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**Maria Nava-Froelich, Vice Chair**

CITY

**Jason Jackson**

COUNTY

**Michael Kelley**

COUNTY

**Raymond "Ray" Castillo**

PUBLIC

**David H. West, Chairman**



ALTERNATES

CITY

**Jim Predmore**

COUNTY

**Luis Plancarte**

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**Ralph Menvielle**

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EXECUTIVE OFFICER  
**Jurg Heuberger, AICP, CEP**

LEGAL COUNSEL  
**Ryan D. Childers**

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ACTION MINUTES OF THE REGULAR LAFCO HEARING

**March 23, 2017**

**8:30 a.m.**

**El Centro City Council Chambers  
1275 Main Street, El Centro, CA**

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**VOTING COMMISSIONERS PRESENT:**

David West, Chairman  
Maria Nava-Froelich, Vice Chair  
Jason Jackson  
Michael Kelley  
Ray Castillo

**ALTERNATE COMMISSIONERS PRESENT:**

Jim Predmore

**ABSENT:**

None

**STAFF PRESENT:**

Jurg Heuberger, Executive Officer  
Julie Carter, Accountant  
Paula Graf, Clerk  
Ryan Childers, Legal Counsel

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**REGULAR SESSION OF THE LAFCO CALLED TO ORDER AT 8:30 A.M.**

**3. Approval of Consent Items:**

- A. Minutes from February 23, 2017
- B. Project Report update

Motion by Commissioner Jackson to approve 3A and 3B and passed by the roll call vote of Froelich, Jackson, Kelley, Castillo and West.

4. **Public Comments:**

Niland resident Mr. Aristeo Ojeda stated he is requesting the assistance of the LAFCO. There are various issues with the NSD that need to be discussed. Customers are being charged double or four times the rate and empty lots are being charged as a regular home. Some residents aren't paying at all and some are paying at the empty lot rate. The residents would like to have a meeting with LAFCO to discuss various concerns.

Mr. Heuberger stated he and Commissioner Froelich spoke recently regarding the residents' concerns and he suggested they make an appointment to meet with him. Since the NSD is not on the agenda the Commission is limited to what they can discuss.

## ANNOUNCEMENTS

5. **A. Announcements by the Commissioners.**

Commissioner Froelich stated she attended an ICTC and Local Transportation Authority meeting last night and discussed different projects and concerns with possible cuts. There is a League of Cities meeting in El Centro tonight.

Commissioner Jackson stated we have a long agenda today and he commended the Commission as well as the various entities for working together to move forward on these projects.

Commissioner Kelley commended the Commission for stepping up to the plate and thanked the Commission for the sponsorship of the CALAFCO conference that is being held in San Diego this year.

Commissioner West stated it is difficult to obtain representation for Imperial County at the state level and Commissioner Kelley has done a great job.

**B. Announcements by the Executive Officer**

Mr. Heuberger stated the CALAFCO annual conference is being held in San Diego this year. If the Commission wishes to discuss a specific topic at the conference they can submit the request to the Executive Director Ms. Pamela Miller.

The NSD has been on the agenda several times and the LAFCO is working with the District and the various agencies involved. This item will be back on the agenda once more information is obtained. Mr. Heuberger commended RWQCB Executive Officer Mr. Jose Angel for assisting the district.

Commissioner Froelich asked Mr. Heuberger to provide clarification on the Prop 218 process.

Mr. Heuberger stated one of the requirements for the NSD to obtain funding is to adopt a rate schedule to show they are viable on a long-term basis and a Prop 218 vote by the rate payers is required. The NSD have been going through the Prop 218 process and an analysis has been completed to show what the new rates would be. The residents are concerned with the potential increase. If the Prop 218 doesn't pass, then it could jeopardize the funding approval.

Commissioner Froelich asked if the LAFCO could assist the NSD with the Prop 218 process.

Mr. Heuberger replied he would reach out to NSD.

Mr. Heuberger stated the SCWD hired a firm to complete the SAP review and will be submitting the report in the near future. A board member resigned recently and the SCWD is going through the process of replacing that member.

#### DISCUSSION/ACTION/DIRECTION ITEMS

**6. Discussion/Action/Direction regarding the re-appointment of Commissioner Dave West as Public Member**

Mr. Heuberger stated questions have been raised regarding the LAFCO Commissioner terms and appointment process. The Commissioners are appointed to four year terms. There are three categories, 2 County Commissioners, 2 City Commissioners, and 2 Public Commissioners. The County appoints the County member on an annual basis. The LAFCO Commissioners appoint the Public member. The City Select Committee which consists of the 7 City Mayors appoints the City member. Commissioner Jackson's term will expire in June of this year and the LAFCO will notify the City Select Committee.

Motion by Commissioner Kelley to re-appoint Commissioner West and passed by the roll call vote of Froelich, Jackson, Kelley, Castillo and West.

#### DISCUSSION/ACTION/DIRECTION ITEMS

**7. Public hearing to consider the approval of the Service Area Plan (SAP)/Municipal Service Review (MSR) for Gateway of the Americas (CSA 2-16)**

This item was pulled from the agenda.

**8. Public hearing to consider the approval of the annexation of Justo Felix (IM 3-15)**

Mr. Heuberger stated this item was continued from the February 23<sup>rd</sup> hearing. At that hearing the Commission directed the LAFCO to meet with the City to discuss various concerns. Mr. Heuberger met with the City of Imperial and the County. The Commission is being asked to consider the annexation today recognizing the business is operating and in violation of zoning. The City cannot enforce improvements until the property is annexed. The County's general plan and policies state that whatever improvements of a project are made under County authority meet the City standards.

City of Imperial Planning & Development Director Mr. Jorge Galvan stated he has met with the applicant several times. The City cannot enforce any required conditions/improvements until the property is annexed. The City has met with the applicant to try and mitigate the issues. Mr. Galvan clarified the conditions that the City is requiring upon annexation.

Applicant Mr. Justo Felix stated he agrees with the conditions being set forth.

City of Imperial resident Mr. Cory Driessche stated the property is permitted by the County for the use of a storage unit, temporary mobile office, electric and two containers. The property has over 77 trucks and a double wide mobile home. Photos have been provided to the Commission along with 88 signatures in opposition of the project. Mr. Driessche asked why should the residents believe that the applicant will obtain a bond and adhere to the conditions if he's not in compliance

at this moment. Why hasn't someone stepped in and shut the business down due to being in violation. The road is destroyed and was not made for semi-truck traffic. The home values will be reduced. A permit is intended for a specific use and if it's not complied with then the business should be shut down. The residents are in opposition of the annexation and are requesting the Commission deny the project.

Mr. Heuberger stated the LAFCO cannot regulate land use or force a zoning violation. This item was heard and approved by the City Council of Imperial. Mr. Heuberger asked if the residents protested at the City hearings.

Mr. Driessche replied the residents did not receive a notice of hearing from the City. The only notice the residents received was the notice of hearing from LAFCO.

Commissioner Jackson stated this was discussed at the last hearing. The City sent notices to landowners within 300ft of the project.

Mr. Galvan replied the City sent notices to landowners within 300ft of the project and was published in the newspaper.

Commissioner Kelley stated a notice to landowners within 300ft of a project doesn't seem reasonable.

Mr. Galvan replied City policy and state law noticing requirements are a minimum of 300ft.

Commissioner West stated the City can expand the noticing further beyond the 300ft.

Mr. Galvan acknowledged the noticing concerns and stated the project area is zoned industrial by the City and County and is an allowable use.

Commissioner Kelley asked if the road is within the City or the County.

Mr. Galvan replied it's in the City and maintained by the City.

Mr. Driessche stated the City has not maintained the road and a 300ft notice does not cover all the residents. The residents are asking that this project not be approved until discussions can be made with the City.

Imperial resident (name not provided) asked how many trucks are going to be added if the project is annexed.

Commissioner West replied that would be a decision to be made by the City and dependent upon what the zoning would allow.

Imperial resident (name not provided) stated if more trucks are added then there will be more damage to the road due to the increase in truck traffic. Safety wise it is not ideal since there are children in the area and there is a school bus pickup area. The home values will also decrease.

Commissioner Kelley asked if the County can impose conditions on the City prior to the annexation with respect to road improvements.

Mr. Heuberger replied the County's general plan states it will follow City standards if a property is contiguous or in an area that could potentially be annexed. This item can be continued to allow the County and the City to meet.

Commissioner Jackson asked if the mitigated negative declaration addressed the traffic concerns and if there was a need for a traffic study.

Mr. Galvan replied the property is zoned industrial and there was no net increase in traffic therefore a traffic study was not necessary.

Commissioner Kelley stated the City of Imperial has grown and is a City people want to live in because of the housing and the schools. The City should have extended open arms to the residents and listened to their concerns. Keeping the community happy and safe is what it's about.

Commissioner Jackson stated he has experience as a prior City Planning Commissioner for the City of El Centro and the City Planning Department went above and beyond to notify residents of a project. Commissioner Jackson recommended continuing the project to allow the various parties to get together.

Mr. Heuberger asked if the applicant Mr. Justo Felix needs a translator to translate from English to Spanish.

Mr. Felix replied yes.

Legal Counsel Mr. Ryan Childers asked the translator to state his full name and asked if he is fluent in both English and Spanish. Mr. Childers asked if he feels he could translate accurately to the applicant.

City of Imperial Planning Department Project Manager Mr. Jesus Villegas stated his full name and confirmed he is fluent in both the English and Spanish languages and feels he can accurately translate.

(Translated from English to Spanish) Mr. Heuberger stated the Commission is uncomfortable approving the project today as it stands. Would the applicant Mr. Felix be willing to provide the Commission additional time to work out the issues discussed. The Commission has three options, approve the project, deny the project, or to continue the project. If the project is denied, the applicant would have to wait a year to reapply. The Commission could continue the project but only for a short time. The Commission is asking if the applicant is willing to waive the time continuance requirements and continue the project. Does the applicant understand these options.

Mr. Felix replied he does understand the options.

(Translated from English to Spanish) Mr. Heuberger stated the Commission is asking the applicant to agree to waive the time continuance requirements to allow the Commission more time. The project would come back to the Commission during the May hearing.

Mr. Felix stated the company has no more than 25 trucks and there are one to two trucks per day working Monday through Friday. Saturday and Sunday there are about four trucks. The trucks arrive in Imperial from Los Angeles between 8pm and 9pm so there is no impact to the schools and the residents are in their homes at that time.

(Translated from English to Spanish) Mr. Heuberger stated this Commission does not have jurisdiction on traffic mitigation. The Commission cannot impose conditions on how the applicant fixes a problem. The Commission would like an opportunity for the applicant, the City, and the County to work with the residents and to come up with a solution. Mr. Heuberger stated there are standards that must be met whether or not there is a specific zoning.

(Translated from Spanish to English) Mr. Felix stated he would rather work with the City because he cannot install sewer or water on the property until the property is annexed.

(Translated from English to Spanish) Commissioner Jackson stated the Commission is requesting more time to allow the parties to come together and work on the issues.

(Translated from Spanish to English) Mr. Felix stated he is willing to relocate the business out of state within a year if the annexation is approved today.

(Translated from English to Spanish) Commissioner Castillo stated the Commission is running out of time. The Commission is asking the applicant to agree to a time waiver. Under the law the LAFCO is limited as to how long we can continue a project. We are asking Mr. Felix to waive the time rules to allow the various entities and the residents to work together.

**Motion to move this item to the end of the hearing and passed by the roll call vote of Froelich, Jackson, Kelley, Castillo and West.**

Mr. Heuberger stated the following documents are being received into the record by Mr. Felix. Drawing showing Clark Road as Exhibit I, Transport Offsite Improvements as Exhibit II, 6 pages of Photographic Documents as Exhibit III, and Improvement Plans as Exhibit IV.

Imperial resident Mr. Driessche stated during the break Mr. Felix stated he wants the annexation approved now and then in two years he would convert the property into residential. Mr. Felix wants the residents to agree to the annexation. Mr. Driessche stated the residents still have the same objections.

Imperial resident Mr. Fernando Arguelles stated Mr. Felix is in business and not in compliance. Why isn't he being treated like any other business man.

County of Imperial Planning Director Mr. Jim Minnick stated the property is an allowed use and allowed to operate. The various entities are here today to try and get the project into compliance. The County does not have control over the road, sewer, or water. The property is zoned Industrial II and the City plan calls for the property as industrial. Mr. Felix is not meeting the development standards. There is a temporary permit for power and restrooms. The County cannot enforce these conditions without LAFCO.

Commissioner Froelich asked if there are other industrial businesses nearby.

Mr. Minnick replied there is a rail line and to the south there is industrial. The area is zoned industrial.

Mr. Arguelles stated Mr. Felix started his business before a permit was issued.

Mr. Driessche stated Mr. Felix is trying to annex 27 acres, part of which he does not own.



Mr. Heuberger replied the City and LAFCO attempted to contact the other landowner but was unsuccessful. That parcel of land is needed to be annexed to be contiguous to the City.

(Translated from English to Spanish) Commissioner West asked if Mr. Felix is willing to allow the Commission to continue the hearing until May.

(Translated from Spanish to English) Mr. Felix stated his parcel is 4.5 acres and 2 of those acres consist of Clark Rd. The size of the business for the parking is less than 7 acres.

(Translated from English to Spanish) Mr. Heuberger asked if Mr. Felix is willing to continue the hearing, waive the time restrictions and bring back to the May hearing to allow the various entities and the residents to come to a solution.

(Translated from Spanish to English) Mr. Felix asked how much the fees are going to be to continue to the next meeting. Mr. Felix has paid two LAFCO invoices and is concerned how much the next invoice will be.

(Translated from Spanish to English) Mr. Felix stated his proposal is to move the business with the condition that the Commission approve the annexation today. If the annexation is approved the business will relocate after 30 days.

(Translated from English to Spanish) Mr. Childers stated Mr. Felix has two options, one is to waive the statutory time with zero conditions or we vote today.

Motion by Commissioner Jackson to deny the project.

(Translated from English to Spanish) Mr. Heuberger stated there has been a motion to deny the project. If that motion passes the applicant cannot reapply for one year.

(Translated from Spanish to English) Mr. Felix stated he had to move out of Imperial Valley a month ago to San Diego. He will have to move his business to Yuma and this will affect over 40 families. He lived at a home he built on Horne Rd in El Centro. Mr. Felix is sad because his kids loved McCabe school and now he has health problems due to stress. His business is being chased away. Mr. Felix stated if he agrees to a 45-day extension and it comes down to the same decision then he would decline to continue.

(Translated from English to Spanish) Commissioner West stated the only option is to continue the hearing until May.

(Translated from Spanish to English) Mr. Felix stated he is agreeing to continue the project until the May meeting with no conditions.

Motion to deny withdrawn by Commission Jackson.

Motion by Commissioner Castillo to continue this item to the May 25, 2017 hearing and passed by the roll call vote of Froelich, Jackson, Kelley, Castillo and West.

**9. Public hearing to consider the approval for the annexation of Miller-Burson (EC 1-16)**

Commissioner West recused himself from this item. Commissioner West owns property near the project.

Mr. Heuberger stated there were some questions raised as to whether he has a conflict of interest on this project. Mr. Heuberger stated he does not have a conflict of interest. He owns a property on Wensley Avenue in El Centro but not in close proximity to the project. He has no financial interest in the project nor has he received any money from the applicant or parties involved.

Mr. Heuberger stated this project is located on the West side of El Centro, South of Ross Rd., East of Austin road. The property directly to the East is known as the Lotus Subdivision. The project is an annexation of approximately 160 acres. The City has passed several resolutions of which are included in the hearing packets. There have been several discussions because this annexation also includes the annexation of the Lotus Subdivision. Included is a resolution from the City addressing the land use allowances, and concerns from the residents of the Lotus Subdivision. The City resolution states the Lotus Subdivision residents can continue as is per the County land use ordinances. Mr. Heuberger has had several meetings with the residents, the applicant, and the City. The most recent meeting was yesterday with the City and Miller-Burson. An errata sheet has been provided to the Commission requesting modifications to the original recommendation. Mr. Heuberger is recommending the approval of Option #1 with the deletion of Condition "O", modification of Condition "P" to be rewritten as follows "with regard to conditions 3, 4, 5, 12, and 13, of the City's approved Tract Map per resolution 09-31, Exhibit "A", to the extent that these requirements are generally outside of what will be City incorporated lands, and therefore affect or potentially affect the County of Imperial, the City shall reach an agreement with the County on their implementation prior to the recordation of the Tract Map."

Commissioner Kelley asked if all parties are in agreement to move forward.

Mr. Heuberger replied the applicant and the City have agreed to these modifications and to move forward.

City of El Centro Attorney Ms. Elizabeth Martyn stated the City does agree to the modifications and confirmed the discussion that took place yesterday.

Applicant Mr. Brent Grizzle stated he is glad to be here today and happy the housing market is recovering. Mr. Grizzle thanked the LAFCO, the City, and the stakeholders that have come together to work on this project. There was a lot of work that went into this project. The Lotus Ranch and the Miller-Burson projects will benefit the City and the Imperial County.

Commissioner Froelich asked how many homes will be built.

Mr. Grizzle replied approximately 433 single family homes with the option of a school site.

Lotus Subdivision resident Mr. Lauren Hess stated he's a 40-year resident of the Lotus Subdivision and it is his understanding that a 50 percent plus one vote of the residents is needed to approve the annexation. He does not believe there are enough votes in favor of the annexation. Mr. Hess and his family do not want to be annexed. Mr. Hess is concerned the City has stated conditions will stay the same for the residents as of now but can change at any given time. The City has changed item #40 of Resolution #09-31. The Miller-Burson developer would pay 50 percent of the sewer and water connection expenses and the residents would pay the remaining 50 percent. Mr. Hess stated he is on a fixed income and cannot afford to pay for any improvements.

Mr. Heuberger asked if Mr. Hess is aware of City Resolution #17-13 dated February 21, 2017.

Mr. Hess replied he is aware. He is concerned with possible future changes the City may make regarding the requirements of the residents.



City of El Centro Director of Community Development Ms. Norma Villicana stated Condition #40 states "The installation of water and sewer utility shall be completed prior to the issuance of the 240<sup>th</sup> building permit. The developer shall be reimbursed up to 50 percent of the cost of said utilities by future development" The City received legal advice regarding this condition and the City cannot burden future developers with the cost because there is no nexus. The previous developer requested the condition. The City has not changed any conditions. Mr. Brent Grizzle has agreed to pay for 50 percent and the residents would pay the other 50 percent.

Commissioner Kelley asked if the majority of the Lotus Subdivision residents want to be annexed.

Ms. Villicana replied she's had mixed communication and cannot answer for the residents.

Mr. Heuberger stated the City has not changed the conditions. The requirement for the residents to install the sewer and water line is not a current requirement and is not an annexation requirement. The City resolution states if and when the sewer and water line installation is necessary, the requirement to install would be triggered. The connection could be triggered by a health and safety requirement by the State of California. The County Environmental Health Department has advised that the residents can replace a septic tank if it fails.

Ms. Villicana stated the residents will not be required to connect to City water or sewer as long as they have potable water.

Mr. Heuberger stated Mr. Grizzle has agreed to provide an easement for a future raw water line in the event the Lotus canal ceased to exist in operation. The IID will continue to provide raw water and are willing to allow a connection to the Evergreen if the Lotus canal ceased to exist in operation. The IID does not want the pipeline installed until there is a need. It's not uncommon for the State of California to pass a law that would require all septic tanks within a reasonable connectivity cease and connect to the City or a Special District.

Commissioner Jackson stated there is a current agreement that states the developer will pay 50 percent of the cost for the sewer and water connection and the other 50 percent would be paid by the residents. If there weren't an agreement and the residents were required by the state to connect, then the residents would be liable for 100 percent of the costs.

Lotus Subdivision resident Mr. Julio Rodriguez stated he has provided a letter to the Commission along with signatures from the residents opposing the annexation. The residents appreciate their way of life and do not want it to change. The residents do not want the burden of expenses and uncertainties. Mr. Rodriguez read the letter "I am a resident of 1729 Lotus Avenue, of the Lotus Subdivision that is or may be affected by the annexation of Miller-Burson and/or the Lotus Ranch project that are currently under consideration by the LAFCO Commission. At this time, I am simply requesting that the Commission grant the land owners and registered voters the protest hearing that is required under the CKH Act of 2000, if LAFCO moves to approve the annexation of these two projects. I feel that it is important to ensure that all the registered voters and landowners in the area in question have access to this process and have the right to participate in the ultimate decision of these annexations as the annexation will clearly affect their way of life. In advance, I thank you for adhering to the process."

Mr. Heuberger replied there is a protest procedure and it's stated in the report. To clarify, in no way does the action today by the Commission eliminate that right. The residents do have the opportunity to protest at a protest hearing.

Mr. Rodriguez asked if there is a specific form to complete for the protest.

Mr. Heuberger replied he can meet with him to go over the process.

Mr. Hess stated the City provided a letter during a meeting that stated condition #40 and #41 of the City resolution has been deemed unfeasible and unenforceable due to changes in state and federal law.

Mr. Heuberger replied that is a legal opinion and does not change the conditions.

El Centro resident Mr. Charles Wattles stated he may be behind in the process and asked if the impacts to the City and the schools were addressed.

Mr. Heuberger replied the entire planning process went through City Planning and City Council and the EIR addressed these impacts.

Commissioner Castillo stated the applicant could stay within the County if they chose to.

Mr. Grizzle replied he does have the option to stay in the County and not annexing. He stated the CKH Gov. Code 56375 (m) allows for the creation of an island. The Lotus Subdivision could become an island and not be annexed.

Lotus Subdivision resident Mr. Thomas Holtz stated the undergrounding of canals has not been done in other developments. Past practices have shown guarantees haven't been made or kept. Mr. Holtz asked what guarantees can the residents have that these conditions will be met

Mr. Heuberger replied that is a question that the City would need to address. The requirement to underground canals is a requirement by the IID, and the IID has the final say as to which canals are to be undergrounded.

Mr. Holtz stated the conditions set forth today may not matter tomorrow. The road has only been striped and not repaired. The traffic study was completed during the Christmas holiday and doesn't show true traffic conditions. El Centro is in a race to get more homes but you cannot trample on one area to build more homes. The developers make guarantees that aren't met.

Lotus Subdivision resident Mr. Jeff Lyon asked if there is a letter from Mr. Grizzle agreeing to provide an easement.

Mr. Heuberger replied there is an agreement, it would be an irrevocable offer or easement.

Mr. Grizzle stated for the record he agrees to an easement for a raw water line to the Evergreen canal.

Commissioner Kelly stated if the Commission moves forward with the annexation, the Lotus Subdivision residents will stay as is and will have an opportunity to protest.

Mr. Heuberger stated the residents do have the right to a protest hearing. When a City passes a resolution, they are committing to what is in the resolution.

Motion by Commissioner Castillo to approve Option #1 with the modification of Condition "L" removing the phrase "and drains", deletion of Condition "O", modification of Condition "P" to be rewritten as follows "with regard to conditions 3, 4, 5, 12, and 13, of the City's approved Tract Map per resolution 09-31, Exhibit "A", to the extent that these requirements are generally outside of what will be City incorporated lands, and therefore affect or potentially affect the County of Imperial, the City shall reach an agreement with the County on their implementation prior to the recordation of the Tract Map." and passed by the roll call vote of Froelich, Jackson, Kelley, and Castillo.

**10. Public hearing to consider the approval of the annexation of Lotus Ranch (EC 3-05)**

Mr. Heuberger stated this project is a proposed annexation on the Southside of Interstate 8. The City of El Centro approved the project and the resolutions are included in the packet. The City also approved a resolution clarifying their position on the land use allowances for the Lotus Drive area. The project is within the sphere of influence. Mr. Heuberger is recommending the approval of Option #1 with modifications to delete Condition "O" and modification of Condition "L" to remove the word "drains".

Legal Counsel for the Applicant Ms. Cynthia Morgan-Reed stated she had a conversation with Mr. Heuberger this morning and to clarify the request is for the deletion of Condition "O" and Condition "L".

Mr. Heuberger agreed to the deletion of both Condition "O" and Condition "L". The Commission is being asked to certify the EIR and the Addenda to the EIR. Rick Engineering prepared the EIR and the Addenda and Mr. John Boarman prepared the Traffic Study to the Addenda.

Managing Principle for Rick Engineering Mr. Brian Mooney provided a brief presentation on the project. An addenda can be done under the CEQA when its determined that there won't be any changes to the conclusion of the significant adverse impacts. There was a concern regarding the Miller-Burson project specifically regarding traffic. An Addenda to the Final EIR was prepared. The traffic engineer reviewed the trip distribution and had sufficient analysis to demonstrate through the addenda that ultimately there were no traffic impacts.

Mr. Heuberger stated the EIR was certified by the City of El Centro, the Addenda was not. The Commission will need to certify both the EIR and the Addenda.

Ms. Reed confirmed the removal of Condition "O" and Condition "L". The applicant does not believe an island is created with the annexation. Ms. Reed stated she doesn't have any concerns regarding protest proceedings and is encouraging the Commission to approve the project.

City of El Centro Mayor Mr. Alex Cardenas commended everyone for working hard on both projects. Both projects are important to the economy.

Applicant Mr. Gary McPhetridge stated this project has been in the works for many years now and he has been building in El Centro for 25 years. Mr. McPhetridge thanked all parties involved and is ready to supply more homes.

Commissioner Froelich commended the City of El Centro for pushing development and thanked the developers for addressing the various concerns.

City of El Centro Councilwoman Ms. Cheryl Viegas-Walker stated Mr. Heuberger needs to be recognized for working with the various entities and addressing the various concerns. Mr. Heuberger was driven by wanting to make sure the City was responsive and addressed the

concerns raised by the residents. Ms. Walker thanked him for driving good decision making and good process.

Motion by Commissioner Froelich to approve Option #1 deleting Condition "O" and Condition "L", Certifying the EIR and Certifying the Addenda and passed by the roll call vote of Froelich, Jackson, Kelley, Castillo and West.

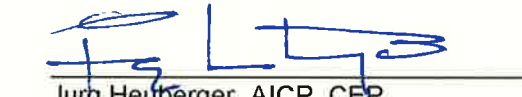
11. **Public hearing to consider the dissolution of the Winterhaven Fire District (WFD 1-15)**

Motion by Commissioner Jackson to continue the hearing and passed by the roll call vote of Froelich, Jackson, Castillo, Kelley and West.

**EXECUTIVE SESSION**

No executive session

David West, Chairman



Jurg Heuberger, AICP, CEP  
Executive Officer to LAFCO