

MINUTES
SEPTEMBER 18, 2003

Present Terry Henderson
Commissioners: Bob Buster
Kevin Jeffries
Robert E. Hird
Robin Lowe
Jack W. McFadden
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 9:00 a.m.

2. **APPROVAL OF MINUTES OF JULY 31, 2003.**

Minutes were approved as presented.

3. **HEARINGS:**

Consent:

- a. LAFCO 2003-16-1-Reorganization to Include Concurrent Annexations to Rancho California Water District, Eastern Municipal Water District and the Metropolitan Water District of Southern California.

Moved (Buster) seconded (McFadden) to approve LAFCO 2003-16-1-Reorganization to Include Concurrent Annexations to Rancho California Water District, Eastern Municipal Water District and the Metropolitan Water District of Southern California as recommended by staff.

Continued:

- b. LAFCO 2002-39-1-Annexation to Elsinore Valley Municipal Water District. **(Staff recommends continuance to October 23, 2003)**

Moved (McFadden) seconded (Lowe) to continue LAFCO 2002-39-1-Annexation to Elsinore Valley Municipal Water District as recommended by staff.

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- c. LAFCO 2002-42-5-Minor Sphere of Influence Amendment (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District **(Staff recommends continuance to October 23, 2003)**

Moved (Hird) seconded (Jeffries) 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 as recommended by staff.

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- d. LAFCO 2003-10-3-Annexation 66 to County Service Area 103. **(Continued from July 31, 2003)**

Moved (Lowe) seconded (Tavaglione) to approve LAFCO 2003-10-3-Annexation 66 to County Service Area 103 as recommended by staff.

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- e. LAFCO 2003-12-5-Reorganization to Include Annexation 26 to the City of Desert Hot Springs and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal.

Chair Henderson opened the public hearing.

The following persons spoke in favor of the annexation:

Margo Thibeault, Century Crowell, 777 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

Stanley Hoffman, Fiscal Consultant for Applicant, 11661 San Vincente Blvd., #306, Los Angeles, CA 90049.

Terry Hagen, Director of Development, City of Desert Hot Springs, 16640 Valley Vista Way, Riverside, CA 92506.

Roy Hill, Police Chief, City of Desert Hot Springs, 65-950 Pierson Blvd., Desert Hot Springs, CA 92240.

Jerry Hansen, City Manager, City of Desert Hot Springs, 65-950 Pierson Blvd., Desert Hot Springs, CA 92240.

Bob Kahn, Traffic Engineer, R K Engineering.

Michael Grant, Counsel for Century Crowell Communities, 3750 University Avenue, Riverside, CA 92501.

John Pavelak, President of Century Crowell Communities, 1535 S. "D" Street, San Bernardino, CA 92408.

Gary Brockman, Mission Springs Water District, Desert Hot Springs, CA 92240.

The following persons spoke in opposition to the annexation:

Norma Finnegan, 9116 Jones Ct., Desert Hot Springs, CA 92240.

Ron Van Blarcom, Attorney representing Mission Lakes Country Club, 23422 Mill Creek Drive, Ste. 105, Laguna Hills, CA 92866.

Andrew Carney, Mission Lakes Country Club, 64831 Smith Ct., Desert Hot Springs, CA 92240.

REBUTTAL:

Margo Thibeault, 777 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Ms. Thibeault addressed the issues of concern by the persons who spoke in opposition to the annexation.

The Commission suggested that the City Manager and members of the City Council of the City of Desert Hot Springs, the residents of Mission Lakes Country Club, and the District Supervisor come to the table at the same time to discuss all issues of concern regarding traffic access, public safety and water capacity.

Moved (Tavaglione) seconded (Buster) to continue LAFCO 2003-12-5-Reorganization to Include Annexation 26 to the City of Desert Hot Springs and Concurrent Detachment from the Riverside County Waste Resources Management District to October 23, 2003.

- f. LAFCO 2003-14-1-Reorganization to Include Annexation 96 to the City of Riverside and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal.

Chair Henderson opened the public hearing.

The following persons spoke in favor of the annexation:

Ted Weggeland, Representing the Applicant, 4100 Newport Place, Suite 400, Newport Beach, CA 92600.

Ken Gutierrez, Planning Director for the City of Riverside, 3900 Main Street, Riverside, CA 92522.

The following persons spoke in opposition of the annexation:

Jan Wingo, 16740 Tava Lane, Riverside, CA 92504.

Gene Jones, 17139 Chico Drive, Lake Mathews, CA 92570.

Art Cassel, 18350 Harley John Rd., Lake Mathews, CA 92504.

Rebuttal:

Ted Weggeland, Representing the Applicant, 4100 Newport Place, Suite 400, Newport Beach, CA 92600. Mr. Weggeland addressed the issues of concern by the persons who spoke in opposition to the annexation.

Chair Henderson closed the public hearing.

Commissioner Buster spoke in favor of the annexation.

Moved (Buster) seconded (Tavaglione) to approve LAFCO 2003-14-1-Reorganization to Include Annexation 96 to the City of Riverside and Concurrent Detachment from the Riverside County Waste Resources Management District.

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- g. LAFCO 2003-17-3-Annexation 67 to County Service Area 103. **(Staff recommends continuance to October 23, 2003)**

Moved (Lowe) seconded (Hird) to continue LAFCO 2003-17-3-Annexation 67 to County Service Area 103 to October 23, 2003 as recommended by staff.

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4. RECEIVE AND FILE:

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

The Commission acknowledged receipt of six proposals.

- b. **MONTHLY EXPENDITURE REVIEW.**

The Commission received and filed the Monthly Expenditure Review Report.

5. CONFIRMATION OF THE COMMISSION'S ACTION ON THE COMMUNITY OF INTEREST AND UNINCORPORATED COMMUNITY POLICIES.

Mr. Spiliotis presented the report.

Commissioner Buster expressed the people's concern regarding piece-meal annexations and stated that if approved, it will foreclose their ability to become what they want to be in the future. He also expressed the people's concern with being within a city's sphere of influence.

Commissioner Lowe expressed as well the people's concern regarding land use and traffic problems. She stated that the revised policies will actually help the communities of interest. She also commented that the MACs needed to take their role more seriously.

Mr. Rank stated that the Commission, at the last meeting, had directed staff to bring back what their interpretation was of what had occurred at that meeting.

Commissioner Jeffries addressed the concerns of the residents of Woodcrest in regards to the City of Riverside annexing and encroaching their area. Commissioner Jeffries moved to reconsider their previous action.

Mr. Rank stated that the intent of this item was to establish whether or not staff adequately satisfied the action taken at the last meeting. He stated that there was no vote needed from the Commission at this time.

Commissioner Jeffries asked if the Commission could not take any position on this item at this time.

Mr. Rank stated that the item was not noticed in a manner that a vote would be necessary. He said that the item was not put on the agenda for the purpose of approving or denying.

Commissioner Hird expressed that the COIs did not have the authority to address the issues that the people were concern with. He commented that the MACs had the authority to address those issues.

Commissioner Tavaglione stated that the COIs had been used too often as a tool to stop everything around their area. He also stated that certain COIs and UCs were not doing the job that they were delegated to do. He said that the COIs and UCs were a tool to bring all affected parties together to try to work out issues of growth. He said that this process was not a never ending process and there needed to be some strict guidelines and deadlines set in place in the classification of the COIs and UCs. Commissioner Tavaglione expressed his disappointment in the action taken by the Commission at the last meeting. He stated that what he would like to see happen was a refinement of the rules and process. He said that he would like to have the opportunity to bring this matter back for reconsideration at a future meeting.

Commissioner McFadden asked if it was appropriate to make a motion to reconsider the Commission Policies.

Mr. Spiliotis stated that he was only looking for confirmation of what he committed to paper represented what the Commission action was. He stated that if the Commission wished to re-visit the issue at a later time that would be a separate subject.

Commissioner Jeffries asked if this item could be continued to the next regular meeting to revisit their action and discuss what they want to do.

Mr. Rank stated that if the Chairperson wished she could just direct staff to notice the item for discussion at the next meeting and start from square one.

Commissioner McFadden moved to have the item return at the next LAFCO Hearing for approval or denial of the policy as presented by staff.

Chair Henderson opened the public hearing.

The following persons spoke in favor of returning to the Commission's COI Policy as it previously was:

Ralph Hileman, 14176 Grande Vista Avenue, Lake Mathews, CA 92570.

Jay Hinterlong, 33885 Arcadia Lane, Menifee, CA 92584.

Gene Jones, 17139 Chico, Lake Mathews, CA 92570.

Jan Wingo, 167 Tava Lane, Riverside, CA 92504.

James Wells, 35281 Portola Pl., Wildomar, CA 92595.

The following persons spoke in favor of the Commission's July action amending the policy.

Hal Diaz, 35306 Portola Place, Wildomar, CA 92595.

Nancy Banda, 22960 Parea Ct., Wildomar, CA 92595.

Gary Grant, 27068 Jarvis St., Perris, CA 92570.

Art Cassel, 18350 Harley Road, Lake Mathews, CA 92504.

Marc Miller, 33320 Merritt Road, Menifee, CA 92584.

Chair closed the public hearing.

Commissioner McFadden moved to agendize the item at the next meeting for approval or denial. Commissioner Buster seconded the motion.

Commissioner Buster suggested having a MAC as a partial replacement for the COI process. He said that COIs were intended to be used only as a transitional period where the people will try to figure out what they wanted to do.

Commissioner Buster suggested looking for a way where they can take a look at the essential issues.

Commissioner Jeffries suggested appointing a Committee to meet prior to the next meeting to discuss and develop new language to the COI Policy and come back at a later date with a specific proposal. He felt that this will allow the Supervisors time to fully participate in this process.

Commissioner Hird commented that the reason he voted against the COI Policies was because the Policy was totally flaud. He said that the policy did not provide any specific provisions as to what they can do. He said that consequently, the people were totally confused. He said that if something was done it needed to start from square one. Commissioner Lowe agreed with Commissioner Hird's comments.

Commissioner Jeffries suggested that the agenda item for next month should be a formulation of a committee for the purposes of drafting a new policy on COI and UCs. Chair Henderson asked if that Commission could be appointed at

this time. Chair Henderson appointed Commissioners Robin Lowe, Kevin Jeffries, and Bob Buster to the an Ad Hoc Committee to review and recommend new changes to the existing policy regarding unincorporated areas. She asked them to return in three months with recommended changes to the policy.

Mr. Rank stated that at this point, the Commission had already taken an action on the existing policy which was no longer in existence. He said that the Ad Hoc Committee will meet to create a new policy.

Mr. Spiliotis asked for clarification of when the Ad Hoc Committee will be returning with the recommended new policy. Chair Henderson said that they will return at the January meeting.

Moved (Jeffries) seconded (Lowe) to appoint an Ad Hoc Committee for the purpose of formulating a new policy regarding the unincorporated areas and representation to LAFCO; It also moved to return at the January meeting to present the new policy to the Commission at which time the public will have the opportunity to comment on the new policy.

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6. 1996-03-1-COMMUNITY OF INTEREST #11-WARM SPRINGS-REQUEST FOR DESIGNATION AS AN UNINCORPORATED COMMUNITY AND AMENDMENT TO THE SPHERE OF INFLUENCE (REMOVAL) TO THE CITY OF LAKE ELSINORE. (Continued from July 31, 2003)

Mr. Spiliotis stated that there was no action needed to be taken on this item as it would have the same status as Cleveland Ridge and Meadowbrook, that is, to complete their activities in a year.

7. REQUEST FOR WAIVER OF REQUIRED FISCAL IMPACT REPORT FOR THE CITY OF PALM DESERT PROPOSAL.

Moved (Hird) seconded (McFadden) to approve the Request for Waiver of Required Fiscal Impact Report for the City of Palm Desert Proposal as recommended by staff.

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8. SELECTION OF NOVEMBER/DECEMBER MEETING DATE.

The Commission agreed to meet on Thursday, November 20, 2003, for the November/December meeting.

9. MISCELLANEOUS STAFF REPORTS.

There were no miscellaneous staff reports.

10. PUBLIC COMMENTS.

Gary Grant, 27068 Jarvis St., Perris, Ca 92570. Mr. Grant discussed the service reviews and urged the Commission to commence said reviews as soon as possible.

11. 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)

Counsel advised that there was no need to go into executive session.

12. ADJOURNED.

The Commission adjourned at 12:44 p.m.

Respectfully,

George J. Spiliotis
Executive Officer