

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 14, 2004

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**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**

The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson. Consistent with the Americans with Disabilities Act, NCS D 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 9:05 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.

The following members of the public spoke:

Erik Benham, Maria Vista Development – handed the Board a packet of information and asked the Board to study it. He also talked about the surge analysis for his project.

Mike Pender, Maria Vista Development – stated that the developers are willing to cooperate with the Board in its direction.

Ed Eby, NCS D resident – stated that he was reviewing the latest Annexation Policy and was concerned about the \$10,000 deposit not being charged to those who do not overlie groundwater.

Leo Huitron, Moss Lane resident – asked about the Moss Lane project. [Moss Lane is an item on the agenda and the Board will take comments during that time.]

Peg Miller, NCS D resident – stated that the people who had talked to her about the Sphere of Influence (Sol) commented that they backed the wider area.

C-1) SHERIFF LT. MARTIN BASTI, COMMANDER OF SOUTH COUNTY SHERIFF STATION
Presentation of sheriff activities in the Nipomo area

Lt. Basti, talked to the Board and the community about activities in the Nipomo area.

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

D-1) NIPOMO DRAINAGE & FLOOD CONTROL STUDY - DRAFT
County Public Works Department Report – Dean Benedix

Mr. Dean Benedix of the SLO County Flood Control and Water Conservation District gave each Board member a copy of the “Nipomo Drainage & Flood Control Study –Draft - December 2003” and explained parts of the report.

There was no public comment.

Each director commented about the study.

Director Trotter stated that it is the County's responsibility to maintain flood control. Often when there is a problem, the floodwater is diverted and the problem goes to another place.

Director Wirsing stated her concern over funding, taxes and responsibility. She also asked how incorporation would affect flood control.

D-1) NIPOMO DRAINAGE & FLOOD CONTROL STUDY – DRAFT (CONTINUED)

Director Vierheilig stated that in order to look at the flood control District one must look at the whole water shed. The Creek Clean Up group and other such groups have been able to obtain permits to clean the creek.

Director Blair stated that the problem needs to be handled higher up and not just in Mr. Benedix' office. He stated that the State and other agencies require using old methods to clean the creeks rather than creating channels to remedy the problems.

President Winn stated

- The east side approach is wise
- The problems on the west side can be resolved with coordination. No structures or human life are at risk. The problems can be called ponding.
- The District cannot be the lead agency because NCSD does not have planning powers. The problems were caused by the SLO County Planning Department. They should stop allowing building in the flood plain until the problems are resolved.
- \$800,000 on west side and \$6½ million on east side is slated for costs but the study states has only 20% of that money for construction costs. [Mr. Benedix responded from the audience. He did not return to the podium. His answer was inaudible on the tape.] President Winn asked Mr. Benedix to make clear in the report the amounts available for construction.
- Asks the Board to make comments.
- Asks Board if he should join local discussion group.

The Board thanked Mr. Benedix for his presentation.

President Winn suggested that this issue be brought to the WRAC Feb. 4, at 1:30 in SLO. Mr. Frank Honeycut could possibly put the issue on the agenda.

D-2) URBAN WATER MANAGEMENT PLAN (UWMP) – PUBLIC HEARING (CONTINUED)

Resolution adopting the District's UWMP

Public Hearing continued for the adoption of the District's Urban Water Management Plan. The Board reviewed the changes incorporated into this version. The following members of the public spoke:

Ed Eby, NCSD resident – commented on several parts of the Plan. 1.3 (Public participation), page 13, Figure 6 (off Mesa water subtotal does not add up, also supplemental water 170 AFY – supplies need to identified) Page 14, Fig. 7, Blacklake supplemental water in 2005 – source should be identified. Page 16, ¶ 5.1 Land use densification, Land use current plan should have date. Page 19 Asked if District has proof that wastewater goes into the HSA. Page 20 asks what water code.

Director Trotter suggested that the District become pro-active in groundwater measurements in establishing yearly or bi-yearly contours, which can be published.

Director Wirsing stated that she would like to table adoption of the Plan until more is known about the adjudication.

Upon motion by Director Vierheilig and seconded by Director Trotter, the Board adopted the Urban Water Management Plan with amendments as discussed. Vote 3-2 with Directors Blair and Wirsing voting no.

**RESOLUTION NO. 2004-887
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN URBAN WATER MANAGEMENT PLAN**

D-3) MOSS LANE ANNEXATION AGREEMENT
 Review draft annexation agreement

The following members of the public spoke:

Leo Huitron, Moss Lane resident – stated that he needed clarification about the agreement. [He was told that he received a draft agreement for the property owners to read and make comments. A final agreement will be sent to him and the other owners for review and signature.]

Erik Benham, Maria Vista development – Stated that he spoke to John Hughes, attorney for Mr. Cavazos, concerning Trincon’s 1/7th interest in the well site in the Moss Lane area.

Upon motion by Director Vierheilg and seconded by Director Trotter, the Board accepted the draft annexation agreement with the modifications as discussed. [Page 3 A-3 b& c are stricken, and 4 becomes 3. C “its” becomes “their”] Vote 3-2 with Directors Wirsing and Blair voting no.

D-4) DANA ADOBE WATER SERVICE
 Request to transfer water service agreement to new owner

The Board discussed the request to transfer the water service agreement from the San Luis Obispo Historical Society to the new owners (Carrillo-Dana Adobe Nipomo Amigos). There was no public comment.

Upon motion by Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to transfer the agreement, as above. Vote 5-0

D-5) REQUEST FOR SERVICE – TRACT 2595 (MARTIN/BAUR)
 Request for water and sewer service for a 6-lot development on W. Price Street

The following member of the public spoke:

Fred Baur, NCSD customer – described his plan to develop the property at 180 W. Price St. Upon motion by Director Trotter and seconded by Director Vierheilg, the Board approved the Intent-to-Serve letter for Tract 2595 for 6 units rather than the 8 as requested. Vote 5-0 with Director Wirsing abstaining.

E. OTHER BUSINESS

E-1) BOARD OF DIRECTORS COMMITTEES
 Review and appointment to Board committees

The following committees were established:

<u>Committee Assignments</u>	<u>Present Member</u>	<u>Present Alternate</u>
Nipomo Community Advisory Committee (Will include NCAC Water Committee)	Mike Winn	Judy Wirsing
Water Resources Advisory Committee	Doug Jones	Bob Blair
Chamber of Commerce	Judy Wirsing	Mike Winn
<u>Committee Assignments</u>	<u>Present Members</u>	
Finance	Larry Vierheilg	Cliff Trotter
Water	Cliff Trotter	Bob Blair
High School	Larry Vierheilg	Bob Blair
Annexation Policy/Sphere of Influence (Sol)	Mike Winn	Larry Vierheilg
Personnel	Cliff Trotter	Mike Winn
Flood Control	Mike Winn	Cliff Trotter
New Community Services	Larry Vierheilg	Judy Wirsing
City Incorporation	Mike Winn	Judy Wirsing

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 December 17, 2003 - Regular Board meeting

There was no public comment. Director Vierheilg noted a change in E-3. The following amendment was made.

[Three directors voted for Director Wirsing as Vice President by a show of hands. Directors Blair and Vierheilg voted no.

Upon motion by Director Vierheilg and seconded by Director Trotter, the Board approved the election of Director Wirsing for Vice President. Vote 5-0 with Director Wirsing abstaining.]

Upon motion by Director Wirsing and seconded by Director Vierheilg, the Board as amended. Vote 5-0

G. MANAGER'S REPORT

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

- G-1) NCSD ANNEX NO. 23 LAFCo NEGATIVE DECLARATION HEARING JANUARY 15, 2004
- G-2) APCD WASTEWATER PERMIT

H. COMMITTEE REPORTS

The Incorporation Committee (Directors Wirsing and Winn) met Monday, January 12. The survey results are attached.

I. DIRECTORS COMMENTS

Director Wirsing asked about the odor from the Blacklake sewer area last Friday. She stated that she would like a workshop concerning supplemental water rates.

Director Trotter asked about the status for the new manager and the status of the Lyn Road annexation.

Director Vierheilg asked about the status Maria Vista development fire flow surge study. He also asked about the possibility of wind turbine generators at Dana-Foothill tank site to off-set the electricity costs.

Director Blair went to the CSDA meeting in Sacramento. Governor Schwarzenegger said he would take our money as the District anticipated. He states that he is upset about the situation in the Summit Station area.

President Winn commended the staff and the Board for the foresight in the economic situation. He also commended the opponents of redevelopment.

He stated that there may be another solution to delivering Board packet information on a more timely basis.

Fourth District WRAC asked Mr. Winn to be chair.

He reminded Board that comments for Flood Control need to be in by January 30, 2004.

He asked when the water rate setting information would be presented.

There was no need to go into 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.

ADJOURN

President Winn adjourned the meeting at 1:15 p.m.

The next regular Board meeting will be January 28, 2004.