

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MARCH 24, 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 two days before the meeting.)*

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:00 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:

Greg Wells, NCS D resident – has an applied for a minor use permit for secondary dwelling and was denied by the County. There are flood control issues.

Bill Morrow, Blacklake NCS D customer – asked about the progress report for incorporation.

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

D-1) ABANDONMENT OF EASEMENTS

San Luis Obispo County Office of Education has requested that the District abandon its well-site and water line easement on their property at 170 S. Frontage Road.

Mary Jarvis, Office of Education – requested that the District abandon the well site and the easements.

JC Martin, representative for Dr. Shapiro – sent a letter to the Board (included in packet) outlining the reasons for abandoning the easements.

Jon Seitz, District Legal Counsel – explained the resolution before the Board.

Director Blair felt that the Recreation Department could have made a better deal, but that is not the purview of this Board.

Upon motion by Director Trotter and seconded by Director Blair, the Board unanimously approved Resolution 2004-992, vacating public service easements. Vote 5-0

**RESOLUTION NO. 2004-992
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
VACATING PUBLIC SERVICE EASEMENTS**

D-2) REQUEST FOR VARIANCE TRACT 2456 (KING VENTURES)

Request a variance for common sewer line serving the Nipomo townhomes development

Dave Watson, representative for King Ventures – requested the variance to construct common sewer laterals rather than 41 individual laterals.

Upon motion by Director Vierheilig and seconded by Director Blair, the Board agreed to have staff prepare a resolution granting the variance and bring it back to the next meeting on the Consent Agenda. Vote 5-0

- D-3) REQUEST FOR SERVICE - APN 090-143-005/007 (BURTNESS)
Request for water and sewer service for a residential/commercial development at Dana & Sparks St.
The following member of the public spoke:
Peter Burtness, owner of the proposed project – told the Board he was available for questions.
Director Vierheilig suggested drought tolerant plants rather than the planned jacaranda.
Director Trotter stated that it is foolish to continue approving water use.
Director Wirsing stated that she cannot support water use requests when there is concern of water availability.
Director Winn will support the request because the District is legally obligated to provide water inside the District.
Director Vierheilig stated that the Olde Towne committee approved the mixed use planned for this project. He stated that the reports prepared for NCSD are far more accurate than the judge's ruling of non-overdraft.
Jon Seitz, District Legal Counsel stated that the Board is not taking a legal position on the status of the groundwater basin.

Upon motion by Director Blair and seconded by Director Vierheilig, the Board approved the issuance of an Intent-to-Serve letter with the conditions as stated in the Board letter. Vote 3-2 with Directors Trotter and Wirsing voting no.

- D-4) REQUEST FOR SERVICE - TRACT 2619 (DORMAN)
Request for water and sewer service for a 22-unit development on Avenida de Amigos

The following members of the public spoke:
Ed Eby, NCSD resident – stated that he shares concerns with the Board on water where we don't know what the water situation is. He cannot see how the Board can make obligations for use of water.
Grant Dorman, owner of the project stated that water is an issue but also the housing shortage is a concern. This project is below the density than that which is allowed by the County.
Director Trotter – stated that he wished to repeat his statement from the previous project.
Director Wirsing – stated that the houses are too close together in taking advantage of the housing situation. Also she wishes to repeat statement about water situation as in the previous project.
Director Vierheilig – stated that he thinks NCSD should seek own source of water.
Director Blair – stated his agreement with the need to seek water
Director Wirsing – stated that the Board should pursue the search for water.
President Winn – stated that the Board is currently negotiating for supplemental water. The need for water outweighs the need for housing. As far as growth, Nipomo has taken 41% of all the growth in San Luis Obispo County. Nipomo is taking 3 times as much low-income housing than the number two area. He repeats the same ideas as in the previous project.

Upon motion by Director Blair and seconded by Director Vierheilig, the Board approved the issuance of an Intent-to-Serve letter with the conditions as stated in the Board letter. Vote 3-2 with Directors Trotter and Wirsing voting no.

E. OTHER BUSINESS

- E-1) NIPOMO COMMUNITY DRAINAGE AND FLOOD CONTROL STUDY – FINAL REPORT
General review and comments on the report

There was no public comment.

The Board discussed the County's Drainage and Flood Control Study. President Winn suggested that the members of the Board review the final study and come back with comments to the Flood Control District.

The Board seemed to agree that until Nipomo is incorporated and has planning powers, the District should not have flood control responsibilities.

Upon motion by Director Vierheilg and seconded by Director Blair, the Board agreed to send comments to the office by April 9, 2004, for a letter to be sent to the Flood Control District. Vote 5-0

The Board took a 10 minute break at 10:20 and was back in session at 10:30 a.m.

- E-2) PROPOSED PARK AT CAMINO CABALLO AND CALLE FRESA
Information item on a proposed development and a community park

Information was presented to the Board concerning a proposed development and park at the Kaminaka property on Pomeroy Road.

The following members of the public spoke:

Greg Nester, developer of project – described the proposed project and the process of introduction to the public.

Ken Whittle, County Park Chair and Field of Dreams Fund – requested that the Board consider the project and encouraged the Board to adopt park powers.

Linda Walden, on NCAC committee - described some horse trails planned for the project.

Ed Eby, NCSD resident – stated that this project has been brought to NCAC for about a year. The question seems to be who will be responsible for maintenance of the park. NCAC would like to know the intention of NCSD.

Director Wirsing asked Mr. Eby if NCAC had discussed water issues concerning the development. Mr. Eby said the water was not the concern since there is water on site.

David Yasso, Executive Director for NARA – stated that he and the Board of NARA supports the concept of a park and a community center.

Jim Pelkey, NCSD resident – stated that he has a view of the Kaminaka property from his house. He is glad there will not be lights or amplified sound for the sports fields.

President Winn closed the comments to the public.

Jon Seitz, District Legal Counsel – explained that the District is authorized to operate parks but is now a latent power. To activate this power, the District must go to LAFCo with findings. Possibly a special tax could be implemented.

Director Wirsing asked if the District could collect funds for use of the park. Mr. Seitz answered yes. The fund would have to go into an enterprise fund and spent on the operations of the park.

Director Vierheilg stated that he would like to see some study showing the need and the possible operation of parks and fields.

Director Blair stated that he thinks this plan for parks will take a long time and thinks the NCSD ratepayers should not pay for parks that many others would benefit from.

The Board agreed that there is generally good will concerning a park but there are a lot of questions need to be answered.

E-3) NEXT REGULAR BOARD MEETING – APRIL 7, 2004

Set the next regular Board meeting for April 7, 2004, and cancel the Board meeting of April 14, 2004

Because there will be two Board members and the manager attending the American Water Works Association California-Nevada meeting during the week of April 13-16, the staff requests that the meeting be changed.

There was no public comment.

Upon motion by Director Blair and seconded by Director Wirsing, the Board agreed to change the regular Board to April 7 from April 14, 2004. 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 10, 2004, Regular Board meeting

There was no public comment.

Upon motion by Director Wirsing and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda. Vote 5-0

G. **MANAGER'S REPORT**

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

Fy 04-05 Budget schedule

LAFCo Sphere of Influence (SOI) hearing set for third Thursday in May

Thursday, March 25 EIR for Summit Station area

April 23, 2004, Local CSDA Meeting to be held in Oceano

H. **COMMITTEE REPORTS**

There was no committee report.

I. **DIRECTORS COMMENTS**

Director Vierheilig requested a monthly report on the supplemental water status. He would like monthly well depth mapping data of production and consumption. He also stated that he plans to abstain from future requests for Intent-to-Serve letters for services so the project will come back to the Board.

Director Blair reported on the meeting at CSDA in Sacramento concerning a loan to the State and also about the Ortiz Bill 2272 coming up April 21. He stated that something should be done about this bill.

President Winn stated that there is a possible rezoning of commercial property behind the Chevron station to multi-residential.

There is a petition to urge initiative for no unfunded mandates.

He asked Mr. Seitz about the Friday, April 23, 2004, Oceano meeting for the local CSDA concerning terms of CSDA officers.

He handed the Board a list of NCSD issues currently in process.

CLOSED SESSION

Jon Seitz, District Legal Counsel announce the need to go into Closed Session to discuss the following.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that his understanding of the judge's decision in the groundwater litigation is that purveyors will be entitled to water above safe yield and that's called surplus. That surplus will be allocated among purveyors and whoever else. NCSD experts should know what that safe yield is and that should be made public.

- A. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. PUBLIC EMPLOYMENT GC §54957 – GENERAL MANAGER POSITION – EMPLOYMENT

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

ADJOURN

President Winn adjourned the meeting at 12:45 p.m.

The next regular Board meeting will be April 7, 2004.