

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MEETING MINUTES

AUGUST 28, 2024 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

ED EBY, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
GARY HANSEN, **DIRECTOR**
PHIL HENRY, **DIRECTOR**
MARIO IGLESIAS, **DIRECTOR**

PRINCIPAL STAFF

RAY DIENZO, **GENERAL MANAGER**
JANA ETTEDDGUE, **FINANCE DIR/ASST GM**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
CRAIG STEELE, **GENERAL COUNSEL**

Mission Statement:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of August 28, 2024, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At roll call all directors were present.

Carmen Morales-Board, Nipomo resident, commented on the District's public comment procedure.

C. PRESENTATIONS AND REPORTS

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS. [RECOMMEND RECEIVE AND FILE REPORTS FROM DIRECTORS].

Director Gaddis

- *August 20, attended Board Officers' meeting*

Director Eby

- *August 15, attended LAFCO meeting*

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS.

There were no public comments.

D. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Consent Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.*

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 14, 2024 BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) BIENNIAL REVIEW AND UPDATE OF LOCAL CONFLICT OF INTEREST CODE [RECOMMEND CONDUCT REVIEW AND ADOPT RESOLUTION]
- D-4) AUTHORIZE PURCHASE OF REPLACEMENT HACH CHLORINE ANALYZERS IN THE AMOUNT OF \$98,100 [RECOMMEND AUTHORIZE STAFF TO ISSUE PURCHASE ORDER IN THE AMOUNT OF \$98,100 TO HACH COMPANY FOR PURCHASE OF 10 REPLACEMENT CHLORINE ANALYZERS]
- D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 47-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 549 HILL STREET, APN 092-579-004 [RECOMMEND ISSUE INTENT-TO-SERVE LETTER WITH CONDITIONS]
- D-6) DECLARE 2009 INTERNATIONAL VACON SURPLUS AND AUTHORIZE SALE [RECOMMEND DECLARE 2009 INTERNATIONAL VACON SURPLUS AND AUTHORIZE STAFF TO DISPOSE OF BY SALE]
- D-7) CONSIDER ADOPTING A RESOLUTION TO ESTABLISH REVISED PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR FRONTAGE ROAD TRUNK SEWER PROJECT [RECOMMEND ADOPT RESOLUTION ESTABLISHING REVISED PRE-QUALIFICATION AND APPEALS POLICY FOR FRONTAGE ROAD TRUNK SEWER PROJECT]

Peter Sevcik, Director of Engineering and Operations, answered questions from the Board.

John Joyce, Nipomo resident, commented on Item D-6.

Director Eby responded to Mr. Joyce's comment.

Upon the motion of Director Henry, and seconded, the Board approved the Consent Agenda and adopted the resolutions.

Vote 5-0

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YES VOTES	ABSTAIN	ABSENT
Directors Henry, Iglesias, Hansen, Gaddis, and Eby	None	None

RESOLUTION NO. 2024-1719
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AN UPDATED CONFLICT OF INTEREST CODE

RESOLUTION NO. 2024-1720
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING A REVISED PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER APPROVING NEGOTIATED PROPERTY TAX EXCHANGE WITH THE COUNTY OF SAN LUIS OBISPO, ANNEXATION AGREEMENT, AND THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) PLAN FOR SERVICES, AND MAKING REQUIRED FINDINGS UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), RELATING TO THE DANA RESERVE PROJECT [RECOMMEND: 1. ADOPT RESOLUTION ACCEPTING THE NEGOTIATED PROPERTY TAX EXCHANGE; 2. ADOPT RESOLUTION APPROVING THE ANNEXATION AGREEMENT, LAFCO PLAN FOR SERVICES, AND MAKING CERTAIN FINDINGS UNDER CEQA]

Ray Dienzo, General Manager, introduced and presented the item.

Elizabeth Tompkins, NKT Development, LLC, presented the item.

Nick Tompkins, NKT Development, LLC, answered questions from the Board.

Craig Steele, District Legal Counsel, answered questions from the Board.

Ken Trigueño, People's Self-Help Housing, commented on the item.

Mary Gutierrez, Nipomo resident, commented on the item.

Ken Whittle, Nipomo resident, commented on the item.

Mike McAustin, Nipomo resident, commented on the item.

Tracy Baugh, Nipomo resident, commented on the item.

Rusty Hobbs, Nipomo resident, commented on the item.

Pamela Wilson, Nipomo resident, commented on the item.

Sadie Krier, Nipomo resident, commented on the item.

Jocelyn Brennan, Olde Towne Nipomo Association, read a written comment for the item.

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Lyzette Martin, Nipomo resident, commented on the item.

Kathleen Ketz, Nipomo resident, commented on the item.

Carmen Morales-Board, Nipomo resident, commented on the item.

John Carson, Nipomo resident, commented on the item.

Lindy Hatcher, Homebuilders Association of the Central Coast, commented on the item.

Mary van Ryn, Nipomo resident, commented on the item.

Ranel Porter, Vice-Chair Sierra Club - Santa Lucia Chapter, commented on the item.

Antonia Herrera, Nipomo resident, commented on the item.

Mike Brown, Government Affairs Director - COLAB, commented on the item.

Ken Dalebout, Vice-President of Strategy Operations – Arroyo Grande Community Hospital, commented on the item.

Dennis Shaleen, Nipomo resident, commented on the item.

Pat McQuillen, Nipomo resident, commented on the item.

Shannon Kessler, Nipomo resident, commented on the item.

Tom Girard, Nipomo resident, commented on the item.

Jeff Chambers, Chief Executive Officer – South County Chambers of Commerce, commented on the item.

Kevin Statom, Nipomo resident, commented on the item.

Bridget Ready, Co-Founder – Jack's Helping Hand, commented on the item.

Lory Manosar, Nipomo resident, commented on the item.

Maria Diets-Stover, Nipomo resident, commented on the item.

Gerald Stover, Nipomo resident, commented on the item.

Karen Carson, Nipomo resident, commented on the item.

Alison Martinez, Nipomo resident, commented on the item.

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Joe Martinez, Nipomo resident, commented on the item.

Cees Dobbe, Nipomo resident, commented on the item.

Herb Kandel, Nipomo resident, commented on the item.

Don Wells, Nipomo resident, commented on the item.

Dolores Howard, Nipomo resident, commented on the item.

Eric Lykens, Nipomo resident, commented on the item.

Babak Naficy, Legal Counsel for Nipomo Action Committee, commented on the item.

Bill Tindula, Nipomo resident, commented on the item.

Gary Martin, Nipomo resident, commented on the item.

Robin Onsoien, Nipomo resident, commented on the item.

John Joyce, Nipomo resident, commented on the item.

Barbara Knobloch, Nipomo resident, commented on the item.

Written comments were received and are available for viewing on the District's website, under August 28, 2024 Board Packet Items.

Director Eby adjourned the meeting to closed session at 12:15pm

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, General Counsel, announced that there would be closed session on items 1 and 2.

**1) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION
PURSUANT TO GC §54956.9**

- a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES)

**2) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION
PURSUANT TO GC §54956.9(d)(1)**

- a. NIPOMO ACTION COMMITTEE, ET AL. V. COUNTY OF SAN LUIS OBISPO, ET. AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT CASE NO. 24CV-0351)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments on closed session items.

K. ADJOURN TO CLOSED SESSION

Director Eby called the continuation of the Regular Meeting to order at 1:15pm.

Craig Steele, District Legal Counsel, announced there were no reportable actions in closed session.

E-1) Continued

Andrew Fogg, Legal Counsel for NKT Commercial, LLC, answered questions from the public.

Ray Dienzo, General Manager, answered questions from the public.

Craig Steele, District Legal Counsel, answered questions from the public.

Upon the motion of Director Gaddis, and seconded, the Board adopted the resolution.

Vote 4-1

YES VOTES	NO	ABSENT
<i>Directors Gaddis, Henry, Hansen, and Iglesias</i>	<i>Director Eby</i>	<i>None</i>

**RESOLUTION NO. 2024-1721
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
 COMMUNITY SERVICES DISTRICT APPROVING AN EXCHANGE OF
 PROPERTY TAX REVENUE AND ANNUAL TAX INCREMENT
 BETWEEN THE COUNTY OF SAN LUIS OBISPO AND THE NIPOMO
 COMMUNITY SERVICES DISTRICT FOR ANNEXATION NO. 30.**

Upon the motion of Director Hansen, and seconded, the Board adopted the resolution.

Vote 5-0

YES VOTES	NO	ABSENT
<i>Directors Hansen, Iglesias, Henry, Gaddis, and Eby</i>	<i>None</i>	<i>None</i>

**RESOLUTION NO. 2024-1722
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
 COMMUNITY SERVICES DISTRICT APPROVING THE ANNEXATION
 AGREEMENT WITH NKT DEVELOPMENT, LLC, APPROVING THE
 LAFCO PLAN FOR SERVICE AND DIRECTING THE GENERAL
 MANAGER TO FILE IT WITH SLO LAFCO, AND MAKING CERTAIN
 FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY
 ACT (CEQA)**

Director Eby called for a short recess at 1:54 p.m.

Director Eby resumed the meeting at 1:57 p.m.

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F. GENERAL MANAGER'S REPORT

Ray Dienzo, General Manager, presented the item and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

There were no committee reports.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby requested the District's handling of written public comment be included in a future agenda.

Director Eby adjourned the meeting at 2:05 p.m.

MEETING SUMMARY	HOURS & MINUTES	
Regular Meeting	4 hours	5 minutes
Closed Session	1 hours	0 minutes
TOTAL HOURS	5 hours	5 minutes

Respectfully submitted,

Raymond Dienzo

9/17/2024

Ray Dienzo, General Manager and Secretary to the Board

Date