

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

MARCH 5, 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. 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) PROPOSED ANNEXATION NO. 24 - LYN ROAD PROPERTIES**

Review request for Annexation No. 24 – 11 properties along Lyn Road

The Board reviewed the request for annexation of the Lyn Road properties.

The following members of the public spoke:

Gene Mintz, Lyn Road property owner – Property owners are aware of the costs involved in the annexation.

Director Wirsing made a motion to include the Harwick parcel request for annexation, but later withdrew the motion. It will be addressed at the next meeting.

Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board approved Resolution 2003-854 with the amendment in Section 2-A changing parcels to connections.

There was no public comment on the resolution. Vote 5-0

**RESOLUTION NO. 2003-854**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT**

**CONDITIONALLY APPROVING THE ANNEXATION OF APPROXIMATELY  
70 ACRES LOCATED AT POMEROY AND LYN ROAD**

**D-2) DISTRICT ANNEXATION POLICY [RECOMMEND CONTINUANCE]**

Review revised draft of an annexation policy

President Winn and Director Wirsing met in an ad hoc committee meeting to discuss the Annexation Policy. They will continue to consider wording before it is brought to the Board for approval.

The following member of the public spoke:

Ed Eby, NCSB resident – commented on the policy. He gave the Board a list of changes for the committee to consider.

This will be brought back to a future Board meeting. There was no action.

**D-3) REQUEST FOR ANNEXATION – TRACT 2784 – PUDWILL [RECOMMEND CONTINUANCE]**

Review request for Annexation No. 22 an 8-lot dev. near Blacklake

The Board discussed the request for annexation of Tract 2784.

The following members of the public spoke:

James Pudwill, Nipomo resident – Would like to see approval today

Rosie Fitzpatrick, NCSD resident and Mr. Pudwill's daughter – Would like to see this annexation go forward.

Greg Nester, Nipomo resident, builder, developer – is anxious to move forward on project.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to continue this item until the Annexation Policy is approved, which is being pursued on an urgently basis. Vote 5-0 with Director Blair abstaining.

- D-4) REQUEST FOR ANNEXATION – TRACT 2499 – LEM [RECOMMEND CONTINUANCE]  
Review request for Annexation No. 23, an 18-lot dev. on Pomeroy Rd

The Board discussed the request for annexation of Tract 2499.  
There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board agreed to continue this item until the Annexation Policy is approved. Vote 5-0

- D-5) REQUEST FOR ANNEXATION – OAKRIDGE (NEWMAN) [RECOMMEND CONTINUANCE]  
Request to annex approx. 285 acres north of Sandydale Rd. & west of Hwy 101

The Board discussed the proposed Newman annexation.

The following member of the public spoke:

George Newman, Nipomo resident/developer of project – Looking for guidance from the Board.

Director Blair made a motion to deny service for this project. Motion died for a lack of a second.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to table this item until the Annexation Policy is approved and Mr. Newman looks at it, with a commitment of denial or approval from this Board.

- D-6) REQUESTS FOR ANNEXATIONS – TRACT 2336 (McGILLIS)/co 03-0031 (WITT)  
Requests for annexations for sewer service – properties are located within Cal Cities Water service area

The Board discussed the request for annexations for sewer service. A letter will be sent to SLO County requesting that no further annexations to be added to CSA-1.

There was no public comment. There was no action.

- D-7) MONTECITO VERDE II SEWER PROJECT  
Review the amount and procedures for collecting District sewer capacity fee

The Board discussed the Montecito Verde II sewer project sewer capacity fees.  
There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Blair, the Board approved Resolution 2003-853 establishing capacity charges. Vote 5-0

**RESOLUTION NO. 2003- 855  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY  
SERVICES DISTRICT ESTABLISHING CAPACITY CHARGES FOR CONNECTING  
MONTECITO VERDE II TO THE DISTRICT'S SEWER PROJECT**

**E. OTHER BUSINESS**

- E-1) JOBS HOUSING BALANCE INCENTIVE GRANT PROGRAM  
Review proposed grant funding to install water and sewer services in Olde Towne Tefft St.

The Board discussed the possibility of receiving grant funding from SLO County to install water and sewer services in Tefft Street. There was no public comment. The Board gave a thumbs-up on the project but no motion was made.

NCSD MINUTES  
MARCH 5, 2003  
PAGE 3

- E-2) COASTAL COMMISSION  
Meeting in SLO on March 4, 2003  
Director Vierheilg explained that the Coastal Commission would be in this area during March 4 through 7<sup>th</sup>. Discussion ensued.  
There was no public comment. There was no action taken.
- E-3) LAFCO proposed Sphere of Influence for the District  
Review SOI proposed boundaries  
LAFCO has provided a comment form concerning the proposed Sphere of Influence.  
A tour of the proposed sphere will be taken March 20, 2003.  
There was no public comment. There was 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 February 19, 2003, Regular Board meeting  
Upon motion of Director Wirsing and seconded by Director Vierheilg, the Board, the Board unanimously approved the Consent Agenda, as amended in D-2. The well level dropped by 75 feet. Vote 5-0

**G. MANAGER'S REPORT**

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

- G-1) SPECIAL BOARD MEETINGS MARCH 14 & 28, 2003  
Bond Counsel discussion on sale of bonds

**H. COMMITTEE REPORTS**

The following member of the public spoke:  
Ed Eby, NCSD Resident – NCAC meeting last week encouraged him to attend the incorporation meeting and the Sphere of Influence tour.

**I. DIRECTORS COMMENTS**

Director Wirsing asked when Urban Water Management Plan would be finalized.  
Director Blair attended a Smart Growth Conference  
President Winn also attended Smart Growth Conf. with Dana Lilley in attendance.

Legal Counsel, Jon Seitz, announced the need to go into Closed Session.  
There was no public comment on the items to be presented at the Closed Session.

**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 CASE NO. CV 020181
  - C. ARNETT vs. EEOC/CALPERS
  - D. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.
  - E. ANTICIPATED/INITIATE LITIGATION, ONE CASE

The Board came out of Closed Session and reported the following:  
The Board gave direction to legal counsel to settle the Arnett case.

**ADJOURN**

President Winn adjourned the meeting at 12:23 p.m.

***There will be a Special Board meeting March 14, 2003 at 9:00 a.m.  
The next regular Board Meeting will be held on March 19, 2003, at 9:00 a.m.***