

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SEPTEMBER 18, 2002

REGULAR MEETING 9:00 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

RICHARD MOBRAATEN, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **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 Mobraaten called the meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

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.

There was no public comment.

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

D-1) ANNEXATION NO. 21 – KNOLLWOOD (MARTIN)

Resolution approving Annex. No. 21, 160 acres/55 lot development across from Blacklake Golf Course

The following members of the public spoke:

Larry Vierheilg, in District – said NCAC unanimously approved this project.

Upon motion of Director Winn and seconded by Director Blair, the Board adopted Resolution 2002-834 approving Annexation No. 21, Knollwood. Vote 3-2 with Directors Trotter and Wirsing voting no. Director Wirsing asked to have her comment in the record: She is voting no because she continues to be concerned about a reliable water source and supplemental water is not in place yet. Director Trotter agreed. Director Blair asked to have his comment in the record: He felt that the annexation fees should be lower.

RESOLUTION NO. 2002-834

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ANNEXATION NO. 21 (KNOLLWOOD) [GOVT. CODE SECTION 57075 (b)]**

D-2) REQUEST FOR ANNEXATION - ROBERTSON

Request to annex approx. 60 acres/8 parcels on Lyn Rd. at Pomeroy Rd.

Director Blair says he cannot vote for this annexation until the restrictions [secondary residence] are lifted.

Director Wirsing asked if we should be pursuing supplemental water.

The following members of the public spoke:

Don Hilliard, 1731 Pomeroy Rd., outside District – Neighbors have had to haul in water for several summers. He is a co-defendant in the SMVWCD suit.

Jessie Hill, 1910 Grand Ave. AG, outside District – Find out about CEQA

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to direct staff to study this requested annexation, including the other lots bordering the project. Vote 5-0 with Director Blair abstaining.

- D-3) WOODLAND DEVELOPMENT (PH PROPERTIES)
Review County Planning Department agenda item set for public hearing Sept. 26, 2002

Jon Seitz, District Legal Counsel, explained that the staff report for the Sept. 26th meeting has not been published to date. Staff has asked the County for a continuance for this project. He read from an EIR addendum, Mitigation Measure 4-1 6d
“Prior to approval of discretionary development (e.g. prior to recordation of the final map, Development Plan approval), the applicant shall conduct a complete survey of wells that could be affected by cumulative water level interference. The applicant shall then implement means to allow for continued production of these wells under drought conditions to the satisfaction of the County Engineer.” Mr. Seitz led the Board through a handout.

The following members of the public spoke:
Jessie Hill, outside District – Water Code requirement 10910 or Government Code SB 221 – Will we run out of water in seven years or twenty?

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to support staff’s recommendation to ask for continuance from the Planning Commission. There was no public comment.

Director Wirsing wished to have the following in the record: She does not object to the project, but it does not belong in this area due to our fragile infrastructure regarding water. Vote 5-0

Upon motion of Director Winn and seconded by Director Wirsing, the Board agreed (1) to have Mr. Garing attend the Planning Commission and Board of Supervisors and Mr. Markman provide input to the and (2) to authorize staff to file an appeal to the Board of Supervisors, if the decision is not favorable.

The following member of the public spoke:
Jesse Hill, outside District – Has seen packet
Vote 4-1 with Director Blair voting no.

- D-4) REQUEST FOR SERVICE – CO 02-0215 (HILL)
Request for water and sewer service for a 4-lot development on W. Tefft Street

The Board discussed the project and would like to see a more detailed plan for property. Jessie Hill, developer – suggested that a parcel map does not need to supply a plot plan. Director Winn made a motion to issue an Intent-to-Serve letter. Motion failed for lack of second. Upon motion of Director Blair and seconded by Director Trotter, the Board agreed to continue this item to the next meeting when more detailed plans can be presented to the Board. Vote 4-1 with Director Winn voting no because his understanding that we (the District Board) should not rule on planning issues. There was no other public comment.

- D-5) REQUEST FOR SERVICE – CO 02-0246 (BRANCH)
Request for water and sewer service for a lot split on W. Tefft Street

The Board discussed this development. There was no public comment. Upon motion of Director Blair and seconded by Director Winn, the Board approved an Intent-to-Serve letter for Parcel Map CO 02-0246 on West Tefft Street. Vote 4-1 with Director Wirsing voting no.

- D-6) FUTURE SERVICES IN OLDE TOWNE NIPOMO
Review installation of services before Olde Towne improvements

The Board discussed the possibility of installing water and sewer services in Tefft Street before the Olde Towne improvements are made. There was no public comment. The Board directed staff to write a letter to the Olde Towne organizations to contact property owners explaining the costs and responsibilities of installation of services.

E. OTHER BUSINESS

- E-1) NIPOMO CREEK CLEAN UP DAY FUNDING
Request to fund a trash bin for clean up of the local creeks – Clean Up Day Oct. 5, 2002

A request was received from the Nipomo Creek Committee for funding Nipomo Creek Clean Up Day planed for Saturday, October 5, 2002.

The following members of the public spoke:

Larry Vierheilig, inside District – explained the clean up process

Herb Kandel, inside District – explained further

Lupe Escobel, manager for Dana Ranches – explained his participation in clean up.

Upon motion of Director Wirsing and seconded by Director Winn, the Board authorized funding not to exceed \$2,400 from the Solid Waste Fund for expenses related to solid waste collections from creeks within the District. Bills will be directed to the District office. Vote 5-0

- E-2) TEFFT STREET LIFT STATION IMPROVEMENTS
Review and award bid to upgrade the Tefft Street sewer lift station

The Board reviewed the bid to upgrade the Tefft Street Lift Station. There was no public comment. Upon motion of Director Trotter and seconded by Director Blair, the Board unanimously adopted Resolution 2002-835 awarding the bid to R. Baker, Inc. Vote 5-0

**RESOLUTION NO. 2002-835
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO R BAKER
FOR THE TEFFT STREET LIFT STREET IMPROVEMENTS**

- E-3) CONFLICT OF INTEREST CODE
Biennial review of the District Conflict of Interest Code

Jon Seitz, District Legal Counsel explained the changes in Regulation 18730 of the Conflict of Interest Code. There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously adopted Resolution 2002-836 revising the District's Conflict of Interest Code and instructed the General Manager to execute the 2002 Local Agency Biennial Notice and return it to the County. Vote 5-0

**RESOLUTION NO. 2002- 836
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
VERIFYING ITS BI-ANNUAL REVIEW OF ITS CONFLICT OF INTEREST CODE
AND REVISING DISTRICT'S REPORTING POSITIONS AND REPORTING CATEGORIES**

- E-4) DIRECTORS BY-LAWS REVIEW
Considering amending by-laws, re: Directors' letters

There was no public comment. This is an information item. No action taken.

- 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]
Minutes of September 4, 2002, Regular Board meeting

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously approved the items on the Consent Agenda.

- G. **MANAGER'S REPORT**

There was no Manager's Report.

- H. **COMMITTEE REPORTS**

There was no Committee Report.

- I. **DIRECTORS COMMENTS**

Director Trotter mentioned the letter to DWR
Director Winn mentioned the Water Forum and Fall Clean up. He wished to thank staff for the inventory of water and sewer connections.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Items B & C below.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
B. SAVE THE MESA VS. NCSD CV 020181
C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES,
COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC\$549569

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

ADJOURN

President Mobraaten adjourned the meeting at 1:13 p.m.

The next regular Board Meeting is scheduled for October 2, 2002, at 9:00 a.m.