

2.
7/12/2007

MINUTES
May 24, 2007

Present: Robin Lowe, Chair
Bob Buster
Terry Henderson
Robert E. Hird
Al Lopez
Jeff Stone
Phil Williams

Absent: Tavaglione and Starrs

Present Staff: George J. Spiliotis, Executive Officer
Wayne Fowler, Senior Local Government Analyst
Crystal Craig, Local Government Analyst II
Elena Medina, Executive Assistant II
Joe Rank, Legal Counsel

1.1 CALL TO ORDER AND SALUTE TO THE FLAG.

The meeting was called to order by Chair Lowe at 9:30 a.m.

1.2 ROLL CALL.

2. APPROVAL OF MINUTES OF APRIL 26, 2007

Minutes were approved as presented.

3. Consent (Non-Hearing Items):

There were no consent items.

4. PUBLIC HEARINGS:

Continued:

- a. LAFCO 2005-64-4-Reorganization to Include the Formation of Desert River Community Services District and Dissolution of County Service Areas 62 and 122. **(Continued from March 22, 2007; Staff recommends continuance to June 28, 2007)**

Moved (Hird) seconded (Henderson to continue LAFCO 2005-64-4-Reorganization to Include the Formation of Desert River Community Services District and Dissolution of County Service Areas 62 and 122 to July 12, 2007.

- b. LAFCO 2006-150-4-Reorganization to Include Annexation 56 (Labbe) to the City of Coachella, the Coachella Fire Protection District

(subsidiary) and the Coachella Sanitary District (subsidiary) and Detachments from County Service Area 125 and the Riverside County Waste Resources Management District. **(Continued from April 26, 2007)**

Mr. Fowler presented the proposal.

Moved (Henderson) seconded (Stone) to approve LAFCO 2006-150-4-Reorganization to Include Annexation 56 (Labbe) to the City of Coachella, the Coachella Fire Protection District (subsidiary) and the Coachella Sanitary District (subsidiary) and Detachments from County Service Area 125 and the Riverside County Waste Resources Management District.

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- c. LAFCO 2006-27-4&5-Sphere of Influence Review and Potential Amendments-City of Cathedral City. **(Continued from February 22, 2007)**

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

Chair Lowe opened the public hearing.

Ken Lyon, Planning Department, City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Mr. Lyon stated that they had been working with Mr. Beckley looking at the possibility of annexing his property to the City of Palm Springs. However, they were under the understanding that Mr. Beckley had reconsidered his position and had decided to annex to the City of Cathedral City. Mr. Lyon said that the City was expressing its interest to have Mr. Beckley's property in their sphere, but if Mr. Beckley had decided to go with City of Cathedral City, they would not object to his desire to be in the City of Cathedral City's sphere of influence.

Benton Beckley, P. O. Box 1000, Palm Springs, CA 92263. Mr. Beckley stated that after many discussions with both cities, it was his desire to be within the City of Cathedral City's sphere of influence.

Leisa Lukes, City Planner, City of Cathedral City. Ms. Lukes stated that she was available for any questions.

Chair Lowe closed the public hearing.

Commissioner Henderson stated that there seem to be no problem with approving the sphere amendment. She said that everyone seem to be in agreement; therefore, she was moving to approve staff's recommendation modified to include the language necessary to add the 2 ½ acre parcel owned by Mr. Beckley into the City of Cathedral City's sphere of influence.

Moved (Henderson) seconded (Hird) to approve LAFCO 2006-27-4&5-Sphere of Influence Review and Potential Amendments-City of Cathedral City with modifications to include the necessary language to add the 2½ acre parcel owned by Mr. Beckley to the City of Cathedral City's sphere of influence.

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The Commission discussed the summer schedule and the possibility of having a combined meeting for the months of June and July. After further discussion

by the Commission, the Commission agreed to have a combined meeting for the months of June and July on Thursday, July 12, 2007. Item 4a. would also be continued to this date.

- d. LAFCO 2005-107-1&3-Reorganization to Include Incorporation of Wildomar and Detachment from the Riverside County Waste Resources Management District and CSA 22, 103 and 142 and Potential Sphere of Influence Amendment (removal) to the City of Lake Elsinore.

Mr. Spiliotis gave a brief review of the proposal. He further stated that he was not going to go into an extensive review because of the request by a private citizen for review of the comprehensive fiscal analysis by the State Controller's Office. He said that the proposal had been forwarded to the State Controller's Office and they were doing the initial review. He said that at the present time, they were putting together a time estimate and fee estimate of their review. He said that the law provided 45 days to review the comprehensive fiscal analysis to turn in their report to LAFCO. He said that staff's recommendation was for a continuance on the basis that the Commission did not have any discretion to take a final action.

Commissioner Williams asked if the report from the State Controller's Office states that there will be a deficit for the first five years, will the Commission be able to approve the cityhood or is the Commission mandated to deny the request for cityhood. Mr. Spiliotis responded that the Commission had to find that the proposed incorporation was fiscally viable for a minimum of the first three years of incorporation in order to approve it. He said that if the fiscal analysis stated that it was not feasible, then there would have to be other information presented to the Commission as the basis for a specific finding.

Mr. Spiliotis said that there was a provision for the proponents that will give them the opportunity to address the Commission regarding the impact of the continuance on the proposal.

After discussion, the Commission decided to take limited testimony and the hearing was opened.

Sharon Heil, 21592 Bundy Canyon, Wildomar, CA. She expressed her concurrence with Rick Estes, Bob Cashman and Sheryl Ade.

Bob Cashman, P. O. Box 915, Wildomar, CA 92595. Mr. Cashman expressed his appreciation to the Commission for all their help during the incorporation process. Mr. Cashman further gave a brief history of the Wildomar Community. Mr. Cashman said that they were looking forward to getting to the conclusion of this effort which was the incorporation of Wildomar.

Rick Estes, President of the Chamber of Commerce, P. O. Box 1571, Wildomar, CA 92595. He said that the Wildomar Chamber of Commerce saw the incorporation effort as a positive move for the business community and the community as a whole. He said that they were anxious to becoming Riverside County's next city.

Sheryl Ade, 35255 Amatista Avenue, Wildomar, CA 92595. Ms. Ade spoke about the impact of the delay regarding the incorporation. She said that they

would like to move forward as quickly as possible when the results from the State Controller's Office come back.

The hearing was continued to July 12, 2007.

- e. LAFCO 2006-126-5-Sphere of Influence Review and Potential Amendments-county Service Area 47 (West Palm Springs).

Moved (Hird) seconded (Stone) to amend the sphere of CSA 47 to approximate the area of potential future development in the area as shown on the County's General Plan.

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- f. LAFCO 2006-128-5-Sphere of Influence Review and Potential Amendments-CSA 15 (North Palm Springs Oasis)

Moved (Hird) seconded (Stone) to amend the sphere of Influence for County Service Area 15 to approximate the area of potential future development in the area as shown on the County's General Plan.

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- g. LAFCO 2006-129-5-Sphere of Influence Review and Potential Amendments-County Service Area 13 (North Palm Springs).

Moved (Hird) seconded (Stone) to amend the sphere of influence for County Service Area 13 to approximate the area of potential future development in the area as shown on the County's General Plan.

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- h. LAFCO 2006-133-5-Sphere of Influence Review and Potential Amendments - CSA 43 (Homeland).

Moved (Hird) seconded (Stone) to amend the sphere of influence for County Service Area 43 from its current County-wide SOI and by establishing a "zero" sphere of influence.

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- i. LAFCO 2006-142-3&5-Sphere of Influence Review and Potential Amendments-CSA 80 (Homeland).

Moved (Hird) seconded (Stone) to amend the sphere of influence for County Service Area 80 from its current County-wide sphere of influence and by establishing a coterminous sphere of influence.

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- j. LAFCO 2006-147-5-Sphere of Influence Review and Potential Amendments-County Service Area 139 (Homeland).

Moved (Hird) seconded (Stone) to amend the sphere of influence for County Service Area 139 from its current County-wide sphere of influence by establishing a "zero" sphere of influence.

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k. LAFCO 2006-153-3-Annexation 1 to San Gorgonio Pass Water Agency.

Mr. Fowler presented the proposal. Mr. Fowler further stated that this annexation was to control the watershed in the area and allow the San Gorgonio Pass Water Agency to work with the other agencies in the area to rebuild the water flume that currently exists in the area.

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

Moved (Henderson) seconded (Hird) to approve LAFCO 2006-153-3-Annexation 1 to San Gorgonio Pass Water Agency as recommended by staff.

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l. LAFCO 2007-01-5-Sphere of Influence Amendment (addition) to the City of Desert Hot Springs and Reorganization to Include Concurrent Annexation 34 to the City of Desert Hot Springs and Detachment from the Riverside County Waste Resources Management District.

Moved (Henderson) seconded (Hird) to continue LAFCO 2007-01-5- Sphere of Influence Amendment (addition) to the City of Desert Hot Springs and Reorganization to Include Concurrent Annexation 34 to the City of Desert Hot Springs and Detachment from the Riverside County Waste Resources Management District to July 12, 2007.

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m. Final Budget for Fiscal Year 2007-2008.

Mr. Spiliotis presented the Final Budget.

Moved (Henderson) seconded (Hird) to approve the Final Budget for Fiscal Year 2007-2008.

5/2 (Stone and Williams No)

Commissioners Buster, Stone and Lowe recused themselves from Item 4.n.

n. LAFCO 2007-05-1&3-Reorganization to Include Annexation 75 to the City of Lake Elsinore (Canyon Hills Estates), Concurrent Annexation to Northwest Mosquito and Vector Control District and Concurrent Detachment from the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the proposal. Mr. Spiliotis further stated that the recommendation was for conditional approval as outlined in the staff report.

Acting Chair Henderson opened the public hearing.

The following persons spoke in favor of the annexation.

Rolfe Preisendanz, 130 S. Main Street, Lake Elsinore, CA 92530. Mr. Preisendanz stated that the City was prepared to provide the necessary services for the annexation proposal; therefore, they were in favor of the annexation as recommended by staff.

Jeremy Krout, 8921 Research Drive, Irvine, CA 92618. Mr. Krout spoke in favor of the annexation.

Brenda Schroeder, 29900 Porth Road, Murrieta, CA 92563. Ms. Schroeder spoke in favor of the annexation.

John W. Flanigan, 54140 Cruise Circle, Canyon Lake, CA 92587. Mr. Flanigan spoke in favor of the annexation.

Roger LeClerc, 32365 Mesa Dr., Lake Elsinore, CA 92530. Mr. LeClerc spoke in favor of the annexation.

Daryl Hickman, Mayor Pro Tem, City of Lake Elsinore, 19 Corte Madera, Lake Elsinore, CA 92532. Mr. Hickman spoke in favor of the annexation.

Michael Tidus, 2030 Main Street, Irvine, CA 92614. Mr. Tidus stated that he was representing Trumark. He spoke in favor of the annexation proposal.

The following persons spoke in opposition of the annexation.

Bob Cashman, P. O. Box 915, Wildomar, CA 92595. Mr. Cashman spoke in opposition of the annexation.

Sheryl L. Ade, 35255 Amatista Avenue, Wildomar, CA 92595. Ms. Ade spoke in opposition of the annexation.

Raymond Johnson, 26785 Camino Seco, Temecula, CA 92590. Mr. Johnson spoke in opposition of the annexation.

G. A. Grant, 27068 Jarvis Street, Perris, CA 92570. Mr. Grant spoke in opposition of the annexation.

Gary Lancaster, 23540 Crab Hallow Circle, Wildomar, CA 92595. Mr. Lancaster spoke in opposition of the annexation.

Sharon Heil, Wildomar, CA. Ms. Heil spoke in opposition of the annexation proposal.

Rebuttal:

Jeremy Krout, 8921 Research Drive, Irvine, CA 92618. Mr. Krout addressed some of the issues of concern brought forward by some of the speakers.

Chair Henderson closed the public hearing.

Commissioner Hird stated that he would support the annexation with the added language as follows: "that the maintenance agreement would be assigned in the future". He asked that this language be added to the resolution.

Moved (Hird) seconded (Williams) to approve LAFCO 2007-05-1&3-Reorganization to Include Annexation 75 to the City of Lake Elsinore (Canyon Hills Estates), Concurrent Annexation to Northwest Mosquito and Vector Control District and Concurrent Detachment from the Riverside County Waste Resources Management District as recommended by

staff adding language regarding assigning the maintenance agreement to a future city.

4/0 (Buster, Stone and Lowe did not participate)

Commissioners Buster, Stone and Lowe returned.

5. RECEIVE AND FILE.

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

Moved (Henderson) seconded (Hird) to acknowledge receipt of the following proposals:

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- i. LAFCO 2007-41-3-Annexation 79 to County Service Area 84.
- ii. LAFCO 2007-42-4-Annexation to Valley Sanitary District.
- iii. LAFCO 2007-43-5-Cherry Valley UC-Five-Year-Report.
- iv. LAFCO 2007-44-3-Reorganization to Include Concurrent Annexations to Rancho California Water District (ANX 102), Eastern Municipal Water District and the Metropolitan Water District of Southern California (98th Fringe).
- v. LAFCO 2007-45-3-Annexation to Valley-Wide Recreation & Park District

b. MONTHLY EXPENDITURE REVIEW.

Moved (Henderson) seconded (Hird) to receive and file the Monthly Expenditure Review report.

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6. LAFCO INVESTMENT POLICY.

Moved (Hird) seconded (Williams) to adopt the LAFCO Investment Policy as recommended by staff.

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7. MISCELLANEOUS STAFF REPORTS.

Mr. Spiliotis advised the Commission that there were a few openings on the CALAFCO Executive Board. He said that if anyone was interested, the nominations would have to be turned in at the next meeting.

8. PUBLIC COMMENTS.

Roger LeClerc, 32365 Mesa Dr., Lake Elsinore, CA 92530. Mr. LeClerc expressed his desire to remain in the County.

Garry Grant, 27068 Jarvis Street, Perris, CA. Mr. Grant discussed the annexations in the Meadowbrook area in relation to the County's General Plan. He also read from the County General Plan regarding rural life style.

The Commission recessed to Executive Session at 11:54 a.m.

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. Augustine Band of Cahuilla Mission Indians vs. City of Coachella, County of Riverside and the Riverside Local Agency Formation Commission.** (Case No. CV06-1237 AG(OPx))

The Commission reconvened at 12:10 p.m.

Mr. Rank stated that there were no reportable actions at this time.

10. ADJOURNMENT.

The Commission adjourned at 12:11 p.m.

Respectfully,

George J. Spiliotis
Executive Officer