

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

OCTOBER 11, 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

BRUCE BUEL, **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 9:01 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:20

C. PUBLIC COMMENT PERIOD PUBLIC COMMENT

C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S STATION

Commander Basti presented information on the Sheriff activities on the Nipomo Mesa.

- He has been working with Dale Ramey for easements for a safe walkway near the Dorthea Lange School
- The person responsible for the Ruckus tagging was a 17 year old art student.
- Three were arrested for vandalism on South Frontage Road.
- Economic crimes continue to rise during the holiday season. Take care with credit information. A woman was stopped for a routine traffic stop and had check-making equipment in her car.
- With Halloween coming up, he advised caution with children on the streets.

There was no public comment. President Vierheilig thanked him for his report.

C-2) BATTALION CHIEF DAN ANDERSON OF CA DEPARTMENT OF FORESTRY

Captain Felix Camacho presented information about CDF activities on the Nipomo Mesa today because Battalion Chief Dan Anderson retired this past month after 34 years with CDF and nine years in Nipomo. He stated that it will be hard to replace Chief Anderson. He reported that there were 106 calls to Station 21 on Pioneer in September (17 fires, 55 medical, 13 vehicle and 21 other types of calls). He reported that there were 37 calls to Station 20 on the Mesa in September (8 fire, 19 medical, 5 vehicle and 5 other). The medic fire engine will be replaced by the end of October.

October 12, 2006, a relay will be held for the Lisa Ann Rausch Burn Foundation. It will start at 9:00 a.m. at Nipomo Elementary School and conclude in San Luis Obispo. Firefighters from the North County will also be finishing up in San Luis Obispo. There will be a booth at the October Festival with Smokey Bear, stickers for the kids and the new engine.

The following member of the public spoke:

Bob Blair, NCS D resident – asked about the fee for a burn permit. Captain Camacho explained about the Air Pollution Control District's regulations. The allowable burn days are determined by the APCD. Diseased trees can be burned. There will be no fee but a permit must be obtained.

President Vierheilig thanked him for his report.

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C-3) MIKE NUNLEY OF BOYLE ENGINEERING

Mike Nunley, Project Manager for the Nipomo/Santa Maria Waterline Intertie Project Pre-Design Study, gave an update on the project.

Board discussion ensued. The Board asked if the draft EIR would need to be recirculated. Mr. Bruce Buel, General Manager answered that it might be necessary.

The following members of the public spoke:

Bob Blair, NCSD resident – He stated that as the cost of material escalates each year, the more the project is delayed, the cost of the project increases. He suggested getting the project going as fast as possible.

Homer Fox, NCSD resident – asked about a thirty-inch line versus an eighteen-inch line. John Snyder, outside District-Nipomo resident – stated that he was glad to see that NCSD changed the well monitoring to monthly rather than two to three times a year.

He provided the Board with a graph of well levels. He would like the information requested in a letter given to the Board.

Homer Fox asked about the Memorandum of Understanding with the City of Santa Maria. As a ratepayer, he is concerned that a lawsuit will put an unlimited price tag on the waterline project.

Director Winn stated that the SCADA system (a telemetry system for trans-evaporation measures and precipitation, etc. on the mesa) information is on line on the DWR web site.

00:58:00

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Approve minutes of September 27, 2006, Special Meeting

D-3) ADOPT RESOLUTION AMENDING UTILITY FIELD FOREMAN JOB DESCRIPTION

D-4) AUTHORIZE REQUEST FOR BIDS ON NEW CAR TO REPLACE TOYOTA COROLLA FOR ADMINISTRATIVE AND OUTREACH ACTIVITIES

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

**RESOLUTION NO. 2006-995
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY TO
AMEND THE UTILITY FIELD FOREMAN JOB DESCRIPTION**

01:00:00 E. ADMINISTRATIVE ITEMS

- E-1) RECEIVE STATUS REPORT REGARDING REQUEST FROM MARIA VISTA ESTATES TO ACCEPT WATER AND SEWER IMPROVEMENTS, TO ACCEPT EASEMENTS, AND TO SET WATER METERS IN TRACTS 1802 AND 1856

Bruce Buel, General Manager, reviewed the status of the Maria Vista Estates project. There has been significant progress and completion is getting closer.

Ed Jones, TCG Project Manager – reviewed the progress on the project. The systems are complete and some paperwork is due. The Board thanked Mr. Jones for his presentation. There was no public comment.

Mike Seitz, District Legal Counsel, stated that the fact that staff does not respond does not mean staff concurs or disagrees with the statements made by Mr. Jones.

01:12:56 E-2) CONSIDER ADOPTION OF MITIGATED NEGATIVE DECLARATION AND NOTICE OF DETERMINATION ON HETRICK WATERLINE REPLACEMENT PROJECT

Bruce Buel, General Manager, reviewed process for the mitigated negative declaration for the Hetrick Waterline Project.

Kris Vardas of Padre Associates described replacing the 8-inch waterline with a 12-inch waterline. The Board discussed the Initial Study. Director Eby asked about growth inducing effects of the waterline. Will the effects of the waterline remove any restrictions to growth, such as fire flow restrictions?

Mr. Vardas stated that the purpose of the pipeline is to improve water supply requirements.

Director Winn answered that in the Summit Station area, the CDF reluctantly lowered the fire flow standard. Any increase in the size of the waterline would bring the fire flow to an adequate standard.

The Board made suggestions for changes to the study.

The following member of the public spoke:

Bob Blair, NCSD resident – stated that the CDF changed the fire system minimum for the whole county and not just the Summit Station area. The reason for this line is to increase the flow and protect the residents.

Upon motion of Director Winn, seconded by Director Trotter, the Board unanimously approved Resolution 2006-995 (title below) with the edits of all of the supporting documentation. Vote 5-0.

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

**RESOLUTION NO. 2006-996
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
AUTHORIZING THE GENERAL MANAGER TO
FILE A NOTICE OF DETERMINATION FOR
THE HETRICK WATERLINE UPGRADE PROJECT
(DISTRICT INITIATED PROJECT)**

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01:32:56

E-3) CONSIDER AUTHORIZING FUNDING FOR HYDRAULIC MODELING BY CITY OF SANTA MARIA REGARDING THE WATERLINE INTERTIE PROJECT

Bruce Buel, General Manager, reviewed the request from the City of Santa Maria for the District to contribute funding for hydraulic modeling work for the Waterline Intertie Project.

Mike Nunley of Boyle Engineering and Project Manager for the waterline design answered questions posed by the Board.

The following members of the public spoke:

Greg Nester, Nipomo developer – stated that when the developers contacted the City of Santa Maria, it was known that the cost of the reservation fee for supplemental water supply would be \$4,000 per acre-foot of water.

Upon motion of Director Winn and seconded by Director Trotter, the Board approved payments of to \$44,676 to the City of Santa Maria to reimburse the City for Corollo Engineers' costs to perform Tasks 3 through 9 of the Water Model Update to incorporate water delivery to the District. Vote 4-1 with Director Eby voting no.

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

The Board took a break at 10:58 a.m. and resumed at 11:16 a.m.

01:57:45

E-4) RECEIVE RECOMMENDATION FROM STRATEGIC PLAN STEERING COMMITTEE, SET DATE FOR WORKSHOP AND AUTHORIZE RETENTION OF FACILITATOR

Bruce Buel, General Manager, reviewed the process used to choose a facilitator for a Strategic Plan Workshop. The Board discussed the proposals.

Director Wirsing asked if the public would be able to attend. Mr. Buel answered that the public is welcome to attend and make comments.

The Steering Committee (President Vierheilig and Vice-President Winn) recommended Charles Beesley. There was no public comment. Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to retain of Charles Beesley for the facilitator of the workshop and agreed to set December 9, 2006, for the workshop. Vote 5-0.

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

02:05:05

E-5) CONSIDER OPPOSING PROPOSITION 90 ON THE NOVEMBER 7, 2006, STATEWIDE BALLOT

Bruce Buel, General Manager, described the information in the Board packet. There was much Board discussion.

The following members of the public spoke:

Bob Blair, NCS D resident – suggested that the Board not take a position on the proposition.

Upon motion of Director Wirsing and seconded by Director Eby, the Board agreed to stay silent and make no formal comments on Proposition 90. Vote 4-1 with Director Winn voting no.

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

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02:31:23

E-6) DISCUSS OPTIONS FOR REPLACEMENT OF WEST TEFFT STREET SEWER LIFT STATION FENCE

Bruce Buel, General Manager, reviewed the options for replacing the fencing around the Tefft Street Lift Station.

Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously agreed to direct staff to determine the type of material to be used for the fence in concert with the Olde Towne design and to put the fencing job out to bid. There was no public comment. Vote 5-0

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

Vice-President Winn stated that the existing chain link fence was put up in violation to two votes by the Board.

02:36:01

I. CLOSED SESSION ANNOUNCEMENTS

Mike Seitz, District Legal Counsel announced the Closed Session. The Board will be discussing Item 3 below.

3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION GC 54956.9 NCSD 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

The Board adjourned to Closed Session at 11:55 a.m.

02:37:12

L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Bruce Buel, General Manager, announced that the Board heard an update on Item 3 above and had no reportable action.

02:38:00

E-7) REVIEW ALLOCATION POLICY AND WATER ALLOCATION TRACKING PROTOCOL AND PROVIDE DIRECTION TO STAFF REGARDING POTENTIAL AMENDMENTS

Bruce Buel, General Manager, reviewed a technical memo from Mr. Bob Beeby. (A copy has been added to the Board packet in the office and on the web site.) There was much Board discussion.

The following members of the public spoke:

Bob Blair, NCSD resident – asked about a waiting list for new construction. Mr. Buel explained how the allocation process worked. Mr. Blair also commented about the lawsuit with the county restricting secondary units in the Summit Station area and the two-year expiration date. Also, when a property owner has horses, more than 0.6 acre-feet of water allocated doesn't seem to work. Not all the houses are created equal.

Mr. Buel explained that with a secondary dwelling, the applicant is certifying to the District that the total consumption in any annual period will not exceed 0.8 acre-feet. They are certifying that they are willing to restrict their consumption to that level in order to get that secondary unit. This does not apply to secondary wells for agriculture.

03:46:37 F. MANAGER'S REPORT

Bruce Buel, General Manager, reviewed the report in the Board packet and added information about

- Creek Clean-up Day was a success. Commend Madonna Dunbar for her efforts.
- Southland Master Plan is progressing. More information to be brought to the Board to December Board meeting.
- Presentation Nov 8 Waterline Intertie Project
- Hetrick Waterline bid opening Tuesday, October 17th to be possibly awarded Oct. 25th. Hopefully, construction will begin this winter.
- Blacklake pump station concept design to be brought to the Board in hopes to be awarded in December.

There was no public comment.

03:52:35 G. COMMITTEE REPORTS

G-1) September 20, 2006, WIP Design and Construction Committee Meeting Minutes

Director Trotter stated that the minutes for the meeting are in the packet.

Director Trotter stated that an adequate intertie connection between Blacklake and Town division water has been completed thanks to Dan's {Migliazzo} efforts. It will be in operation when Blacklake pressure goes below 90 pounds.

President Vierheilig stated that he, Mr. Winn and Mr. Buel met to discuss the Strategic Plan Workshop as well as to select the facilitator.

03:55:52 H. DIRECTOR'S COMMENTS

Director Wirsing – Asked that a discussion about the cost of supplemental water to the ratepayers be put on the next agenda.

Director Eby – Asked that opposition to Measure J be put on the next agenda. The City of Arroyo Grande just voted to oppose Measure J, so it should not be outside our jurisdiction. He would like a report from the General Manager – contingency plans to the Santa Maria water line, such as Nacimiento Water, desalination (possibly partnering with Five Cities or independent), etc. – alternative ways to obtain a supplemental water supply.

Director Winn – Stated that he agrees with Director Eby in need to pursue desalination as it is our only long-term sustainable source.

He also agrees that the District should join to oppose Measure J.

He would like a letter of commendation written to Battalion Chief Dan Anderson to be signed and presented at our next meeting.

SCADA system is online in Woodlands.

He attended the SLO County Energy Summit October 10, 2006. There was much usable information.

October Festival - Saturday, October 14, 2006, from 10-3. District will have a booth.

Wednesday, October 18, 2006, NCSB Board room 7:00 p.m. – Meeting with Supervisor Achadjian chairing concerning Olde Towne

Thursday, October 19, 2006, 1:00 p.m. – West Tefft Design Plan

Wednesday, November 1, 2006, WRAC – Conservation Element

Wednesday, November 15, 2006 – County staff draft Resource Management System

November 15, 2006 - Consider changes that will go to the Board of Supervisors in December

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H. DIRECTOR'S COMMENTS

President Vierheilig – Conservation Subcommittee, Monday October 16, 2006, 1:00 p.m.
Parks Subcommittee, Monday, October 16, 2006, 2:00 p.m.
Olde Towne Nipomo Association meeting, October 12, 2006, noon at Creekside Café
Nipomo Native Garden Plant Sale a success on October 1, 2006.

Director Eby stated that the Board of Supervisors will discuss Measure J-06, October 17, 2006.

04:09:10

ADJOURN

President Vierheilig adjourned the meeting at 2:34 p.m.

- **THE NEXT REGULAR BOARD MEETING IS OCTOBER 25, 2006.**
TENTATIVELY SCHEDULED ITEMS INCLUDE:
- Hetrick Road Waterline Upgrade Bid Opening
 - Water Conservation Program and Policy