

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

JUNE 9, 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, 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 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 member of the public spoke:

Jesse Hill, outside District resident – gave the Board an update on what happened at the Board of Supervisors meeting concerning the MOU on an illegal lot split (Meier) within NCSD SOI. NCAC has not seen this project. He stated there are several things NCSD can do (request a list of projects from County staff or accumulate projects that should have been referred to NCSD).

##### C-1) SHERIFF LT. MARTIN BASTI, COMMANDER OF SOUTH COUNTY SHERIFF STATION

Presentation of sheriff activities in the Nipomo area

Lt. Basti provided the Board with a copy of the statistics reported at the last meeting (copy will be in packet in the office). The Sheriff's department will be providing posse members at the Dana Adobe Heritage Days and the Street Faire. He explained the traffic duties of the Sheriff's Department compared with the Highway Patrol. The Board thanked him for attending.

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

##### PUBLIC HEARING (ITEMS D- THROUGH D-5)

##### D-1) APPROVE DISTRICT BUDGET 2004-2005 FISCAL YEAR

Resolution adopting the District's Budget for 2004/2005 Fiscal Year

Resolution adopting the appropriation limitation

The Board held a Public Hearing considering the 2004-2005 Fiscal Year Budget for the Nipomo Community Services District. The Board discussed franchise fees, reserve money, property tax, discretionary money, etc.

Lisa Bognuda, NCSD Staff – explained that items needed that are not on the budget can be handled with a mid year budget adjustment.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously adopted the Budget and Appropriations Limitation with Resolutions 2004-904 and 2004-905. Vote 5-0.

D-1) APPROVE DISTRICT BUDGET 2004-2005 FISCAL YEAR (continued)

**RESOLUTION 2004-904  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 2004-05 FISCAL YEAR BUDGET**

**RESOLUTION 2004-905  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DETERMINING THE APPROPRIATION LIMITATION  
FOR THE 2004-05 FISCAL YEAR**

D-2) SOLID WASTE INTERIM RATE INCREASE  
Second reading and adoption of ordinance 2004-99

The Board discussed the rate increase for solid waste collection. There was some discussion about mandatory vs non-mandatory.

The following members of the public spoke:

Dick Mobraaten, NCSD resident – stated that he favors non-mandatory trash collection and the rate increase, but does not favor a lien. He suggested that the recycle container should be free.

Jesse Hill, outside District resident – stated that he agrees with the mandatory trash collection and putting a lien on property. He believes granny units share an address.

Upon motion of Director Blair and seconded by Director Wirsing, the Board agreed to have Ordinance 2004-99 read by title only. Vote 5-0

Jon Seitz, District Legal Counsel, read the ordinance in title only.

Upon motion of Director Blair and seconded by Director Wirsing, the Board approved Ordinance 2004-99. Vote 3-2 with Directors Winn and Vierheilg voting no.

**ORDINANCE 2004-99  
AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING FEES AND CHARGES FOR SOLID WASTE SERVICE**

D-3) LANDSCAPE MAINTENANCE DISTRICT NO. 1  
Adopt annual assessments for Landscaping Maintenance District No. 1

Jon Seitz, District Legal Counsel, described the formation of the Landscape Maintenance District No. 1. There was no public comment.

Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously adopted Resolution 2004-905. Vote 5-0

**RESOLUTION NO. 2004-906  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF  
ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2004/2005  
PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE  
CALIFORNIA STREETS AND HIGHWAYS CODE**

D-4) BLACKLAKE STREET LIGHTING CHARGES  
Establishing charges to maintain Blacklake street lighting

The Board discussed the streetlighting resolution for the Blacklake Division. There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Resolution 2004-906. Vote 5-0

D-4) BLACKLAKE STREET LIGHTING CHARGES (continued)

**RESOLUTION NO. 2004-907  
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**

The Board agreed to address Item D-6 first.

D-6) REQUEST FOR SERVICE - APN 092-130-016 (FLATLEY)  
Request for service for mixed-use development at 691 W. Tefft Street

The Board discussed the request for service for a 22-unit residential and 18-unit commercial development at 691 W. Tefft Street.

The following member of the public spoke:

Mike Cannon, engineer for project – corrected the Board letter stated 2,700 sq. ft. and it should be 27,000 sq. ft. for the development. A mixed-use project implies stacked units. There will be one owner for the whole project. He stated that he has not presented the project to NCAC.

Charles Cebulla, architect for project – described the project with 22 residential units. He assured the Board that the fire system would be built to code. Also, the planned fountain in the project will have a recirculating pump.

Director Wirsing made a motion to table this item until the project can be taken to the NCAC and the District sees the report. The motion failed due to the lack of a second.

President Winn said that NCAC does not report to NCSD.

Director Wirsing stated that she could not support this project until supplemental water to the District is in place.

Director Vierheilig made a motion to approve an Intent-to-Serve letter with the conditions as outlined in the Board letter plus the water conservation measures to be implemented by the District in the future. President Winn seconded the motion. Director Trotter stated that we are in an overdraft. Director Wirsing read from the water quality report and is concerned about sodium increase in the water and the lack of water until supplemental water to the District is in place. The motion failed with a 2-3 vote with Directors Wirsing and Trotter voting no and Director Blair abstaining (a no vote).

Jon Seitz, District Legal Counsel, suggested to refrain from placing requests for service on the agenda until the Board determines findings for a moratorium.

Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board agreed to bring information about Water Code 350 concerning findings for a moratorium and options. Vote 4-1 with Director Blair voting no.

President Winn called for a 5-minute break.

After the break, Director Blair made a motion to bring Item D-6 to the next meeting for findings before making a final determination. Director Vierheilig seconded the motion. There was no public comment. Vote 5-0

- D-5) DRAFT ORDINANCE RESTRICTING WATER SERVICES FOR LAND USE CHANGES INCREASING WATER USE AND REQUIREMENT TO RETROFIT PLUMBING FIXTURES ON THE SALE OF PROPERTY  
Review Draft Ordinance

Jon Seitz, District Legal Counsel, reviewed a draft of a proposed ordinance adopting water conservation measures. Mr. Seitz reviewed each item and the Board discussed some of the items. The Board recommended a few changes.

The following members of the public spoke:

Jesse, outside District – stated that he agree that the Board should discuss these measures with the County.

Ed Eby, NCSD resident – made comments and suggestions on several sections.

Dick Mobraaten NCSD customer – stated that he agrees with Mr. Eby. The proposed ordinance does not make sense for 15%. He asked if NCSD must reduce 15% before annexation is allowed.

Upon motion of Director Blair and seconded by Director Winn, the Board approved the draft ordinance with the changes as discussed and to have the proposed ordinance brought back to the next meeting with the changes incorporated. Vote 3-2 with Directors Wirsing and Vierheilig voting no.

**E. OTHER BUSINESS**

- E-1) QUITCLAIM DEED TO PEOPLE'S SELF HELP HOUSING CORPORATION (PSHH)  
Consider a quitclaim deed to transfer Montecito Verde II septic system area to PSHH

The Board discussed the possible quitclaim deed for the property which was used for a septic system within the Montecito Verde II development.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously approved the quitclaim deed with the provision that People's Self Help Housing Corporation release the District from liability and authorized the President or the General Manager to execute the document. Vote 5-0

- E-2) AREA PLANNING COMMISSION  
Review possible establishment of an Area Planning Commission

The Board discussed the letter proposed to be sent to Supervisor Achadjian concerning local land use. There was no public comment. Upon motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved the letter in the packet. Vote 5-0

- E-3) CHAMBER OF COMMERCE – STREET FAIRE  
Consider District participation in street fair

The Board discussed the Great Patriotic Street Faire to be held Saturday, June 26<sup>th</sup>. There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously agreed to submit the application, pay the \$10.00 fee and participate in the Street Faire. 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 May 26, 2004, Regular Board meeting

**F. CONSENT AGENDA (continued)**

- F-3) BIENNIAL ELECTION CONSOLIDATION [RECOMMEND APPROVAL]  
Resolution requesting District election to be consolidated with the general election

There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda. Vote 5-0

**RESOLUTION NO. 2004-908  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REQUESTING THEIR BIENNIAL ELECTION BE CONSOLIDATED  
WITH THE NOVEMBER 2, 2004 CONSOLIDATED GENERAL ELECTON**

**G. MANAGER'S REPORT**

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

- G-1) WILLOW ROAD INTERCHANGE – SUPPLEMENTAL EIR  
G-2) STATUS - RECRUITMENT OF GENERAL MANAGER

The Board set a Special Meeting for June 28, 2004, 9:00 a.m. to interview the candidates for the General Manager position.

**H. COMMITTEE REPORTS**

The Personnel Committee (Director Trotter and President Winn) met and chose several candidates, from the thirteen applications received, to be interviewed for the General Manager position.

**I. DIRECTORS COMMENTS**

Director Vierheilig stated the Air Pollution Control District is requesting nominations for a pollution prevention award.

He also suggested that the water bill show and average use once or twice a year.

Director Blair stated that he will be attending the AWWA meeting.

President Winn stated that there is a Public Works meeting here today.

Also, there will be a meeting of the Central Coast Greenhouses Thursday, 6-17

He asked to agendize an information update of the Nipomo Hills. RRM said they would make a presentation.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following. There was no public comment.

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.  
B. PUBLIC EMPLOYEE, GENERAL MANAGER, ANNUAL EVALUATION GC§54957

The Board came out of Closed Session and had no reportable action. Item B (above) is continued until the next meeting.

**ADJOURN**

President Winn adjourned the meeting at 1:37 p.m.

**The next regular Board meeting will be June 23, 2004.**