

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SEPTEMBER 10, 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, NCSD 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.

Robert Dimmit, NCSD resident – stated that he questioned how the Story Street sewer line reimbursement was spread. [The Board suggested that he come into the office for a detailed explanation.]

Ed Eby, NCSD resident – requested that the Board agendaize the supplemental water situation that the Board can report on regularly, such as plans, etc.

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

D-1) ENVIRONMENTAL REVIEW OF A SEWER LIFT STATION AND FORCE MAIN – MARIA VISTA

Public Hearing for review/adoption of an environmental expanded initial study/mitigated negative declaration of a sewer lift station/force main for Tract 1802 and 1856 (Maria Vista) Mr. Doug Wood of Douglas Wood and Associates in San Luis Obispo reviewed the preparation of the Environmental Expanded Initial Study/Mitigated Negative Declaration. He answered questions and responded to comments from the Board.

Director Vierheilig – Section IV-1 - the Nipomo Creek watershed area is larger than 2200 acres. Section V-3 consider the County's track record in relation to their attitude with development. Section V-11 – Nipomo Mesa Lupines were not mentioned. Section V-16 - Substantiation - needs communication system for sewer pumps. Section VI-1 Mitigation measures– suggested area to be seeded with drought-tolerant grasses.

Director Wirsing – asked if a second pump station would increase capacity. [Answer - It would not increase the number of users without property owners going through quite a few requirements, e.g., LAFCo, SLO County, etc.]

Director Trotter – asked if the design of the pump station could add more velocity. [The line was designed to accommodate the sewage for 121 homes. It is possible to move more sewage because the pipe sizes do not come in small increments. The line eliminates the potential constraint. i.e. Larger pumps could be added but the force main size would remain the same. Any change would require additional design and future approvals.]

Mr. Trotter asked if this line would be growth inducing. [Answer – There would only be more connections to the proposed line if the property owners along the line go through all the approval steps required by all the agencies involved.]

Director Winn – asked if a force main rather than a gravity main made it more difficult for more connections. How much excess capacity is allowed through the size of pipe designed? [Answer: Yes, it would be more difficult to connect to a force main. The line was designed for 121 houses. With some design changes in the lift station, the number could increase.]

The following members of the public spoke:

Ed Eby, NCSD resident – Stated that he does not agree that the project is “not growth inducing” but perhaps more growth enabling. He asked if there would be stub-outs for future connections. [Answer: The plans do not show stub-outs.]

Homer Fox, NCSD resident – asked why this project required 6” sewer main when his project required an 8” sewer main. [The Maria Vista project requires a force main. Mr. Fox’s project requires gravity flow sewer main, which has a minimum size of eight (8) inches.]

Marshall Ochylski, attorney for Mr. Benham – There were no comments submitted during the review period before this meeting. The project was approved and is going forward. The Regional Board and the NCSD preferred to have the project connect to the sewer system. Growth inducement - Mr. Benham does not own more property to connect to the sewer line. He has no incentive to install a larger line than is planned.

Director Wirsing – asked if this sewer line would be able to receive reimbursement such as other lines. [Mr. Seitz answered that if other property was connected, it would be subject to reimbursement to Mr. Benham but any development would need to go through all the hurdles. The project description is up for approval. If the project description is amended, it would require further CEQA review. The project does not include dual lines or extra stub outs.]

Mr. Ochylski – The other six homes on the property are included in the CEQA document.

The Board took a short break.

Erik Benham, principal for Maria Vista – stated that he has not been solicited to add more services along the line. He stated that he wanted to remind the Board that NCSD, the County, and the Regional Water Quality Control Board asked him to come to the District for services.

President Winn closed the Public Comment period.

Director Blair – stated that he is concerned that the State required the County to have 18,000 houses built and the District is giving this project a hard time.

Jon Seitz, District Legal Counsel suggested additional verbiage to the recitals:

“Any change in project as described shall be returned to the Board for review.”

Director Wirsing stated that she didn’t have much faith in the LAFCo or CEQA reports; the people have no voice in the matter and feels that the County planned this by not having all the information from the beginning. Upon motion of Director Vierheilg and seconded by Director Blair, the Board approved Resolution 2003-877 with the changes as mentioned. Vote 4-1, with Director Wirsing voting no.

**RESOLUTION NO. 2003-877
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
AUTHORIZING THE GENERAL MANAGER TO
FILE A NOTICE OF DETERMINATION FOR
SEWER MAIN EXTENSION TO SERVE MARIA VISTA DEVELOPMENT**

- D-2) ORDINANCE TO ESTABLISH BLACKLAKE SEWER SERVICE FEES
Introduction of Ordinance adjusting sewer rates for the Blacklake Division

The Board discussed the proposed sewer rate adjustment for the Blacklake Division. There was no public comment. Director Blair made the motion to have the ordinance read in title only. Director Vierheilig seconded the motion. There was no public comment. Vote 5-0. Jon Seitz, District Legal Counsel, read Ordinance 2003-98 in title only.

**ORDINANCE NO. 2003-98
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING APPENDIX A TO CHAPTER 4.12 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO
ESTABLISH BI-MONTHLY RATES FOR SEWER SERVICE
WITHIN THE BLACKLAKE DIVISION**

Upon motion of Director Trotter and seconded by Director Blair, the Board unanimously approved the introduction of Ordinance 2003-98 and set a Public Hearing for adoption for September 24, 2003. Vote 5-0

- D-3) REVIEW ANNEXATION POLICY
Review/approve modifications to the District's Annexation Policy

Jon Seitz, District Legal Counsel, reviewed the proposed changes in the District's Annexation Policy.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that he likes the policy better now. He stated that he is pleased with the portion that talks about annexing land overlying water. He also mentioned that the policy should read 6,000 sq. ft. building site not 6,000 sq. ft. building.

Greg Nester, outside District resident, Nipomo developer – stated that he was concerned about the \$10,000.00 deposit being difficult getting a loan before approval.

President Winn – requested to change some wording to Cluster Development F-2.

Director Blair – stated that he does not agree with the \$10,000 deposit.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Resolution 2003-878 amending the District's Annexation Policy with the changes in the draft as discussed by the Board. Vote 5-0

**RESOLUTION NO. 2003-878
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT'S ANNEXATION POLICY**

- D-4) DRAFT ANNEXATION AGREEMENT FOR ANNEX. NO. 23 - NESTER
Review administrative draft agreement for conceptual approval

The Board discussed a draft agreement for the proposed Annexation No. 23, Tract 2499.

The following member of the public spoke:

Greg Nester, Nipomo developer – stated that he agreed to combine the open space area in the subdivision next door and the open space area in the proposed annexation area to be placed in an Ag easement in perpetuity, with District as party to the agreement.

Upon motion of Director Vierheilig and seconded by Director Blair, the Board approved the annexation agreement as amended and directed staff to bring the agreement back for final approval. Vote 5-0, with Director Wirsing abstaining.

E. OTHER BUSINESS

- E-1) WATER SERVICE TO THE DANA ADOBE (SLO COUNTY HISTORICAL SOCIETY) (DISCUSSION ITEM)
Review existing water service agreement

The following member of the public spoke:

Lisa Vanderstad, representative for the Dana Adobe Nipomo Amigos – requested that the District continue the agreement to provide water to the Dana Adobe.

Directors Blair and Winn said that they would not support supplying water outside of the District's sphere of influence and asked D.A.N.A. to retract their letter to LAFCo opposing their being within the District's Sol. General Manager, Doug Jones suggested that a letter be sent to the San Luis Obispo County Historical Society, titleholder to the Adobe, asking them to include resolution of this matter in any plans to transfer title to D.A.N.A.

This item was tabled to a future meeting.

Director Trotter left the meeting at 12:10 p.m.

- E-2) SAN LUIS OBISPO COUNTY DRAFT HOUSING ELEMENT (DISCUSSION ITEM)
Review Housing Element

The Board discussed the San Luis Obispo County Draft Housing Element. A committee consisting of Directors Blair and Winn was appointed to review and make comments and recommendations. There was no public comment.

- E-3) REVIEW DISTRICT LEGAL COUNSEL'S FEE SCHEDULE
Review/approve legal counsel's fee schedule

Jon Seitz, District Legal Counsel, presented a revision of the fee schedule for legal services for the District. There was no public.

Upon motion of Director Wirsing and seconded by Director Blair, the Board unanimously approved the revised fee schedule.

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 August 27, 2003, Regular Board meeting

Minutes – Correct D-5 showing Mr. Eby as Vice President of “Save the Mesa” rather than President.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved the Consent Agenda as amended. Vote 4-0 with Director Trotter absent.

G. MANAGER'S REPORT

The Santa Maria litigation court date has been postponed to October 8th because of the recall election.

H. COMMITTEE REPORTS

Annexation Committee – Directors Wirsing & Winn met and the results were as noted in the packet items.

Personnel Committee, Directors Trotter and Winn will meet to discuss the job description for the new General Manager.

Housing Element Committee set with Directors Blair and Winn. Meeting date to be decided.

I. DIRECTORS COMMENTS

Director Vierheilig – announced that Julia from the Nipomo Creek water shed steering group will be speaking at a meeting tonight.

Director Wirsing – stated that she was listening to a copy of the last Board meeting and the tape cut off when the Board was voting for an issue. Also, she would like to discuss the March 2002 letter to Noel King at a future meeting.

President Winn – stated that he has heard many comments commending the NCSD staff for cooperation with the Olde Towne project.

He wishes to commend Lisa for her work on the rate distribution chart for Blacklake.

He stated that he was disappointed with the slow completion of the draft cityhood feasibility study.

He stated that the questionnaire concerning cityhood should be mailed soon.

He would like to agendize consideration of a request for monies for Nipomo West Side Clean-Up planned for November 15-22, 2003.

He also asked if the policy for use of the Board room could be put on the agenda.

He would like to schedule a time to visit with the Templeton and Cambria Community Services Districts to check out how they handle parks.

CLOSED SESSION

There was no need to go into Closed Session.

ADJOURN

President Winn adjourned the meeting at 12:40 p.m.

The next regular Board meeting will be September 24, 2003.