

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

REGULAR MEETING

FEBRUARY 23, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

LARRY VIERHEILIG, PRESIDENT  
ED EBY, VICE PRESIDENT  
MICHAEL WINN, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR  
JUDITH WIRSING, DIRECTOR

### PRINCIPAL STAFF

MICHAEL LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASSIST. ADMINISTRATOR  
DONNA JOHNSON, BOARD SECRETARY  
JON SEITZ, GENERAL COUNSEL  
DAN MIGLIAZZO, UTILITY SUPERVISOR

#### A. CALL TO ORDER AND FLAG SALUTE

President Vierheilig called the February 23, 2005, meeting to order at 9:01 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Directors were present.

#### C. PUBLIC COMMENT PERIOD PUBLIC COMMENT

The following members of the public spoke:

Homer Fox, NCSD resident – requested that the Board reconsider mandatory garbage collection.

#### D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

February 9, 2005, Regular Board meeting

D-3) ACCEPTANCE OF WATER/SEWER IMPROVEMENTS-TRACT 2299

Resolution accepting water and sewer improvements for Tract 2299 (Mesa Dunes)

**RESOLUTION NO. 2005-928**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR THE FOR TRACT 2299 (MESA DUNES INVESTMENTS, INC.)**

There were several corrections to the Minutes for February 9, 2005. There was no public comment.

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

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

E-1) ANNEXATION APPLICATION

Presentation by applicant for annexation of Crystal Oaks (formerly known as Cañada Ranch)

Mr. LeBrun, District General Manager – reviewed the request for annexation.

Greg Nester, developer of the proposed Crystal Oaks development – stated that this project will shape the face of Nipomo. He answered the Board's questions.

The following members of the public spoke:

Bill Graves, NCSD resident – asked Mr. Nester about the properties adjacent to the proposed development.

Mr. Nester stated that the project would probably consist of a clustered subdivision first with a buffer around the perimeter.

The Board discussed the project with Mr. Nester.

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E-1) ANNEXATION APPLICATION (CONTINUED)

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to form an Ad Hoc Committee to facilitate the flow of information for the Crystal Oaks annexation application. Vote 5-0

President Vierheilg called for a short break at 10:00 a.m.

The Board reconvened at 10:12 a.m.

E-2) SOLID WASTE FRANCHISE RATE OPTIONS

Provide staff direction on a solid waste franchise agreement prior to consideration of pending application for Interim Year Rate Adjustment.

Tom Martin, General Manager of South County Sanitation – spoke to the Board about different issues to be considered:

- Bundled services – three wheelers (green waste, recycling and regular waste)
- Mandatory solid waste service
- Franchise fees to off-set rates

The following member of the public spoke:

Homer Fox, NCSD resident – stated that he recommends that the Board approve mandatory garbage pick-up.

Upon motion of Director Trotter and seconded by Director Winn, the Board directed staff to bring back for consideration at a future meeting a program that includes mandatory trash collection and recycle waste wheelers and defer the issue of the franchise fees to another time. Vote 4-1 with Director Wirsing voting no.

Director Winn requested that the trash receptacles and street sweeping issue be resolved.

E-3) CONSOLIDATION OF COUNTY SERVICE AREA 1 (CSA 1), DRAINAGE BASINS AND NIPOMO LIGHTING DISTRICT TO NCSD

Status of NCSD position on consolidation of CSA-1 and Nipomo Lighting District after ERAF III tax shift

Mr. LeBrun reviewed the information in the Board letter.

There was no public comment.

Board discussion ensued.

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to halt efforts to consolidate and annex CSA-1 and Nipomo Lighting District services. The Board directed staff to inform SLO County regarding District’s current position and willingness to pursue consolidation of services if/when the services became revenue neutral. Also, inform SLO County that there is no funding for such services and at such time that State monies are restored that the District would be willing to initiate discussion.

Vote 4-1 with Director Wirsing voting no.

Director Trotter had to leave the meeting at 11:00 a.m.

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Michael LeBrun, District General Manager, reviewed the information in the Manager's Report and added:

- Spent time with Bill Van Orden at Templeton CSD and learned some valuable information.
- There were no safety incidents.
- The next safety training will cover water safety.
- On February 22<sup>nd</sup> he spoke at the Nipomo Chamber of Commerce meeting.
- Lyn Road update

There was no public comment.

**G. COMMITTEE REPORTS**

There were no committee reports.

**H. DIRECTOR'S COMMENTS**

Director Winn reported

- Olde Towne meeting Friday at noon at the Nanini's Olde Towne Deli.
- Chamber of Commerce meeting - Mr. LeBrun's presentation was excellent and very well received.
- Next Chamber breakfast meeting (March 29) – speaker will be John Scardino from Woodlands.
- WRAC meeting will be Wednesday, March 2<sup>nd</sup>, SLO Library 1:30-3:00 p.m. - Prop 50 money to be discussed.
- Would like an update on Hermreck Well and the salt problem in Blacklake.

Director Eby

Asked if we can rectify the tax exchange agreement for the Blacklake, Summit Station and Carriage Homes annexations. Jon Seitz, District Legal Counsel answered –no

Director Wirsing

A notice should be posted to have people remove their trash from the Board room.

President Vierheilg

March 22<sup>nd</sup> Board of Supervisors will consider the groundwater resource level of severity issue.

(Speaking to the other Directors) Please be prepared for March 9<sup>th</sup> manager evaluation portion of the Closed Session.

**I. CLOSED SESSION ANNOUNCEMENTS**

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following items:

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9 SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9 NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back to Open Session.

The Board heard an update from District Legal Counsel on the above items.

There was no reportable action on items 1 and 2.

Item 3 – The Board discussed settlement options and instructed legal counsel to make a deposit with SLO County for preparation of the administrative record.

ADJOURN

President Vierheilig adjourned the meeting at 12:15 p.m.

**THE NEXT REGULAR BOARD MEETING IS MARCH 9, 2005**