

NIPOMO COMMUNITY SERVICES DISTRICT

NOVEMBER 17, 2004

8:00 A.M.

MINUTES

TO REFLECT COMMENCEMENT OF CLOSED SESSION AND OPEN SESSION

REGULAR MEETING

BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

PAGE ONE OF TWO

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 8:00 a.m. and reserved the flag salute until later.

B. ROLL CALL

At Roll Call, all Board members were present.

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

CLOSED SESSION 8:00 a.m.

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCSB SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
MARIA VISTA VS. NCSB CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Real estate negotiations GC§54956.8
Discuss price terms and conditions of an initial offer for easement purchase at 635 Sheehy Road for purposed placement of water storage tanks. District's negotiator- Michael LeBrun, District Manager
Property owner/negotiator - Stillwell/Grabeel

The Board came back into Open Session.

President Winn led the flag salute at 9:00 a.m.

Jon Seitz, District Legal Counsel, reported out of Closed Session.

Item 1. The Board heard an update from legal counsel. There was no reportable action.

Item 2 was not discussed and will be deferred until later in the meeting.

Item 3. The Board heard an update and set terms for purchase of property.

9:00 a.m.

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:

Guy Murray, NCSB customer – read some information from the Davis incorporation report. He stated that incorporation is highly likely. He asked the Board to consider having Mr. Davis speak first at the December 15th meeting and then have the public comment on his report.

Ed Eby, NCSD resident – stated that in the article in today's paper talked about a potential shortfall in property taxes that the NCSD depends on for paying outstanding bond debt. The possible shortfall could affect the funding of the supplemental water pipeline.

County BoS failing to recognize the Level II Severity could also jeopardize the supplemental water pipeline. He cautioned the Board to keep in mind the availability of water in whatever decisions it made today concerning water.

Jesse Hill, outside District resident – talked about the funding procedures possible for incorporation. (Quimby, Public Facilities Fees) He suggested that the Board check with the County to see what is available.

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

Commander Martin Basti reported to the Board that there has been a 30% increase in thefts and burglaries in the County. The Sheriff's Dept has an on-going bicycle restoration program. The bicycles will be given to eligible families.

There is a car seat safety program Safety Tips information sheet available in the NCSD lobby.

- C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF) Information presentation

Chief Dan Anderson reported to the Board:

There was an arson-vandalism at the High School.

Nov. 5th, there was a Fire Safety Day at Von's. There will be no burning in the urban reserve area of Nipomo.

County Fire Chief, Dan Turner – the growth of Nipomo impacts the fire department. To better serve the community, the County is looking for sites for more fire stations.

- D. 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 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 brackets.*

- D-1) WARRANTS [RECOMMEND APPROVAL]
D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of October 22, 2004, Special Board meeting
Minutes of October 27, 2004, Regular Board meeting
D-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]
Filing of the October 28, 2004 Safety Meeting Minutes
D-4) ACCEPTANCE OF WATER & SEWER IMPROVEMENTS
CO 00-0066 (KILPELAINEN) DAY STREET

There was no public comment.

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

**RESOLUTION 2004-922
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR THE FOR CO 00-0066 (KILPELAINEN)**

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

E-1) BOARD REVIEW AND CONSIDERATION OF SLO COUNTY RESOURCE MANAGEMENT SYSTEM DECISION

Discuss and provide staff direction

Michael LeBrun, District General Manager, opened for discussion the decision of the SLO County's Board of Supervisors to reject the notion of a Level III Severity for the Nipomo Mesa's groundwater resources.

Jon Seitz, District Legal Counsel, explained the possible effects on the District of the decision of the BoS, even though the SLO County Planning Commission unanimously supported the recommendation.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that NCSD may return to the BoS under the new administration and appeal the decision.

Jesse Hill, Outside District resident – stated that property rights and water rights are very important to land owners.

President Winn stated that Level Two Severity was determined ten years ago.

Director Trotter asked what area LOS III would cover. How far north would it encompass?

Mr. Seitz answered the Nipomo Mesa area of the Santa Maria groundwater basin.

Director Blair stated that Katcho probably voted the way he did because property rights would be restricted and the judge ruled no overdraft. The economy would be very much affected by a building moratorium.

Director Vierheilig stated that this Board should appeal the BoS decision. The basin needs to be managed.

President Winn agreed with Director Vierheilig to give staff direction to appeal to the BoS and inform the City of Santa Maria. The District is in a weakened condition because of the decision of the BoS.

Director Trotter would like to continue with District efforts to obtain supplemental water.

Director Wirsing would support an appeal to the BoS.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board directed staff to write a letter to the County for reconsideration of a writ of appeal to overturn the decision concerning overdraft. Vote 4-1 with Director Blair voting no.

E-2) BOARD RESPONSE TO PLANNING COMMISSION RECOMMENDATION ON SUMMIT STATION GENERAL PLAN AMENDMENT

Discuss and provide staff direction

Jon Seitz, District Legal Counsel, reviewed the new EIR for the Summit Station area.

The following members of the public spoke:

Robert Killackey, 1538 Pomeroy Rd. – stated that he would like to see the ability to build a granny unit on his property.

Mr. Seitz explained that the County land use restrictions were in place before the water supply infrastructure was built.

Lisa Bognuda, District Assistant Administrator - explained that the land use restrictions were a condition of annexation and not a condition of the assessment for water infrastructure.

Tim Murphy, Summit Station resident – stated that the property rights were taken away and would like to get them back.

Dan Turner, County Fire Chief – stated that the SLO County Fire Code was adopted from the California State Fire Code. The minimum fire flow for residential is 1000 gpm. The local authority is allowed to make amendments. The exception of 500 gpm for Summit Station was granted under an urgency situation.

E-2) BOARD RESPONSE TO PLANNING COMMISSION RECOMMENDATION ON
SUMMIT STATION GENERAL PLAN AMENDMENT (CONTINUED)

Jessica Gutshall, representative for family property owner in Summit Station area – stated that the family requests the return of the property rights.

Kathy Beck, NCSD Summit Station area customer - stated that the million gallon tank at Sheehy Road may increase pressure. The 500 gpm should be grand-fathered in to allow divisions and granny units.

Parker Matthews, NCSD Summit Station area customer – stated that the tank is being put in to provide for development and feels that the decision from the County supervisors was vindictive.

Director Wirsing asked for clarification of the vacant land in Summit Station.

Fire Chief Turner said that a primary residence could be built on vacant land.

Mr. LeBrun stated that the current flow of 500 gpm should be helped some with the installation of the Sheehy Rd. tank. The residents of the Lyn Rd. annexation have accepted the constraints of no further development.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to send a letter to the Board of Supervisors stating the District's position on the GPA and the EIR. Vote 5-0.

President Winn called for a break.

The Board reconvened at 11:40 a.m.

E-3) AUDIT REPORT FOR DISTRICT'S FY 2003-2004

Carlos Reynoso, CPA, presented the FY 2003-2004 Audit Report. He explained different aspects of the report and answered questions from the Board.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously approved to accept and file the Audit Report for FY 2003-2004 and commended Mrs. Bognuda and Mr. Reynoso for a job well done. Vote 5-0

E-4) SERVICE REQUEST – APN 092-142-033

Consider service request for a 15-unit development at 565 – 595 Grande Avenue

The proponent for the development was not present.

Upon motion of Director Blair and seconded by Director Trotter, the Board unanimously agreed to table this matter until a representative from the development is present at the Board meeting. Vote 5-0

E-5) SERVICE REQUEST – TRACT 2611

Consider service request for a mixed use development at Hill Street and Frontage Road (Former Nipomo Recreation Center)

Michael LeBrun, District General Manager, explained that this project is a multi-use development.

The following members of the public spoke:

Robert Richmond, architect for the project – stated that

Paul Reiker, EDA – explained the office/condo concept

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board approved the issuance of an Intent-to-Serve letter with conditions, as amended by the Board.

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

President Winn called for the Board to go to closed session to discuss Item 2 on the Closed Session Agenda.

The Board reconvened at 1:30 p. m.

Jon Seitz, District Legal Counsel, reported that during the Closed Session, the Board heard an update on the Maria Vista vs. NCSD Case No. CV 040877. The Board took no reportable action.

- E-6) SERVICE REQUEST – APN 092-551-026
Consider service request for a 5-unit development on Alegre Street

The following members of the public spoke:

Sheryl Flores, representative from People's Self Help Housing – stated that she would be available for questions from the Board.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved the issuance of an Intent-to-Serve letter with the conditions outlined in the Board letter for a 5-unit development at APN 092-551-026. Vote 5-0

- E-7) SERVICE REQUEST – APN 092-142-018
Consider service request for a 12-unit dev. on Avenida de Socios @ Division St.

The following members of the public spoke:

Michael Bainbridge, part owner of the proposed project – stated that the project was planned over ten years ago. The water laterals were installed at that time.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved the issuance of an Intent-to-Serve letter with the conditions outlined in the Board letter for a 12-unit development on Avenida de Socios. Vote 5-0

- E-8) OUTSIDER USER AGREEMENT REQUEST – 561 SOUTH OAKGLEN
Consider service request for sewer only to a proposed residential development at 561 South Oakglen Ave.

The Board heard the request for sewer-only service to a proposed project outside the District boundary.

The following members of the public spoke:

Jesse Hill, representative for the Holloway family – presented the proposed project.

Carl Holloway, property owner – explained some aspects of the project.

Board discussion ensued.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that if the Board approves this project, it will be forced to do it for others.

Upon motion of Director Blair and seconded by Director Wirsing, the Board agreed to table this matter until further information was available. Vote 3-2 with Director Vierheilig and Winn voting no.

At 2:50 p.m. Director Blair left the meeting.

F. MANAGER'S REPORT

Michael LeBrun, District General Manager – reviewed the Manager's Report to the Board. He also reported that the construction is progressing again at the Hermreck Well site. Odors at the sewer facility are down significantly due to the efforts of the Utility Supervisor.

G. COMMITTEE REPORTS

There were no Committee Reports.

H. DIRECTORS COMMENTS

Director Vierheilig

- A) We need to develop a 5-7 year business plan
- B) We need to develop an allocation ordinance for commercial and commercial/mixed use development
- C) We need to develop a landscape ordinance for water wise landscaping
- D) Compliments to Mr. LeBrun for the informative Board letters

Director Wirsing also would like the allocation ordinance revisited to consider commercial projects.

President Winn

- A) Need to work on commercial allocation ordinance
- B) If flooding occurs this rainy season, a notice needs to go to homes and businesses not connected to the sewer
- C) Suggested that General Manager work with the RWQCB to encourage connection to the sewer
- D) Would like to receive the CDF ordinance in its entirety
- E) Meeting with Supervisor Achadjian has been moved to Tuesday, 10:00 a.m.
- F) Will be attending UCLA December 3 for CEQA courses
- G) Would like to agendize policy about wheeling Nipomo Mesa water basin water through the District lines.

ADJOURN

President Winn adjourned the meeting at 3:16 p.m.

The next regular Board meeting will be December 1, 2004