

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

REGULAR MEETING

SEPTEMBER 14, 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**

Mission Statement: 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.

- 00:00:00 A. CALL TO ORDER AND FLAG SALUTE
President Vierheilig called the September 14, 2005, meeting to order at 9:00 a.m. and led the flag salute.
- 00:00:50 B. ROLL CALL
At Roll Call, all Board members were present.
- 00:01:00 C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT
- C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION
Presentation of sheriff activities in the Nipomo area.

Commander Basti reviewed some of the activities which occurred for the past month. There was an arrest in Ventura in connection with the commercial burglaries being committed all over the state. There were 27,000 items in the possession of those arrested. Funding has allowed a third officer in the South County, providing better coverage for the South County area. A Records Management System has been implemented with bar coding for evidence as one of the many helpful features.
- C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

Chief Anderson was not in attendance today.

There was no other public comment.
- 00:11:00 D. CONSENT AGENDA
- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES
Regular meeting August 24, 2005
- D-3) TRACT 2619 WATER LINE EASEMENT
RESOLUTION NO. 2005-951
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER EASEMENTS FOR THE
TRACT 2619 (22 AMIGOS, LLC)
- D-4) EXTEND STUDENT INTERN CONTRACT (pulled for separate vote)

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D. CONSENT AGENDA (CONTINUED)

D-5) APPROVAL OF JOB DESCRIPTION AND AUTHORIZATION TO ADVERTISE

D-6) SUPPORT AB 1234

There was some Board discussion. Director Wirsing asked for clarification of the easement issue in D-3 above. There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, with corrections in the 8-24-05 Minutes in D-4, E-5 and H, and excluding Item D-4 which was pulled for a separate vote.

D-4) Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the instructions to staff to amend the proposed contract for the student intern position, as discussed. Vote 5-0

00:11:40

E. ADMINISTRATIVE ITEMS

E-1) COUNTY PARKING PROPOSAL

Chuck Stevenson, San Luis Obispo County staff - described the proposed plan to establish a parking zone of benefit in Olde Towne Nipomo. He reviewed the packet of information given to the Board.

The Board discussed the matter with Mr. Stevenson.

The following members of the public spoke:

Peg Miller, NCSO customer - spoke in favor of the parking zone concept and asked Mr. Stevenson about how this would affect the on-going projects.

Kathy Kubiak, Olde Towne President - stated she was in favor of the concept. Director Winn thanked Mr. Stevenson for his presentation. Director Trotter suggested a committee. The Board directed staff to get further information and to agendaize the item to form a committee.

01:00:50

E-2) MANDATORY SEWER CONNECTION

Jon Seitz, District Legal Counsel, reviewed the proposed Ordinance to:

- Require mandatory connection to District sewer for properties within State-mandated prohibition zone.
- Clarify District connection fee assignment and collection.
- Carry forward water service policy as stated in Urban Water Management Plan

There was no public comment.

The Board discussed the proposed ordinance. Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously agreed to have the ordinance read in title only. Vote 5-0. Jon Seitz, District Legal Counsel, read the title of the proposed ordinance.

Upon motion of Director Eby and seconded by Director Trotter, the Board agreed to accept the ordinance as written but with the clerical amended. Vote 3-2 with Director Winn and President Vierheilig voting no.

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 2005-PROHIBITION ZONE CONNECTION FEE PROCEDURES
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING TITLE 3 AND TITLE 4 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE**

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- 01:57:31 The Board took a short break.
- 01:58:02 E-3) FEE CONSIDERATION TRACT 2513 (NEWDOLL) AND TRACT 2514 (COOL)
Mr. LeBrun reviewed the request from Mr. Robert Newdoll and Mr. Steve Cool for the Board to reconsider water capacity charges.
The following members of the public spoke:
Steve Cool, developer of Tract 2514 – speaking for himself and Mr. Newdoll (Tract 2513), reviewed the protest of fees.
Lori Newdoll, developer of Tract 2513 – spoke from the audience.
Jon Seitz, District Legal Counsel, reviewed the situation. Board discussion ensued.
Director Winn made a motion to direct staff to make findings in support of denial of the appeal. Director Wirsing seconded the motion. Vote 5-0.
- 02:45:11 *The Board elected to consider Item E-7, E-8, and E-9 before remaining items.*
- 02:45:11 E-7) SERVICE REQUEST – APN 092-130-053
Mr. LeBrun, District Manager, reviewed the request from Rob Marinai for sewer and water service to a proposed 71-room hotel commercial development at 549 Hill Street.
The following members of the public spoke:
Bob Richmond, R2L Architects – discussed the project with the Board.
Upon motion of Director Winn and seconded by Director Trotter, the Board approved an Intent-to-Serve letter with the conditions outlined in the Board letter. Vote 3-2 with Directors Wirsing and Eby voting no.
- 03:04:20 E-8) SERVICE REQUEST – APN 092-451-048
Mr. LeBrun, District Manager, reviewed the request from Mid-Pacific Investments LLC for sewer only service to a proposed mixed-use development at the northwest corner of Hazel and Division.
The following members of the public spoke:
Scott Lathrop, developer of the project – discussed the project with the Board.
Upon motion of Director Winn and seconded by Director Trotter, the Board approved an Intent-to-Serve letter with the conditions outlined in the Board letter. Vote 4-1 with Director Wirsing voting no.
- 03:24:28 E-9) SERVICE REQUEST – APN 092-572-035
Mr. LeBrun, District Manager, reviewed the request from Mr. Raul Hernandez for water and sewer service to a 4-lot sub-division at 782 West Tefft Street.
The following members of the public spoke:
Raul A. Hernandez, developer of the project – discussed the project with the Board.
Upon motion of Director Winn and seconded by Director Vierheilig, the Board approved an Intent-to-Serve letter with the conditions outlined in the Board letter. Vote 5-0.

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- 03:34:50 E-4) REVIEW WATER ALLOCATION ORDINANCE
Mr. LeBrun, District General Manager, reviewed the information in the Board letter regarding the allocation ordinance for possible options for revision. There was much Board discussion. The Board directed staff to revisit the numbers for water allocation with hotels included. There was no public comment.
- 04:19:23 E-5) ADMINISTRATIVE VEHICLE PROPOSAL
Mr. LeBrun reviewed the information in the Board letter for administrative vehicle. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to direct staff to send out a proposal for a purchase and lease-option to at least three auto dealers and return to the Board of Directors with the results. Vote 5-0
- 04:20:40 E-6) BLACKLAKE LAGOON LINER BID APPROVAL
Mr. LeBrun reviewed the results of the proposals received for the replacement of the Blacklake Lagoon liner. There was no public comment. Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously approved Resolution 2005-952. Vote 5-0.
- RESOLUTION 2005-952**
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDING A CONTRACT TO SANSONE COMPANY INC. FOR REPLACING BLACKLAKE LAGOON #1 LINER
- 04:22:00 H. MANAGER'S REPORT
Michael LeBrun, District General Manager, reported on the following items:
- Sewer Commercial Rate – The customers most affected by the rate increase were contacted by phone. No customers attended the meeting scheduled to explain the changes.
 - Blacklake salts issue – residents have been informed of the problem. Mr. Seitz will be sending a letter to the Blacklake Village Council.
 - Inter-tie pipeline with Santa Maria – meeting with Cannon; they will be creating a schedule soon.
 - Urban Water Management Plan Update with SAIC
 - Mutual water companies – a letter will be sent to LAFCO and the County
 - CEQA work – administrative draft upcoming
 - New server is being configured for the District computers.
 - Hurricane Katrina – offered to have one of our employees aid in the rebuilding of the water and sewer lines.
 - Next Board meeting is October 12. Director Trotter and Mr. LeBrun will be at the CSDA conference in Long Beach during the week of September 26th.
- 04:34:20 I. COMMITTEE REPORTS
There was no Committee Report.
- 04:34:35 J. DIRECTOR'S COMMENTS
Director Winn
- Nipomo Creek Clean-up Saturday Sept. 17.
Olde Towne Nipomo, Land Conservancy and Salmon Enhancement working well together. Tom Martin of South County Sanitary has been very helpful.

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H. DIRECTOR’S COMMENTS (continued)

- Chamber of Commerce discussed the sewer rates. They were very pleased with the explanation by Mr. LeBrun.
- Asked about the Summit Station litigation.
- Would like more information from Mr. Markman about the Santa Maria groundwater litigation.

President Vierheilig

- October 2 – Nipomo Native Garden Plant Sale at Mid State Bank 9:00-3:00
- September 14 - Department of Agriculture and the Ag tourism meeting - South County Regional Center.
- September 15 - Nipomo Creek Watershed Steering Committee meets at the Senior Center at 6:00 p.m.

04:39:40

I. CLOSED SESSION ANNOUNCEMENTS

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

- 3. CONFERENCE WITH LEGAL COUNSEL
Pending Litigation GC§54956.9
NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND
USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
- 4. GENERAL MANAGER ANNUAL EVALUATION

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

Jon Seitz, District Legal Counsel, reported that the Board heard an update on Items 3 and 4 above and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 2:30 p.m.

- **THE SEPTEMBER 28, 2005 REGULAR BOARD MEETING IS CANCELLED**
- **THE NEXT REGULAR BOARD MEETING IS OCTOBER 12, 2005**