

MINUTES
November 20, 2003

Present Terry Henderson
Commissioners: Bob Buster
Kevin Jeffries
Robert E. Hird
Robin Lowe
Jack W. McFadden
Jim Venable

Absent: John Tavaglione

Present Staff: George J. Spiliotis, Executive Officer
Wayne Fowler, Local Government Analyst III
Adriana Romo, Local Government Analyst I
Crystal Craig, Local Government Analyst I
Elena Medina, LAFCO Assistant
Joe Rank, Legal Counsel

1. **CALL TO ORDER AND SALUTE TO THE FLAG.**

The meeting was called to order at 9:02 a.m.

1.3. **SELECTION OF OFFICERS.**

Moved (Hird) seconded (McFadden) to reappoint Terry Henderson to a second term as Chair of the LAFCO Commission.
6/0 (Henderson abstained)

Moved (Lowe) seconded (Hird) to appoint Kevin D. Jeffries as Vice Chair of the LAFCO Commission.
6/0 (Jeffries abstained)

2. **APPROVAL OF MINUTES OF October 23, 2003.**

Minutes were approved as presented.

3. **HEARINGS:**

Consent:

- a. LAFCO 2003-20-3-Minor Sphere of Influence Amendment (addition) to Lee Lake Water District and Reorganization to Include Annexations to Lee Lake Water District, Western Municipal Water District and the Metropolitan Water District of Southern California.

- Moved (Hird) seconded (Lowe) to approve LAFCO 2003-20-3-Minor Sphere of Influence Amendment (addition) to Lee Lake Water District and Reorganization to Include Annexations to Lee Lake Water District, Western Municipal Water District and the Metropolitan Water District of Southern California
7/0
- b. LAFCO 2003-21-3-Annexation 77 to County Service Area 143.
- Moved (Hird) seconded (Lowe) to approve LAFCO 2003-21-3-Annexation 77 to County Service Area 143.
7/0
- c. LAFCO 2003-22-3-Reorganization to Include Concurrent Annexations to Western Municipal Water District, Rancho California Water District and the Metropolitan Water District of Southern California.
- Moved (Hird) seconded (Lowe) to approve LAFCO 2003-22-3-Reorganization to Include Concurrent Annexations to Western Municipal Water District, Rancho California Water District and the Metropolitan Water District of Southern California.
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- d. [LAFCO 2002-39-1-Annexation](#) to Elsinore Valley Municipal Water District. **(Staff recommends continuance to January 22, 2004)**
- Moved (Hird) seconded (Lowe) to continue LAFCO 2002-39-1-Annexation to Elsinore Valley Municipal Water District to January 22, 2004 as recommended by staff.
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Continued:

- e. LAFCO 2003-11-5-Reorganization to Include Annexation 95 to the City of Riverside and Concurrent Detachment from the Riverside County Waste Resources Management District. **(Continued from October 23, 2003)**

Mr. Spiliotis gave a brief updated report on what transpired during the last month.

Chair Henderson opened the public hearing.

There being no proponents or opponents wishing to speak the public hearing was closed.

Moved (Hird) seconded (Lowe) to approve LAFCO 2003-11-5-Reorganization to Include Annexation 95 to the City of Riverside and Concurrent Detachment from the Riverside County Waste Resources Management District.
7/0

- f. LAFCO 2003-28-4-Reconsideration of LAFCO Resolution 37-03 Approving LAFCO 2002-27-4-Reorganization to Include Annexation 36 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District **(Continued from October 23, 2003)**

Mr. Spiliotis presented the report.

Commissioner Buster stated that there was a concern among the landowners of the nine lots with the City of Palm Desert regarding the hillside ordinance of that area. He stated that LAFCO should not get into the business of evaluating whether the standards of the city or county were tougher or easier.

Commissioner Buster asked Mr. Spiliotis whether the City's request was a logical geographic request. Mr. Spiliotis stated that it was staff's original recommendation to approve the entire annexation proposal.

Commissioner Jeffries stated that at the previous hearing there was 100% opposition from the landowners to be annexed. He asked Mr. Spiliotis if that had changed from last month. Mr. Spiliotis responded that staff had not received any new correspondence since the last meeting.

Chair Henderson opened the public hearing.

Philip Drell, Community Development Director, City of Palm Desert, 73-510, Fred Waring Drive, Palm Desert, CA 92260-2578. Mr. Drell spoke in favor of the Reconsideration.

Sabby Jonathan, 42620 Caroline Ct., #102, Palm Desert, CA 92211. Mr. Jonathan spoke against approving the Reconsideration.

Robert Ricciardi, 75-090 St. Charles Pl. Suite A, Palm Desert, CA 92211. Mr. Ricciardi spoke against approving the Reconsideration.

Commissioner Jeffries asked Mr. Spiliotis if LAFCO had ever ruled contrary to the wishes of all the landowners. Mr. Spiliotis responded that in this case, it was 100% support from the landowners owning the 9 lots not 100% within the entire annexation. He said that if there was a 100% support against the annexation proposal than most likely the Commission would vote against approving the proposal.

Commissioner Jeffries expressed concern with the City of Palm Desert not agreeing to a pre-annexation agreement during the negotiation process.

Commissioner Hird expressed he was not supportive of the Reconsideration Request because the City had failed to show new facts to support their request.

Chair closed the public hearing.

Commissioner Venable expressed concern with Supervisor Wilson's letter regarding the possibility of changing the land-use ordinance similar to what the City's current ordinance was.

Commissioner Jeffries stated that the most grading that was going to occur on those mountains was going to be for the golf course. He said that no one was opposed to that, but there was great opposition to the landowner building a house on hill. He said that he did not understand the logic to that.

Moved (Jeffries) seconded (Hird) to deny LAFCO 2003-28-4-Reconsideration of LAFCO Resolution 37-03 Approving LAFCO 2002-27-4-Reorganization to Include Annexation 36 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District.

4/3 (Henderson, Buster, Lowe No)

- g. LAFCO 2002-42-5-Minor Sphere of Influence Amendment (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District. **(Continued from October 23, 2003; Staff recommends continuance to January 22, 2004)**

Moved (Hird) seconded (Venable) to continue LAFCO 2002-42-5-Minor Sphere of Influence Amendment (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District to January 22, 2004 as recommended by staff.

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New:

- h. LAFCO 2002-37-4-Reorganization to Include Annexation 37 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the proposal.

Chair Henderson opened the public hearing.

The following persons spoke in favor of the annexation proposal.

Emma Doe, Chairman, Palm Desert Greens Annexation, 39326 Moronga Canyon, Palm Desert, CA 92260.

Richard Unitan, 73450 Country Club #169, Palm Desert, CA 92260.

Dr. Harold E. Beadle, PH.D. 73-899 7 Springs Drive, Palm Desert, CA 92260.

Dottie Gabriel, 39786 Chimney Flat, Palm Desert, CA 92260.

Claude D. O'Haver, 39308 Warm Springs, Palm Desert, CA 92261.

The following persons spoke against the annexation proposal.

Frank Oakden, 39-697 Moronga Canyon, Palm Desert, CA 92260.

Mary Ellen Dobson, 73-841 s. Desert Green, Palm Desert, CA 92260.

Naomi George, 38150 Story Creek, Palm Desert, CA 92260.

Margaret Williams, 73-146 Highland Sp. 65, Palm Desert, CA 92260.

Monty L. Post, 73-248 Cold Spring Way, Palm Desert, CA 92260.

Rebuttal:

Richard Unitan, 73450 Country Club #169, Palm Desert, CA 92260. Mr. Unitan addressed the issues of concern from the opposition.

Emma Doe, 39326, Moronga Canyon, Palm Desert, CA 92260. Ms. Doe also addressed the issues of concern from the opposition.

Chair Henderson closed the public hearing.

Commissioner Venable asked for clarification regarding the protest hearing process. Mr. Spiliotis complied with that request.

Commissioner Buster expressed his agreement with the annexation.

Commissioner Lowe expressed her support with seniors living in the mobile home parks. She stated that the City of Palm Desert was only following the law to mandate recycling. She said that this law was coming from Sacramento. She believed should have a voice in the annexation. She also stated that a County island did not benefit the County nor the citizens that lived there for the very reason of public safety.

Chair Henderson read a letter from Mr. Frank Oakden dated November 20, 2004. She also stated that the letter requested that the protest period be extended to the fullest extent provided by law. She asked Mr. Spiliotis if that request needed to be included in the motion. Mr. Spiliotis responded in the negative.

Moved (Lowe) seconded (Hird) to approve LAFCO 2002-37-4-Reorganization to Include Annexation 37 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District.

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- i. LAFCO 2003-24-2-Reorganization to Include Annexation to the City of Corona and Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal.

Moved (Lowe) seconded (Hird) to approve LAFCO 2003-24-2-Reorganization to Include Annexation to the City of Corona and Detachment from the Riverside County Waste Resources Management District.

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- j. LAFCO 2003-26-3-Reorganization to Include Concurrent Annexations of Redhawk to the City of Temecula and Temecula Community Services District and Concurrent Detachment from County Service Areas 143 and 152 and the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the proposal and stated that the proposal was consistent with Commission's policy and to date staff had not received any letters in opposition. He stated that staff's recommendation was for approval of the annexation proposal. He also stated that everyone had agreed to establish the effective date for approval as July 1, 2005 to give the opportunity for services to transition.

Chair Henderson opened the public hearing.

The following persons spoke in favor of the annexation proposal:

Stephen Brown, Principal Planner, 43-200 Business Park Dr., Temecula, CA 92590.

Ronald Turco, 45436 Via Jaca, Temecula, CA 92592.

Harry E. Garnett, 32177Paseo San Esteban, Temecula, CA 92592.

Randy Yount, 45927 Corte Tabarra, Temecula, Ca 92592.

Karen Bolles, 44526 Leona Court, Temecula, CA 92592.

Paul Runkle, 32070 Corte Bonillo, Temecula, CA 92592.

Chair Henderson closed the public hearing.

Commissioner Buster expressed his support for the annexation proposal.

Moved (Buster) seconded (Hird) to approve LAFCO 2003-26-3-Reorganization to Include Concurrent Annexations of Redhawk to the City of Temecula and the Temecula Community Services District and Concurrent Detachment from County Service Areas 143 and 152 and the Riverside County Waste Resources Management District.

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4. RECEIVE AND FILE:

- a. **INFORMATION ITEMS: Proposals Received (Government Section 56857, 56751)**

The Commission acknowledged receipt of four proposals.

- b. **MONTHLY EXPENDITURE REVIEW.**

The Commission received and filed the Monthly Expenditure Review Report.

5. CITY OF COLTON REQUEST FOR EXEMPTION FROM OR DEFERRAL OF RIVERSIDE LAFCO REVIEW.

Moved (Lowe) seconded (Venable) to approve the City of Colton Request for Exemption from or Deferral of Riverside LAFCO Review as recommended by staff.

7/0

6. STATUS OF AD HOC COMMITTEE ON UNINCORPORATED COMMUNITY ISSUES.

Chair Henderson stated that this Item will be coming back in January with a new updated report.

Marc Miller, P. O. Box 2057, Sun City, CA 92586. Mr. Miller requested the Commission that two members of the RCUC be appointed to the Ad Hoc Committee to help re-write the COI Policy.

Commissioner Buster expressed his agreement with Mr. Miller's request.

Commissioner Jeffries also expressed his support with Mr. Miller's request.

Mr. Rank stated that the Committee appointed was an Ad Hoc Committee intended to review a specific issue and come back with a report. He stated that if this Committee was opened to other persons it will lose the Ad Hoc Committee status and it will end up with another noticed hearing. He asked the Commission to carefully consider this issue before making a decision.

Chair Henderson asked Mr. Spiliotis if the COI Policies were drafted by members of the UC and COI communities. Mr. Spiliotis responded that the initial COI policies were drafted by members of the LAFCO Commission and later additions were drafted by members of the unincorporated communities.

Commissioner McFadden expressed his opposition to having a member of the RCUC on the Ad Hoc Committee.

7. MISCELLANEOUS STAFF REPORTS.

There were no miscellaneous staff reports.

8. PUBLIC COMMENTS.

There were no public comments.

9. EXECUTIVE SESSION:

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

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.

Subdivision (a) of Section 54956.9:

- a. **Regency Outdoor Advertising, Inc. et al. vs. LAFCO et al.**
(Case No. RIC 393 995)

There was no executive session

12. ADJOURNED.

The Commission adjourned at 12:30 p.m. in Memory of Eric Solander, father of Elizabeth Solander, staff member of LAFCO.

Respectfully,

George J. Spiliotis
Executive Officer