

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

JULY 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

EDWARD KREINS, **INTERIM GEN. MANAGER**
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
BRUCE BUEL, **PROJECTS ASSISTANT**

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

00:00:40 B. ROLL CALL

At Roll Call, all Board members were present.

00:00:51 C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT

Jesse Hill, Nipomo resident- In referencing the mixed-use project he is currently processing, he informed the Board of the Public Streamlining Act. He stated that he had paid his fees and has received a Will-Serve letter from the District.

Mr. Hill left the Board room after commenting.

Jon Seitz, District Legal Counsel, responded that Mr. Hill was speaking of an active litigation matter. Mr. Seitz advised that not making a comment is not an agreement with Mr. Hill's statement to the Board.

00:05:25 C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S STATION

Commander Martin Basti presented information concerning sheriff activities in the Nipomo area for the past month.

Cmdr. Basti apologized for missing last month but he was attending an award ceremony at the Rotary Club last month when JT Cant received recognition for excellent law enforcement.

There were a number of vehicle thefts and equipment thefts this past month.

4th of July had no major problems.

Staff will soon be increasing.

Director Wirsing asked about collisions that occur in Nipomo. She stated that we never hear about them.

Cmdr. Basti stated that the Highway Patrol handles most collisions. He will ask if a representative from CHP can report to NCSD to inform the public of those matters.

The Board thanked him for his report.

00:11:30 C-2) BATTALION CHIEF DAN ANDERSON OF CALIFORNIA DEPARTMENT OF FORESTRY

Captain Kirk Petrie spoke in behalf of Chief Anderson.

There was a combined total of 262 calls in June, which included 83 were medical, 34 fires.

The chipping event in Nipomo is over now and was successful.

The 4th of July was a little hectic but there were no significant fires.

There was a discussion about safe and sane fireworks being legal to sell but not legal to use in the unincorporated areas of the county. The Board thanked him for the report.

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:18:19

C-3) MIKE NUNLEY OF BOYLE ENGINEERING

Mike Nunley of Boyle Engineering gave an Update on the Waterline Intertie Project Pre-Design Study. A chart was given to the Board showing progress to date. Padre started reviewing environmental documentation in order to begin surveys. Director Trotter asked if any permits have been pulled yet. Mr. Nunley explained that until it is determined where the pipeline will cross the river, permits cannot be pulled. The Draft EIR has been provided to each responsible agency involved. The Board thanked Mr. Nunley for the report.

00:24:05

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Approve Minutes of June 21, 2006, Special Meeting

Approve Minutes of June 28, 2006, Regular meeting

D-3) RECEIVE TECHNICAL MEMORANDUM ON SOUTHLAND WASTEWATER TREATMENT FACILITY UPGRADE TIMELINE

D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH LABORATORY FOR WATER QUALITY TESTING SERVICES

D-5) AUTHORIZE EXECUTION OF ANNEXATION AGREEMENT WITH KENNETH CRAIG FOR 18.9 ACRE PARCEL ON WILLOW ROAD (APN 091-181-031)

D-6) AUTHORIZE EXECUTION OF NOTICE OF COMPLETION FOR FAIRWAYS STREET LIGHT PAINTING PROJECT

D-7) ADOPT RESOLUTION OF ACCEPTANCE FOR CARRIAGE HOMES, PHASE 1, IMPROVEMENTS

D-8) AUTHORIZE SUBMITTAL OF LETTER TO SLO COUNTY BOARD OF SUPERVISORS CHAIR ACHADJIAN REGARDING COLLECTION OF IN-LIEU FEES ADOPTED BY THE BOARD OF SUPERVISORS ON MAY 23, 2006

Mr. Kreins reviewed the items on the Consent Agenda. Director Wirsing asked to pull Item D-5 for separate consideration. Director Winn asked to pull Item D-8 for separate consideration. The Board pointed out some changes needed in the Directors Comments in the Minutes of the June 21, 2006, meeting.

Mr. Mike Nunley from Boyle Engineering explained how the figures on Appendix B Worksheet were obtained. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1, D-2, D-3, D-4, D-6, and D-7 with amendments in the Minutes. Vote 5-0

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

00:50:20

D-5) Director Wirsing asked why this item was put on the Consent Agenda. She was concerned with the annexation of properties before the supplemental water is approved and flowing. There was much Board discussion on the finer points of the Craig Annexation agreement.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

D. CONSENT AGENDA (CONTINUED)
D-5) (CONTINUED)

Carol Florence, representative for the Craig Family Trust, answered questions from the Board. Ms. Florence stated that the SLO County Planning Area Standards will only permit sixteen (16) homes in the proposed Tract 2650. The title to the well parcel will be recorded to the School District. Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to approve the Annexation Agreement, conditional upon the receipt of two things: 1. Recorded title transfer to Lucia Mar. 2. Proof that the well was transferred in the title. Vote 3-2 with Directors Eby and Wirsing voting no.

01:39:06

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

D-8) The Board discussed a letter, concerning the In-Lieu Fee Ordinance, proposed to be sent to Supervisor Achadjian, formalizing NCSD's suggestion for the preferred method for collecting the in-lieu fee. Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved the letter with the changes, as discussed. Vote 5-0.

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

At 11:03 a.m., the Board took at break and resumed at 11:18 a.m.

E. ADMINISTRATIVE ITEMS

02:03:40

ADJOURN TO THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

President Vierheilig adjourned the Regular meeting of the Nipomo Community Services District at 11:19 a.m. and opened the meeting of the Nipomo Community Services District Public Facilities Corporation.

ROLL CALL

At Roll Call, all Board members were present.

Interim General Manager, Ed Kreins, explained that it is necessary for the Board to approve the Minutes of the July 13, 2005, meeting of the Community Services District Public Facilities Corporation.

Public Comment on Agenda Items

There was no public comment.

**A. NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION
Annual Meeting of the Nipomo Community Services District Public Facilities Corporation**

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved the Minutes of the July 13, 2005, meeting of the Nipomo Community Services District Public Facilities Corporation. Vote 5-0

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

ADJOURN TO NIPOMO COMMUNITY SERVICES DISTRICT - REGULAR MEETING

President Vierheilig adjourned the meeting of the Public Facilities Corporation at 11:20 a.m.

President Vierheilg re-opened the Regular Meeting of the Nipomo Community Services District at 11:20 a.m.

02:06:20 F. MANAGER'S REPORT

Mr. Kreins presented the Manager's Report. He answered questions from the Board about the report. Mr. Bruce Buel, Projects Manager, explained about the water allocation report and Mr. Dan Migliazzo's report about the sewer plant. Director Wirsing asked about the manholes on Orchard Rd. It was explained that the manholes are a part of the Maria Vista development. Director Trotter asked about the all-service road proposed for the lift station on Woodgreen in Blacklake. Mr. Buel explained the necessity for the road. President Vierheilg suggested that the SCAC get a copy of the Initial Study and the draft Mitigated Negative Declaration for the Hetrick Road Waterline Upgrade. They also discussed the security system at the District's water storage reservoir.

02:36:10 G. COMMITTEE REPORTS

Director Trotter

July 19, 2006, Waterline Intertie Project Standing Committee Meeting – District Board room
Mr. Buel has organized a tour for August 16, 2006, to observe the horizontal directional drilling in Ventura.

President Vierheilg

Personnel Sub-Committee – Open period for General Manager position closes Friday, July 14, 2006. Sub committee will be meeting with Mr. Kreins near end of month.

02:42:58 H. DIRECTOR'S COMMENTS

Director Winn

San Luis Drainage Project – 30 day comment period on EIS is under way
Meeting July 5th with Madonna Dunbar, Conservation Specialist - discussed being involved with the Creek Clean Up Saturday, September 30, 2006, but not with the Sept 16, 2006 - Coastal Clean Up

Planning Commission meeting – to discuss increased water demand

Stormwater Partners meets Friday, July 14, 2006, in San Luis Obispo discussing run-off

Sunday, July 23, 2006 – Dana Adobe Special Event – attendance encouraged

Olde Towne Nipomo Association will be meeting every Thursday at the Creekside Café. One topic of interest is the chain link fence and industrial look across the street, which is in violation of the Olde Towne Design Plan.

He is representing NCSD in the contract negotiations with the City of Santa Maria. Since Dwayne Chisam has resigned, the negotiations will resume after a new contact person comes on board.

Letter from Mr. Fox could possibly be agendized for further discussion.

Director Eby

Tickets are still available for the Dana Adobe fundraising event for July 23rd.

Has been attending LAFCo meetings to watch the Los Osos saga unfold. If Los Osos CSD goes back to the County, it would impact the whole County.

Draft Initial Study for the Nipomo Park The amount of water estimated for the improvements seems too low. The increased parking spaces proposed also means more people and a greater wastewater issue.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

H. DIRECTORS COMMENTS (CONTINUED)

Director Eby

SCAC meetings planned to discuss the parks design and receive public comment.

August 14, 2006, 6:30 p.m. at the Nipomo High School

August 21, 2006, 6:30 p.m. NCS D Board room

SCAC is asking for comments by August 15th.

Save The Mesa meeting September 9, 2006, 1:30 -3:30 to discuss the Dalidio Project debate.

Letter from John Snyder (CD with appendices was given to Mr. Snyder.)

Director Trotter

Encouraged all to attend the Nipomo Dana event.

President Vierheilig

Old Town Nursery is having a native grass workshop, Saturday, July 15, 2006.

03:00:22

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session.

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCS D SANTA CLARA COUNTY CASE NO. CV 770214 AND
ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
MARIA VISTA VS. NCS D CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOVT.
CODE §54956.9 – JESSE HILL (IN PRO PER) V. NCS D CV 060325 AND
RELATED LIABILITY CLAIM PURSUANT TO GOVT. CODE §54961.
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION GC
54956.9 NCS D 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 present to comment.

K. ADJOURN TO CLOSED SESSION

President Vierheilig adjourned to Close Session at 12:16 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items above. There was no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 1:04 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JULY 26, 2006.
TENTATIVELY SCHEDULED ITEMS INCLUDE:**

Award Salary Survey

Southland Upgrade – Phase II Engineering