

NIPOMO COMMUNITY SERVICES DISTRICT

OCTOBER 13, 2004

9:00 A.M.

MINUTES

REGULAR MEETING

BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

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

MICHAEL LeBRUN, **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, 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 two days before the meeting.)*

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:02 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.

C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION

Presentation of sheriff activities in the Nipomo area

Cmdr. Basti reported

- There will be a car-seat training coalition in November.
- 99 cent Store was held up and the thief was caught in Arroyo Grande
- An officer was shot on S. Oakglen on a drug-related case.
- Petition for a safer Mallagh Street

C-2) REPRESENTATIVE FROM CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

Information presentation

Dan Anderson, CDF Battalion Chief gave an overview of the two stations in Nipomo # 22 and # 20

There is a paramedic on duty 24 hrs a day at Station #20.

Fire Prevention Week was this past week. The focus was education to the schools.

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

D-1) RESOLUTION AND ORDINANCE ALLOCATING WATER SERVICE

Consider resolution adopting a Negative Declaration pursuant to the California Environmental Quality Act and consider ordinance establishing annual water allocation within the District

Mr. LeBrun explained some of the changes in the proposed ordinance since the last meeting.

- Exemption for annexation
- Reference to the Urban Water Management Plan
- Wording changes regarding expiration of the Intent-to-Serve letter

D-1) RESOLUTION AND ORDINANCE ALLOCATING WATER SERVICE (CONTINUED)

Staff reviewed the commercial water usage.

As a result of this review, Staff presents the following findings and discussion:

1. Restaurants within the District use up to 3.5 acre-feet/year (AFY) water.
2. Laundry mats within the District use approximately 4.0 AFY. Typical laundry mat design flows (published numbers) are reported to be on the order of 500 gallons per day per machine. At this rate, a twenty machine laundry mat would need approximately 11.2 AFY.
3. Hotels can be expected to use approximately 50/gal per guest per day. A fifty-room hotel, that experiences 50-percent occupancy on the year, with two persons per room, would be expected to use approximately 2.8 AFY.
4. The basis of the proposed resolution and supporting environmental documentation is for residential projects.

The following members of the public spoke:

Peter Candy, representative for Nipomo Hills –

When Mr. Candy stated who he was representing, President Winn recused himself because he lives across the street from the proposed project.

Mr. Candy continued. He thanked the Board for suggestions for exempting annexations from this new ordinance.

Jerry Bunin, Government Affairs Director for Home Builders Assn. – stated that he thinks this ordinance action is unnecessary and only adds to the cost of housing.

Homer Fox, NCSD resident - asked why the 51 AFY did not include Blacklake. He also asked if there was no requirement for a landscape meter, then why have an engineer certify the project.

Director Vierheilig – stated that he can support the ordinance but would like to look at commercial a little closer.

Director Blair stated that he cannot support the ordinance. He stated that the single builder for the family home may suffer, not the developers of tracts.

President Winn stated that the judge's ruling of overdraft has been challenged. He will support the ordinance.

Mr. LeBrun stated that the judge is asking for water basin management.

Director Trotter stated that the ordinance may be adjusted as time goes on.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board approved Resolution 2004-917 adopting a negative declaration. Vote 4-1 with Director Blair voting no.

**RESOLUTION NO. 2004- 917
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A NEGATIVE DECLARATION AND AUTHORIZING THE ADOPTION OF
CHAPTER 3.05 TO THE DISTRICT CODE THAT ESTABLISHES WATER SERVICE
LIMITATIONS WITHIN THE NIPOMO COMMUNITY SERVICES DISTRICT**

Upon motion of Director Vierheilig and seconded by Director Winn, the Board approved the reading of the proposed ordinance in title only. Vote 4-1 with Director Blair voting no.

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

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board approved Ordinance 2004-100 and directed staff to

- Immediately revise applications for Intent to Serve Letters and Will Serve Letters to comply with the revisions of this Ordinance.
- Establish a water allocation accounting procedure in compliance with provisions of the Ordinance.

D-1) RESOLUTION AND ORDINANCE ALLOCATING WATER SERVICE (CONTINUED)

- Notify applicants on the waiting list that the District will consider Will Serve Letters and Intent to Serve Letters that comply with the terms and conditions of this Ordinance except for the allocations as directed at the last Board meeting.

Vote 3-2 with Directors Wirsing and Blair voting no.

ORDINANCE 2004-100
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RULES AND REGULATIONS FOR ALLOCATING
INTENT-TO-SERVE LETTERS FOR PROJECTS
WITHIN THE DISTRICT BOUNDARY
CHAPTER 3.05 OF THE DISTRICT CODE

D-2) OLDE TOWNE SERVICE LATERAL INSTALLATION COST PUBLIC HEARING

Public hearing for allocating installation costs of Olde Towne sewer and water laterals to individual properties.

Mr. LeBrun explained the allocation for installation costs of Olde Towne sewer and water laterals to individual properties.

The following member of the public spoke:

Homer Fox, NCSD resident – stated that he is a property owner of one of the lots included in the Tefft Street improvement area. He stated that the resolution states that all protests “have been resolved” and that he disagrees with this statement since he himself protest and his issues are not resolved.

Upon motion of Director Trotter and seconded by Director Vierheilig, the Board approved Resolution No. 2004-918 indicating the spread reimbursement charges for the Olde Towne District-installed water and sewer laterals and authorized the General Manager to record the “Notice of Connection Charge”. Vote 4-1 with President Winn voting no.

RESOLUTION NO. 2004-918
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING REIMBURSEMENT CHARGES
FOR DISTRICT INSTALLED WATER AND SEWER LATERALS

D-3) RESOLUTION SUPPORTING PROPOSITION 1A

Consideration of a Resolution supporting Proposition 1A

Director Blair explained that Proposition 1A is the bipartisan initiative on the November ballot that will restrict the ability of the Legislature to take and use local government revenues for State purposes.

There was no public comment.

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved Resolution 2004-919 supporting Proposition 1A. Vote 5-0

RESOLUTION NO. 2004-919
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SUPPORTING PROPOSITION 1A

- D-4) SUMMIT STATION: SAN LUIS OBISPO COUNTY PROPOSED GENERAL PLAN AMENDMENT
Discuss pending General Plan amendment that affects the Summit Station area.

Mr. LeBrun explained the SLO County proposed General Plan Amendment in regard to Summit Station.

The following members of the public spoke:

Robert Lewin, CDF Fire Marshall – explained that the adopted fire code requires 1000 gpm flow for fire protection. The Summit Station area was unique in that it was allowed to have 500 gpm fire flow because the residents asked for a variance in order for the construction costs to be lower. CDF is following State mandated laws.

Director Blair stated his opposition to the CDF's requirement for Summit Station area to be upgraded to 1000 gpm before lot splits or placement of granny units could be allowed.

The following members of the public spoke:

Kathy Beck, Summit Station, NCSD resident – stated that the residents are being discriminated against. The restrictions should be removed. She asked if there is a pump that can provide the 1000 gpm without laying down all new lines.

Ed Eby, NCSD resident – asked some questions about density and flow rate. Of the estimated \$2,000,000 for improving the Summit Station area, who pays for the improvements - Summit Station or the entire District? Is NCSD planning to have a representative at the Planning Commission hearing presenting NCSD's official position?

Nancy Ybarra, former resident in the Summit Station area – stated her opposition to the restrictions. She stated that the rights of the property owners have been denied. She urged the Board to support the rights of the property owners.

Michael Job, NCSD resident (Summit Station area) – asked the Board to support the property owners position. Rural Residential does not require 1000 gpm.

Director Blair stated his opposition to the restrictions in the Summit Station area.

Director Wirsing asked if the increased capacity would require another tank.

President Winn stated that he cannot support that NCSD certifies that there is 1000 gpm in the fire hydrants in the Summit Station area.

Mr. Lewin read the conditions Exhibit B Item I - NCSD needs to provide a letter stating that it can provide 1000 gpm for 120 minutes.

Mr. LeBrun stated that there are several ways to increase the pressure in the Summit Station area. The costs would need to be allocated out. The options can be brought back to the Board.

Doug Jones, former NCSD General Manager – explained some of the reasons to reduce the fire flow to 500 gpm.

President Winn explained that the Board should look at safety & supply but illegal spot zoning is not under the purview of the NCSD Board.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board agreed to adopt the action as outlined:

- The Board will support granny units but not zone changes with supplemental water supply
- The Board would support lifting of the granny unit restrictions under the terms of the new ordinance.
- The portion of the EIR that says that the County does not have responsibility for the water supply on the Mesa is not acceptable.
- County Planning staff should confer with the MOA with the District prior to it reaching the Board of Supervisors

Vote 5-0

D-5) BOARD MEETING CALENDAR

Consider Board Meeting and office calendar for November and December, 2004.

The Board discussed some possible changes to the Board meeting calendar.
Upon motion of Director Blair and seconded by Director Vierheilg, the Board agreed to:

- Reschedule the November 10, 2004, regular meeting to November 17th
- Cancel the November 24, 2004, meeting
- Reschedule the December meetings to December 1st and 15th.

Vote 5-0

E. OTHER BUSINESS

None

- 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 September 29, 2004, Special Board meeting

F-3) RESOLUTION FOR DOUG JONES

**RESOLUTION 2004-920
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT
COMMENDING DOUGLAS L. JONES FOR HIS MANY YEARS
OF DEDICATED SERVICE TO NIPOMO COMMUNITY SERVICES DISTRICT**

F-4) ACCEPTANCE OF TRACT 1792 (LUNDBERG) [RECOMMEND APPROVAL]

Resolution accepting water and sewer improvements for Tract 1792

**RESOLUTION 2004-921
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR THE FOR TRACT 1792 (LUNDBERG)**

F-5) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]

Filing of the September 30, 2004 Safety Meeting Minutes

There was no public comment.

Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

- Hermreck Well update

Michael LeBrun, NCS D General Manager, explained the status of the Hermreck Well.

H. COMMITTEE REPORTS

Finance Committee – Director Vierheilig reported that he and Director Trotter had a telephone conference with Mr. Reed about the aspects of the Rate Study. They will be meeting soon concerning the audit report.

Director Wirsing asked to agendize spending money for trash receptacles.

I. DIRECTORS COMMENTS

Director Vierheilig announced that there will be a Special Area Planning Commission Workshop here Saturday, October 16, 2004 at 1:00 p.m.

Director Blair reported on the CSDA Conference he attended in Palm Springs, San Francisco and SLO Counties are the only counties without mosquito abatement.

He stated that he does not like NCSD having to check with the County because of the MOA.

He also believes the SLO County Planning Commission meeting tomorrow will be postponed until after lunch, rather than 11:00 a.m.

President Winn stated that WRAC met last week and thought that the County ignored NCSD's request for changes.

Well data is not available from the County even though the County requires public water purveyors to report well data to them.

Cypress Ridge requesting 295 houses and a 9-hole golf course
He attended a class at UCLA about water laws.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session.
There was no public comment on the items listed for the Closed Session.

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. ANTICIPATED LITIGATION – ONE CASE – GC§54956.9
MARIA VISTA DEVELOPMENT
- C. POTENTIAL LITIGATION – ONE CASE

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

ADJOURN

President Winn adjourned the meeting at 2:15 p.m.