

2.
1/26/2006

MINUTES
December 8, 2005

Present Kevin D. Jeffries
 Robin Lowe
 Terry Henderson
 Bob Buster
 Robert E. Hird
 John Tavaglione
 Phil Williams

Absent: Ron Starrs

Present Staff: George J. Spiliotis, Executive Officer
 Wayne Fowler, Local Government Analyst III
 Adriana Romo, Local Government Analyst II
 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 9:03 a.m.

1.2 ROLL CALL.

1.3 SELECTION OF OFFICERS.

Moved (Henderson) seconded (Buster) to appoint Robin Lowe as the Chair of the LAFCO Commission.
6/0 (Lowe Abstained)

Moved (Tavaglione) seconded (Lowe) to appoint Robert E. Hird as the Vice Chair of the LAFCO Commission.
6/0 (Hird abstained)

2. APPROVAL OF MINUTES OF OCTOBER 27, 2005.

Minutes were approved as presented.

3. HEARINGS:

- a. LAFCO 2005-36-3-Reorganization to Include Annexation 90 to County Service Area 103 and Concurrent Annexation to Valley Wide Recreation and Park District. **(Staff recommended continuance to February 23, 2006)**

Moved (Hird) seconded (Tavaglione) to continue LAFCO 2005-36-3-Reorganization to Include Annexation 90 to County Service Area 103 and Concurrent Annexation to Valley-Wide Recreation and Park District to February 23, 2006 as recommended by staff.

7/0

- b. LAFCO 2005-74-2-Annexation to Valley-Wide Recreation and Park District.

Moved (Hird) seconded (Tavaglione) to approve LAFCO 2005-74-2-Annexation to Valley-Wide Recreation and Park District as recommended by staff.

7/0

- c. LAFCO 2005-75-3-Annexation 15 to County Service Area 145.

Moved (Hird) seconded (Tavaglione) to approve LAFCO 2005-75-3-Annexation 15 to County Service Area 145 as recommended by staff.

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- d. LAFCO 2005-78-3-Annexation 81 to County Service Area 143.

Moved (Hird) seconded (Tavaglione) to approve LAFCO 2005-78-3-Annexation 81 to County Service Area 143 as recommended by staff.

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New:

- e. LAFCO 2005-15-1&2-Sphere of Influence Review and Potential Amendments-City of Corona.

Mr. Spiliotis presented the Sphere of Influence Review report. He said that there was no final staff recommendation; however staff will be bringing this review in February for a final look at which time the environmental documentation will be ready for review as well.

He said that the last comprehensive reviews of Corona's sphere of influence were in 1986 and 1992. He said that the Commission added approximately 16 square miles to the City's southern SOI extending it to the Temescal Canyon, just north of Lee Lake. He said that the Cities of Riverside, Corona, Lake Elsinore, Moreno Valley and Perris agreed upon lines that were accepted by the Commission. He said that thereafter, in 1992, the Commission extended the sphere of influence further south approximately 3.3 square miles to closely align the SOIs of Corona and Lake Elsinore with the boundaries and SOIs of Lee Lake Water District and Elsinore Valley Municipal Water District.

He said that he had outlined approximately six areas which the Commission will be looking at in more detail over the next couple of months, but at this time he wanted to go over those areas briefly. Mr. Spiliotis proceeded to go over the areas of Home Gardens, Prado Basin, Temescal Canyon, Lee Lake Water District, and Eagle Valley East as outlined in the staff report.

Commissioner Henderson stated that she noticed in the staff report that currently, Home Gardens was being served by two independent special districts, Home Gardens Sanitary District and Home Gardens County Water District. She commented that Home Gardens would be better served by the City of Corona. Mr. Spiliotis stated that the reason staff was recommending that Home Gardens be included in the Riverside SOI was because the City of Riverside was providing water service to about two-thirds of that area. Mr. Spiliotis pointed out on the map the area that the City of Riverside served. Commissioner Henderson asked if Home Gardens County Water District was capable of serving the other area. Mr. Spiliotis responded that it could be done through City of Riverside lines from the Western Municipal Water District.

Commissioner Tavaglione asked if the City of Corona water and sewer lines went up Magnolia to Home Gardens. Brad Robbins, Assistant City Manager, City of Corona responded that they did to a certain extent. He said that Home Gardens Sanitary District served that area. He said that they did have lines but ended right at Magnolia.

Commissioner Tavaglione asked Mr. Spiliotis to coordinate a meeting between the City of Riverside and City of Corona and if necessary, at a later time, invite him and Supervisor Buster to participate in the follow-up meeting.

Brad Robbins, Assistant City Manager, City of Corona. Mr. Robbins stated that he had attended the Riverside City Council Meeting. He said that he had addressed the Council to ask them if they would like to sit down and discuss the Home Gardens issue.

He also discussed Eagle Valley East stating that this area had been within the City of Corona's sphere of influence for 20 years. He said that the developer for that area was now getting ready to turn in plans for development to the City of Corona. He said that the City of Corona was very much interested in keeping this area within the City of Corona sphere of influence.

Mr. Robbins stated that in regards to the Temescal Canyon, this area had also been within the City of Corona's sphere of influence for many years. He said that the City of Corona would like to keep that area within their sphere because they felt they were the best suited to serve that area.

Commissioner Buster asked if it was the City of Corona's intentions to extend their sphere of influence of the southern area of Cajalco Road through the Gavilan Hills if the City of Riverside withdrew their sphere. Mr. Robbins responded that the City had no intention to add any more areas to their sphere of influence at this time. He said that they just wanted to maintain what they had at this time.

Commissioner Tavaglione discussed the Home Gardens and Eagle Valley East school boundaries and complications with the school districts. He said that he has always been concerned with this matter.

Mr. Spiliotis stated that the same problem existed in the Woodcrest area. He said that the Legislation of 2001 gave the Commission the ability to act as an applicant for a change in school district boundaries.

Mr. Robbins stated that if LAFCO desired to work with the two school districts to modify the boundaries, the City of Corona was in agreement with that as well.

Commissioner Tavaglione stated that if the Cities and school districts were open for discussion, then LAFCO should take a stronger role to try to make the boundaries more consistent.

Chair Lowe stated that there needed to be more coordination with the State Legislature and the League of Cities regarding these concerns because if had now become a problem.

Mr. Spiliotis asked if the Commission was interested in a presentation from a representative of the County Department of Education that dealt with school district boundary changes. The Commission responded in the positive to have this presentation and Mr. Spiliotis agreed to coordinate this effort.

Chair Lowe opened the public hearing.

Eugene Montanez, Mayor Pro Tem, City of Corona, Mr. Montanez expressed the City's desire to work out the issues of concern with the City of Riverside. He also expressed the desire of keeping Temescal Canyon and Eagle Valley East within the City of Corona's sphere.

Darrell Talbert, Council Member, City of Corona. Mr. Talbert stated that the City of Corona had been working hard to square out its borders and pushed out to the edges of its sphere of influence to provide services to Coronita, Temescal and Eagle Valley East. He proceeded to point out the logical reasons for those areas to stay within the City of Corona sphere of influence. He stated that he was ready to enter into any needed discussions to work out the issues of concern.

Leonard Glickman, representing Eagle Valley Development. Mr. Glickman stated that they had been working on this project for approximately three years. He also said that they had spent significant time and resources in the planning of this area. He asked the Commission to keep the Eagle Valley East within the City of Corona's sphere of influence.

Scott Barber, Community Development Director, City of Riverside. Mr. Barber discussed the City Manager's letter dated November 22, 2005 included in the Commission packets.

Chair Lowe stated that staff requested to continue this item to February, 2006. She also stated that the public hearing remained opened until February, 2006.

Moved (Buster) seconded (Jeffries) to continue LAFCO 2005-67-3-Sphere of Influence Review and Potential Amendments-City of Corona to February 23, 2005.

7/0

- f. LAFCO 2005-63-4-Reorganization to Include Annexation 82 to the City of Indio and Detachment from the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the proposal as outlined in the staff report.

Commissioner Henderson commented that the annexation was poorly configured. She said that many of the created pockets that had come before the Commission had been LAFCO's fault for those poor annexations. She said that in this case annexation 70 created this pocket. She said that they would like the City to clean up this boundary problem.

Commissioner Jeffries asked if LAFCO could initiate annexations into a city. Mr. Spiliotis responded that the only proposals that LAFCO could initiate were dissolutions and consolidations of a special district.

Chair Lowe opened the public hearing.

Steven Ford, 74-980 Highway 111 Ste. 107, Indian Wells, CA 92210, representing Lakemont Communities. Mr. Ford expressed his support for the annexation and stated that if the Commission had any technical questions or other concerns, he will be happy to respond to them.

Michael Wilson, City Council Member, City of Indio. Mr. Wilson stated that the City was in concurrence with staff's recommendation and conditions with the proposed amendment which was included in the Commissions' folders. He asked the Commission to approve the proposal.

Commissioner Henderson addressed the second paragraph of page 4 of the staff report which stated that if the City determined that the Fire Station was not needed on-site, the developer will provide an in-lieu payment of \$3 million to the City. She said that there was no reference in the paragraph that the \$3 million dollars will be dedicated to fire service. She asked if the City will be agreeable to work with Legal Counsel to work out the language that will be necessary to insure that the \$3 million dollars will be dedicated to fire services.

Mr. Wilson stated that he will be in full support of working with Legal Counsel as recommended by Commissioner Henderson.

Mr. Spiliotis stated that staff's recommendation was permanent to assume responsibility for fire protection or until the area was annexed or the agreement was terminated through protest or election.

Commissioner Buster expressed concern with the pocket areas being left out and not being addressed.

Commissioner Henderson asked Mr. Spiliotis if he had any more comments to the amendment. Mr. Spiliotis stated that staff's recommendation did not allow the residents of the area to hold the annexation hostage because the condition only stated that the City submit a completed application not that the annexation be ultimately successful.

Commissioner Henderson expressed concern regarding the provision of road maintenance to the area if the annexation failed at the protest hearing.

Commissioner Henderson moved to approve the proposal per staff's recommendation with the modification of condition 4c as submitted by the City of Indio which included the language as follows: "beginning 2 years from the date of recordation of the Certificate of Completion, ii) provide police protection services and iii) assume responsibility for fire protection if the contract with the County/CDF is terminated. Such agreement shall remain in effect until the area is annexed, LAFCO rejects the annexation application property owners in the area affirmatively reject annexation through a successful protest vote or until terminated by both parties".

Mr. Spiliotis suggested that the last sentence should not limit the protest to landowner. Rather, it should refer to termination by majority protest or election. The suggested modification was accepted.

Commissioner Henderson stated that language needed to be added to the recommendation regarding the dedication of the \$3 million dollars for future fire protection.

Mr. Rank stated that once the Certificate of Completion has been recorded LAFCO could not enforce that condition. He said that LAFCO was essentially relying on the City. Mr. Spiliotis stated that this requirement could be part of the agreement itself.

Moved (Henderson) seconded (Hird) to approve LAFCO 2005-63-4-Reorganization to Include Annexation 82 to the City of Indio and Concurrent Detachments from the Riverside County Waste Resources Management District as recommended by staff with the following modifications: i) Provide maintenance to all county maintained roads beginning 2 years from the date of recordation of that Certificate of Completion, ii) Provide police protection services iii) Assume responsibility for fire protection if the contract with the County/CDF is terminated iv) provide assurance that if a fire station is not constructed within the annexation area, the \$3 million in-leu payment from the developer to the City will be expended to support fire

protection. Such agreement shall remain in effect until one of the following occur: i) The area referred to in condition 4c, is annexed ii) LAFCO rejects such annexation application iii) Such annexation is terminated by majority protest or election, or iv) Until the agreement is terminated by both parties.

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- g. LAFCO 2005-67-3-Sphere of Influence Review and Potential Amendments-Pinyon Pines County Water District.

Ms. Craig presented the review as outlined in the staff report.

Chair Lowe opened the public hearing and there being no opponents or proponents wishing to speak the public hearing was closed.

Moved (Hird) seconded (Jeffries) to approve LAFCO 2005-67-3-Sphere of Influence Review and Potential Amendments-Pinyon Pines County Water District as recommended by staff.

7/0

- h. LAFCO 2005-68-3-Sphere of Influence Review and Potential Amendments-Lake Hemet Municipal Water District.

Ms. Romo presented the review as outlined in the staff report. She further stated that upon review of Lake Hemet Municipal Water District's sphere of influence, it was found that the District did not provide services outside the District's sphere. Therefore, it was staff's recommendation for the current boundaries to remain the same.

Chair Lowe opened the public hearing and there being no opponents or proponents wishing to speak the public hearing was closed.

Moved (Tavaglione) seconded (Jeffries) to approve LAFCO 2005-68-3-Sphere of Influence Review and Potential Amendments-Lake Hemet Municipal Water District as recommended by staff.

7/0

- i. LAFCO 2005-71-3-Reorganization to Include Annexation 76 to the City of San Jacinto and Detachment from the Riverside County Waste Resources Management District.

Mr. Fowler presented the proposal.

Tim Ayres, 802 Windsong Lane, San Jacinto, CA 92581. Mr. Ayres stated that JD Pierce had been a great asset to the community. He said that he had made an effort to reach out to the citizens of the area to explain why the annexation was important to the city. He said that the Planning Commission and City Council had approved the project 100%. He said that the City of San Jacinto was asking LAFCO to consider the 13 lots at a future annexation where the City could come back and make a more comprehensive annexation of the entire area. He said that the City felt that this was a good project and asked the

Commission for the approval of this annexation. He also requested the Commission to delete item 4c of staff's recommendation.

Commissioner Buster asked when they were planning to return to LAFCO with an application for that area. He responded the early part of next year.

Tim Hults, Community Development Director, City of San Jacinto. Mr. Hults stated that he did not have much to add to what Mr. Ayres had said. He said that the first part they would like to work on was the peninsula area. He said that they would like to extend it to include the area south of the San Jacinto River. He said that police and fire services were already being provided to the area by the County of Riverside and water and sewer was being provided to the area by the City of San Jacinto. He said that they entered into an agreement with the Mt. San Jacinto College District to bring in another Fire Station to the City. He asked the Commission to approve the annexation with the exception of Item 4c. of staff's recommendation.

JD Pierce, 2201 Martin Street, Ste. 205, Irvine, CA 92612. Mr. Pierce addressed the design and process of the Foothill Ranch. He also stated that they designed the new community taking into account the existing neighborhoods as well the new residents.

Mr. Pierce introduced Karen Sully who explained the community outreach process they did on this project. She said that as a result of the outreach they received unanimous approval from the Planning Commission and the City Council.

Mr. Pierce asked the Commission to approve the annexation and remove condition 4c from staff's recommendation.

Chair Lowe closed the public hearing.

Moved (Tavaglione) seconded (Buster) to approve LAFCO 2005-71-3-Reorganization to Include Annexation 76 to the City of San Jacinto and Detachment from the Riverside County Waste Resources Management District with the removal of condition 4c. of staff's recommendation.

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- j. LAFCO 2005-77-2-Reorganization to Include Annexation 101 to the City of Corona and Detachment from the Riverside County Waste Resources Management District.

Commissioners Tavaglione and Jeffries excused themselves from this proposal due a Conflict of Interest.

Mr. Fowler presented the proposal as outlined in the staff report.

Chair Lowe opened the public hearing.

Deanna Elliano, 22359 Whirlaway, Canyon Lake. Ms. Elliano stated that she was representing Far West Housing. She said that they had unanimous support from the Planning Commission and City Council as well as the community. Therefore, she asked the Commission to approve the proposal per staff's recommendation with the exception of recommendation 4c of the staff report. She said that the owner of the parcels in question was not interested in being part of this annexation because he was already receiving fire and police services through a mutual aid agreement.

Chair Lowe closed the public hearing.

Moved (Henderson) seconded (Buster) to approve LAFCO 2005-77-2-Reorganization to Include Annexation 101 to the City of Corona and Detachment from the Riverside County Waste Resources Management District with the deletion of item 4c. of staff's recommendation.

5/0 (Tavaglione and Jeffries abstained)

4. RECEIVE AND FILE:

- a. Information Items: Proposals Received (Government Sections, 56857, 56751)

The Commission acknowledged receipt of the following proposals:

- i. LAFCO 2005-91-3-Annexation 67 to County Service Area 84.
- ii. LAFCO 2005-92-1-Annexation 96 to County Service Area 103.
- iii. LAFCO 2005-93-1-Annexation 97 to County Service Area 103.
- iv. LAFCO 2005-94-3-Reorganization to Include Concurrent Annexation to Valley-Wide Recreation and Park District and Annexation 72 to County Service Area 84 and Detachment from County Service Area 146.
- v. LAFCO 2005-95-3-Annexation 98 to County Service Area 103.
- vi. LAFCO 2005-96-3-Annexation 66 to County Service Area 84.
- vii. LAFCO 2005-97-3-Annexation 99 to County Service Area 103.
- viii. LAFCO 2005-98-1-Annexation 100 to County service Area 103.
- ix. LAFCO 2005-99-3-Annexation 82 to County Service Area 143.
- x. LAFCO 2005-100-3-Annexation 83 to County Service Area 143.
- xi. LAFCO 2005-101-4-Request for Reconsideration of Resolution No. 74-05 Approving LAFCO 2005-52-4-Reorganization to Include Concurrent Annexations to the City of Coachella, Coachella Fire Protection District, Coachella Sanitary

District and Concurrent Detachments from County Service Area 125, the Southern Coachella Community Services District and the Riverside County Waste Resources Management District.

b. Monthly Expenditure Review.

The Commission received and filed the Monthly Expenditure Review Report.

5. DISCUSSION OF WATER SERVICE ISSUES IN-RIVERSIDE/WESTERN MUNICIPAL WATER DISTRICT SERVICE AREA.

Moved (Buster) seconded (Tavaglione) to continue Discussion of Water Service Issues in Riverside/Western Municipal Water District Service Area to February 23, 2006 as recommended by Staff.

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6. CONSOLIDATION STUDY-ELSinORE-MURRIETA-ANZA, RIVERSIDE-CORONA AND SAN JACINTO RESOURCE CONSERVATION DISTRICTS.

Moved (Buster) seconded (Tavaglione) to continue Consolidation Study-Elsinore-Murrieta-Anza, Riverside-Corona and San Jacinto Resource Conservation Districts to March 23, 2006 as recommended by Staff.

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7. CONSOLIDATION STUDY-ELSinORE VALLEY AND WILDOMAR CEMETERY DISTRICTS.

Moved (Buster) seconded (Tavaglione) to continue Consolidation Study-Elsinore Valley and Wildomar Cemetery Districts to June 22, 2006 as recommended by Staff.

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8. REQUEST FOR EXTENSION OF TIME TO COMPLETE PROCEEDINGS FOR LAFCO 2004-29-3-REORGANIZATION TO INCLUDE CONCURRENT ANNEXATION TO RANCHO CALIFORNIA WATER DISTRICT, EASTERN MUNICIPAL WATER DISTRICT (79th FRINGE) AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

Moved (Buster) seconded (Tavaglione) to approve the Request for Extension of Time to Complete Proceedings for LAFCO 2004-29-3-Reorganization to Include Concurrent Annexation to Rancho California and the Metropolitan Water District of Southern California as recommended by staff.

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9. MISCELLANEOUS STAFF REPORTS.

There were no miscellaneous staff reports.

10. PUBLIC COMMENTS.

There were no public comments.

11. ADJOURNMENT.

The Commission adjourned at 11:18 a.m.

Respectfully,

George J. Spiliotis
Executive Officer