

2.
2/28/2008

MINUTES
January 24, 2008

Present: Robin Lowe
Ron Starrs
Bob Buster
Terry Henderson
Robert Hird
Phil Williams

Absent: John Tavaglione

Present Staff: George J. Spiliotis, Executive Officer
Wayne Fowler, Senior Local Government Analyst
Adriana Romo, Local Government Analyst II
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 9:35 a.m.

1.2 ROLL CALL.

1.3 SELECTION OF OFFICERS

Moved (Starrs) seconded (Hird) to appoint Phil Williams as Chair of the Commission.
6/0

Moved (Henderson) seconded (Lowe) to appoint John Tavaglione as Vice Chair of the LAFCO Commission.
6/0

2. APPROVAL OF MINUTES OF DECEMBER 6, 2007

Minutes were approved as presented.

3. Consent (Non-Hearing Items):

a. LAFCO 2007-67-1-Annexation 113 to County Service Area 103.

Moved (Hird) seconded (Williams) to approve LAFCO 2007-67-1-Annexation 113 to County Service Area 103 as recommended by staff.
6/0

- b. LAFCO 2007-65-3-Reorganization to Include Annexation 88 to County Service Area 84 and Concurrent Annexation to Valley-Wide Recreation and Park District.

Moved (Hird) seconded (Williams) to approve LAFCO 2007-65-3-Reorganization to Include Annexation 88 to County Service Area 84 and Concurrent Annexation to Valley-Wide Recreation and Park District.

6/0

4. **PUBLIC HEARINGS:**

Continued:

- a. LAFCO 2007-01-5-Sphere of Influence Amendment (addition) to the City of Desert Hot Springs and Reorganization to Include Annexation 34 (Watkins) to the City of Desert Hot Springs and Detachment from the Riverside County Waste Resources Management District. (**Continued from December 6, 2007; Staff recommends continuance to February 28, 2008**).

Moved (Henderson) seconded (Lowe) to continue LAFCO 2007-01-5-Sphere of Influence Amendment (addition) to the City of Desert Hot Springs and Reorganization to Include Annexation 34 (Watkins) to the City of Desert Hot Springs and Detachment from the Riverside County Waste Resources Management District to February 28, 2008.

6/0

NEW:

- b. LAFCO 2006-149-4-Reorganization to Include Annexation 55 (Cocopah) 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.

Mr. Fowler presented the proposal and stated that staff was recommending approval.

Chair Lowe opened the public hearing.

Mike Castaneda, 88-350 Airport Blvd., Thermal, CA 92236. Mr. Castaneda spoke in opposition to the annexation proposal.

Robert Guzman, Thermal, CA 92275. Mr. Guzman spoke in opposition to the annexation proposal.

Tracy Fuller, 74614 Lavender Way, Palm Desert, CA 92260. Ms. Fuller spoke in opposition to the annexation proposal.

Ernesto Rios, Thermal Community Council, 87-253 Center Street, Thermal, CA 92274. Mr. Rios spoke in opposition to the annexation proposal.

Carmen Manriquez, Community Development Director, City of Coachella, 1515 Sixth Street, Coachella, CA. Mr. Manriquez expressed his support for staff's recommendation.

Chair Lowe closed the public hearing.

Commissioner Buster asked Mr. Spiliotis how many written protest were needed to quash the annexation proposal.

Mr. Spiliotis responded that 25% of the registered voters were needed to send the annexation to election. He also said that if there were less than 25% of the registered voters, the annexation will be completed with the usual paperwork.

Moved (Starrs) seconded (Henderson) to approve LAFCO 2006-149-4-Reorganization to Include Annexation 55 (Cocopah) 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.

6/0

- c. LAFCO 2007-55-5-Sphere of Influence Amendment (Addition) to the City of Moreno Valley and the Moreno Valley Community Service District (subsidiary) and Reorganization to Include concurrent Annexations to the City of Moreno Valley and the Moreno Valley Community Services District (Subsidiary) and Detachments from County Service Area 93 and the Riverside County Waste Resources Management District.

Ms. Romo presented the proposal as outlined in the staff report.

Pete Bleckert, P. O. Box 217, Moreno Valley, CA 92557. Mr. Bleckert spoke in regard to the increase in rates to the area where he lives for the provision of water services if the annexation is approved.

Mr. Rank commented that it was not the Commission's responsibility to regulate water rates or land use issues.

Mr. Spiliotis commented that EMWD had not decided how water was going to be provided to the area which will ultimately be the responsibility of the developer. He further said that the specific development plans had not been submitted to Eastern Municipal Water District to date.

Richard Jensen, 9190 Box Springs Mountain Road, Moreno Valley, CA 92557. Mr. Jensen spoke in regards to future service of water to the area where he resides and increase in rates.

Tom Nieves, AEI Cast Consulting representing the applicant. Mr. Nieves said that they had not prepared the final improvement plans for water provision to the City and EMVD. Mr. Nieves said that they had addressed this issued as best they could and were willing to comply with the requirements as they became clear to them.

Commissioner Buster asked if the water district had a clear policy in regards to paying off water service bonds. He said that the surrounding property owners who were part of the water district did not know upfront what the arrangements were between the water district and the developer; therefore, this annexation will reduce their ability to get equity and have leverage in this situation. He said that these property owners were the

ones who helped the developer made the proposal possible. Commissioner Buster said that the surrounding property owners needed answers before moving forward with the annexation proposal. He said he was surprised that EVMWD did not make it clear what was going to happen so everyone knew upfront.

Commissioner Buster asked to what extent it will improve their situation. Mr. Nieves responded that he did not know all the particulars at this time.

Commissioner Buster said that he would like to know more information about this issue before he supports the approval of the annexation proposal.

Commissioner Williams commented that when there was a bond in place it was usually placed in the surrounding parcels and each year they would pay their share as they went. He said that if there was an increase in development, they would have to engineer a new system or upsize the pipes. He said that it was his knowledge that the developers would always pay for the upgrades when necessary. Therefore, he was in favor of approving this proposal at this time.

Commissioner Henderson agreed with Commissioner Williams. Commissioner Henderson further stated that LAFCO should operate within the bounds of what LAFCO suppose to look at and not create a barrier; therefore, she was in favor of approving the annexation proposal.

Chair Lowe closed the public hearing.

Moved (Hird) seconded (Henderson) to approve LAFCO 2007-55-5-Sphere of Influence Amendment (Addition) to the City of Moreno Valley and the Moreno Valley Community Service District (subsidiary) and Reorganization to Include concurrent Annexations to the City of Moreno Valley and the Moreno Valley Community Services District (Subsidiary) and Detachments from County Service Area 93 and the Riverside County Waste Resources Management District as recommended by staff.
5/1 (Buster voted No)

- d. LAFCO 2007-57-5-Reorganization to Include Concurrent Annexation 111 (University City) to the City of Riverside and Detachments from County Service Area 93 and the Riverside County Waste Resources Management District.

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

The following persons spoke in opposition to the annexation proposal:

Kevin Akin, 20212 Harvard Way, Riverside, CA 92507. Mr. Akin spoke in opposition to the annexation.

Brian Sullivan, 20389 Harvard Way, Riverside, CA 92507. Mr. Sullivan spoke in opposition to the annexation.

William G. McCall, 20288 Harvard Way, Riverside, CA 92507. Mr. William G. McCall spoke in opposition to the annexation.

Lee Pearl, 793 Promontor Dr. W., Newport Beach, CA 92660. Mr. Pearl spoke in opposition to the annexation proposal.

The following persons spoke in favor of the annexation proposal:

Donald Britt, 11500 Tulane Avenue, Riverside, CA 92507. Mr. Britt spoke in favor to the annexation proposal.

Mac McEntarfer, 20505 Claremont Avenue, Riverside, CA 92507. Mr. McEntarfer spoke in favor to the annexation proposal.

Patti Nahill, CDD Planning, City of Riverside, 3900 Main Street, 3rd Floor, Riverside, CA 92522. Ms. Nahill spoke in favor of the annexation and responded to some of the speakers concerns specifically in regards to water and sewer services to that area.

Commissioner Buster asked Ms. Nahill if there had been any meetings between Supervisor Ashley's Office and the City of Riverside to discuss issues of mutual concern. Ms. Nahill responded that the City of Riverside had met with Supervisor Ashley's office on various occasions.

Ms. Nahill said that some of the steps the City of Riverside were taking with all of the City annexations were to look at the long term services that the City would be able to provide to the proposed annexations.

Chair Lowe closed the public hearing.

Mr. Spiliotis responded to Mr. Pearl's comment regarding a flawed voting system. He said that there was a process in place to correct the voter rolls. He said that with proper documentation, the names of people who were no longer residing in the area could be removed.

Moved (Hird) seconded (Lowe) to approve LAFCO 2007-57-5-Reorganization to Include Concurrent Annexation 111 (University City) to the City of Riverside and Detachments from County Service Area 93 and the Riverside County Waste Resources Management District.

6/0

- e. LAFCO 2007-59-1-Reorganization to Include Concurrent Annexation 107 (Alta Cresta Remainder) to the City of Riverside and Detachment from the Riverside County Waste Resources Management District.

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

Commissioner Williams asked Mr. Fowler if the area was protected by the Williamson Act/Agricultural Preserves. Mr. Fowler responded in the affirmative.

Commissioner Hird commented that the Commission had requested this annexation to clean up the boundaries in that area.

Roger Hobbs, 1110 E. Chapman, Orange, CA 92866. Mr. Hobbs spoke in favor of the annexation proposal.

Jim Barisic, 16580 Aston Street, Irvine, CA 92505. Mr. Barisic spoke in favor of the annexation proposal.

Chair Lowe closed the public hearing.

Moved (Henderson) seconded (Buster) to approve LAFCO 2007-59-1-Reorganization to Include Concurrent Annexation 107 (Alta Cresta Remainder) to the City of Riverside and Detachment from the Riverside County Waste Resources Management District.

6/0

- f. LAFCO 2007-61-1-Reorganization to Include Concurrent Annexations to Eastern Municipal Water District and the Metropolitan Water District of Southern California (101st Fringe).

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

Moved (Lowe) seconded (Henderson) to approve LAFCO 2007-61-1-Reorganization to Include Concurrent Annexations to Eastern Municipal Water District and the Metropolitan Water District of Southern California (101st Fringe).

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Supervisor Buster left the meeting at 11:15 a.m.

5. RECEIVE AND FILE:

- a. Information Items: Proposals Received (Government Code Section 56857, 56751):
- i. LAFCO 2007-72-1-Reorganization to Include Annexation 82 to the City of Lake Elsinore (Running Deer) and the Northwest Mosquito and Vector Control District and Detachment from the Riverside County Waste Resource Management District.
 - ii. LAFCO 2007-73-3-Detachment from the City of Canyon Lake and Annexation to County Service Area 145.
 - iii. LAFCO 2007-74-3-Annexation to Valley-Wide Recreation & Park District.
 - iv. LAFCO 2007-75-3-Reorganization to Include Annexation to County Service Area 84 and Concurrent Detachment from County Service Area 146.
 - v. LAFCO 2007-76-3-Reorganization to Include Sphere of Influence Amendments to Western Municipal Water District (removal) and Eastern Municipal Water District (addition) and Concurrent Detachment from Western Municipal Water District and Annexation to Eastern Municipal Water District (99th Fringe).
 - vi. LAFCO 2007-77-2-Reorganization to Include Annexation 108 to the City of Corona and Detachments from County Service Area 135 and the Riverside County Waste Resources Management District.

b. LAFCO Monthly Expenditure Review.

Moved (Henderson) seconded (Starrs) to receive and file the Information Items and the Monthly Expenditure Review report.

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6. STATUS REPORT OF TENAJA/DE LUZ CSD CONSOLIDATION DISCUSSIONS.

Ms. Romo stated that the De Luz Community Services District (DLCSD) and Tenaja Community Services District (TCSD) staff were coordinating a meeting between district staff and board members to discuss consolidation. She said that they will report back to LAFCO Staff at a later time; and for this reason, staff was recommending a continuance to March 27, 2008.

Moved (Hird) seconded (Henderson) to approve the request to continue the Tenaja/De Luz CSD Consolidation to March 27, 2008 as recommended by staff.

5/0

7. STATUS REPORT ON AGREEMENT BETWEEN THE CITY OF COACHELLA AND COACHELLA VALLEY WATER DISTRICT.

Mr. Spiliotis stated that the City of Coachella and Coachella Valley Water District had come to an agreement as indicated in the staff report. He said that there were several annexations that were waiting for this agreement to satisfy conditions of approval. He further said that those annexations could now be recorded. He said that an area described as "Proposed Coachella SOI", located primarily in La Quinta's SOI east of Jackson Street, was designated as Coachella's service area. He also stated that the area delineated as "Northern Un-annexed Area" was designated as an area that the City can serve if it was the first city that annexed the area. He noted that LAFCO approval would be required for the City to serve any territory outside its boundaries.

Mr. Spiliotis said that there was no action needed for it was an informational item only.

The Commission presented Mr. Fowler with a plaque in appreciation for his 17 years of service to the LAFCO Commission.

Mr. Spiliotis thanked the LAFCO Staff for all the hard work they had done throughout the past four or five years of the development cycle.

8. MISCELLANEOUS STAFF REPORTS.

There were no miscellaneous staff reports.

9. PUBLIC COMMENTS.

There were no public comments.

10. EXECUTIVE SESSION:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9:

- a. City of Perris vs. LAFCO case #RIC 486028.

There was no executive session.

11. ADJOURNMENT.

The Commission adjourned at 11:35 a.m.

Respectfully submitted,

George J. Spiliotis
Executive Officer