

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## SPECIAL MEETING MINUTES

OCTOBER 12, 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 meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:10

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 reported that there were five arrests last month in Ventura in connection with construction equipment thefts. The number of thefts has significantly decreased since the arrests. New equipment purchased – spike strips placed in each unit. The Board thanked Commander Basti.

C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA  
DEPARTMENT OF FORESTRY (CDF)  
Presentation of CDF activities in the Nipomo area.

Captain Padgett reported for Chief Anderson. A new fire engine has been in place for about six months. There were some fires last week due to mowing of grass. Mowing should occur before 10:00 a.m. Some personnel were deployed to Southern California for vegetation fires. Education is needed in the Nipomo area since there is no weed abatement here. The Board thanked Captain Padgett.

The following members of the public spoke:

Steph Wall, Central Coast Salmon Enhancement – expressed thanks to the Board and the many who participated in recent committee clean up efforts. The Nipomo Creek Watershed Plan draft will be available soon.

The Board took a short break at 9:26 a.m. to view the new fire engine.

**MINUTES**

00:15:07

D. CONSENT AGENDA

Director Winn asked to pull Item D-5 for separate consideration.

- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES  
Regular meeting September 14, 2005
- D-3) SAFETY MEETING MINUTES  
All-staff safety meeting, September 15, 2005
- D-4) COOL/NEWDOLL FEE REQUEST RESOLUTION

**RESOLUTION 2005-953  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
DENYING THE REQUEST OF STEPHEN COOL AND ROBERT NEWDOLL  
FOR RECONSIDERATION OF WATER AND SEWER CAPACITY CHARGES  
FOR TRACTS 2513 (NEWDOLL) AND 2514 (COOL)**

- D-6) ACCEPTANCE OF TRACT 2530

**RESOLUTION NO. 2005-954  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR THE FOR TRACT 2530 (LOS PADRES CONSTRUCTION, INC.)**

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1 through 4 and D- 6. Vote 5-0

00:19:48

- D-5) SURPLUS EQUIPMENT

Director Winn questioned the disposal of the old copier. Mr. LeBrun informed the Board that the copier would be taken away by the Canon dealers. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Item D-5. Vote 5-0

00:22:57

E. ADMINISTRATIVE

- E-1) INTEGRATED REGIONAL WATER MANAGEMENT PLAN FOR PROPOSITION 50 GRANT APPLICATION.

Frank Honeycutt, San Luis Obispo County – presented slides to the Board and audience explaining the Integrated Regional Water Management Plan prepared by the San Luis Obispo County Flood Control and Water Conservation District (County) for the Proposition 50 grant application. There was no public comment.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to authorize President Vierheilg to execute a letter of endorsement to the County. Vote 5-0.

01:29:26

- E-2) MANDATORY SEWER CONNECTION

The Board considered the changes proposed on the Ordinance to:

- Require mandatory connection to District sewer for properties within State-mandated prohibition zone.

**MINUTES**

E-2) MANDATORY SEWER CONNECTION (CONTINUED)

- Clarify District connection fee assignment and collection.
- Carry forward service policy as stated in Urban Water Management Plan

The following members of the public spoke:

Carl Holloway, outside District resident – asked if the proposed ordinance affected his project and if his property is within the Prohibition Zone. After Mr. LeBrun showed him a map of the Prohibition Zone, Mr. Holloway identified his property as outside the zone.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to have the ordinance read in title only, to approve the first reading with the minor changes, as noted, and have the second reading October 26, 2005. Vote 5-0.

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

**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**

01:54:16

E-3) FORMATION OF SUB-COMMITTEE

The Board discussed forming a sub-committee for the in-lieu parking proposal from San Luis Obispo County. There was no public comment. Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to form a sub-committee. Vote 5-0. President Vierheilig appointed Director Winn and himself to the committee with Director Winn as chairperson.

02:06:00

F. MANAGER’S REPORT

Michael LeBrun, District General Manager, provided information on the following:

- CSDA conference attendance – will provide more information later.
- Water softeners at Blacklake – NCSO General Manager will speak at the Blacklake community meeting on Tuesday, October 18.
- Santa Maria supplemental water report from Cannon Eng. was received but not fully reviewed.
- Home Builders Assn. is working on a limited liability possibility to wheel water from Santa Maria.
- Grants and loans are possibly available to aid in the construction costs of the pipeline from Santa Maria.
- A land owner wishes to detach from San Luis Obispo County and annex to Santa Barbara County.
- CEQA – expect to have administrative draft from consultant, Doug Wood, possibly in mid-November.
- Urban Water Management Plan – expect update from consultant soon.
- iPAAC contract – Blacklake automated controls are now functional.

**MINUTES**

02:32:07

**G. COMMITTEE REPORTS**

Commercial Allocations – Directors Winn and Trotter met and drafted some suggestions.

Supplemental Water – Director Eby and President Vierheilig met with Supervisor Achadjian Tuesday, October 11, 2005 regarding an offer from a property owner for a possible bridge crossing for the Santa Maria water line.

02:37:04

**H. DIRECTOR'S COMMENTS**

Director Trotter stated that the notice about the garbage fee increase was deficient and confusing.

Director Wirsing stated that she was not pleased with the garbage notice either. Is concerned with the quality of the water, such as calcium rocks and mold forming in the animals' dishes.

She asked about a newspaper article containing information that two NCSD directors spoke at the Board of Supervisors meeting.

She asked about a possible car wash on North Frontage Rd.

Director Eby – noted that his water consumption was down by 18% even though he did not change his method of water usage – was probably the rain.

He stated that he spoke at a Newcomer's luncheon. He mentioned that the self-regenerating water softeners could possibly cause the District to receive fines from the Regional Water Quality Control Board.

Director Winn – attended the Board of Supervisors meeting concerning a project on South Oakglen but did not represent himself as an NCSD director.

- He mentioned seeing a company flushing the sewer lines on Knotts St. and was concerned about the water usage from fire hydrant
- Thanked Mr. LeBrun for copy of Mr. Perrett's letter.
- Stated that Mr. Eby did an excellent job speaking for the District.
- Suggested that all complex notices should have a one-page summary to explain the following notice.
- October Festival was held Saturday, Oct 8. It was well received. He stated that he wished NCSD would have had a booth. It would provide a great opportunity for the District to provide information to the public.
- Housing planning meeting series starts tonight (October 12)
- He stated that he would like information from the CSDA conference and others like it distributed to the Board in order that all can benefit.

President Vierheilig

- Nipomo Creek Water Shed Plan is out. Meeting next Thursday, October 20<sup>th</sup> 12:00 to 1:30 p.m.
- Arroyo Grande Creek Water Shed Plan – meeting October 26<sup>th</sup> at 6:30 p.m. at AG City Hall
- Had an informal meeting with Supervisor Achadjian regarding the community center. Supervisor Achadjian is looking for organizations in the community to have a consensus as to location of center.

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DIRECTORS COMMENTS\_(continued)

President Vierheilig

- 2050 South County Planning Workshop will be at Grace Church in Arroyo Grande 8:30 a.m. -1:00 p.m. November 2
- Affordable Housing Workshops starting Wednesday, Oct. 12 and each Wednesday thereafter thru Wednesday, Nov 2.

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

I. CLOSED SESSION ANNOUNCEMENTS

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)

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 into Open Session and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 1:25 P.M.

➤ **THE NEXT REGULAR BOARD MEETING IS OCTOBER 26, 2005.**

○ **SCHEDULED ITEMS INCLUDE:**

- **SECOND READ AND ADOPTION OF MANDATORY SEWER ORDINANCE**
- **INTRODUCTION OF ORDINANCE AMENDING WATER ALLOCATION PROGRAM**