

1/24/2002

MINUTES

December 10, 2001

Present Commissioners: Robert E. Hird, Chair
Bob Buster, Vice Chair
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 10:33 a.m.

a. **SELECTION OF OFFICERS.**

Moved (Buster), seconded (Tavaglione) to reappoint Mr. Hird to a second term as Chair of the LAFCO Commission.

4/0/1 (Hird abstained) (Lowe and Ashley absent)

Moved (McFadden) seconded (Tavaglione) to appoint Terry Henderson as Vice Chair of the LAFCO Commission.

5/0 (Lowe and Ashley absent)

b. **PRESENTATION TO DEPARTING COMMISSIONER GALLEANO.**

Mr. Galleano was unable to attend the LAFCO Meeting. Mr. Spiliotis stated he would deliver the plaque to Mr. Galleano.

2. **APPROVAL OF MINUTES OF SEPTEMBER 27, 2001, AND OCTOBER 25, 2001**

Minutes were not available.

HEARINGS:**Consent:**

- a. LAFCO 2001-04-1-Annexation 10 to County Service Area 134.

Moved (Tavaglione) seconded (McFadden) to approve LAFCO 2001-04-1-Annexation 10 to County Service Area 134.

5/0 (Lowe and Ashley absent)

- b. LAFCO 2001-05-1-Annexation 18 to County Service Area 134. (**Continued from October 25, 2001**)

Moved (Tavaglione) seconded (McFadden) to approve LAFCO 2001-05-1-Annexation 18 to County Service Area 134.

5/0 (Lowe and Ashley absent)

Chair Hird stated that Item 3c. will be taken up separately.

- d. LAFCO 2001-32-3-Reorganization to Include Concurrent Annexations to Rancho California Water District, Eastern Municipal Water District and the Metropolitan Water District of Southern California.

Moved (Tavaglione) seconded (McFadden) to approve LAFCO 2001-32-3-Reorganization to Include Concurrent Annexations to Rancho California Water District, Eastern Municipal Water District and the Metropolitan Water District of Southern California.

5/0 (Lowe and Ashley absent)

Commissioner Lowe arrived at 10:36 a.m.

Continued:

- e. LAFCO 2000-37-4-Annexation to Palo Verde Irrigation District (**Continued from October 25, 2001**) (**Staff recommends continuance to January 24, 2002**).

Moved, (McFadden), seconded (Buster) to continue LAFCO 2000-37-4-Annexation to Palo Verde Irrigation District to January 24, 2002.

6/0 (Ashley absent)

New:

- c. LAFCO 2001-23-1-Annexation 11 to County Service Area 134.

Mr. Fowler presented the proposal.

Chair Hird open the Public Hearing.

Dennis W. Beaver, 24088 Warm Springs, Dr., Corona, CA 92883. Mr. Beaver requested the Commission to exclude three parcels discussed from the proposed annexation.

Steve Calkins, The Keith Companies, 22690 Cactus Avenue, Ste. 300, Moreno Valley, CA 92553. Mr. Calkins stated he was representing Shea Homes. He stated that the three other parcels owned by Shea Homes were not part of the subdivision. However, Shea Homes wanted those parcels included in the annexation because it will add some level of amenities when they sell in the future. He asked that the Commission include the parcels owned by Shea Homes in the annexation.

Moved (Henderson) seconded (Tavaglione) to approve LAFCO 2001-23-1-Annexation to County Service Area 134 with the exclusion of the three parcels, not owned by the developer, as requested by the landowners.
6/0 (Ashley absent)

- f. LAFCO 2001-21-4-Reorganization to Include Annexation 35 to City of Palm Desert and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal.

Chair Hird opened the public hearing.

Stephen Smith, 73-510 Fred Waring Drive, Palm Desert, CA 92260. Mr. Smith expressed his support with staff's recommendation.

Chair Hird closed the public hearing.

Moved (Henderson) seconded (Buster) to approve LAFCO 2001-21-4-Reorganization to Include Annexation 35 to City of Palm Desert and Concurrent Detachment from the Riverside County Waste Resources Management District as recommended by staff.

6/0 (Ashley absent)

- g. LAFCO 2001-24-2-Reorganization to Include Annexation 95 to the City of Corona & Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal.

Commissioner Tavaglione commented that he had met on several occasions with the applicant and representatives from the City of Corona regarding his concern with the exclusion of the property to the north. He said that the County was trying to clean up boundaries, especially the inhabited, unincorporated islands. He said that this was the reason for condition 4c of staff's recommendation.

Commissioner Tavaglione discussed including the area to the west up to the County line with the proposed annexation to clean up the boundaries. He also commented that the map did not include this area.

Commissioner McFadden proposed continuing the proposal to allow more time to discuss these issues.

Mr. Rank stated that the inclusion of the area desired by Commissioner Tavaglione would require additional CEQA analysis before it becomes part of the current proposal. Mr. Spiliotis also stated that the discussed area was also not included in the public notice.

Commissioner Tavaglione said that he would like to see consistency in boundaries and consistency in services.

Ed Sloman, KWC Engineers, Inc. 1269 W. Pomona Blvd., Corona, CA 92882. Mr. Sloman said that he was representing the Regent Communities. Mr. Sloman commented that they will not be in control of their own destiny if they were required to comply with condition 4c of staff's recommendation.

Brad Robbins, City of Corona. Mr. Robbins stated that the City of Corona was in support of the proposal with the

exception of Item 4c of staff's recommendation. He felt there was no justification to bring the requested area into the City because their logic city boundary was at the end of the 91 freeway. He said that having to expand the city boundaries, as discussed, it will cost the city thousands of dollars in environmental work and time. He asked the Commission to approve the proposal with the deletion of item 4c of staff's recommendation.

Commissioner Lowe asked Mr. Robbins what would be the financial impact to service the area? Mr. Robbins responded that they were already servicing the area.

Commissioner Henderson expressed concern with Item 4c of staff's recommendation.

Commissioner Tavaglione stated that it was his recollection when they met in his office, that the City was in agreement to bring the proposal for the areas discussed in Item 4c of staff's recommendation prior to filing the Certificate of Completion. He said that now that the City was not supporting this agreement, then he was going to recommend denial of the entire application.

Darrell Talbert, Mayor, City of Corona, 510 S. Corona Mall, Corona, CA 92879. Mr. Talbert expressed concern with Item 4c of staff's recommendation especially because it was brought to his attention two years after the initial studies had been done. He said that despite the financial ramifications and amendments to current EIRs, he was most opposed to the timing in which this issue was brought up. He said he was shocked to learn that they were being asked to add hundreds even thousands of acres. He urged the Commission to think about it before making their final decision. He said that any decisions that LAFCO will make to delay the developer from building, it will affect their community greatly. He commented on the current ongoing litigation with CALTRANS along state route 91. He suggested that the City continue to work with Supervisor Tavaglione to explore other options and asked that the Commission not link the condition to the Certificate of Completion. He said that when they left Supervisor Tavaglione's office that the agreement was that the 169 acres will not be part of a condition to approve the proposal. He said that when staff's report came out, it was different than what it had been previously discussed and agreed upon.

Commissioner Buster commented that the City's interest in annexation stopped when there was no monetary gain. He said that the proposed annexation was a money making proposition that was why the City was not interested and anything else that did not make money.

Mr. Spiliotis clarified that the condition was only for the City to file an application for the area north of the freeway prior to the completion of the subject annexation.

Ruth Kroll, 1229 Lomita, Orange, CA 92867. Ms. Kroll asked if her property was going to be included in the annexation and Mr. Fowler responded in the affirmative.

Ed Sloman, KWC Engineers, Inc. 1269 W. Pomona Blvd., Corona, CA 92882. Mr. Sloman stated that the applicant concurred with a continuance.

After further discussion, the Commission agreed to continue the proposal for 60 days to allow time discuss the mutual issues of concern.

Moved (Tavaglione) seconded (McFadden) to continue LAFCO 2001-24-2-Reorganization to Include Annexation 95 to the City of Corona & Concurrent Detachment from the Riverside County Waste Resources Management District to February 28, 2002.

5/1 (Henderson opposed) (Ashley absent)

- h. LAFCO 2001-28-3-Annexation to Valley Wide Recreation and Park District. **(Staff recommends continuance to January 24, 2002)**

Moved (Lowe) seconded (Buster) to continue LAFCO 2001-28-3-Annexation to Valley Wide Recreation and Park District to January 24, 2002.

6/0 (Ashley absent)

Chair Hird read the two presentations to Mr. Galleano for he was not in attendance.

4. **EXECUTIVE SESSION:**

With respect to every item of business to be discussed in closed session held pursuant to Section 54957.6:

No Items scheduled

5. **REQUEST FOR A FEE WAIVER BY THE CITY OF SAN JACINTO - Detachment from the City of San Jacinto (Continued from October 25, 2001)**

Mr. Spiliotis gave a brief update on this request.

Moved (Henderson) seconded (Buster) to approve the Request for a Fee Waiver by the City of San Jacinto-Detachment from the City of San Jacinto.
6/0 (Ashley absent)

6. **REQUEST FOR A WAIVER OF FISCAL IMPACT REPORT REQUIREMENT-Annexation to the City of San Jacinto. (Continued from October 25, 2001)**

Mr. Fowler presented his report and stated that staff was recommending denial of the request.

Tim Hults, representing the City of San Jacinto, 248 E. Main St., San Jacinto, CA 92583. Mr. Hults discussed the reasons the City of San Jacinto was requesting a waiver.

Chair Hird closed the public hearing.

Commissioner Lowe discussed her reasons for voting against staff's recommendation.

Moved (McFadden) seconded (Henderson) to deny the Request for Waiver of Requirement for a Fiscal Analysis for Future Annexation Proposal - City of San Jacinto as recommended by staff.
5/1 (Lowe opposed) (Ashley absent)

7. **REQUEST FOR A FEE WAIVER BY THE CITY OF CORONA-Annexation 98 to the City of Corona.**

Mr. Fowler presented his report and recommended approval.

Moved (Lowe) seconded (Henderson) to approve Request for a Fee Waiver by the City of Corona-Annexation 98 to the City of Corona.
6/0 (Ashley absent)

8. **REQUEST TO PROCESS UNDER PRIOR FEE SCHEDULE - Woodcrest COI.**

Mr. Spiliotis presented his report and recommended approval.

Moved (Buster) seconded (Hird) to approve the Request to process Under Prior Fee Schedule - Woodcrest COI.
6/0 (Ashley absent)

9. **ADOPTION OF FORMS.**

Moved (Lowe) seconded (Hird) to approve the Adoption of Forms as presented and recommended by staff.
6/0 (Ashley absent)

10. **BUDGET TRANSFER FROM CONTINGENCY.**

Moved (Lowe) seconded (Henderson) to approve the Budget Transfer from Contingency as recommended by staff.
6/0 (Ashley absent)

11. **SELECTION OF ALTERNATE PUBLIC MEMBER.**

Commissioner Lowe recommended to the Commission to appoint Mr. Donald Galleano as the Alternate Public Member.

Moved (Lowe) seconded (Buster) to appoint Mr. Donald Galleano as the Alternate Public Member.
6/0 (Ashley absent)

Mr. Spiliotis informed the Commission that at the Special District Selection Committee Meeting Mr. Kevin Jeffries had been selected as the regular District Member to replace Mr. Marion Ashley and Mr. Randy Record had also been selected to replace Mr. Donald Galleano as the Alternate District Member.

Mr. Spiliotis also informed the Commission that Mr. Kevin Pape had lost his reelection bid and at the next City Selection Committee Meeting a new Alternate City Member will be selected.

12. **INFORMATION ITEMS: Proposals Received (56857, 56751)**

The Commission acknowledged six proposals received as information items.

13. **REPORT ON PROTEST PROCEEDINGS. (ORAL REPORT)**

Mr. Spiliotis gave a brief report for the approved proposals that required protest proceedings.

14. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis gave a brief report regarding the CALAFCO Conference.

15. PUBLIC COMMENTS.

Ace Vallejos, 15231 Cobre St., Lake Elsinore, CA 92530. Mr. Vallejos discussed his concerns with sphere of influence amendments and service reviews.

Garry Grant, 27068 Jarvis St., Perris, CA 92570. Mr. Grant discussed his concern with the Murrieta annexation and the traffic problems that the annexation will create. He also requested the Commission to consider holding the LAFCO Meetings at the EMWD.

Commissioner Lowe agreed with Mr. Grant and asked Mr. Spiliotis to explore the possibility of holding the LAFCO Meetings every other month at the Eastern Municipal Water District.

16. ADJOURNMENT.

The Commission adjourned at 12:15 p.m.

Respectfully,

George J. Spiliotis
Executive Officer