

10/25/2001

MINUTES

August 30, 2001

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

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 9:04 a.m.

2. **APPROVAL OF MINUTES.**

Minutes were not yet available.

3. **HEARINGS:**

Consent:

- a. LAFCO 2000-32-5-Sphere of Influence Amendments to Western Municipal Water District (addition) and Eastern Municipal Water District (removal)

Moved (Henderson) seconded (Hird) to approve LAFCO 2001-32-5-Sphere of Influence Amendments to Western Municipal Water District (addition) and Eastern Municipal Water District (removal).

6/0 (Lowe absent)

- b. LAFCO 2001-13-5-Reorganization to Include Detachment from Eastern Municipal Water District and Concurrent Annexation to Western Municipal Water District.

Moved (Henderson) seconded (Hird) to approve LAFCO 2001-13-5-Reorganization to Include Detachment from Eastern Municipal Water District and Concurrent Annexation to Western Municipal Water District.

6/0 (Lowe absent)

- c. LAFCO 2001-11-3-Annexation 41 to County Service Area 84.

Moved (Henderson) seconded (Hird) to approve Annexation 41 to County Service Area 84.
6/0 (Lowe absent)

- d. LAFCO 2001-14-3-Annexation 42 to County Service Area 84.

Moved (Henderson) seconded (Hird) to approve Annexation 42 to County Service Area 84.
5/0 (Lowe absent) (Ashley No)

- e. LAFCO 2001-16-3-Annexation to Beaumont-Cherry Valley Water District.

Moved (Henderson) seconded (Hird) to approve Annexation to Beaumont-Cherry Valley Water District.
6/0 (Lowe absent)

Commissioner Lowe arrived at 9:20 a.m.

Continued:

- f. LAFCO 2001-01-4-Community of Interest #15 - Vista Santa Rosa. (**Continued from May 24, 2001**)

Mr. Spiliotis gave an update summary of the proposal to the Commission. Mr. Spiliotis also stated that there was supplement documentation in their folders from the proponents and opponents.

Chair Hird opened the Public Hearing.

In favor:

Ellen L. Trover, P. O. Box 297, Coachella, CA 92236. Ms. Trover stated that she was speaking on behalf of the Petitioners. She gave a Power Point presentation and proposed that the jurisdiction to be covered by the Vista Santa Rosa Community of Interest include the area north of Avenue 52. She said that the City of La Quinta was the only City who objected to the creation of the Community of Interest. She also stated that a COI was not a land use issue. She said that the only issue that was left to resolve was whether or not the Community of Interest was appropriate. She said that the COI Petitioners had a right to either serve on the Committee or to designate a representative to serve on that Committee. She went over the three individuals that were chosen as designees and went over their goals. She stated that their third option was to remain an unincorporated community and remain under the jurisdiction of Riverside County. She went over a letter she received from Supervisor Roy Wilson and asked that if the

Commission went with Supervisor Wilson's proposal, that they table the COI for ten months to allow all parties to come together and discuss the land use issues. She stated that the Registered Voters of Vista Santa Rosa were the ones who should make the decision and the non-residents should not be allowed to vote on this issue. She asked the Commission to approve the COI to give them additional time to explore their possibilities.

Mr. Gifford Price, 82-883 Sandra Drive, Thermal, CA 92274. He stated that he was in favor of the Community of Interest.

Mr. Gary Warner, Development Services Director for the City of Indio. He stated that the City of Indio was in favor of the Vista Santa Rosa Community of Interest request.

Ms. B. Mangan Smith, 82-470 Avenue 54, Thermal, CA 92224. Ms. Mangan Smith stated that Ms. Trover had said it all and she hoped that the Commission will vote in their favor.

Ms. Sue Sally Hale, 83-230 Avenue 52, Coachella, CA 92236. She stated she had been in the valley for over 40 years where she had chose to live the rest of her life. She asked the Commission to look at everything in perspective to see if they were serving all the rights of the people involved or if there was a vested interest in the proceedings that should not be there. She thanked Mr. Wilson and Mr. Spiliotis for taking the time to help them.

The Following spoke in support of the COI Proposal:

Ms. Elizabeth L. Talley, 82836 Beckman Dr., Thermal, CA 92234.

Ms. Barbara Hollander, 83-440 Ella Avenue, Thermal, CA 92274.

Ms. Tania Paneno, 83-135 53rd Avenue, Coachella, CA 92236.

Ms. Dona Lane, 82-820 Avenue 54, Thermal, CA 92274.

The following spoke in opposition of the COI Proposal:

John Powell, Jr., 77407 Box Ridge Place, Indian Wells. He stated that his family owned the Peter Rabbit Farms and he was representing a couple of other entities that own land in Vista Santa Rosa. He stated that there was overwhelming opposition to this petition. He stated that the majority of that land was owned by people who live just outside the area and they should also have a say. He said that the continued threat of continuing or tabling the Community of Interest Petition will continue to divide the two groups. He believed that the real alternative was to vote down the Community of Interest Petition. He said that those in favor suggested they use the

COI because they had not come up with a good alternative. He said that they already had a system in place and the County was already planning the area. He urged the Commission to vote down and not continue further with this petition.

Commissioner Tavaglione asked Mr. Powell if the properties in orange, on the map previously showed to the Commission were under the same ownership.

Mr. Powell responded that there were at least a hundred different property owners.

Commissioner Tavaglione asked if the 71 percent that were opposed versus the 29 percent that were in favor was based on individuals or based on landmass.

Mr. Powell responded that the 71 percent was based on landmass.

Commissioner Buster stated that this was an opportunity to plan the future governance of that area in a unified way rather than doing it in a fragmented way. He asked if the 71 percent wanted the current system.

Mr. Powell stated that it was viewed that the proponents of the COI were heading towards the unincorporated community. He said that what they saw for their area was to develop it in a way that was best for the area.

Commissioner Buster stated that just because they had a 10-month study period, they were going to become an unincorporated community automatically.

Mr. Dwayne Young, He said he was representing the Cocopah Nurseries, which was owned by himself and his brothers. He said that they had done what was asked of them and there had been no progress. He stated that if they talk to the appraisers that appraise agricultural land, they would say there was a cloud. He asked that they keep their word and not continue the COI, but deny the COI.

Mr. Mike Mitchell, 38 Lucerne, Palm Desert. Mr. Mitchell expressed his opposition to COI.

Mr. Tom Rodda, 6555 Rycroft Drive, Riverside. He said he was representing John and Betty Attink who owned and operated an existing sod farm on 80 plus acres on 54th Avenue. He stated that everything he had reviewed addressed this issue as a land use issue. He encouraged the Commission to deny the COI.

Mr. Mike Romero, 58-625 Van Buren, Thermal, CA 92274. Mr. Romero expressed his opposition to the COI.

Mr. John R. Hillen, 75543 Calle Del Norte, Indian Wells. Mr. Hillen said that he was in opposition of the COI.

Ms. Maria Chi, 53500 La Quinta. She said she was representing herself, her husband and her sons. She expressed her opposition to the COI and asked the Commission to deny the COI.

Mr. John Gamlin, 79-285 Rancho La Quinta Drive, La Quinta, CA 92253, Coral Mountain Development. He said he was requesting that its holdings be excluded from the Community of Interest. He stated that they had made progress and the petitioners had agreed to allow the exclusion of the specific plan zone portions of their property. He said that they had an additional 40 acres on Jackson Street and their preference would be that all of their property be excluded from the COI.

Mr. John Turco, P. O. Box 959, Indio, 92201. He said he strongly opposed the formation of the COI.

Mrs. Krista Nixon, 60-700 Van Buren, Santa Rosa. She expressed her opposition and asked the commission to deny the COI.

Ms. April Young, 81910 Era Street Indio. She said that to date they had not been able to reach any kind of any agreement and there had been no progress made. She said that for these reasons, she did not support the COI and requested the Commission to deny the COI petition today.

Mr. William R. Bozarth, 1338 So. Ogden Drive, Los Angeles, CA. He said he was completely opposed to this COI because of the lack of communication.

Ms. Jean Bozarth, 1338 S. Ogden Drive, Los Angeles, CA. She stated that they were opposed to the Community of Interest proposal because it will have a negative effect on their property.

Ms. Cecilia Tudor, 73-546 Siesta Drive, Palm Desert, CA 92260. She said that the Community of Interest will hurt the value of the land. She said they were opposed to the Community of Interest and she hoped that it was denied.

Mr. Joe Hammer, 74757 N. Cove Drive, Indian Wells. He stated he had owned other properties that had been brought into the city and the response time to fire and police had greatly improved. He said he was in favor of annexation by the City of La Quinta and he opposed the COI.

Mayor John Pena, City of La Quinta. He said that for the record, the City of La Quinta had never taken a formal action to oppose the COI. However, he said, they had concerns that were related to planning. He said that they work very well with the Supervisors Office and that the system worked well

now. He said that the City wanted to work with the entities to see how the area was going to be developed. He also stated that they had not made any annexation proposals and did not see it happening in the near future. He said he was available to answer questions.

Commissioner Buster stated that the proponents had shown that the area had similar characteristics. He said that they maintain that it was a unified area. He said that most of the speakers seem to feel that they can get better services from the City of La Quinta. He asked as La Quinta extends its sphere out, did he see any logical division of the area for La Quinta.

Mayor Pena responded that they did not intend to extend their sphere of influence across the entire area. He said that they looked at various land uses with what the County had currently approved. He said that they were in the process of developing a general plan.

Commissioner Buster asked if the folks interested in that planning process were included in the discussions.

Mayor Pena responded that they had had continuing public hearings on their agenda as it related to their general plan. However, they had not received very many comments as to how this area should be developed. He said that they had also met with residents of the area to solicit comments regarding the annexation.

Commissioner Lowe stated there had been a lot of confusion from comments made that it had been assumed that the City had already filed annexation proposals for this area. She said that she had checked with their Executive Officer and the only proposal that they were aware of was in the existing sphere of influence. She stated that the City's sphere of influence did not encroach Vista Santa Rosa. She asked if the Mayor was aware that they will now be required to do service reviews for any futures annexations.

Mayor Pena responded in the affirmative.

Chair Hird asked how long before the process started regarding the service reviews.

Mr. Spiliotis responded that it depended where they start. They were not going to be doing the entire County at once. He said that once they started the first review, it could take six to nine months depending on the complexity of the area.

Commissioner Henderson asked what was the moment between now and the moment they began one.

Mr. Spiliotis stated that they had been waiting for the OPR guidelines to come out because that will be the basis for the request of proposals and request of qualifications.

Mayor Pena commented that the City of La Quinta City Council had not encouraged urbanization of the area. He said that they had tried to work with residents and property owners to commit to proper planning with them and with Riverside County.

Mr. Raymond Brown, 1400 Calle de Maria, Palm Springs. He said that he and his family were in opposition and felt that the approval of the COI will put a cloud on their property. He said that they strongly opposed the Community of Interest.

Mr. Robert Kull, 54-721 Monroe Street, La Quinta. He stated that he was in opposition to the COI.

Mr. Byron L. Woosley, City Manager of City of Coachella. He thanked the Commission and the staff for their hard work. He said that his City had not taken a position on the COI or the annexation. He said that they now know that the COI Petitioners wish to include as part of the COI a part of the City of Coachella's Sphere of Influence. He said that they had spoke with Ms. Trover and they had agreed to discuss this issue further.

REBUTTAL:

Ms. Trover pointed out that she could identify four parcels on the orange map, shown to the Commission by the opposition, that were supporters of the Community of Interest. She said that Mr. Powell stated that they had over 100 owners that were against the COI, but she had over 300 residents and voters of the area that were in favor. She stated that this was not a land use issue, that most of the opposition had addressed it as a land use issue. She stated that they were not adding another layer of government, that they were studying government. She stated that she spoke with Mr. Steven Sean who was in the Legal Counsel Office of the American Ag Credit and he stated that it "might affect credit" not that it "would". She said that as far as the City of La Quinta, their new EIR showed the possibility of annexing a large section. She further stated that they wanted to be annexed as a whole. She stated that as far as service was concerned, the City of La Quinta and the County share a common police force, Sheriff, Fire, District Attorney, and trash collection. She said that these were common problems no matter what the jurisdiction was. She said she was sorry that people thought that this was a special interest group.

Chair Hird closed the public hearing.

Commissioner Tavaglione said he was more interested in seeing regional cooperation between the various jurisdictions. He

stated that after hearing both sides this was definitely, a land use issue. He said that the jurisdictions had to figure out what should occur. He said that even though he supported COIs, he felt that they should hold off on this COI to give the Integrated Plan process time to work. He stated that he cannot support the COI today; however, he was not opposed to putting this off.

Commissioner Ashley stated that he supports COIs, however, this COI was troublesome. He said that there had been too many people in opposition. He felt that they only had two alternatives, to follow Supervisors Wilson's request to go with the 10-month delay or deny the application. He said that if the Commission votes today, he would have to vote to deny the COI.

Commissioner Buster asked if any part of the area was within the City of La Quinta or City of Indio's sphere of influence.

Mr. Spiliotis stated that a portion was within the City of Coachella's sphere of influence.

Commissioner Buster stated that the landowners can propose, but the voters will dispose of the issue. He said he did not agree with leaving the proposal open-ended. He felt that the area should have serious consideration. He felt that if the COI was approved, it would not prevent anyone from annexing.

Commissioner Henderson stated that she felt that she had to either defend herself or the City of La Quinta. She said that based on the knowledge she had gained, she had to believe that the entire County was protected from any kind of annexations, spheres of influence or changes until the service reviews were done. She stated that as far a democracy was concerned, any effort for a sphere of influence or annexation will have the opportunity to go to the people for a vote. She said that disapproving the COI today was not approving an annexation or a sphere of influence change. She said she was not able to support the COI at this time.

Commissioner Lowe commented that Vista Santa Rosa had three jurisdictions to choose from. She said that they were in a very good position to decide which jurisdiction they want to be part of.

Chair Hird stated that he could not support the COI at this time.

Commissioner Buster moved to deny the COI and request all jurisdictions to work together on boundary and land use issues and work out a plan for the future.

Moved (Lowe) seconded (Hird) to deny LAFCO 2001-01-4-Community of Interest No. 15- Vista Santa Rosa. The

Commission also requested the all the various jurisdictions meet and discuss the boundaries and land use issues and work out a plan for the future.

New:

- d. LAFCO 2001-12-1-Annexation 91 to the City of Riverside and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the proposal and stated that his recommendation was for approval. He stated that the Circle K had changed its mind because they now needed sewer services and were now requesting annexation. He said that no one was present from the Circle K or the City.

Commissioner Henderson stated that each one of those properties was going to have a septic tank problem in the future. She said that the gentlemen on the far west end (Mr. Wrench) supported being part of the annexation. She suggested that they let him be part of the annexation at this time.

Mr. Spiliotis stated that Mr. Smith did not want to be part of the City of Riverside. He said that Mr. Aklufi represented Mr. Smith and was not able to be here today. He said that if the Commission was entertaining having Mr. Smith's property included in the annexation that he was going to ask for a continuance.

Mr. Spiliotis stated that someone was going to have to pay to amend the map and the legal description for this and also for additional SBE fees. He felt that Mr. Wrench should pay for this amendment. However, if he did not want to pay, it could hold up the completion of the annexation.

Commissioner Lowe asked how much it would be for the amendment and Mr. Spiliotis responded that it would be approximately couple of thousand dollars.

Mr. Rank stated that it needed to be more definitive because if he didn't pay, he could change the proposal based upon his refusal to participate. He said that the commission should take action either he was included or he was not.

Commissioner Henderson asked if he was aware of all of this.

Mr. Spiliotis stated that he had not had any communication with him. However, he had received notice of the hearing and a copy of the staff report.

Commissioner Lowe asked why couldn't they make the City of Riverside pay for this.

Mr. Spiliotis stated that the Commission could not make anyone pay. However, they could tell the proponent, Circle K and the City that it looked like this was not going to get done because someone was not cooperating and they would request reconsideration within the next 30 days. He said it was not urgent since they were already receiving sewer service.

Commissioner Tavaglione stated that they owe it to Mr. Wrench and the applicant to continue this proposal for 30 days to allow them time to discuss the issue of concern.

Moved (Tavaglione) seconded (Lowe) to continue LAFCO 2001-12-1-Annexation 91 to the City of Riverside and Concurrent Detachment from the Riverside County Waste Resources Management District to September 27, 2001.

The Commission recessed for Executive Session at 11:40 a.m.

4. **EXECUTIVE SESSION:**

With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property: 1485 Spruce Street, Suite J,
Riverside, California.

Negotiating Party: Hutton Business Plaza,
Riverside LLC.

Under Negotiation: Lease Terms.

The Commission reconvened at 12:15 p.m.

Mr. Rank stated that there was nothing to report.

5. **POLICY FOR PROCESSING MINOR SPHERE OF INFLUENCE AMENDMENTS.**

Mr. Spiliotis stated that OPR opened the door to allow minor sphere amendments in advance of service reviews. He said he had prepared a policy to do these minor sphere of influence amendments. He further reviewed some of the policies regarding amending the sphere of influence. He recommended approval of this policy.

Moved (Ashley) seconded (Hird) to approve the Policy for Processing Minor Sphere of Influence Amendments as recommended by staff.

7/0

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

The Commission acknowledged two proposals received as information items.

7. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis stated that he had attended the beginning workshop of the second set of guidelines. He said that OPR was doing the incorporation guidelines. He felt that this was something that they should address soon in advance of OPR coming out with the guidelines because Menifee was still pursuing annexation. He stated that this will be different than the way they had done things in the past. He went over the preparation of the fiscal analysis and hiring of consultants to prepare the said analysis.

8. PUBLIC COMMENTS.

Chris Vance, 17366 Avenida Manzana, Sky Valley. Mr. Vance expressed his opposition to the Commission's decision regarding the Vista Santa Rosa COI.

Chair Hird that the next meeting will be on September 27, 2001

9. ADJOURNMENT.

The Commission adjourned at 12:40 a.m.

Respectfully,

George J. Spiliotis
Executive Officer