

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

FEBRUARY 19, 2003

**REGULAR MEETING 9:00 A.M.**

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

MICHAEL WINN, **PRESIDENT**  
JUDITH WIRSING, **VICE PRESIDENT**  
ROBERT BLAIR, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
LARRY VIERHEILIG, **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. Consistent with the Americans with Disabilities Act, NCSB Board agendas and other writings will be made available to disabled persons in an appropriate alternate format. (If assistance is needed, please contact the District office at least one day before the meeting.)*

**A. CALL TO ORDER AND FLAG SALUTE**

President Winn called the meeting to order at 9:03 a.m.

**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.**

The following members of the public spoke:

Bob Blair, Nipomo resident- Wishes to express condolences to the family of Mr. John Mylan, one of the founding fathers of the Nipomo Community Services District. He will be missed by many. Asks that staff send a letter of condolences.

Freddie Otte, Central Coast Salmon Enhancement program – Spoke to the Board and the audience about a meeting to be held March 4, 2003, in the District Boardroom.

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

D-1) URBAN WATER MANAGEMENT PLAN - DRAFT  
Review administrative draft for Board of Directors comments

The draft Urban Water Management Plan was explained to the Board. The Board members will bring comments back by Feb. 28<sup>th</sup> to be incorporated into the plan.

The following members of the public spoke:

Ed Eby, NCSB Customer – asked questions and made comments about the plan.

Handed out letter to Board.

Dave Watson, Rep. for King Ventures – suggested an appendix for plan

The Board further discussed the plan. There was no action taken.

D-2) DISTRICT ANNEXATION POLICY

Review possible revision to existing policy

Jon Seitz, District Legal Counsel, explained the proposed changes in the Annexation Policy. Discussion of the policy followed.

The following members of the public spoke:

Ed Eby, NCSB Customer – commented on the proposed policy. His letter, handed to the Board earlier, also contained comments on the proposed policy. If hardship considered, then he asks that mitigation measures be taken.

Jesse Hill, NCSB Customer, Property Owner – Commented on the proposed policy and the City of Santa Maria groundwater rights.

Jim Kinninger, Pres. of NCAC - asked that the supplemental water aspect be nailed down.

James Pudwill, Nipomo resident – said his well level has dropped from 133 ft. to 75 ft. and feels that Nipomo is taking his water. He feels he should not have to provide supplemental water for his annexation.

Greg Nester, NCSB Customer – Would like to continue forward in these projects.

Homer Fox, NCSB Resident – requested Board show latitude to the Pudwill project.

- D-2) (cont) DISTRICT ANNEXATION POLICY  
Review possible revision to existing policy

Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board unanimously agreed to table this item until the next meeting. Vote 5-0

- D-3) a) ANNEXATION NO. 22 – TRACT 2784 - PUDWILL  
Review resolution conditionally approving annexation No. 22 and Annexation Agreement  
b) ANNEXATION NO. 23 – TRACT 2499 - LEM  
Review resolution conditionally approving annexation No. 23 and Annexation Agreement  
c) PROPOSED ANNEXATION NO. 24 - LYN ROAD (Previously called Robertson Annexation)  
Review water service report, resolution conditionally approving annexation & Annexation Agreement

The Board discussed the proposed annexations. Director Wirsing made a motion to table all four annexations including Item D-4. Director Trotter seconded.

The following members of the public spoke:

Greg Nester, NCSD Customer and developer – Asked the Board to consider property rights and that it was unrealistic to have small project pay for a supplemental water search.  
George Newman, Nipomo resident – Would like some direction whether the Board will annex.

Ed Eby, NCSD resident – asked for the Board to deny request for the Newman annexation. His letter, handed to the Board earlier, also contained comments on the proposed Newman annexation.

Erik Benham, developer for Maria Vista – Asked the Board to do the supplemental water search instead of each development.

Homer Fox, NCSD Resident – Asked if Mr. Pudwill would have to give up water rights. Mr. Seitz will refer this matter to the special water counsel.

George Newman – rebuttal to Mr. Eby's comments. There is nothing new in his request. He has looked for other water. He is asking for a denial letter from NCSD in order to get water elsewhere.

Gene Mintz, Lyn Road annexation resident – Asked the Board for hardship consideration. He used to have water on his property but it is now gone. He and the other property owners have agreed to the restrictions put on the annexation.

The Board discussed the matter.

Director Trotter feels the District should be the lead agency to pursue supplemental water. Director Wirsing agrees that NCSD needs to find supplemental water. Would like to have report on search for supplemental water on the next agenda.

Director Vierheilig understood that the applicant MAY not will or shall find supplemental water until we know the condition of the groundwater basin.

Director Blair cannot support a delay for the annexation requests.

President Winn also cannot support a delay for all four annexation requests.

Director Wirsing modified the motion to table a) and b) {Annexations 22, 23} until the next meeting – March 5<sup>th</sup>. Director Trotter seconded the motion. Vote 3-2 with Directors Vierheilig and Blair voting no.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to table D-3 {c} and bring back Lyn Road annexation for approval of an annexation agreement to provide water to eleven (11) parcels. Vote 5-0

The following member of the public spoke:

Greg Nester, developer – Said Lem & Pudwill projects were given a condition of approval in September.

President Winn called for a short break at 11:10 a.m..  
The Board reconvened at 11:24 a.m.

- D-4) REQUEST FOR ANNEXATION – OAKRIDGE (NEWMAN)  
Request to annex approx. 285 acres north of Sandydale Rd. & west of Hwy 101

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to table this annexation request until the next meeting. Vote 5-0

The following members of the public spoke:

George Newman, developer – Perhaps the vernacular should be changed from immediate need to something different.

Ed Eby, NCSA Resident – described Mr. Newman's project as not having an immediate need for water, which is the Board's condition of annexation.

**E. OTHER BUSINESS**

- E-1) UTILITY BILLING  
Review utility billing mailer alternatives

The Board heard Lisa Bognuda, Assistant Administrator, explain the utility billing alternatives. Board discussion ensued. There was no public comment. Upon motion of Director Wirsing and seconded by Director Vierheilg, the Board agreed to proceed with Option 2 as outlined in the Board letter. Vote 5-0

**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 January 31, 2003, Special Board meeting  
Minutes of February 5, 2003, Regular Board meeting

Upon motion of Director Blair and seconded by Director Vierheilg, the Board approved the Consent Agenda, as amended in D-4. Vote 5-0

**G. MANAGER'S REPORT**

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

- G-1) SUMMIT STATION – GENERAL PLAN AMENDMENT  
Propose lifting restriction on subdividing and secondary units

**H. COMMITTEE REPORTS**

President Winn reported that the Annexation Committee met. He and Director Wirsing discussed the Annexation Policy.

Directors Vierheilg and Trotter awaiting info on the Finance Committee.

**I. DIRECTORS COMMENTS**

Director Blair – mentioned the PERS situation and Gov. Davis

Director Vierheilg – Coastal Commission – do we want to participate and to what extent?

President Winn – Water Planning Forum – Mon Feb. 17

Circulation meeting with County staff Thurs. 10:00 to 1:00.

Water shed meeting – March 4

NCAC meeting Monday February 24

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session and offered the public a chance to comment on any item on the Closed Session before CS begins.

The following member of the public spoke:

Erik Benham, Maria Vista project developer – addressed the Board with some of his concerns.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. SAVE THE MESA vs. NCSO CASE NO. CV 020181
- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.
- D. ANTICIPATED/INITIATE LITIGATION, ONE CASE

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

**ADJOURN**

President Winn adjourned the meeting at 1:10 p.m.

***The next regular Board Meeting will be held on March 5, 2003, at 9:00 a.m.***