

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JUNE 6, 2001

REGULAR MEETING 10:30 A.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, PRESIDENT
OPEN SEAT
RICHARD MOBRAATEN, DIRECTOR
MICHAEL WINN, DIRECTOR
JUDITH WIRSING, DIRECTOR

STAFF

DOUGLAS JONES, GENERAL MANAGER
DONNA JOHNSON, SEC. TO THE BOARD
JON SEITZ, GENERAL COUNSEL

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

A. CALL TO ORDER AND FLAG SALUTE

President Blair called the meeting to order at 10:32 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call the following Board members were present.
Directors Wirsing, Winn, Mobraaten, and Blair.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

President Blair asked for Public Comments.
President Blair recognized that today is D-Day.

The following members of the public spoke:

L.J. Hansen, Outside District - asked the Board if we are in an overdraft or not?

Legal Counsel, Jon Seitz, reminded the Board that the District is in litigation concerning groundwater. He also stated that the District declared in 1987 that the Mesa is in an overdraft condition.

D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

D-1) PUBLIC HEARING - DRUMM LANE SEWER REIMBURSEMENT (MITCHELL)

Review sewer line reimbursement cost spread for Drumm Lane

President Blair opened the meeting to a Public Hearing to review the sewer reimbursement spread for sewer line costs in Drumm Lane.

The following members of the public spoke:

Carol Mitchell, 760 Drumm Lane, Nipomo - informed the Board that one of the letters received was from Rhea Buss, a sister of the property manager for a property connected to the sewer line early this year. There were no other public comments.

Upon motion of Director Winn seconded by Director Wirsing, the Board unanimously adopted Resolution 2001-771 approving Drumm Lane reimbursement amounts. Vote 4-0.

RESOLUTION NO. 2001-771
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR DRUMM LANE SEWER LINE IMPROVEMENTS (MITCHELL)

- D-2) PUBLIC HEARING - ESTABLISHING BLACK LAKE STREET LIGHTING CHARGES
Set Black Lake Street Lighting charges for FY 2001-02

President Blair opened the meeting to a Public Hearing for the establishment of charges to maintain black Lake Street Lighting. There were no public comments.
Upon motion of Director Mobraaten, seconded by Director Wirsing, the Board unanimously approved Resolution 2001-772 providing for the collection of street light charges. Vote 4-0.

**RESOLUTION NO. 2001-772
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
BLACK LAKE DEVELOPMENT (GOLF COURSE AREA)**

- D-3) DISTRICT ANNEXATION POLICY
Adoption of an ordinance repealing the 1983 annexation policy

The following members of the public spoke:

Estar Holliday, 577 Sheridan Road, Nipomo - Spoke against the proposed annexation policy.

Evan Evanoff, 490 Brytec, NCAC Water Quality Committee member - Spoke against the proposed annexation policy.

Jessie Hill, rural Arroyo Grande - Suggested that the ordinance change would be subject to CEQA.

Herb Kandel, 776 Inga Rd., Nipomo - Asked for a resource analysis

**ORDINANCE NO. 2001-91
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REPEALING SECTIONS 40 AND 41 OF ORDINANCE 98-87,
SECTION 14 OF ORDINANCE 79-35
AND SECTION 18 OF ORDINANCE 78-27**

Upon motion of Director Winn and seconded by Director Mobraaten, the Board adopted Ordinance No. 2001-91 repealing the existing annexation policy.
Vote 3-1 with Director Wirsing voting no.

- D-4) REQUEST FOR ANNEXATION - TRACTS 1802 & 1856 (TRINCON)
Review annexation agreement to annex a 82 acre development near the Santa Maria Speedway

The Board reviewed an annexation agreement to annex Tract 1802 and Tract 1856.

The owner of the project Erik Benham answered a few questions from the Board.

The following members of the public spoke:

Estar Holliday, 577 Sheridan Road, Nipomo - Spoke against the annexation.

Bill Beneen, 1040 Cielo Lane, Nipomo - Spoke against the annexation.

Evan Evanoff, 490 Brytec, Nipomo - Spoke against the annexation.

Vince McCarthy, 194 E. Dana, Nipomo - Spoke against the annexation.

Jessie Hill, rural Arroyo Grande - Spoke against the annexation.

Herb Kandel, 776 Inga Rd., Nipomo - Would like to see what Nipomo has for a community vision. Understands the developers position but would like growth to be orderly planned.. Correspondence against annexing the project known as "The Bluffs" was received via E-Mail from the following:

Jackie & Al Allison, Dottie Compton, Michael Lenvve, Peggy Heathcote, Dan Woodson, Albert Locher, Barbara Schader, and Kathy Price.

The Board members discussed feelings and ideas about the proposed annexation.

Upon motion of Director Winn, seconded by Director Mobraaten, the Board approved the annexation agreement and directed staff to acquire the necessary services for CEQA, etc. to process the application. Vote 3-1 with Director Wirsing voting no.

- D-5) REQUEST FOR ANNEXATION - LUCIA MAR UNIFIED SCHOOL DISTRICT (LMUSD)
Request to annex Nipomo High School area to the District, approx. 77 acres

Applicant representative, Mike Sears from Lucia Mar Unified School District, spoke
There were no public comments.

Upon motion of Director Mobraaten, seconded by Director Wirsing, the Board directed staff to prepare an annexation agreement for Annexation #19 to annex the Lucia Mar Unified School District (new Nipomo High School) incorporating the existing Extraterritorial Agreement to be reviewed after July 1, 2001 considering the new guidelines from the State Office of Planning and Research (OPR) relating to new legislation for LAFCO. Vote 4-0.

E. OTHER BUSINESS

- E-1) DISTRICT BUDGET FOR FISCAL YEAR 2001-2002
Resolution adopting the District's FY 2001-02 budget

President Blair open the meeting to a Public Hearing concerning the 2001-2002 Fiscal Year Budget for the District.

The following members of the public spoke:

John Eppard, Black Lake Division, Nipomo - asked about Black Lake sewer rate increase.

Upon motion of Director Mobraaten, seconded by Director Wirsing, the Board unanimously approved the 2001-2002 Fiscal Year budget. Vote 4-0

RESOLUTION 2001-773
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2001-02 FISCAL YEAR BUDGET

Upon motion of Director Mobraaten, seconded by Director Wirsing, the Board unanimously approved the Appropriation Limitation for the 2001-2002 Fiscal Year budget. Vote 4-0

RESOLUTION 2001-774
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING THE APPROPRIATION LIMITATION
FOR THE 2001-02 FISCAL YEAR

- E-2) BOARD OF DIRECTORS - OPEN SEAT
Review procedure for replacing an open seat on the Board

The Board discussed having an election versus Board appointment to fill the open seat created by the passing of Director Al Simon.

The following members of the public spoke:

John Eppard, Black Lake Division, Nipomo - would like a resident of the Black Lake area to have a seat on the Board.

Larry Vierheilig, 950 Waypoin, Nipomo - spoke in favor of the application process and reserving the option of holding an election if a suitable replacement was not chosen.

Upon motion of Director Winn, seconded by Director Mobraaten., the Board agreed to take applications to appoint a Board member and hold the option of an election. Vote 4-0

- E-3) SOLID WASTE DISPOSAL AGREEMENT
Review draft franchise agreement for providing solid waste service

Legal Counsel, Jon Seitz, reviewed the draft franchise agreement for providing solid waste service. This item will be carried forward to another meeting with more information. There were no public comments.

F. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Approval of Minutes of May 16, 2001 Regular Board meeting
Approval of Minutes of May 23, 2001 Special Board meeting

There were no public comments.

Upon motion of Director Winn, seconded by Director Wirsing, the Board unanimously approved the items on the Consent Agenda. Vote 4-0

Legal Counsel, Jon Seitz, encouraged the Board to call Katcho with support of Special Districts concern with LAFCO as mentioned in E-mail and possibly attend the meeting.

G. MANAGER'S REPORT

General Manager, Doug Jones, presented information on the following:

- G-1) Information of redevelopment
- G-2) CSDA - Board of Directors nominations
- G-3) CSDA - Legislative Update
- G-4) Port San Luis Harbor District Notice of Master Plan Workshops

H. DIRECTORS COMMENTS

Director Winn commented about redevelopment letter and would like the subject addressed further.

President Blair mentioned that SLO COG is looking at widening the 101 freeway.

Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the following.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC§54956.9

1. Anticipated litigation - one case
2. Performance Evaluation (General Counsel) GC§ 54957

The Board came back into Open Session and had no reportable action.

ADJOURN -- In memory of Director Al Simon

President Blair adjourned the meeting at 1:40 p.m.

The regular Board meeting of June 20 has been canceled.

The next regular Board meeting will be held on June 27, 2001.