

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 41 - Years of Service 1965 - 2006*

## MINUTES

**APRIL 12, 2006 9:00 A. M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

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

00:00:20

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:17

C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT

C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION

- Commander Martin Basti reported on the sheriff activities in the Nipomo area.
- Tool theft at a construction site on Pomeroy
- Gun theft out of a safe
- Torch Run April 13, will be running through Nipomo about 9:30 a.m. to 12:00.
- Seven new positions have been filled, including a criminal investigator for identity theft for computers, etc.

The Board thanked him for his report.

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

Captain Felix Camacho of the Nipomo CDF reported for Battalion Chief Anderson.

At Station 20, there were 96 calls, which included 4 fires.

At the Mesa Station, there were 45 calls, which included 3 fires.

May 1, 2006 is the official start of Fire Season. Seasonal staffing will be arriving soon.

He noted that at least a 100-foot clearance around structures for defensible space is desirable. If there are questions, Captain Camacho suggests calling the fire station.

Captain Camacho introduced "The Firefighter of the Year", Mike Delio. Presentation of the award will be Saturday, April 15<sup>th</sup> at the Oceano Elks Club.

A chipping event in the Nipomo and Mesa area will be May 8 through May 21, 2006.

Zone 1 – West Mesa area May 8 - 21

Zone 2 – Central Nipomo area – May 29 - June 11

Zone 3 – East Nipomo area June 21 – July 2

Each household may have 1 ton or a 15 x 15 foot pile of green waste. They will not be hauling away the chips as in the past.

Director Winn asked about weed abatement. Captain Camacho stated that the department is trying to contact the property owners when the weeds need to be cleared away to a defensible space. Director Trotter suggested a weed inhibitor as used in the Kern County area.

The Board thanked him for his report.

There were no other public comments.

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00:18:55

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Regular meeting March 22, 2006

D-3) ACCEPTANCE OF CO 02-0347 (KESHTGAR)

RESOLUTION NO. 2006-967  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR THE FOR CO 02-0347 (KESHTGAR)

D-4) AWARD BID FOR NEW DUMP-TRUCK TO MULLAHEY FORD OF ARROYO GRANDE

D-5) ADOPT WATERLINE INTER-TIE PROJECT REIMBURSEMENT RESOLUTION

RESOLUTION NO. 2006-968  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DECLARING INTENT TO BE REIMBURSED FOR DISTRICT EXPENDITURES  
FROM PROCEEDS OF TAX EXEMPT OBLIGATIONS ISSUED BY DISTRICT  
FOR THE DESIGN AND CONSTRUCTION  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
WATERLINE INTER-TIE PROJECT WITH THE CITY OF SANTA MARIA

D-6) AWARD BID FOR PAINTING 29 BLACKLAKE TRACT 1542 (FAIRWAY)  
STREET LIGHTS

D-7) APPROVE LETTER OPPOSING SB 1317

D-8) ADOPT RESOLUTION INITIATING ANNUAL LEVY OF STREET LANDSCAPE  
MAINTENANCE DISTRICT NO. 1

RESOLUTION NO. 2006-969  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL  
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR  
FISCAL YEAR 2006-2007 PURSUANT TO THE PROVISIONS OF PART 2 OF  
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Upon motion of Director Winn, and seconded by Director Trotter, the Board approved the Consent Agenda with amendments. There was no public comment. Director Winn asks to add Brown Act information to Minutes in E-2. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Winn, Trotter, Eby, Wirsing, and Vierheilig	None	None

ADMINISTRATIVE ITEMS

00:25:17

E-1) SUPPLEMENTAL WATER PROJECT OBJECTIVES

Bruce Buel, Projects Assistant, reviewed the Draft NCSD Waterline Inter-tie Project Objectives as presented in the board letter.

The Board discussed minor changes in #3 adding "by reduction of pumping" and in # 6, adding "...to avoid the potential of the use of District and other purveyors supplemental water returns to support the water requirements for new development".

There was no public comment.

Upon motion of Director Eby, and seconded by Director Winn, the Board agreed to adopt the waterline inter-tie objectives with amendments, as discussed. Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Eby, Winn, Trotter, Wirsing, and Vierheilig	None	None

00:46:18

E-2) SELECT CONSULTANT FOR SOUTHLAND FEASIBILITY REPORT

Bruce Buel, Projects Assistant, reviewed the request for proposals and process of selecting a consultant to perform a feasibility study for the Southland Wastewater Treatment Facility. The Board discussed the process and the proposals. There was no public comment. Mike Nunley, Boyle Engineering, spoke to the Board about the proposed project. Upon motion of Director Eby and seconded by Director Wirsing, the Board unanimously agreed to direct staff to enter into an agreement with Boyle Engineering as consultant for Phase I of the project. Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Eby, Wirsing, Winn, Trotter, and Vierheilg	None	None

01:02:11

E-3) SELECT CONSULTANT FOR GENERAL MANAGER HIRING PROCESS

The Board reviewed proposals for professional services to assist in hiring a General Manager. The Personnel Committee (Directors Wirsing and Vierheilg) discussed their decision for the recommendation to select Andersen. There was no public comment. Upon motion of President Vierheilg and seconded by Director Wirsing, the Board unanimously agreed to select Ralph Andersen and Associates and to authorize execution of the agreement for professional services. Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Wirsing, Trotter, Eby, and Winn	None	None

The Board took a break at 10:15 a.m.  
The Board reconvened at 10:30 a.m.

01:14:45

E-4) REVIEW DRAFT FUNDING OPTIONS PAPER AND REFER TO STANDING COMMITTEE

The Board heard a presentation from Bruce Buel, Projects Assistant, summarizing "Comparison of Funding Options and Revenue Sources for NCSD Waterline Inter-tie Project". The Board discussed funding issues.

Director Trotter stated there won't be enough money to pay for the pipeline and that it will fall upon the ratepayers to do so. A Standing Committee meeting is proposed for April 19<sup>th</sup> in the evening.

The following members of the public spoke:

Greg Nester, local builder and investor – stated that a limited liability corporation was formed to pre-pay funding for the proposed waterline from Santa Maria. The Home Builders Association has been supporting the in-lieu fees. He asks that the lines of communication be left open. He stated that he appreciates Mr. Buel's work on the timeline.

Klara Bergman, Crystal Oaks developer – stated that she would like information on how to work with the Board toward the funding for the project.

Jon Seitz, District Legal Counsel, explained that the District needs more information about the engineer's estimate before any discussions can take place.

There was no Board action.

At 12:25 p.m. Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session.

03:06:56

## 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  
NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
MARIA VISTA VS. NCSO CASE NO. CV 040877
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
CITIZENS AGAINST NON-NOTIFICATION VS. NCSO, CASE NO. CV 051002

## J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

## K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:25 p.m.

## L. OPEN SESSION

## ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:15 p.m.. Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above. There was no reportable action.

## ADMINISTRATIVE ITEMS (continued)

03:08:15

## E-5) CONSIDER COUNTY PLANNING LAND USE ORDINANCE AMENDMENT

The Board discussed the meeting for May 9 regarding a proposal by the County of San Luis Obispo Board of Supervisors to adopt planning area standards that would require:

- Supplemental water for General Plan Amendments and land divisions in the Nipomo Mesa Water Conservation Area; and
- The application of low water use landscape requirements and the requirement of specific indoor and outdoor water conservation measures in all new construction.

Director Eby objected to another Director and District Staff claiming to speak on behalf of the NCSO Board to the Planning Commission on March 23, 2006, regarding a proposed land use ordinance regarding supplemental water since the Planning Commission Staff Report was never agendaized for formal discussion by the NCSO Board.

Director Wirsing expressed similar concerns as Director Eby regarding Board representation before the Planning Commission and stated that she knows of several people whose wells are near NCSO wells have dried up. There is a serious water problem on the mesa. She stated that she believes this Land Use Ordinance amendment is growth inducing and cannot support it.

Director Winn stated his and Staff's comments before the Planning Commission expressed "general support" of the proposed land use ordinance amendment and that the Board had established this position in numerous previous Board agendaized action items.

The following members of the public spoke:

President Vierheilig reminded the Board of Directors of the Board By-Laws which state that when the Board of Directors takes a position or state a policy, it is the duty of all Directors to

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endorse that policy privately or otherwise, even if that was not the Director’s vote. That is how the Board of Directors is governed and that is how the Board of Directors should operate.

Greg Nester, local builder/developer – stated that the Board has an excellent opportunity to influence and exercise some power outside the District. He suggested not getting stuck on the irrigation points of the proposal. When the fees are predictable and are in balance across the mesa, the builders are more apt to support the District’s efforts.

Director Trotter left the meeting at 2:20 p.m.

E-5) CONSIDER COUNTY PLANNING LAND USE ORDINANCE AMENDMENT (continued)

Director Winn made the following motion:

1. Encourage staff to communicate with the County to see a good product come out of this proposed amendment
2. Support portion starting at Section 3-7 (amendment to Title 22) understanding that it gives no fixed amount but that we will participate with the County as their fact-finding group comes up with a number.
3. Section beginning on 3-13 (Title 19) - have the addition (an item #3) of turf limitations and communicate with County staff that the District would like professional guidance with drip irrigation systems.

Director Eby seconded the motion. Vote 3-1 with Director Wirsing voting no.

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, and Vierheilig	Director Wirsing	Director Trotter

04:40:00

F. MANAGER’S REPORT

Michael LeBrun, District General Manager – reviewed the Board letter. He informed the Board that he and Madonna Dunbar, the Conservation/Compliance Specialist, met with David Church of LAFCo. Mr. Church seemed impressed by the District’s improvement with a conservation program. Interim manager applications will be forwarded to the Personnel Sub-Committee. Handouts – County Planning Commission Notice, Affordable Housing Workshop April 27<sup>th</sup>. May 9<sup>th</sup> Land Use Ordinance.

LAFCo will be considering the Holloway Annexation May 18<sup>th</sup>.

Received a complete application for annexation of the Craig property, west of the Blacklake community.

There was no public comment.

04:45:30

G. COMMITTEE REPORTS

Directors Winn and Vierheilig met March 29<sup>th</sup> with Supervisor Achadjian concerning the parking. It was not a very productive meeting.

Directors Wirsing and Vierheilig reported earlier on their committee meeting concerning the hiring of a recruiter to assist in hiring a General Manager.

Directors Eby and Vierheilig (Finance Committee) will meet April 17<sup>th</sup> concerning the budget.

04:51:45

H. DIRECTOR’S COMMENTS

Director Eby stated that at the last NCAC, now SCAC, meeting he was elected chairman.

Director Winn stated:

He commended Ms. Dunbar’s work on the conservation program. He noted that the notices for

the Clean-up Day arrived the Friday before the Monday of the event. The notices need to go out at least 10 days before the event. The material needs to say, one day only on regular pick-up day.

WRAC tour of Polonial Pass today, April 12, 2006, at 4:00 p.m.

CCGGA Open House, Saturday, April 15<sup>th</sup> 9:00 a.m. - 3:00 p.m.

Thur. April 20<sup>th</sup> – Traffic and Circulation with SCAC 9:00 -11:00 a.m.

April 22<sup>nd</sup> Save the Mesa Candidates Forum in NCSD Board Room 1:30-3:30 p.m. for the three candidates running for supervisor (Director Wirsing being one of the three.)

H. DIRECTOR’S COMMENTS (continued)

President Vierheilig

Thur. April 13<sup>th</sup> - NCSD and Nipomo Native Garden will be presenting home landscaping with native plants to the Blacklake Men’s Gyro Club. Madonna Dunbar, the NCSD Conservation/Compliance Specialist will be presenting information also.

Jon Seitz, District Legal Counsel, reminded the Board that April 21<sup>st</sup> is the CSDA meeting in Oceano. There will be an election for a representative to LAFCo if a quorum can be met.

05:00:00

ADJOURN

President Vierheilig adjourned the meeting at 3:12 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS APRIL 26, 2006.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Conflict of Interest Code Review
- Amendment of District Annexation Policy
- 2003-Certificates of Participation Resolution
- Holloway Annexation NCSD-County Tax Exchange Negotiation
- Select Appraiser for Supplemental Water Project