

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

OCTOBER 26, 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.
- 00:02:00 C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT  
The following members of the public spoke:  
Jesse Hill, outside District resident – stated that the settlement offer for the Capital Improvement Fund for parks hopefully will be approved in December.  
David Versigo, outside District resident – stated that he is an agent for reverse mortgage for seniors. He asked about funding for the Nipomo Senior Center and its nutrition program. The Board informed him that the subject is not in the jurisdiction of the NCSD Board and offered him some suggestions.
- 00:12:04 D. CONSENT AGENDA
- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES  
Regular meeting October 12 2005
- D-3) SAFETY MEETING MINUTES  
All-staff safety meeting, October 19, 2005
- D-5) RE-APPLICATION FOR SERVICE APN 091-311-010  
Director Winn asked that Item D-4 be pulled for separate consideration.  
There was no public comment. Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved Items D-1, 2, 3, and 5 of the Consent Agenda with a calculation correction in the Water Demand Certification in Item D-5. Vote 5-0
- D-4) DISTRICT VEHICLE PROPOSAL REVIEW  
The recommended choice of dealerships was changed to Toyota of Lompoc. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Item D-4 as amended. Vote 5-0.

00:17:35 E. ADMINISTRATIVE ITEMS

E-1) PUBLIC HEARING

The Board considered the second reading of an Ordinance to:

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

The following member of the public spoke:

Jesse Hill, outside District resident – stated that he thinks that the rates portion of the proposed ordinance doesn't consider the delays caused by other agencies (County, e.g.) and the rates should be based on the date the application for service is complete. Upon motion of Director Winn and seconded by Director Trotter, the Board approved and adopted Ordinance 2005-105. Vote 5-0.

**ORDINANCE NO. 2005-105  
 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**

00:50:00 E-2) ANNEXATION REQUEST – APN 090-171-005

Michael LeBrun, District General Manager reviewed the request for annexation of a 20-acre parcel on South Oakglen Avenue. The Applicant requests sewer and water service to a clustered development of 20 home sites.

There was much Board discussion. Jon Seitz, District Legal Counsel, explained that it is unknown how LAFCo will apply the conditions of annexation, such as the conservation measures, until application is made.

Carl Holloway, applicant – explained to the Board that continuing with the mutual water is financially more feasible now but he would like to become part of the solution to the water situation.

Jesse Hill, applicant's representative for the tract map - stated that when he spoke with David Church of LAFCo, he did not hear that LAFCo would support this project. He also stated that this project would not be a new straw in the water table because the proposed houses would use less water than the farm does.

There was more Board discussion.

Upon motion of Director Winn and seconded by President Vierheilg, the Board approved the following motion:

Tentative approval of application for annexation, direct staff to draft an annexation agreement, have NCS D staff meet with LAFCo staff or Commission, and to come back in one month to the NCS D Board with a tentative annexation agreement and some feedback from LAFCo. Vote 3-2 with Directors Wirsing and Eby voting no.

02:14:32 11:15 a.m. – Break

11:30 a.m. - The Board reconvened. Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to continue with the following items.

E-3) SERVICE REQUEST - APN 092-130-043

Mr. LeBrun reviewed the request for water and sewer service (Intent-to-Serve Letter) to a 40-unit multi-family/low income development at 764 Grande Street.

Stephen Glover, applicant's representative – described the project as having drought-tolerant landscaping planned. He answered the Board's questions about the project.

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved the issuance of an Intent-to-Serve letter for APN 092-130-043, with the conditions as outlined in the Board letter. Vote 5-0.

- 02:34:25 E-4) SERVICE REQUEST – APN 092-130-062/020  
 Mr. LeBrun reviewed the request for the District to provide water and sewer service to a re-development plan at 601 West Tefft.  
Ted Moore, applicant – described the project for the Board and answered the Board’s questions.  
 Upon motion of Director Winn and seconded by Director Trotter, the Board approved the issuance of an Intent-to-Serve letter with the conditions, as outlined in the Board letter and as amended by staff. Vote 5-0
- Additional condition: All buildings, existing and new, are required to receive District sewer service.
- 02:56:20 E-5) ALLOCATION ORDINANCE  
 Michael LeBrun, District General Manager, reviewed the District’s Water Allocation Ordinance. Board discussion followed. Director Winn reported that he and Director Trotter had met several times to discuss the allocation for commercial projects. Director Wirsing stated that the District should keep track of commercial usage. Director Eby stated that commercial usage is substantial and may become more in the future. There was no public comment. The Board directed staff to continue getting information on commercial usage in other areas.
- 03:13:02 E-6) INVESTMENT POLICY – THIRD QUARTER REPORT  
 Michael LeBrun, District General Manager, reviewed the Investment Policy Third Quarter Report. The Board discussed the report. There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to accept and file the Investment Policy Third Quarter Report. Vote 5-0.
- 03:16:34 E-7) QUARTERLY FINANCIAL REPORT – FIRST QUARTER OF FISCAL YEAR 2005-2006  
 Receive and file Quarterly Financial Report  
 Michael LeBrun, District General Manager, reviewed the Quarterly Financial Report. The Board discussed the report. Lisa Bognuda, Assistant Administrator answered the Board’s questions to further explain the report. There was no public comment. Upon motion of Director Eby and seconded by Director Wirsing, the Board unanimously agreed to accept and file the Quarterly Financial Report for the first quarter of fiscal year 2005-2006. Vote 5-0.
- 03:35:10 F. MANAGER’S REPORT  
 Michael LeBrun, District General Manager, reviewed some items in the Manager’s Report.
- 03:52:40 G. COMMITTEE REPORTS  
 Directors Winn and Vierheilig met Monday, October 24, 2005, with SLO County’s Chuck Stevenson and Tim McNulty and others to discuss the in-lieu parking proposal from San Luis Obispo County. The County would like to create a benefit zone and LAFCo would need to activate NCSD’s park powers. The Directors would like community input before proceeding.
- 03:57:00 H. DIRECTOR’S COMMENTS  
 Director Winn
- WRAC to meet Nov. 2<sup>nd</sup> in San Luis Obispo. A discussion of the County’s Draft Resource Management System report is on the agenda. Mitigations proposed in

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- last year's report have not occurred.
- San Luis Obispo County meetings on affordable housing are on-going. He encourages attendance next Wednesday, November 2nd at 4111 Broad Street.
- County will not install waste receptacles in the Olde Towne area.
- Olde Towne Wine, Flowers and Arts Festival is set for Sunday, Nov. 13 at Kaleidoscope Inn. The event is a fundraiser for Olde Towne Association.

Director Wirsing

- The District "spent" a lot of water today.
- Called the County about street sweeping and was told that the machine was broken but they showed up the next day.

04:03:00 I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following item #3.

- ~~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

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

ADJOURN

President Vierheilg adjourned the meeting at 1:40 p.m.

- **THE NEXT REGULAR BOARD MEETING IS NOVEMBER 16, 2005.**
  - **SCHEDULED ITEMS INCLUDE:**
    - **PRESENTATION OF DRAFT URBAN WATER MANAGEMENT PLAN**