA 92831. He said that he and his brother owned eight acres in the proposed annexation. He said that being part of the City would increase the value of their property. He indicated that access changes had hurt their business.

Glen Fletcher, 2230 E. Orangethorpe Avenue, Fullerton, CA 92831. Mr. Fletcher also discussed the traffic/access issues.

Bill Hobin, President, William Warren Group. He said he represented Mr. Benny Benson. He said he was presently working with Mr. Fritz Howser and his company. He said that the City had told Mr. Jim Fletcher that that they would be more than happy to work out an annexation agreement. He said that the City, other than the access issue, did not know of any other concerns. He said that it was time to make some decisions and were trying to get things to move forward with the city.

Mr. Howser stated that the access issue was not an issue with respect to the annexation. He said that it was an issue related to CALTRANS. He stated that they had been told that the city had agreed to accommodate their concerns.

Commissioner Lowe stated that she finds it hard to believe that in their staff report there were no developments pending. She commented that if there was an urgency about approving the annexation then, there must be some developments waiting to be filed somewhere.

Commissioner Tavaglione commented that the City has had concerns about the Fletcher property. He also thanked the Fletchers because they have done a lot to clean up the area. He said that the fact was that they had been there for quite some time and they were entitled to work within their zone. He asked if the City has had extensive discussions with the Fletchers to determine how long they were going to be allowed to do business at their location if the annexation was approved.

Mr. Robbins stated that the City had talked with the Fletchers on several occasions and said that they were not obligated to do a pre-annexation agreement. He said that this was something that the city wanted to do to try to make all parties happy. He said that as part of the agreement, they would have use of their property for as long as they want to keep it. He said that the only real issue left was the access issue with CALTRANS which was something that the City had no control over it.

Commissioner Buster asked if the City's development plan for the pink portions of the property would push the remaining parcels in the County between the freeway into a position where CALTRANS had no option but to conform to its normal regulations. He said it was in the City's interest to maximize the effective use of all those properties including the yellow parcels.

Mr. Robbins stated that he did not disagree with Commissioner Buster. He said that if they could open up Compton, they would open it up. However, what the Commission was asking to do was to realign Compton. He said it cannot not be done at this point in time based on the land uses that were already there.

Commissioner Buster asked what went through the City's mind when they went through the process of developing the streets and traffic patterns when they were developing the pink portion. Did the City think that the yellow portion would never become part of the City? He asked if the City had planned for that at all?

Mr. Robbins stated that they looked at the overall traffic circulation in the area prior to making their decisions.

Commissioner Tavaglione stated that he came from the business of commercial real estate and development, primarily commercial real estate. He said he had dealt with issues of planning quite extensively in the past. He knew Sam's Club and Home Depot and knew that they were going to try to maximize their sites and the more they maximize their sites, the more economically feasible it will be for them. However, recognizing that they had this long rectangular piece of property between old Temescal and Ontario, there was nothing saying that Compton couldn't even be abandoned and an interior street could be put in place with the cooperation of the existing property owners and the Home Depot folks to insure that there was some level of access for everybody. He suggested that the City try to find a way to protect the property owners and at the same time find a compromise that everyone can live with. He thinks that they need to go back and try to work it out so that everyone benefits from this as much as possible.

Commissioner Galleano had a question of staff relative to the residential units that were northerly of the site. He wanted to know who provided the water service?

Mr. Spiliotis stated that the City of Corona had the only water service in the area. He said that the City of Corona provided service to the unincorporated areas outside the City.

Commissioner Galleano asked if this was the same rates that the residents of the City of Corona pay?

Mr. Spiliotis stated that the unincorporated residents pay a surcharge. He said he was not sure if that was still the policy.

Commissioner Tavaglione stated that the surcharge was 50 percent over the current rates.

Commissioner Galleano stated that it seemed to him that the people who live there and that were impacted by all of this traffic, were paying a surcharge for using the City of Corona's water. He said that there were some inequities that he would like to look at. He stated that he was supportive of Mr. Tavaglione's continuance.

Commissioner McFadden stated that the City of Corona was in a much better position to negotiate with CALTRANS. He said

that it seem to him that they had an obligation to work closely with CALTRANS during the period of postponement.

Commissioner Lowe stated that she was concerned with the comments about CALTRANS. She said that if CALTRANS wanted to come into her City with a highway, and it was a state highway, they would say no. She said that they would arrange a meeting with RCTC and CALTRANS. She stated that the City owed it to the Fletchers to try to do a better job. She said that Commissioner Tavaglione summed it up very well.

Chair Hird closed the public hearing.

Moved (Tavaglione), seconded (Henderson) to continue LAFCO 2000-28-2-Reorganization to Include Annexation 96 to the City of Corona and Concurrent Detachment from the Riverside County Waste Resources Management District to April 26, 2001.

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- c. LAFCO 2000-20-3-Detachment from the Beaumont Library District.

Mr. Spiliotis presented the proposal.

Commissioner Buster stated that the City of Murrieta wouldn't call it a detachment. He said it was actually a succession. He said that through State law, they withdrew from the County Library System and took all their library tax revenue with them.

Mr. Spiliotis stated that Commissioner Buster was correct.

Commissioner Lowe asked Mr. Spiliotis why was Desert Lawn being considered? She asked if it was in the sphere of influence of the City of Calimesa?

Mr. Spiliotis responded that it was actually within the city limits. He said that the existing library district line was a nice straight line that came down the prolongation of Bryant Street and those areas were currently within the City and the Library District.

Chair Hird opened the public hearing.

Laura Winingham, She said she was the Chairperson for the Calimesa Library Commission. She said she believed in the

power of libraries and the community's responsibility to provide the best and most accessible services to its residents. She said that the only way that the City of Calimesa will be able to achieve this was through de-annexation from the Beaumont Library District.

Clarke Lampard, Trustee of the Beaumont Library District, 125 E. Eighth Street, Beaumont, CA. He expressed concern regarding their budget because it was totally dependent on property taxes. He said that the de-annexation will affect their patrons. He asked that the Commission present a compromise to mitigate the impact.

Yvonne Branchflower, President, Beaumont Library District, 125 E. Eighth Street, Beaumont, CA. She asked that they not use the recreation and park district as an example for the precedent. She said that each successful shift of property tax revenue will reduce the Beaumont Library's ability to maintain its 90-year old building and serve its public. She said that there were profound differences between libraries as places of learning and parks as places of play.

Erhard Hofmann, Trustee, Beaumont Library District, 125 E. Eighth Street, Beaumont, CA. He expressed concern with the de-annexation. He felt it was primarily fueled for political reasons. He also expressed concern that the Calimesa branch will not be able to provide the services that the Beaumont Library District currently provide.

Alan Kapanicas, City Manager, P. O. Box 1190, Calimesa, CA 92320. He said that on the first application that started in 1996, they worked with both the Riverside County Free Library District and the Beaumont Library District. He said that they were supporting the unification. He felt that this could have been done back in 1990 a lot easier. He respectfully requested that it be done now.

Commissioner Lowe stated that it must be difficult for Mr. Kapanicas because he represented both communities. However, he did not represent the Beaumont Library District. She asked if there was discussion about the formation of the library district that it would be protected by state law through the City of Calimesa.

Mr. Kapanicas clarified if what the Commissioner was asking was if the City of Calimesa had planned to create their own library district?

Commissioner Lowe stated that it was correct.

Mr. Kapanicas stated that back in the early 1990's, it was discussed. He said that when they had meetings with their supervisor with representatives from the County Free Library and representatives from the Beaumont Library District was to set a higher standard. He said they wanted to see how they could use the systems they had now to get a better library system. He said that the County Free Library did step up and at one time, in the 1990's, there was talk about pulling out of both districts and creating their own library district that would be protected under the school's act. He said that the direction of the City Council was that they wanted to stay with the County Free Library and expand its services.

Commissioner Henderson stated that she had served on the Library Zone, Fourth District. She said that they worked very closely with the County during the process that brought LSSI on board. She said that the County substantially assisted in that process with the Cities in the area. He said that the increased hours, the increased inventory, the increased staffing will only get better with the folks that participate in it. She stated that she very strongly supports the request. She said that maybe in the future the Beaumont Library District might even consider joining that. She said that the more they work together on this, the better the system they will have.

Chair Hird closed the public hearing.

- d. Moved, (Henderson), seconded (Lowe) to approve LAFCO 2000-20-3-Detachment from the Beaumont Library District with the effective date of July 1, 2001.  
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The Commission recessed for executive session at 10:05 a.m.

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)

5. **OFFICE SPACE LEASE.**

Mr. Spiliotis stated that about a year ago they were in the last few months of a five-year lease at the current office. He said that the Commission authorized him to extend the lease for an additional year. He said he was also given direction to pursue the beginning arrangements for eventually moving into County space once the new County annex was built with the idea that they would move into vacated space in the existing building. He said that the one-year lease agreement was just about up at the existing office. He said that they had the opportunity for a one-year extension at the current lease rate in the building which was .87 cents a square foot at this point. He said he was not sure what other options the Commissioners wanted to pursue. He said that it was going to be longer than a year before everything was completed.

Commissioner Tavaglione stated that it was going to take approximately 18 months to construct the new annex. He said that construction had been delayed due to design problems. He said that they should be breaking ground in the next couple of months and would like to suggest that staff attempt to get an extension for approximately 18 months.

Mr. Spiliotis stated that they had been advised that they had the right to extend the lease for a year at the existing rate, however, it was likely that if they wanted to do anything else, given the office rates and lower vacancy rates in the area, they may be looking at a little bit more. He asked if he could pursue the 18 months if it was a reasonable amount of time.

Commissioner Tavaglione stated that this would be reasonable and if they needed any assistance in those discussions, he would be glad to help.

Mr. Spiliotis asked if the building was going to be constructed in 18 months perhaps the lease should be extended longer than 18 months to allow time for moving and office improvements.

Commissioner Tavaglione told Mr. Spiliotis to be careful to not commit himself for too long. He said that they would probably not need the full two years. He suggested maybe an extension that gives him the opportunity to go on a month to month basis.

Moved (Tavaglione), seconded (Henderson) to approve the extension of the office lease agreement to 18 months.

Commissioner Lowe suggested that they should direct staff to work with RCTC and the County on furniture and the site location within the building. She said that RCTC had a discussion last week regarding some of the details and she thought that LAFCO should take advantage of the wholesale rates.

Commissioner Tavaglione stated that the building that LAFCO was going to move into was the current county building because there was no room in the new building.

Commissioner Lowe commented that LAFCO will now be under the County's roof.

#### **5.1 PER DIEM FOR SUB-COMMITTEE MEETINGS.**

Commissioner McFadden Stated that he asked Mr. Spiliotis to put this on the agenda because as a member of the Board of the Coachella Valley Water District, it was a practice that when they had meetings over and above their regular

meetings they were required to attend, per diem was provided. He said that according to Mr. Spiliotis that had not been the practice of LAFCO. He said the he and Commissioner Henderson met with Mr. Spiliotis at the City of La Quinta City Hall to discuss next year's budget. He said that it seems to him that if a Commissioner sat down at an extra meeting, over and above the regular meeting, and he was doing business for LAFCO, that per diem was an entitlement that should be given.

Commissioner Lowe commented that with RCTC she has approximately 9 meetings a month. She said she was compensated for three of those meetings. She commented that perhaps the Ad Hoc Committee should not be compensated the same per diem as for LAFCO Meetings. She said she would like to see some suggestions brought back to the Commission.

Commissioner Henderson suggested that maybe the budget committee should take this into consideration to formulate some type of guidelines and bring them back to present them along with the new budget.

Chair Hird stated that this would be acceptable to all of the Commissioners. He said that they should, at least, be paid mileage for the meetings if nothing else.

Mr. Spiliotis stated that this was already being done.

Chair Hird directed the Budget Ad Hoc Committee to discuss the matter and bring it back to the Commission for approval.

#### **6. AUTHORITY FOR EXECUTIVE OFFICER TO EXECUTE AGREEMENTS.**

He suggested that the Commission should have a policy regarding giving the Executive Officer authority to execute agreements for work under a specified amount.

Commissioner Tavaglione asked if Mr. Spiliotis was asking for a dollar limit amount.

Mr. Spiliotis responded yes, unless the Commissioners had other ideas. He stated that it would probably be something relatively low, in the area of \$3,000 or \$5,000.

Mr. Spiliotis stated that he just needed some flexibility because of the timing.

Commissioner Tavaglione stated that he believed that the County had a \$25,000 single signature type of authority.

Mr. Rank stated that there are various statutory allocations or allotments that were available. However, he thought that what Mr. Spiliotis was talking about would probably be accompanied by a report, maybe quarterly or so, on the contracts that have been entered into so that the Commission could ratify all of his acts.

Commissioner Tavaglione suggested the amount of \$5,000, and asked if that amount was realistic or would it better to raise it to \$10,000.

Commissioner Tavaglione moved to approve the authorization without discussion with Chair to \$5,000 and if it was needed to go beyond up to \$10,000 with discussion with the Chair.

Moved (Tavaglione), seconded (Henderson) to approve authorization for Executive Officer to execute agreements up to \$5,000 and if needed to go beyond to \$10,000 to be discussed with the Chair.

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#### **7. MISCELLANEOUS STAFF REPORTS.**

Mr. Spiliotis indicated that there will be an AB 2838 Policy Workshop that CALAFCO will be having on Wednesday, March 28, 2001 intended for Commissioners and Executive Officers. He said that this was a one-day workshop in Sacramento. He encouraged the Commissioners to attend. He asked if the Commissioners could let him know as soon as possible so that he may make the appropriate arrangements.

Commissioner Lowe stated that the only thing she would add was that staff was quite well versed on AB 2838. She said that for those that did not feel like going to Sacramento, she felt that after Staff went to the meeting, they will have a review for the Commission. She also stated that some of the issues that were going to be covered Riverside LAFCO was already doing them. She also stated that many of the LAFCOs in the state were not as independent as this LAFCO was.

Mr. Spiliotis indicated that it was his understanding that this was not intended to get into the minutia of processing, that it was a policy level workshop.

Mr. Spiliotis told the Commission that he had scheduled workshops on AB 2838 for Cities and Special Districts on March 15h and March 19<sup>th</sup>. He said that the March 15<sup>th</sup> Workshop will be at the Eastern Municipal Water District and the March 19<sup>th</sup> will be at the City of La Quinta City Hall.

Mr. Spiliotis stated that this workshop was intended to be for the district and city staff. He also said that this will be similar to what he presented to the Commission last month.

#### 8. PUBLIC COMMENTS.

Mr. Gary Grant, Chairman of the Meadowbrook COI. He commended the Commission on their actions today. He said that this was the first time that the Commission had been decisive and analyzed the subject matter so strictly. He elaborated on the uniqueness of the annexation. He also discussed the possibility of a school district putting a school in their area and all the concerns that will go along with the possible annexation.

#### 9. ADJOURNMENT.

The Commission adjourned at 11:45 a.m.

Respectfully,

George J. Spiliotis  
Executive Officer