

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JUNE 11, 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

DOUG JONES, **GENERAL MANAGER**
DONNA JOHNSON, **BOARD SECRETARY**
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 9:01 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.

Vince McCarthy, NCSB customer – praised the Arvin-Edison trip arranged by NCSB Director Clifford Trotter. He also suggested that the drainage basins in Nipomo be kept cleaned out.

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

D-1) ENVIRONMENTAL REVIEW CONSULTING SERVICES FOR MARIA VISTA DEVELOPMENT SEWER Agreement with Douglas Wood & Associates to perform consultant services

The Board reviewed the agreement with Douglas Wood and Associates to perform consultant services for a sewer lift station and forced main proposed for the Maria Vista Development (Tracts 1802 and 1856).

Vince McCarthy, NCSB resident and Save the Mesa spokesperson – stated that Save the Mesa is displeased with the growth inducement caused by this development. He presented a large document to the Board for District consideration.

Jim Kinninger, outside District resident and NCAC President – stated that he wants to make sure the sewer line will be sized to the project.

Erik Benham, developer of Maria Vista – stated that the engineering and surveying for the Orchard Road option for the sewer line has been paid. He assured the Board that the line is sized for the project.

Director Blair stated that the Regional Water Quality Control Board wants the sewer line and that the County does not want a community septic system.

Director Trotter stated that a County official commented that the project is not being encouraged because of the concept of the sewer line. The official also stated that if the project had been brought to them with water and sewer of the configuration as now suggested, the County would not have approved it.

Legal Counsel, Jon Seitz explained that the matter before the Board at this time is not project approval but a precursor to approval of the sewer line.

Director Wirsing wanted clarification of (2c) of the agreement (limiting release of reports and information).

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D-1) ENVIRONMENTAL REVIEW CONSULTING SERVICES FOR MARIA VISTA DEVELOPMENT SEWER
(continued)

District Legal Counsel Jon Seitz explained that the District would receive the information. The Consultant will not provide information to other parties without consent of the District.

Director Trotter asked Mr. Seitz if it were prudent for the District to proceed with an annexation before LAFCO and County Planning reviewed it. It seems that sequence would be a little more logical.

Mr. Seitz explained that the Regional Water Quality Control Board did not review projects before the LAFCO process.

Director Trotter stated that perhaps the District could learn from the irregular way the Maria Vista project was processed.

Director Wirsing stated that she felt that this process was not fair, that the Board was set up and she cannot support this project at all.

Director Blair stated that the County had given mixed messages.

President Winn stated that all the Board wished the project had been presented in its entirety originally, but the issue today is the EIR for the sewer line to an already approved project.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board approved the contract with Douglas Wood and Associates to do the environmental review on the Orchard Road alignment (and not the option along the freeway) for the sewer lift station and forced main. Vote 4-1 with Director Wirsing voting no.

D-2) OLDE TOWNE WATER AND SEWER SERVICES FUNDING AGREEMENT
Review/approve agreement between NCSD & SLO Co for funding service connections

The Board discussed the grant funding agreement for the installation of water and sewer services along the Olde Towne portion of Tefft Street. Mr. Seitz, District Legal Counsel, explained the grant having discussed the matter with Chuck Stevenson from SLO County Planning. The agreement is pending because there are issues to settle concerning administrative overhead and size of services, and unknown factors such as size of services to an unknown project.

The following members of the public spoke:

Jesse Hill, outside District – stated that the administrative overhead should be paid for by the developer.

Vince McCarthy, District resident – stated that he was concerned about the bid differences causing problems.

Homer Fox, District resident – asked if his fees would be different for his project.

[Mr. Jones explained that the capacity fees are not the same as the installation charges.]

Jim Kinninger, NCAC Chair – stated that he was in favor of the grant to keep from digging up the road later. Board discussion ensued.

This was an informational item. No action was taken.

- D-3) REVIEW BIDS TO CONSTRUCT WATERLINE, RELOCATE WATERLINE AND INSTALL WATER AND SEWER SERVICES ALONG TEFFT STREET
Review bids and award to construct a 16" waterline, relocate a 10" waterline and install water and sewer improvements on Tefft Street

The Board discussed the installation of water and sewer laterals along Tefft Street.

Steve Frank, Resident Engineer with SLO County Public Works Dept., discussed the construction and cooperation planned for the project.

Upon motion of Director Blair and seconded by Director Wirsing, the Board approved Resolution 2003-862 awarding a contract to MJ Ross Construction Co. with items 6, 10, 11, and 12 in the bid package being withheld from the bid until agreement with SLO County is settled. Vote Yes 5-0 There was no further public comment.

**RESOLUTION 2003-862
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY
SERVICES DISTRICT AWARDING A CONTRACT TO MJ ROSS CONSTRUCTION CO.
FOR THE WATER AND SEWER IMPROVEMENTS ON TEFFT STREET**

- D-4) LAFCO REQUEST TO FUND SPHERE OF INFLUENCE CEQA STUDY
LAFCO is requesting NCS D to pay the CEQA costs of an outside review of LAFCO's program EIR in preparing the District's Sphere of Influence

The Board discussed the request from LAFCO for reimbursement for having their CEQA study prepared for the Sphere of Influence. LAFCO would do the EIR for the SOI and then have Douglas Wood and Associates review LAFCO's work. Director Wirsing asked about having Doug Wood and Associates perform the CEQA when they are also doing the environmental review for Maria Vista development.

The following members of the public spoke:

Ed Eby, District resident – stated that the District should reject the request from LAFCO.

Jim Kinninger, NCAC President – stated that he would like to see the NCS D Board make a stand on the Sphere of Influence.

Greg Nester, Nipomo developer - stated that he had several projects affected by the Sphere of Influence.

Director Trotter suggested that this Board should cooperate as much as possible. There is plenty of time to deal with the concerns that the audience has questioned.

Director Vierheilig agreed with Director Trotter.

Jon Seitz, District Legal Counsel explained that LAFCO staff is looking at several options: Tiered EIR, full EIR, but have eliminated the possibility of a negative declaration.

LAFCO staff intends to process, with the help of the consultant, environmental review documents that they think are appropriate. The consultant is not going to draft the environmental document. LAFCO just wants some extra help. Any study of our outlying areas will be helpful to the NCS D.

Director Vierheilig stated that he wanted to ask LAFCO for their planned scope of work before the work is done.

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D-4) LAFCO REQUEST TO FUND SPHERE OF INFLUENCE CEQA STUDY (CONTINUED)

The following members of the public spoke:

Ed Eby, NCSD resident – stated that LAFCO will do an EIR anyway. LAFCO will pay Wood & Assoc. anyway.

Jim Kinninger, NCAC President – stated that Paul Hood of LAFCO wanted the EIR to be bulletproof.

Jesse Hill, outside District – suggested that NCSD ask Paul Hood for the scope of work planned.

Vince McCarthy, NCSD resident – asked if LAFCO has delayed the results of the Sphere of Influence. [President Winn assured Mr. McCarthy that the vote is now scheduled for October/November.]

Director Blair stated that money is wasted for studies.

Director Wirsing stated that NCSD should be conscious of all the money being spent such as \$18,000 for an incorporation feasibility study, another \$7,500 for this study.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board authorized payment for the review of the District's Sphere of Influence EIR update in an amount not to exceed \$6,500 with contract based on time and materials with milestone payments. Any further costs must come back to the Board for approval. Vote Yes 4-1 with Director Blair voting no.

Based on the LAFCO commission comments that Area 7 should be extended southerly to the edge of the bluff between Area 6 of Woodlands and Area 5 (Cal Cities area), the District requests that this area be included in the EIR study.

President Winn called for a short break at 10:50 a.m.

The Board reconvened at 10:55 a.m.

D-5) PUBLIC HEARING – APPROVE DISTRICT BUDGET 2003-2004 FISCAL YEAR

Resolution adopting the District 's Budget for FY 2003/2004 Fiscal Year

Resolution adopting the appropriation limitation

The Board did not discuss the budget because the Study Session held last week was quite thorough.

There was no public comment.

Director Trotter would like to have a letter sent to the Blacklake residents explaining the proposed rate increase.

Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board approved Resolution 2003-863 adopting the 2003-2004 Fiscal Year budget. There was no public comment. Vote Yes 5-0.

2003-863

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING THE 2003-04 FISCAL YEAR BUDGET

Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board approved Resolution 2003-864 determining the appropriation limitation for the 2003-2004 Fiscal Year budget. There was no public comment. Vote Yes 5-0.

2003-864

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DETERMINING THE APPROPRIATION LIMITATION FOR THE 2003-04 FISCAL YEAR

- D-6) BLACKLAKE STREET LIGHTING CHARGES – PUBLIC HEARING
Establish charges to maintain Blacklake Street Lighting

A Public Hearing was opened to establish charges to maintain Blacklake Street lighting charges. Upon motion of Director Trotter and seconded by Director Wirsing, the Board approved Resolution 2003-865 establishing Blacklake Street lighting charges. There was no public comment. Vote 5-0.

2003-865

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 BLACKLAKE VILLAGE

E. OTHER BUSINESS

- E-1) NCSD LATENT POWERS
Review LAFCO procedures to initiate latent powers

The Board discussed the procedure to initiate latent powers, primarily in the area of park services.

The following members of the public spoke:

Vince McCarthy, NCSD resident – Mr. McCarthy commented on the possibility of pocket parks and having NCSD take over drainage basins.

Jim Kinninger, NCAC President – He stated he would like a copy of the procedure being discussed.

Greg Nester, Nipomo resident and developer – He stated that retention basins are the responsibility of the developer for a period of time.

President Winn suggested a trip to Templeton to observe their operation.

Director Blair stated that Nipomo needs to look nicer.

Director Wirsing stated that the south side of Tefft Street needs parks.

This was an informational item. No action was taken.

F. CONSENT AGENDA.

- F-1) WARRANTS [RECOMMEND APPROVAL]
F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of May 28, 2003, Regular Board meeting
Minutes of June 4, 2003, Special Study Session

Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board approved the Consent Agenda as amended. (Director Wirsing requested her comments for Item D-2 to be part of the record. The secretary was directed to consult the tape.) {Secretary checked tape and could not hear Director Wirsing requesting that her comments be added to the minutes.} There was no public comment. Vote Yes 5-0

G. MANAGER'S REPORT

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

- G-1) CSA-1/NIPOMO LIGHTING REORGANIZATION – DISSOLUTION STATUS REPORT
President Winn stated he would like to see a letter of appreciation to LAFCO for helping in this matter.

H. COMMITTEE REPORTS

Finance Committee - (Directors Trotter and Vierheilg) Director Vierheilg expressed his thanks to Lisa for making the budget review easy work.

Annexation Committee - (Directors Winn and Wirsing) Director Winn stated that he and Director Wirsing discussed the design of a questionnaire to circulate to Nipomo residents.

I. DIRECTORS COMMENTS

Directors Trotter and Wirsing had no further comments.

Director Vierheilig stated that he would be out of town the first two weeks of July. Director Trotter stated that he would be gone July 9th.

The Board moved the July 9th meeting to July 10 at 9:00 a.m.

Director Blair stated that he attended the WRAC meeting and reported that the County was giving up the Flood Control power to the State.

President Winn stated that he too attended the WRAC meeting and clarified that the Flood Control District was relinquishing Zones 1 and 1A because the BoS felt that the State would have better success in limiting single-purpose agencies than the County could, and that the BoS wished to remain supportive of adjoining farmers instead of in opposition.

Winn said that much had been accomplished in crafting a draft of a Memorandum of Agreement with the County, with LAFCo's mediation, and said he expected to present a draft to the NCSD Board for its consideration at the next meeting.

Winn announced that the Central Coast Greenhouse Growers Association (CCGGA) will have its quarter meeting June 19, such meetings are usually very helpful and informative.

He also noted that staff was creating a rate comparison of the surrounding areas.

Winn asked for consensus re a letter to the CSDA, supporting its actions protesting the State's further raiding CSD property taxes and reserves. [Members urged Winn to take action and draft letter to Ralph directing him not to raid the reserves.]

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following: There was no public comment on 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. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.
- C. ANTICIPATED/INITIATE LITIGATION, ONE CASE
- D. PUBLIC EMPLOYEE ANNUAL EVALUATION – GEN MGR GC §5495.7

The Board came out of Closed Session and had no reportable action.

ADJOURN

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

**The regular meeting of June 16, 2003 was canceled.
The meeting was rescheduled to Wednesday, June 25, 2003.**