

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

APRIL 9, 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

NEXT RESOLUTION 2003-858

President Winn called the April 9, 2003 meeting to order at 9:06 a.m. and led the flag salute.

B. ROLL CALL

NEXT ORDINANCE 2003-97

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:

Vince McCarthy, NCSB resident – Asked how District can spend money on feasibility study

Donna Melschau, Nipomo resident – Would like Area 1 to be included in Sphere of Influence

Ed Eby, NCSB resident – Felt there was a discrepancy in the Bond Prospectus and the Urban Water Management Plan.

Mark Crisp, Lyn Road property owner – Would like to be included in the annexation process of the Lyn Rd. area.

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

D-1) FORMATION OF STREET LANDSCAPING DISTRICT NO. 1 – PUBLIC HEARING

Establishment of a landscape maintenance District and assessments

PUBLIC HEARING

PROTEST HEARING for the FORMATION OF STREET LANDSCAPING DISTRICT NO. 1

There was no protest heard from residents in District 1.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board unanimously adopted Resolution 2003-858. Vote 5-0

RESOLUTION NO. 2003-858

**NIPOMO COMMUNITY SERVICES DISTRICT
LANDSCAPE MAINTENANCE DISTRICT NO. 1**

A RESOLUTION ORDERING THE FORMATION OF LANDSCAPE MAINTENANCE DISTRICT NO. 1 IN THE NIPOMO COMMUNITY SERVICES DISTRICT, CONFIRMING ASSESSMENTS, LEVYING AN ASSESSMENT THEREON AND ORDERING CERTAIN LANDSCAPE IMPROVEMENTS TO BE ACQUIRED AND MAINTAINED AND DESIGNATING THE DISTRICT GENERAL MANAGER AS THE TREASURER OF THE DISTRICT TO COLLECT AND RECEIVE MONEY PAID PURSUANT TO SUCH ASSESSMENT

D-2) SUPPLEMENTAL WATER SUPPLY

Review supply alternatives/negotiations

The following member of the public spoke:

Ed Eby, NCSB customer – Discussed written questions presented to the Board (attached)

Vince McCarthy, NCSB customer – Asked about approval from CCWA & DWR

The Board discussed the information presented. This was an information item. There was no action taken.

D-3) DISTRICT ANNEXATION POLICY

Review/approve the proposed revisions to the District's Annexation Policy

The following members of the public spoke concerning the proposed changes in the Annexation Policy:

Ed Eby, NCSD resident

Donna Melschau, Nipomo resident

Vince McCarthy, NCSD resident

Jim Kinninger, NCAC Committee

George Newman, Nipomo resident/developer

Joy Fitzhugh, Farm Bureau

Greg Nester, Nipomo customer

Erik Benham, developer

Herb Kandel, NCSD resident

Jon Seitz, District Legal Counsel, responded to the questions posed about the proposed Annexation policy. The Board discussed minor changes in the policy.

The Board decided to bring this item back to the next regular meeting, April 23, 2003.

D-4) REQUEST FOR ANNEXATION – TRACT 2784 – (PUDWILL)

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

Upon motion of Director Vierheilg and seconded by Director Blair, the Board unanimously decided to table items D-6 and D-7 until the meeting after the adoption of the Annexation Policy. Vote 5-0

The following member of the public spoke:

Greg Nester, developer, Nipomo resident – Said he and Mr. Pudwill would be willing to wait until the new Annexation Policy is adopted before action is taken on their proposed annexations.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously decided to table items D-4 and D-5 until the meeting after the adoption of the Annexation Policy. Vote 5-0

D-5) REQUEST FOR ANNEXATION – TRACT 2499 – (NESTER)

Review request for Annexation No. 23, an 18-lot development on Pomeroy Rd

See D-4

D-6) REQUEST FOR ANNEXATION – OAKRIDGE (NEWMAN)

Request to annex approx. 285 acres north of Sandydale Rd. & west of Hwy 101

See D-4

The following member of the public spoke:

George Newman, Nipomo resident/developer – Would like to see a chronological check list of necessary steps toward annexation.

D-7) REQUEST FOR ANNEXATION – (NIPOMO HILLS)

Request to annex approx. 88 acres at Thompson and Rancho Roads

Spike Wheeler, the applicant, sent a note to the Board requesting that this item be continued.

E. OTHER BUSINESS

- E-1) REQUEST FOR TIME EXTENSION FOR ANNEX. NO. 19 (Lucia Mar Unified School District Nipomo High School)
Request LAFCO for an additional 6 month extension for completion of Annex. No. 19

Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously agreed to direct staff to send a request to LAFCO for an additional six months for completion of Annexation 19 (Lucia Mar Unified School District, Nipomo High School) 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 March 19, 2003, Regular Board meeting
Minutes of March 28, 2003, Special Board meeting

Director Wirsing requested that Item F-3 be pulled for further discussion.

Upon motion of Director Wirsing and seconded by Director Vierheilg, the Board unanimously approved Items F-1 and F-2 of the Consent Agenda.

- F-3) ANNEXATION NO. 20 (MARIA VISTA) [RECOMMEND APPROVAL]
Resolution acknowledging conditions of Annexation No. 20 have been satisfied

Director Wirsing has consistently voted against this project and will continue to do so.

Upon motion of Director Vierheilg and seconded by Director Blair, the Board approved Resolution 2003-859 acknowledging conditions of Annexation No. 20 have been satisfied. There was no public comment. Vote 4-1 with Director Wirsing voting no.

RESOLUTION NO. 2003-859
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ACKNOWLEDGING THAT CONDITIONS OF
ANNEXATION FOR ANNEXATION NO. 20 (MARIA VISTA) HAVE BEEN SATISFIED

G. MANAGER'S REPORT

Doug Jones, District General Manager, discussed possible changes for future Board meetings. No action was taken on this item.

There will be a Special Meeting Monday, April 21, 2003, 9:00 a.m. to interview the consultants for the Initial City Incorporation Feasibility Study.

April 23, 2003, Board meeting will begin at 9:00 a.m. as usual. After the regular business is conducted, the meeting will be adjourned to the 7:00 p.m. to be held in the Forum at Nipomo High School to consider the LAFCo proposed Sphere of Influence.

H. COMMITTEE REPORTS

- H-1) New Community Services

Director Vierheilg reported on the committee for new community services. He and Director Wirsing presented a list of ideas to the whole Board.

Director Winn reported on the Annexation Committee and the Incorporation Committee (Winn and Wirsing).

I. DIRECTORS COMMENTS

Director Blair stated his feelings of the inequity between the roads being paved in Oceano and not Nipomo. He also reported on the seminar he attended in Sacramento.

Director Vierheilg reported on the Air Pollution Control District workshop he attended.

Director Winn reported on the Olde Towne services being installed and the ground-breaking ceremony May 22, 2003, at 11:00 a.m. He also reported that the NCAC is not representative of this District.

NCSD Board
MINUTES
April 9, 2003

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session. There was no public comment for the items to be discussed in 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. 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 out of Closed Session and had no reportable action.

ADJOURN

President Winn adjourned the meeting at 12:35 p.m.

The regular Board Meeting of April 16, 2003 has been canceled and rescheduled to April 23, 2003, at 9:00 a.m.